



**Planning Board  
Zoom Hybrid Meeting  
Meeting Minutes  
September 19, 2023  
Approved: October 3, 2023**

**Board Members Present:** Chair Pete Angie, Linda Liddle, Mo Klein, Rebecca Schneider  
**Quorum Present**

**Applicants Present:** Nancy Zahler, Jan Brath, Andy Sciarabba, Kim Engelhart, Drew Engelhart, Randy Marcus, Carl Mazzacone, Anne Filley

**Town Board Members Present:** Rich Goldman, Elizabeth Weatherby

**Staff Present:** Niels Tygesen, Mollie Duell

**Members of the Public Present:** Karl Klankowski, Sigrid Pauen, Jonathan Froehlich, Bridget Beams, Sally Yates, Meredith Harris, Karen Meador, Zaun Marshburn, Durga Bor, Tracy Burgham

**Proceedings**

Chair Pete Angie called the meeting to order at 7:00 PM at Town Hall.

**Approval of Agenda**

**Motion:** Liddle made a motion to approve the agenda; Schneider seconded.

**Vote:** Liddle, aye; Klein, aye; Schneider, aye; Chair Angie, aye.

**Motion Carried.**

**Approval of Past Minutes**

**Motion:** Schneider made a motion to approve the August 15 meeting minutes as written; Klein seconded.

**Vote:** Klein, aye; Schneider, aye; Liddle, abstain; Chair Angie, aye.

**Motion Carried.**

Liddle added a clarifying detail to the September 5 minutes.

**Motion:** Schneider made a motion to approve the amended September 5 meeting minutes as amended; Liddle seconded.

**Vote:** Klein, aye; Schneider, aye; Liddle, aye; Chair Angie, aye.

**Motion Carried.**

**Privilege of the Floor**

No members of the public addressed the Board pertaining to items not on the agenda.

**Old Business Items**

**SPP2306-01: Jacksonville Park, Special Permit and Site Plan Review**

The applicant, Pete Angie, on behalf of the owner, Jacksonville Community Association, Inc., proposes to construct improvements to Jacksonville Community Park, including a new off-street parking area and path, in order to improve accessibility and use of the park. The Board of Zoning Appeals (BZA) during their meeting on August 16, 2023, granted two area variances requested as part of the proposal: reduction of the 100' minimum required stream buffer required under Ulysses Town Code (UTC) 212-

115.A to 25' for the proposed ADA off-street parking area, and reduction of the 100' minimum required stream and wetland buffers required under UTC 212-115.A to 70' for an existing ADA compliant restroom.

Chair Angie recused himself from discussing the proposal as a Board member due to his role as the applicant; Vice Chair Liddle led the discussion.

**Motion:** Schneider made a motion to open the public hearing; Klein seconded.

**Vote:** Klein, aye; Schneider, aye; Liddle, aye.

**Motion Carried.**

Nancy Zahler summarized the project thus far, noting students from Cornell and SUNY Cortland assisted in developing the plans. Zahler noted that the Town Board has endorsed the JCA's proposal, and the BZA has approved variances.

Zahler described how the plans for the park would improve accessibility by connecting elements of the park with an ADA compliant path which is proposed to have a texture resembling that of the Black Diamond Trail. Excavated soil from the path would be formed into a berm to prevent cars from continuing to park near the pond, allowing recreational use of the area.

Zahler noted that an accessible path would serve visitors beyond those with permanent physical disabilities; the proposed path would also improve access for strollers.

Zahler explained the requirement for a special permit: agriculture is the only allowed use in the Park zone.

Bridget Beams of 3011 Halseyville Road expressed support for the proposed changes to the park.

No other members of the public offered comments about the proposal.

Zahler discussed the proposed parking layout with the Planning Board.

Goldman asked what the procedure would be to certify that the modified site plan complies with the BZA's recommendations.

Tygesen stated that he has reviewed and verified the site plan changes to ensure that they reflect the BZA's decisions.

Because a supermajority vote would be required to approve the application; the Planning Board discussed securing a fourth voting member. The Planning Board discussed planning a final vote for the October 3 meeting, contingent on the appointment of a new Planning Board member.

**Motion: Klein** made a motion to keep the public hearing open till the next meeting; Schneider seconded.

**Vote:** Klein, aye; Schneider, aye; Liddle, aye.

**Motion Carried.**

### **SPP2301-01: Angelhearts Market, Special Permit and Sketch Plan Review**

The applicant, Jan Brath, on behalf of the owners Andrew and Kimberly Engelhart, proposes to convert the previous West End Gas and Grocery into a new restaurant use and construct a 1,350SF addition to the rear of the existing building for the Angelhearts Market. Per Ulysses Town Code (UTC) 212-53.D the CZ zone permits restaurant uses subject to a special permit and site plan review. The proposal is considered a Type II action under SEQR per Title 6 of the Codes, Rules, and Regulations of New York (CRR-NY) 617.5.c.9.

Jan Brath provided updates on the application since the sketch plan review at the meeting on March 7.

Brath noted that the original plan proposed a 1250 SQFT addition; this has increased to 1350 SQFT after examining space requirements for the kitchen.

Brath explained that the outdoor layout of the dining area has also changed. An ADA compliant seating area was originally proposed in the back area of the site. Due to a NYSEG easement and further information about topography, outdoor seating is now proposed on the side of the building.

The parking arrangement, ingress and egress plans remain unchanged. Porous pavements are proposed for pedestrian zones, as well as porous asphalt in the parking area to decrease runoff; applicants are awaiting comments from the DOT regarding ingress and egress.

Chair Angie asked if there is drainage in front of the parking lot; Brath responded that the parking area is graded to route runoff to the bio retention area, and porous asphalt will further decrease the amount of runoff.

Discussion ensued over plans for drainage.

Schneider asked about porous asphalt and noted dust can clog the asphalt, which requires maintenance.

Brath described maintenance plans for the porous asphalt.

Schneider asked if the Health Department has approved the plans; Brath replied not yet.

Schneider noted that there appear to be no conflicts with the stream buffer zones.

Brath stated that a retaining wall is no longer planned.

Brath provided details about landscaping plans, noting that limestone quarry block walls are planned, in order to avoid constructing concrete walls.

Brath showed plans for the exterior architecture of the existing building and proposed addition. Square footage has been raised as a result of ADA compliance requirements for 2 accessible bathrooms, taking space that was originally planned for the kitchen. Other details for the proposal include the interior seating layout, location of the pickup window, layout of the kitchen space, and loading zone.

Klein asked for details about deliveries and loading zone traffic.

Discussion ensued over the plans for accepting deliveries from large vehicles.

Brath showed renderings of the exterior of the building, noting that current plans would accommodate future possibilities to install solar panels.

Klein asked what type of lighting would be used.

Brath stated there would not be lights in the evening, but in colder darker seasons there could be an LED sign in the earlier morning, and some safety lights will be included.

Chair Angie asked what the timeline for the septic system would be.

Sciarabba stated that developing the septic design further depends on the development of any conditions of approval.

**Motion:** Klein made a motion to schedule a public hearing for October 3 with signage and mailings, Schneider seconded.

**Vote:** Klein, aye; Schneider, aye; Liddle, aye; Chair Angie, aye.

**Motion Carried.**

#### **SPR2306-01: Gaulke Tram, Site Plan Review**

The applicant, Shawn Ritchie, on behalf of the owner, Chris Gaulke, proposes to construct a new 100' tram system from the upper portion of the subject lot down the steep slope to the lower portion of the lot near the shoreline. An application was also submitted to the Town's Board of Zoning Appeal (BZA) for two area variances: reduction of the 50' minimum required front yard setback under Ulysses Town Code (UTC) 212-47.E, and reduction of the 75' minimum required buffer setback from the lake under UTC 212-124.B.

Chair Angie noted that the BZA has not yet reached a decision for the variance application.

The Planning Board agreed that a public hearing would not be required.

**Motion:** Klein made a motion to table further discussion until November 2; Liddle seconded.

**Vote:** Klein, aye; Schneider, aye; Liddle, aye; Chair Angie, aye.

**Motion Carried.**

#### **DD2211-01: Inn at Taughannock Falls Hotel Development District**

Jason Demarest, on behalf of the property owner TFI Landco, LLC, proposes to create a new development district to modify some of the existing zoning regulations of the current B1 zone. The proposal would facilitate development of the subject site to include construction of a multi-purpose hotel with 75+/- guest rooms, spa, fitness center, and an event space with a commercial kitchen. The Board previously discussed the proposal during its meetings on July 18, 2023 and on August 15, 2023, and conducted a hearing on September 5, 2023. After conducting the public hearing at the September 5th meeting, the Board closed the public comment period but passed a motion to continue discussion to the next meeting.

Chair Angie noted that a variety of extensive comments were received from the public regarding the proposal, highlighting that the Planning Board's task was to make a recommendation to the Town Board, who will make the final decision for the rezoning proposal.

The Planning Board reviewed the development district process as described by UTC 212-20: Rezoning for DD – Development Districts or other rezoning actions.

Liddle asked what level of detail is required for this type of application.  
Discussion ensued over the process of considering a development district request.

Chair Angie noted that the Planning Board may add restrictions to a positive recommendation.

Randy Marcus suggested that the rezoning standards discussed by the Planning Board did not apply to this proposal.

Goldman asked for clarification on how many buildings are planned.

The Planning Board discussed lot coverage as described by the proposal.

Discussion ensued over the proposed additional parking.

Schneider suggested that the zoning ordinance including hotels as an allowed use was intended for structures of a smaller scale.

Schneider explained that lot coverage and height restrictions are intended to control development from growing out of scale, stating that the proposed building is too large for the surrounding area, which is too vulnerable and sensitive, as the essential resource for Ulysses.

Schneider referenced objectives in the Comprehensive Plan that conflict with the details of the proposal, suggesting that the tourism described in the plan does not include big hotels, but smaller bed and breakfasts.

Schneider suggested there is already evidence that the limits of what the environment can support are being pushed, describing the higher frequency of harmful algal blooms. Research indicates that groundwater contamination is increasing the occurrence of HABs, and the greater intensity of extreme weather events further risks flooding and water contamination.

Klein noted that Taughannock Falls is the highest waterfall in the United States east of the Rocky Mountains, and in 2022, an estimated 637,000 people visited the park.

Klein stated that Taughannock Falls is the biggest tourism draw in Ulysses, and the potential impacts of developing near the park are too risky.

Chair Angie asked if the proposed hotel would benefit tourism.

Klein suggested that more developers will pursue land in the area if the proposal is approved, and too many hotels would be detrimental to Ulysses.

Liddle agreed that large scale development would not reflect the objectives of the Comprehensive Plan.

Klein further noted that the Comprehensive Plan states that natural resources must be preserved, and he believes developments will detract from these resources.

Chair Angie noted that if multiple developers did pursue projects in the area, each development district must be considered on its own merits, and circumstances would be much different if a proposal was brought to the town from a business that has not yet been established.

Chair Angie noted the argument being made in favor of the project is that the scale is irrelevant, as current zoning would allow multiple buildings to be constructed.

Discussion ensued over how the proposed structure would affect the viewshed surrounding the Inn.

Schneider stated that the aesthetics of the proposed structure are a matter of opinion, but the potential impacts on water quality are critical.

The Planning Board discussed site plan review processes for the septic systems, which would be decided by the state.

Chair Angie asked how building one taller structure would be better than multiple smaller buildings.

Klein suggested it would be unlikely that 75 rooms could be added with multiple buildings, noting that space would still be required for additional parking.

Klein suggested that a limit on the number of allowed additional rooms could be possible, referencing the limit on the number of campsites at Spruce Row.

Chair Angie suggested that removing the height restriction would lead to more intense use on the site.

Chair Angie asked if any changes would make the proposal acceptable.

Schneider stated that the area should have already been protected better. A gas station should not be allowed; this is currently permitted by zoning. Maybe with tons of restrictions, a recommendation could be made.

Schneider noted that hotels use toxic chemicals to clean rooms. Underground parking is unacceptable.

Klein stated that only one new structure would be acceptable.

Chair Angie noted restrictions would have to be legal; Klein mentioned that the restrictions in existing development districts are strong.

Chair Angie stated that the proposal suggests using a development district in an atypical manner.

Chair Angie accepted comments from the public as a special privilege of the floor.

Mack Travis of 7598 County Rd 53 Interlaken noted that improvements have been made to the Inn's sewage system, stating that environmental risks were taken seriously.

Randy Marcus, Mazzacone's attorney, suggested that the Planning Board has not thoroughly examined the contents of the supplemental materials provided since the September 5 meeting and urged the Planning Board to reconsider the benefits of the proposal.

Jason Demarest stated that without development district approval, the developers would be forced to design smaller spread out buildings with flat roofs. Demarest suggested scale concerns would not be solved.

Carl Mazzacone suggested that anyone who has not been to the hotel since it was renovated should visit the site, and invited anyone with concerns to come to the Inn in order to gain a better understanding of the topography.

Karen Meador of 1617 Taughannock Boulevard suggested that one large hotel will have less of an environmental impact than multiple smaller buildings.

Durga Bor of 7580 Willow Creek Road stated that the park has had to close on holidays and weekends due to overcrowding, and local residents cannot access it, suggesting bringing more people to the area would be a disadvantage.

Chair Angie asked if the Planning Board has reached a consensus.

Liddle stated that she disapproves of the proposal and believes a positive recommendation would require too many restrictions.

Liddle agreed that more hotel space would benefit Ulysses, but the proposed location is a problem.

Liddle listed conflicting sections of the Comprehensive Plan, including 2.2.C and 3.2.A.

*2.2.C. Require a viewshed analysis to be completed for all new non-residential construction projects in order to preserve and protect scenic resources and open space characteristics*

*3.2.A. Encourage small tourism-based businesses within the Town in designated mixed-use and commercial areas. Appropriate neighborhood-scale uses that will benefit the local tourism industry may include bed and breakfasts, restaurants, and specialty boutique stores*

Chair Angie agreed with Liddle, stating that the proposed location is too sensitive, as it is in a conservation zone.

Chair Angie noted that Comprehensive Plan objectives 1.1.B, 1.1.E, and 1.1.H were in conflict with the proposal.

*1.1.B. Investigate and implement various mechanisms to protect and preserve environmentally sensitive areas such as steep slopes, wetlands, Unique Natural Areas, mature forests and important wildlife habitats in all Land Use areas*

*1.1.E. Enact zoning regulations to protect the Cayuga Lake waterfront and ensure development that is consistent with the lakefront's existing character and compatible with the natural environmental features*

*1.1.H. Officially recognize and act to preserve the Unique Natural Areas defined in the Tompkins County Environmental Management Council's Unique Natural Areas Inventory*

Klein stated he agreed with Chair Angie and Liddle, referencing the issues with the proposed location, and agreeing that there are too many conflicts with Comprehensive Plan objectives, such as policy area 1, which highlights the importance of preserving the quality of natural resources.

Chair Angie added that the proposal conflicted with Comprehensive Plan objective 1.2.C.

*1.2.C. Protect wetlands as defined by the US Army Corp of Engineers and New York State Department of Environmental Conservation. Establish appropriate buffer zones around the perimeter of all wetlands and prohibit development within this buffer*

Schneider agreed with Liddle, Chair Angie, and Klein, stating that the proposal did not focus on benefiting rural local residents. Schneider referenced policy areas of the Comprehensive Plan, including 1.2, 2.2, 2.6,3.3, 4, and 5.

The Planning Board agreed that they would recommend disapproval of the proposal to the Town Board.

Goldman and Chair Angie discussed more details that may need clarification in future discussions with the Town Board.

**Motion:** Klein made a motion to continue discussion to the October 3 meeting; Liddle seconded.

**Vote:** Klein, aye; Schneider, aye; Liddle, aye; Chair Angie, aye.

**Motion Carried.**

### **New Business Items**

#### **MNSUB2308-01: Filley 2 Lot Land Division, Sketch Plat Review**

The applicant and property owner, Anne Filley, applied for a minor subdivision for the subject site to subdivide the existing 49.02 acre lot into two lots; 'Parcel 1', approximately 49.02 acres, and 'Parcel 2', approximately 3.4 to 4 acres. The A/R zone requires a minimum lot area of 2 acres, 200 feet of lot depth, and 400 feet of lot width at the front property line per Ulysses Town Code (UTC) 212-29. The proposal is considered an unlisted action under SEQR for which the Board will act as lead agency. The Board previously reviewed the proposal during its March 15, 2022 meeting and granted approval. However, the plat was not recorded at the County within the 62 day statutory deadline under State Law, Consolidated Laws of New York (CLNY) 62.16.276.11, and the approval has subsequently expired.

The Planning Board discussed the intermittent stream running through the parcel and clarified details about the natural areas on the property.

**Motion:** Liddle made a motion schedule a public hearing for October 3; Schneider seconded.

**Vote:** Klein, aye; Liddle, aye; Schneider, aye; Chair Angie, aye.

**Motion Carried.**

### **Town Board Liaison Report**

Goldman noted an interview for a new Planning Board member will take place later this week.

Training requirements for Board Members are still being clarified.

The budget continues to develop.

Liddle asked if there is a budget to hire a consultant to determine if a taller building will have less



environmental impacts than multiple smaller buildings.

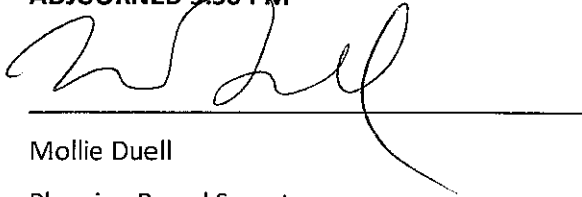
Goldman suggested a consultant could be hired to provide insight on the effects of building sizes.

**Motion:** Klein made a motion to adjourn; Schneider seconded.

**Vote:** Klein, aye; Schneider, aye; Liddle, aye; Chair Angie, aye.

**Motion Carried.**

**ADJOURNED 9:30 PM**



A handwritten signature in black ink, appearing to read 'Mollie Duell', is written over a horizontal line. The signature is fluid and cursive.

Mollie Duell

Planning Board Secretary