



**Board of Zoning Appeals
Zoom Hybrid Meeting
Meeting Minutes
September 6, 2023
Approved: February 21, 2024**

Board Members Present: Andrew Hillman, David Tyler, Robert Howarth, Tom Butler, Chair
Stephen Morreale

Board Members Absent: Cheryl Thompson

Quorum Present

Applicants Present: Chris Gaulke

Town Staff Present: Niels Tygesen, Mollie Duell

Members of the Public Present on Zoom: Amy Panek, Amy Gaulke

Proceedings

Chair Morreale called the meeting to order at 7:05 PM at Town Hall.

Motion: Howarth made a motion to appoint Butler as a voting member for the duration of the meeting; Hillman seconded.

Vote: Howarth, aye; Hillman, aye; Tyler, aye; Chair Morreale, aye.

Motion Carried.

Approval of Agenda

Tyler requested that the BZA discuss the CARS resolution at the end of the meeting.

Approval of Past Meeting Minutes

The BZA postponed approval of the February 15 meeting minutes.

Motion: Hillman made a motion to approve the August 16 meeting minutes; Butler seconded.

Vote: Howarth, aye; Butler, aye; Hillman, aye; Tyler, aye; Chair Morreale, aye.

Motion Carried.

Privilege of the Floor

No members of the public approached the Board regarding any items not on the agenda.

Old Business Items

VAR2306-01, Gaulke Area Variance, Public Hearing

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. Two area variances are requested from the Board of Zoning Appeals (BZA) as part of overall site plan review with the Planning Board: reduction of the 40' minimum required front yard setback under the Code of the Town of Ulysses (CTU) 212-

47.E and CTU 212-167.A, and reduction of the 75' minimum required buffer setback from the lake under CTU 212-124.B. The Board previously discussed the proposal during its meeting on July 19, 2023 and on August 16, 2023.

Gaulke stated that BZA members visited the site on the day following the previous BZA meeting. Gaulke noted there have been no changes to the application.

Chair Morreale asked Gaulke if there are plans to install a staircase to the shore in the future.

Gaulke explained the initial plan was to add a small emergency staircase after the tram was finished, and he would still like to have this option.

Tygesen noted that adding a staircase at a later date will require a variance if the staircase is proposed within a setback area.

Gaulke asked if there would be any reason other than cost that would discourage pursuing a second variance in the future; Chair Morreale responded that it would be preferable not to repeat any biological disturbances in the surrounding area that will be caused by constructing the tram.

Discussion ensued over what type of staircase would be possible. Gaulke explained he had no plans to construct a separate traditional staircase, but would like the option to add a small set of emergency stairs that would be attached to the structure of the tram. The emergency stairs would only be used if the tram malfunctions, such as during a power outage in which passengers could become stranded partway through the track.

Tygesen noted that one letter was received just prior to the start of the meeting. Elizabeth Thorndike of 27 Maplewood Road emailed the Town's Planning office, stating that the zoning code aims to protect the shoreline, and that water levels change seasonally. One other comment was previously received and shared with the Board at the last meeting, Amy Panek and Rob Covert of 13 Maplewood Road voiced their support of the requested variance.

No members of the public who were present at the meeting offered any comments regarding the tram.

Hillman and Butler visited Gaulke's property on August 17 to view the site. Hillman described a large chestnut oak tree near the area where the tram is planned to be installed, and expressed concern over the impact the tram installation would have on the roots. Hillman mentioned that the previous owner of the property had cleared smaller vegetation in the area, such as cherry and ironwood trees. Hillman asked about the tape remaining on some trees located near the site, and why the tram could not be constructed in the area that has already been cleared.

Gaulke explained that the tape on the pine and maple trees were unrelated to clearing vegetation, and the tape remained from temporarily supporting a movie projection screen.

Gaulke stated that he was advised by FLX Tram to install the tram in the proposed location based on installation costs and the level of impact to the surrounding area. Gaulke noted that the oak tree mentioned by Hillman is of significant concern to him, and he understands the importance of maintaining root structures to preserve the structure of the slope.

Gaulke stated that FLX Tram is confident that the narrow profile of the tram will not significantly affect the surrounding larger oak trees.

Gaulke noted that the cost would rise significantly if the tram is installed where vegetation has already been cleared. Because of the angles of the slope in the cleared area, excavation would need to take place, and the ecological disturbance would be significant.

Discussion ensued as the BZA looked at images of the site with Gaulke.

Butler, who also visited the site, recalled a discussion taking place during the visit that explained that installing the tram in the location that has already been cleared would require significant excavation.

The BZA discussed the location of the Unique Natural Area that spreads across Gaulke's property. The tram will not be located in the UNA.

Butler stated that the proposed tram seems very reasonable, and from the site visit it was apparent that there is no other way to feasibly access the shore.

Gaulke stated that there is no intention to install a traditional staircase, but the question remains if an emergency staircase would be possible.

Tygesen noted that while docks and boathouses are permitted within the setback area and do not require a variance, the exemption does not include stairs or trams.

Gaulke described the structure of the emergency staircase that he is considering installing. There would be an extra set of joists attached to the tram, extending 18-24". There would be no railings, and the stairs would only be used in an emergency. Gaulke could not offer additional details on the structure of the emergency staircase. No representatives from FLX Tram were present at the meeting.

Butler stated that no additional support structure is required for the emergency staircase installation.

Gaulke explained that a surveyor visited the site to mark the area, and the surveyor believed the 15 foot setback would not be affected.

Howarth suggested that he is inclined to approve the variance if there will be no impact to the trees, especially the larger oaks; in addition, only an emergency staircase would be acceptable.

The BZA reviewed unclear information in the application and suggested verifying all details about dimensions before proceeding with a vote. The BZA requested that the exact measurements of the front yard setback and the high water mark be included in the revised site plan.

Tygesen suggested the site plan should be amended to include delineation of the two oak trees of concern in preparation for the next meeting.

Motion: Howarth made a motion to table further review of VAR2306-01 until the October 18th meeting; Hillman seconded.

Vote: Howarth, aye; Butler, aye; Hillman, aye; Tyler, aye; Chair Morreale, aye.

Motion Carried.

Discussion ensued over what the format of the updated site plan should be.

Gaulke asked if he would need a variance for replacing his septic system that is located in a setback.

Tygesen responded that a variance will be needed if the new system will be located in a setback.

Town Board Liaison Report

No Town Board liaison was present at the meeting.

The BZA discussed the training required by the Town.

A resolution made by the Town Board will grant two 30 day extensions to complete training requirements, extending the deadline to November 24, 2023.

Howarth stated that he is not requesting an extension and is opposed to the policy. Members of the BZA agreed that they would like mandatory training requirements to be directly related to the operations of the BZA.

Discussion ensued over the language in the BZA Resolutions for CARS. Tyler asked what would prevent a future subdivision of the property owned by CARS and suggested that subdivisions would create unprecedented complications.

Tygesen explained that the language regarding the 4.5 percent lot coverage stated in the restrictive covenant, along with the incorporated survey map, would assist in controlling subdivision of the parcel.

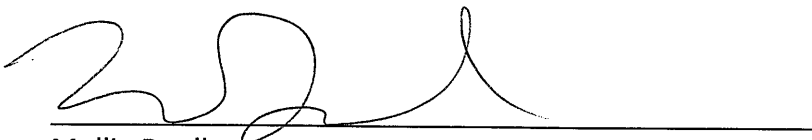
Chair Morreale stated that he was not concerned with the property being subdivided, only that further development is prohibited.

Motion: Hillman made a motion to adjourn the meeting; Butler seconded.

Vote: Butler, aye; Hillman, aye; Howarth, aye; Tyler, aye; Chair Morreale, aye.

Motion Carried.

ADJOURNED 8:56 PM



Mollie Duell
Board of Zoning Appeals Secretary