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VIA: Email (permits@townofulyssesny.gov) and First-Class Mail

Town of Ulysses Planning Board
Attn: Karl Klankowski, Chairman
and Town of Ulysses Planning Board Members
Ulysses Town Hall
10 Elm Street
Trumansburg, NY 14886

**Re: Kearn Site Plan Amendment
Kenneth and Patricia Kearn (the “Applicants”)
1513 Taughannock Blvd
Revised Site Plan Review**

Dear Chairman Klankowski and Members of the Board:

Our office represents Robert and Shari Sprole, neighbors to the above captioned address, with regard to their concerns related to the construction project (the “Project”) outlined in various iterations of site plan application materials filed since January 2024 (collectively the “Application”). As you know, the Sprole property shares a property line with the Kearn property subject of this Application. The Sproles have previously intervened and filed correspondence in opposition to the Project. On or about May 12, 2026, the Applicants submitted the latest Amended Site Plan in the matter, which drawing shows the purported site of the Sproles’ parking easement as determined by the Tompkins County Supreme Court.

The purpose of this letter is to address the issues scheduled for the May 19, 2026 Planning Board meeting, during which there is scheduled a continuation of the public hearing concerning the Project. For the reasons set forth herein, we submit that the Planning Board is not in a position to issue a decision on the pending Site Plan Amendment, and we respectfully request the public hearing be held open for development of the record relative to the deficiencies noted herein.

I. COMPLIANCE WITH SEQOR

Pursuant to §212-19(C)(2)(c) of the Town of Ulysses Code (the “Ulysses Code”) a site plan application is required to contain a “[c]ompleted and signed Part I of the short environmental assessment form (SEAF) or full environmental assessment form (FEAF), whichever is required.” We have reviewed the extensive record comprising the Application in this matter but cannot locate any Environmental Assessment Form. While Town staff may have

opined that the Project would constitute a SEQR Type II action pursuant to 6 NYCRR 617.5(c)(11-12), we believe that application of these Type II criteria is not appropriate considering the extensive scope of the proposed Project impacting steep slopes immediately adjacent to Cayuga Lake and comprising significant grading, excavation, import of 50 cubic yard of fill. Moreover, the Project includes site-wide installation of interior roadways, walls, steps, patios, rip-rap, gabion, driveway modifications, gates, etc. The Project when considered in the aggregate, as it must be, falls well outside of the ambit of those limited construction activities comprising the installation of minor residential and accessory structures described as Type II activities in the regulatory criteria cited above.

The Project can be expected at the outset to have significant environmental impacts both on the Applicants' lot and beyond their property boundaries. Pursuant to 6 NYCRR § 617.7(b)(2), the Board must review an Environmental Assessment Form and issue its determination of significance and make findings pursuant to the State Environmental Quality Review Act ("SEQRA") before it can make its decision on the pending Application. Given the apparent lack of any such Environmental Assessment Form in the Application record, in violation of Ulysses Code § 212-19, we believe that the Board cannot lawfully proceed in completing SEQR review on this project as currently constituted.

II. PLACEMENT OF THE SPROLES' EASEMENT

As the Planning Board is aware, the Tompkins County Supreme Court has determined that the Sproles possess an approximate 350 square foot easement located along the boundary between the Sprole and Kearl properties. We are aware that the Applicants have submitted a May 12, 2026 Amended Site Plan purporting to show the location of the Sproles' parking easement. We have significant concerns that the same Amended Site Plan does not accurately describe the location of the easement. Given Surveyor Reagan's involvement in the lengthy legal proceedings that resulted in the Court order, we think it prudent that any purported placement of the easement by the Kearls' consultant be confirmed by an expert. Moreover, as is more artfully articulated in the annexed correspondence drafted by Delta Engineers, Architects & Surveyors, DPC, placement of the easement as described by the Court is hampered by the lack of any practical reference point in the essential documents. Our professional team requires additional information and coordination from the Kearls' consultants to confirm the proper placement of the easement along the property boundary.

Moreover, we are concerned that excavation and grading adjacent to the easement are likely to weaken subsurface support and safety of the easement's parking surface. Pursuant to Ulysses Code § 212-19(E)(2), the Planning Board must review as part of a site plan the location and adequacy of off-street parking. As an aspect of this criterion, the Planning Board must ensure that Project does not materially impair the Sproles' judicially sanctioned use of the parking easement area. While this Board has no authority to determine the placement of an easement, it can certainly require that those site plan elements under its jurisdiction are supportive of neighboring property interests. In fact, the Planning Board must affirmatively find

that the Project is “sited and designed so as to be harmonious with the surrounding area and not interfere with the development, use, and enjoyment of adjacent property.” §212-19(E)(3).

Accordingly, it is imperative first that the Sproles’ easement’s location be practically confirmed on a final Site Plan and second that the Planning Board meaningfully review the Applicants’ aggressive Project plans with an eye toward ameliorating its impacts to the use of this easement. As explained in the Delta correspondence, neither objective can currently be realized without further coordination with Kearls’ consultants.

III. ACCESS CONCERNS

Applicable site plan criteria under the Ulysses Code requires consideration of “site layout for beneficial coordination with adjacent properties with respect to pedestrian and vehicular traffic.” §212-19(E)(2). As noted in the Delta correspondence, public and private safety require that adequate access be maintained for delivery vehicles, landscaping and maintenance trucks, and most importantly fire and emergency services vehicles. In this regard, the Planning Board is charged with determining this Project “shall ensure safe and efficient access for all site users, including pedestrians, cyclists, transit passengers, the mobility impaired, and motor vehicles.” §212-19(E)(3).

The existing narrow access road is already significantly under designed by modern standards and delivery drivers are sometimes forced to reverse long distances to navigate the roadway. Elements of the proposed Project include imposing landscaping features and installation of gates along existing access roadways which will further burden transportation. We are concerned that such design elements will impair safe and effective traffic circulation on the shared access road. We are especially concerned that installation of the proposed gates on the Karl property will render the property unable to support its own transportation needs. In sum, the Project provides no turn around facilities and is likely to cause trucks bound for the Karl residence to block the access roadway or to proceed onto the Sproles’ property to turn around. Moreover, larger vehicles will be left with no means of turning around – requiring them to back down the treacherous access road upon departure which may significantly impact traffic and emergency access. As such, the Project as currently proposed fails to ensure safe and efficient transportation access and cannot be approved.

IV. FACTUAL MISINTERPRETATIONS

We believe that the record contains certain misinterpretations of the Tompkins County Supreme Court’s Decision & Order relevant to the Planning Board’s consideration, some salient clarifications follow:

- The Sproles’ easement has been determined by the Court to be created by contract—not by adverse possession.

- The contractual easement allows the Sproles and their successors any reasonable lawful use within the parties' contemplation at the time of the agreement, including specifically for parking.
- The Sproles' retain the right to develop, maintain and repair the surface of the easement property to facilitate parking or other lawful use.

V. CONCLUSION

Based on the above, and for other reasons developed and to be developed on the record it is respectfully submitted that Planning Board should disapprove the Revised Site Plan for this Project. In the alternative, the Board should grant a continuation of the public hearing in this matter to further investigate potentially significant environmental impacts and ensure harmony of the proposed construction with neighboring property uses. This is required under the Town Code. To do otherwise would likely be determined to be an arbitrary and capricious action of the Town, subject to judicial review.

Very truly yours,

HANCOCK ESTABROOK, LLP



Carl L. Schmidt

CLS/mkk

May 14, 2026

Mr. Robert R. Sprole
1517 Taughannock Boulevard
Ithaca, NY 14850

Re: Stakeout –350± sq. ft. parking area - Lands of Kearl – 1513-1515 Taughannock Boulevard - Town of Ulysses, NY - Tompkins County. Tax Map Parcel # 18-1-19.8.

Dear Mr. Sprole,

Pursuant to your request to stake the 350± sq. ft. parking area as determined by the Tompkins County Supreme Court in a matter captioned Shari Sprole, et al., v. Patricia Kearl, et al., Index No. 2020-0413, partially illustrated on Defendant's Exhibit VVV (Location Map – Showing Various Positions of a Driveway Over Lands of Kenneth & Patricia Kearl, Town of Ulysses, County of Tompkins, State of New York – Tax Map No. 18-1-19.8 – Reference Deed: Instrument No. 440267-001 – Reagan Land Surveying, dated Aug. 24, 2022, amended Jan. 20, 2023, depicting the 1993 gravel drive and parking location per Reference Map No. 6), I have completed my review and determined that the exhibit lacks the essential survey elements—specifically a point of beginning, bearings, distances, and other controlling data—required to perform the requested staking. In short, the available data provides no satisfactory reference point by which to determine the location of the exhibit on the ground, nor to determine the 350' x 10' area as ordered by the Court.

In order for Delta to accurately advise and assist the Town on behalf of Sprole, we will need the following:

- 1) AutoCAD file of the Defendant's Trial Exhibit VVV.
- 2) Access onto the property to perform a survey.
- 3) Access onto the property to perform required staking based on 1) and 2) above.

Furthermore, the driveway terminates at the end of the access road. Expansion of the turnaround area, for adequate access to be maintained for delivery vehicles, landscaping and maintenance trucks, and most importantly emergency fire and ambulance services. The proposed gates on the southwest side of the property, as shown on the submitted site plan, will obstruct access due to insufficient turnaround radius from a civil engineering perspective.

Respectfully,

DELTA ENGINEERS, ARCHITECTS, & LAND SURVEYORS, DPC



Thomas A. Parker, P.L.S.
Director of Land Surveying