



**Planning Board
Zoom Hybrid Meeting
Meeting Minutes
October 3, 2023
Approved: October 17, 2023**

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

Applicants Present: Anne Filley, Kim Engelhart, Drew Engelhart, Jan Brath, Nancy Zahler, Kim Gales, Erik Whitney

Town Board Members Present: Rich Goldman, Michael Boggs

Town Staff Present: Niels Tygesen, Mollie Duell

Members of the Public Present: Michael Malpass, Sigrid Pauen, Judy Abrams, Winnifred Driscoll, John Driscoll, Vincent Mulcahy, Francis Mulcahy, Cynthia Livermore, Karen Meador

Proceedings

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

Approval of Agenda

The Planning Board briefly discussed rearranging agenda items, with no addition or removal of agenda items.

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

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

Motion Carried.

Approval of Past Minutes

Motion: Schneider made a motion to approve the September 19 Planning Board meeting minutes; Liddle seconded.

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

Motion Carried.

Motion: Klein made a motion to appoint Klankowski as a voting member for the duration of the meeting; Liddle seconded.

Vote: Klein, aye; Liddle, aye; Schneider, aye; and 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

MNSUB2308-01: Filley 2 Lot Land Division, Final Plat Review, Public Hearing

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 45.62 acres, and 'Parcel 2', approximately 3.4 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.

Filley stated the parcel consists of the house and the farm across the street. The farm is being sold, therefore the house and farm will be separated.

Schneider noted the division would result in the parcel with the house having a large intermittent stream buffer, meaning there would not be much land available to develop further.

[Chair Angie opened the public hearing at 7:05 PM.](#)

Motion: Schneider made a motion to close the public comment period; Liddle seconded.

Vote: Klankowski, aye; Klein, aye; Liddle, aye; Schneider, aye; and Chair Angie, aye.

Motion Carried.

Motion: Schneider made a motion to approve [Planning Board Resolution 2023-016, Resolution of SEQR Determination for the Filley 2 Lot Land Division Located at 1312 Perry City Road, Town of Ulysses, Tax Parcel 27.-4-15.2](#); Liddle seconded.

Vote: Klankowski, aye; Klein, aye; Liddle, aye; Schneider, aye; and Chair Angie, aye.

Motion Carried.

Motion: Liddle made a motion to approve [Planning Board Resolution 2023-017, Resolution of Final Subdivision Approval of the Filley 2 Lot Land Division Located at 1312 Perry City Road, Town of Ulysses, Tax Parcel 27.-4-15.2](#); Klein seconded.

Vote: Klankowski, aye; Klein, aye; Liddle, aye; Schneider, aye; and Chair Angie, aye.

Motion Carried.

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

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.

Nancy Zahler summarized the project and described the details of accessible elements planned for the park, noting that the updated site plan has been approved by the BZA.

Motion: Klein made a motion to close the public hearing; Klankowski seconded.

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

Motion Carried.

Discussion ensued about drafting language explaining the decision and adding details about why exceptions have been granted.

Motion: Klein made a motion to approve [Planning Board Resolution 2023-018, Resolution of SEQR Determination for the Jacksonville Community Park Site Plan and Special Permit Located at 3037 Swamp College Road, Town of Ulysses, Tax Parcel 25.-6-7](#); Schneider seconded.

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

Motion Carried.

Motion: Klein made a motion to approve [Planning Board Resolution 2023-019, Resolution for Site Plan and Special Permit for the Jacksonville Community Park Located at 3037 Swamp College Road, Town of Ulysses, Tax Parcel 25.-6-7](#); Schneider seconded.

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

Motion Carried.

SPP2301-01: Angelhearts Market, Special Permit and Sketch Plan Review, Public Hearing

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 summarized the plans for the construction, noting the existing structure would be renovated with additional space added to the back of the building.

Brath stated that Andy Sciarabba is working with the Tompkins County Health Department to design well and septic systems, and an updated plan would be finalized later this week.

Chair Angie asked where water would be supplied from.

Brath explained that the existing well is shared with the house, and a new well has been drilled to serve the restaurant.

Brath described the changes to septic system plans, explaining that the system has been relocated to a downhill location to limit grading, decrease disturbance to the landscape, and prevent possible runoff issues.

Schneider noted a buffer would be needed around the new well.

Brath shared images of the site plan, explaining the location of existing and proposed upgraded water and septic system elements.

Brath shared images of the footprint and layout of the proposed structure, describing how the space would be accessed and used.

Brath described the architectural plans for the exterior of the proposed building, noting the structure of the roof would be designed to eventually install and utilize solar energy.

Brath presented images of landscaping designs showing the exterior seating area and surrounding vegetation, noting plans for an edible garden to be used in the restaurant are being developed.

Schneider noted it was a relief that the septic system has been revised. Schneider asked about the soil quality.

Brath stated that tanks had been removed from the site after the gas station closed, with 50 tons of contaminated soil also having been removed.

Chair Angie read from the application submission, which included details about the cleanup that took place on the site in 1994. Chair Angie asked what the setback requirements are from Route 89.

Brath stated since the site is an existing commercial space, setbacks regulations have been grandfathered in from the gas station.

[Chair Angie opened the public hearing at 7:47 PM.](#)

Winifred Driscoll of 1459 Taughannock Boulevard expressed general support for the proposal and asked what kind of food would be served at the restaurant.

Kim Engelhart replied that the location would serve baked goods, sandwiches, and salads.

John Driscoll of 1459 Taughannock Boulevard stated that he and his wife are looking forward to the new market.

Michael Malpass of 8 Prospect Street expressed support for the project and asked if to-go options would be available.

Kim Engelhart replied yes; the market will aim to provide carryout options to people who are traveling on the Black Diamond Trail.

Vincent Mulcahy of 3012 Garrett Road questioned why the proposal was permitted in the Conservation zone and raised concerns about water and septic plans pending completion.

Francis Mulcahy 3012 Garrett Road objected to the proposal, stating that the plans conflict with the surrounding neighborhood's character.

Karen Meador of 1617 Taughannock Boulevard expressed support for the proposal, stating it would be a huge community benefit and additionally noting that the existing Angelhearts location in Ithaca is successful.

Cynthia Livermore of 3012 Garrett Road raised concerns about traffic at the intersection of Garrett Road and Route 89, noting the incline onto Garrett Road is steep.

Klein suggested that public comments should be accepted until septic and well plans are finalized.

Schneider agreed Garrett Road is steep and traffic concerns need to be addressed.

Chair Angie noted that decisions regarding traffic concerns will be decided by the DOT.

Brath stated that plans have been developed in reply to comments received from the DOT.

Klein asked how entry and egress direction would be enforced.

Brath replied that signage would be posted per DOT recommendations.

Goldman asked why a special permit is required.

Tygesen responded that the Conservation zone requires a special permit for restaurant uses.

Chair Angie asked if a flow test had been done.

Drew Engelhart replied that testing showed about 3 gallons per minute, and a 330 gallons per day capacity.

Klein asked about the capacity of the building.

Brath responded that capacity will be set by occupancy standards, and there will be seating inside for 16-18 people, with most seating planned to be outdoors. There will be 12 parking spaces.

Kim Engelhart described the hours of operation, stating that the restaurant would serve breakfast and lunch and be closed by approximately 4 PM.

Liddle and Klein agreed that the proposal complies with Comprehensive Plan objectives, specifically utilizing an existing structure.

Schneider stated that the Planning Board likes the designs so far, but some details remain to be determined.

Schneider requested a letter from the DOT.

Chair Angie asked for more information about the septic system.

Klein asked how deliveries would be made to the restaurant.

Brath responded that short box trucks will deliver supplies and there will be no large trucks.

Brath explained that employees will be able to park in the driveway of the house next door to preserve parking spaces for customers.

Winnifred Driscoll commented that there were no traffic issues when the gas station was operating.

Brath stated that statements from DOT would be provided, and septic design plans will be completed later this week.

The Planning Board briefly discussed signage with the applicants.

Motion: Klein make a motion to keep the public hearing open until details are clarified; Liddle seconded.

Vote: Klankowski, aye; Klein, aye; Liddle, aye; Schneider, aye; and Chair Angie, aye.

Motion Carried.

New Business Items

MNSUB2308-02: Gales 2 Lot Land Division, Sketch Plat Review

The applicant, Kim Gales, on behalf of the property owners, Patricia Chaffie and Robin Woodard, applied for a minor subdivision for the subject site to subdivide the existing 8.06 acre lot into two lots; 'Parcel A', approximately 1.43 acres, and 'Parcel B', approximately 6.63 acres. The R zone requires a minimum lot area of 32,000sf for areas where public water or sewer service is available, 200 feet of lot depth, and 160 feet of lot width at the front property line per the Code of the Town of Ulysses (CTU) 212-40. Flag lots are permitted in the R zone per CTU 212-40.M subject to the standards listed in CTU 212-130. The 'flag' portion of the flag lot is required to comply with the lot dimensional requirements of the R zone, and the 'pole' portion of the flag lot is required to have a minimum width of 50 feet and a minimum length of 100 feet.

Schneider noted there is a stream and wetland that were not mentioned in the application.

Chair Angie asked for an amended SEQR to be submitted that includes information about the wetlands.

Klein asked if frontage requirements would be met on Parcel A.

Tygesen noted that there is a minimum lot width of 160 feet at the front lot line in the Residential zone, and that both lots would comply with zoning regulations as proposed.

Chair Angie asked if a home is already built on Parcel A; Gales responded no.

Discussion ensued over additional information needed about the wetlands and what would be needed from the Planning Board to prepare for construction on the subdivided Parcel B.

The Planning Board requested further details about topography in the parcel and other details they would like to receive with Erik Whitney, a representative for Gales.

Motion: Klein made a motion to schedule a public hearing for October 17; Liddle seconded.

Vote: Klankowski, aye; Klein, aye; Liddle, aye; Schneider, aye; and Chair Angie, aye.

Motion Carried.

Motion: Klein made a motion to notify residents of the public hearing by sending notifications by mail and posting signage; Schneider seconded.

Vote: Klankowski, aye; Klein, aye; Liddle, aye; Schneider, aye; and Chair Angie, aye.

Motion Carried.

Old Business Items, Continued

DD2211-01: Inn at Taughannock Falls

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.

Chair Angie explained that a resolution had been drafted since the previous meeting, during which the Planning Board agreed that rezoning the parcels to a development district would not be recommended to the Town Board.

The Planning Board discussed the drafted resolution.

Schneider noted all of the concerns had been included and the decision was well justified.

Chair Angie added that information provided by the applicants conflicted with numerous objectives in the Comprehensive Plan.

Klein noted that all existing development districts have not changed much since their creation.

Motion: Schneider made a motion to approve [Planning Board Resolution 2023-20, Resolution Recommending Denial of the Proposed Amendment to the Zoning Map at 2030, 2031, & 2051 Gorge Road, Town of Ulysses, Tax Parcels 14.-1-11, 14.-3-18.1, and 14.-3-18.2;](#) Klein seconded.

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

Motion Carried.

Town Board Liaison Report

2023 Planning Board Member Training

Goldman stated that more relevant training requirements specific to the operations of the Planning Board were being developed.

Chair Angie noted training requirements need to be completed by November 18.

Klein asked if there are state approved organizations that could offer training to the Planning Board.

Schneider suggested that she could offer training specific to issues regarding wetlands.

Tygesen stated that Nate VanWhy could offer legal training on recent applicable case law.

Chair Angie noted there is a vacancy for an alternate member of the Planning Board.

Motion: Klein made a motion to adjourn; Liddle seconded.

Vote: Klankowski, aye; Klein, aye; Liddle, aye; Schneider, aye; and Chair Angie, aye.

Motion Carried.

ADJOURNED 8:58 PM



Mollie Duell
Planning Board Secretary