



**Planning Board
Zoom Hybrid Meeting
Meeting Minutes
March 05, 2024
Approved: March 19, 2024**

Board Members Present: Chair Pete Angie, Mo Klein, Linda Liddle, Bart Gragg, Karl Klankowski

Board Members Present on Zoom: Rebecca Schneider

Quorum Present

Applicants Present: Michael Hamilton, Rebecca Hamilton, Steve Terwilliger, Kenneth Kearl, Ed Crossmore, Deena Crossmore, Andy Sciarabba, Noah Demarest

Town Board Members Present: Michael Boggs

Town Staff Present: Niels Tygesen, Mollie Duell

Members of the Public Present: Mason Peck, Orion Peck

Proceedings

Chair Pete Angie called the meeting to order at 6:59 PM at Town Hall.

Approval of Agenda

Chair Angie requested that the Bennett subdivision be removed from the agenda.

Motion: Klein motioned to approve the amended agenda; Gragg seconded.

Vote: Chair Angie, aye; Liddle, aye; Gragg, aye; Klein, aye.

Motion Carried.

Approval of Past Minutes

Motion: Gragg motioned to approve the February 20 Planning Board meeting minutes as written; Liddle seconded.

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

Motion Carried.

Privilege of the Floor

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

Old Business Items

A. MGSUB2401-01: Hamilton 2 Lot Cluster Land Division Preliminary Plat Review

The applicant and property owner, Michael & Rebecca Hamilton, applied for a two-lot cluster subdivision for the subject site to subdivide the existing 18.67 acre lot into 2 lots. 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 lot line per the Code of the Town of Ulysses ([CTU 212-29](#)). The current parcel has approximately 654 feet in lot width and one of the proposed lots will have 250 feet of lot width. [CTU 212- 142.4.D.7.f](#) grants authority to the Planning Board to deviate from the dimensional standards of CTU 212-29, including minimum lot width, provided there is adequate lot area for the siting of on-site wells and on-site wastewater treatment systems.

Chair Angie reviewed the information discussed at the February 20 meeting, during which the Planning Board discussed the conservation goals of the owners and the reasons for pursuing a cluster subdivision instead of a minor subdivision. Creating a flag lot in a minor subdivision would impact the location that is

currently used as a hay field.

Chair Angie stated that the application is missing a delineated survey map showing the location of conservation areas as well as language about the conservation areas for the deed.

Schneider noted that buffers must also be included in the map.

Liddle asked how an easement would be codified. Tygesen spoke about a recent subdivision where one of the subdivided parcels had a conservation easement with Finger Lakes Land Trust (FLLT) and explained that it would be added into the deed and referenced on the plat map.

Liddle asked if there are other options besides working with a conservation trust, and if this would be typical to ask for any cluster subdivision. Tygesen replied that this is only one option, and a deed restriction without working with a conservation trust is also possible.

Schneider explained that when FLLT takes easements, they generally require \$10,000 for management costs, and property owners will need to incorporate such expenses in their strategy.

Liddle asked if the land can be farmed under an easement. Schneider explained that this depends on the specific arrangement that is made for any subject property. Wetlands and associated buffers are already protected, but the extra forest area and other factors can be negotiated and decided by the FLLT.

Chair Angie suggested that options should be explored and considered.

Steve Terwilliger expressed concern that the process would become too complicated by working with a land trust.

Chair Angie stated that he wants to see the area to be preserved delineated on the map, by a licensed surveyor or landscape architect.

Terwilliger explained that the cost of bringing in a surveyor prematurely adds significant expenses for the owners.

Discussion ensued over survey map requirements.

Chair Angie noted that this is a town code requirement for approval.

Gragg asked at what point the delineation needs to be completed.

Liddle suggested discussing the easement with the town lawyer to verify that it is possible before drawing it into a map.

Chair Angie suggested that the delineated conservation area should include the wetlands and associated buffers, the current land being farmed, and the additional forest area.

Klein noted that the location of the house and roads will also need to be included on the map.

Schneider suggested that further clarifying language should be added that explains that no structures should be allowed in the hayfield area.

Klankowski asked if there is a percentage specification of how much area needs to be included in the easement. Klein responded that there is no minimum requirement, just that the area is clearly delineated on the map.

Klein asked if it would be acceptable for the applicants to return with the language and a crude map that could later be completed by a surveyor after being approved by the Planning Board.

Gragg stated that he would be comfortable with this if the dimensions are clear on the map.

Klein agreed that this would work, and then a surveyor can finish the job.

Schneider left the meeting at 7:24.

Tygesen noted that survey requirements can be added as a condition of the preliminary review and approval for the final subdivision review.

Chair Angie stated that he would like to see the survey map for a public hearing and final approval. Tygesen stated that Town Legal can review the deed language to be provided by the applicants.

B. SPR2401-02: Kearl Site Plan Amendment, Sketch Plan Review

The applicant and property owners, Kenneth and Patricia Kearl, applied for a site plan amendment for the subject site to permit civil work within the HpE steep slope overlay including grading, excavation, and fill of approximately 50cy, retaining walls, steps, rip-rap, gabions, and realignment of the driveway. The LS zone requires site plan approval from the Planning Board for excavation, grading, or fill greater than 10cy per the Code of the Town of Ulysses ([CTU 212- 48.D.3](#)). The applicant previously received [site plan approval from the Planning Board on May 2, 2017](#), and subsequently received [Planning Board approval on November 20, 2018](#) for an amendment to the approved site plan. Portions of the civil work as proposed will occur in the flood zone which will require a floodplain development permit along with any applicable federal and state approvals; the [current FEMA FIRM](#) designates the flood zone elevation at 386'.

Chair Angie reviewed the history of the project. A site plan proposal was partly approved in 2017 and 2018, which included the two separate staircases, landing, and part of the driveway. The current application is to amend the road going down to the lakeshore to a pad that is already built.

Kearl stated that the prior amendment was for the installation of a stormwater system, because ultimately the drainage swale that was conceived was eliminated due to the construction north of the property.

Chair Angie expressed concern for the current state of the site, where there is a significant amount of land disturbance and excavation for both sets of stairs, as well as a very steep ground with no tree cover and not a lot of vegetative cover. There is currently a significant amount of exposed soil, and a stop work order was issued on the driveway extending down to the lake. There is already significant erosion occurring. Chair Angie asked the Planning Board to review what has already been approved and decide what measures need to be taken to further protect the area.

Kearl explained his intentions for creating the driveway and described the steep grade going down to the property. This area was difficult to maintain, and dangerous to walk over.

Chair Angie stated that the stop work order was issued because of the gravel that has been deposited at the top of the slope, and further expressed doubt that the unapproved driveway would stop runoff, because the steep grade and heavy rains will lead to the dirt and gravel will ending up in the lake.

Liddle asked why two access routes are necessary, noting that the Board wants to minimize impact. Kearl stated that he needed to access the lake to build a dock and believed that a driveway would be easier to maintain than grass. There is currently no dock on the property.

Chair Angie explained that adding vegetation with root structures will help stabilize the slope and slow the heavy erosion already occurring. For lakefront constructions such as docks, it is possible to bring construction equipment and materials in on a barge from the lake.

Klankowski asked if there was a staircase previously; Kearl responded no.

Chair Angie asked about the rip-rap. Kearl stated that there are limestone blocks that he is planning to stack along the landing.

Liddle asked what the approved stairway was supposed to be constructed from. Chair Angie and Liddle reviewed the original map. Kearl stated that the staircase plans have been changed from wood to stone. Liddle asked if this would be better or worse than wood. Chair Angie stated that this will cause more disturbance initially but is maybe a better solution in the long run. Gragg agreed that if the stone staircase is constructed properly, it will outlast a wooden set.

Klankowski described a solution to mitigate erosion from stormwater that he has used on other properties that used 4 inches of drainage tube to control the flow of runoff and suggested leading a tube such as this into the existing swale on Kearl's property. Liddle asked what maintenance would be required. Klankowski stated that the tube he has had on his property for 3 years has not yet required maintenance.

Klein stated that he reviewed shoreline stabilization recommendations from the NYDEC and retaining walls are no longer encouraged. Kearl stated that he is not building a retaining wall, just placing stones.

Chair Angie asked if the pad was approved by FEMA and the US Army Corps. Kearl stated that this happened around 2009 or 2010.

Tygesen confirmed that the driveway was delineated on the previously approved site plan, but only to a certain point. Chair Angie reviewed the previous plan and confirmed it is not delineated much farther than the edge of the house.

Discussion ensued regarding changes from the previously approved site plan.

Klein noted that he would like to hear Schneider's thoughts before moving forward.

Chair Angie suggested that Klein and Schneider should visit the site and stated that he would like the full board to be present for the next review at the March 19 meeting, during which a decision could potentially be made.

Motion: Liddle motioned to schedule further discussion and a public hearing for March 19; Gragg seconded.

Vote: Chair Angie, aye; Liddle, aye; Gragg, aye; Klein, aye.

Motion Carried.

New Business Items

A. SPR2401-01: Crossmore ADU Sketch Plan Review

The applicant and owner, Deena and Edward Crossmore, propose to construct a new detached accessory dwelling unit (ADU) approximately 960sf with improvements to an existing driveway curb cut. Per the Code of the Town of Ulysses [UTC 212-44.A.2](#), ADUs are permitted in the LS zone subject to the provisions of [CTU 212-128](#), but require site plan review when within a unique natural area or slope overlay area, pursuant to the provisions listed under [CTU 212-19](#).

Crossmore described the current layout of the site and explained that they currently live in a renovated boathouse on the same parcel. The number of stairs and long driveway has become increasingly challenging, especially when there is snow and ice. The Crossmores propose to build an accessory dwelling unit about ¾ way up the hill, where the Crossmores would live about 3 months a year, and the new accessory dwelling unit would be used by family visiting in the summer.

Chair Angie asked if there are any intermittent streams on the property. Crossmore stated that there is a stream about 75 feet from where the house would be built.

Discussion ensued over stream and wetland maps.

Chair Angie asked about stormwater management plans. Demarest explained that they would like to soften the grading of the driveway. Sciarraba spoke about plans for new vegetative grass swales and noted that the driveway will be adapted from the existing driveway and is not completely new.

Demarest stated that an ADU is permitted below a certain size; this new home will be single story building with two bedrooms and a living area.

Liddle asked about the plans for a basement. Demarest explained that the basement will be unfinished and used for storage. The basement would be opened from the outside and is intended to be accessible for an aging in place living space.

Demarest spoke about the driveway and explained the grading is too steep for a permeable surface to be beneficial since the water will runoff before it is absorbed. Sciarraba added that a grading plan can be provided.

Gragg asked where water will be sourced from. Crossmore replied that this has not been decided, but water could possibly be piped up from the lake.

Discussion ensued over the timeline to produce the requested materials. Chair Angie suggested that any changes to the current plans would not be significant.

Klankowski noted that the other houses in the area are further down by the lakefront.

Motion: Klein motioned to schedule a public hearing on April 16; Gragg seconded.

Vote: Chair Angie, aye; Gragg, aye; Liddle, aye; Klein, aye.

Motion Carried.

Board Member Reports

Michael Boggs explained that he recently attended the Association of Towns Annual Meeting and Training and asked about the wetland maps and is still working on having a clear answer for the Board. Other concerns include code enforcement in the ag district and maintenance of signs in Ulysses.

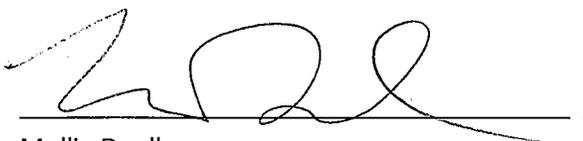
Chair Angie stated that he and Schneider had attended the ag district hearing with Tompkins County Legislature to follow up on their recommendations for the ag district.

Motion: Klein motioned to adjourn; Liddle seconded.

Vote: Chair Angie, aye; Liddle, aye; Gragg, aye; Klein, aye.

Motion Carried.

ADJOURNED 8:45 PM



Mollie Duell
Planning Board Secretary