

**TOWN OF ULYSSES
BOARD OF ZONING APPEALS
MINUTES
Wednesday, 12/16/2015
7:00 p.m.**

Approved: January 20, 2016

Present: Chairperson George Tselekis; BZA Members Bob Howarth, David Means, Steve Morreale and Cheryl Thompson; **Town Environmental Planner** Darby Kiley.

Excused: Andy Hillman

Public Present: Kent Garrison, Francesca Crannell, and Lawrence and Cheryl McCann.

Call to Order: 7:01 p.m.

Public Hearing: Appeal by Francesca Crannell and M. Kent Garrison for an area variance under Article IX Section 212-54 E of the Town of Ulysses Zoning Chapter 212. This is for the purpose of constructing a single family residence where the rear yard setback would be 35.8 feet, and the minimum rear yard setback is 50 feet in the LS-Lakeshore District. The property is located at 32 Maplewood Rd, Town of Ulysses, Tax Parcel Number is 27.-5-11.

Mr. Tselekis said the soils on the applicant's parcel fall under the definition of a slope overlay area and a Unique Natural Area (UNA). Site Plan approval is required for the proposed residence. Mr. Tselekis then read the following comment issued to the Board of Zoning Appeals by resolution of the Ulysses Town Planning Board, which reviewed the applicant's project at its December 15, 2015 meeting:

“On 12/15/15, the Planning Board discussed the Crannell-Garrison residence pursuant to site plan review because the property is located in a UNA and Slope Overlay Area.

The Planning Board asked the applicants to provide more information on the foundation design and a grading plan that shows how much of the western bank will be cut and how surface and subsurface water will be handled.

The Planning Board passed a resolution to share the following with the Board of Zoning Appeals: The site plan is under discussion regarding the design and layout of the rear lot grading and how the grading would impact surface and subsurface water will flow through the property. The site plan discussion overlaps with and may impact the actual variance request for the rear lot setback.”

Mr. Garrison gave a brief overview of the project's scope, saying he and Ms. Crannell have plans to erect a two-story house with a full basement on their property. Their lot is narrow and the proposed home is within a couple of feet of the 50-foot setback requirement from Maplewood Road. However, the back of the house does not meet the 50-foot rear-yard setback. To relocate

the proposed house further to the east, toward the roadway, Mr. Garrison said access to the full basement via the driveway would not be as easy. Relocating further to the south cuts more into the existing bank, he continued, and further north is a possibility but the rear setback issue still exists.

Ms. Kiley said she received no correspondences regarding the proposal.

Mr. McCann owns 40 Maplewood Road, which is the adjacent property directly behind and to the north of the Garrison property. He read the following statement:

“We have not had much time to consider this variance, as we just received notice, via mail Friday afternoon for today’s Wednesday meeting. We are trying not to assign blame, but merely to present a fact. We want to be good neighbors and friends with the applicants. We need to note that this is a very busy time for us and we would have appreciated some time to try to evaluate/discuss the circumstances.

“We are disappointed that we were not informed of this during two conversations with our neighbors, the applicants, in the last few weeks regarding building and zoning and that we received the communication via mail. After calling our real estate agent and several others, we have found and been advised that it is clear this variance would overshadow the most valuable area of our property and dilute the most important part of the land: the viewshed of the lake, thus negatively impacting the value and use of the site.

“The house as proposed stands smack in the middle of our eastern lot line. We are also concerned that the variance allows the proposed building to back further up the slope of the land, thus increasing the building height and thereby obstructing, even more, the view of the lake from our property.”

“One area of inquiry from us would be: the variance is reportedly 14 feet 2.5 inches. Why not rotate the structure slightly away from our lot so it is parallel to our land line? This would save approximately 5 feet. Then move the structure 5 feet to the east, away from our land, which still meets the 50 foot setback on the (east) lakefront side of the site. There would only be an approximately 4-foot variance required. We would suggest that the owners request this approximately 4 foot variance from the town on the Maplewood side (eastern) of their lot.”

Lawrence McCann

Mrs. McCann said they want to be fair and reasonable, but they do own property adjacent to the lot on the west side. The proposal feels like a significant impact on the view. Having the house located inside the allowable rear setback would impact the view more and diminish the McCanns’s lakeviews. Also, storms last year felled trees at the lot line, and Mrs. McCann expressed concern that a house in close proximity to their lot line could create more liability for them.

Mr. Garrison said they have already received permission from the Health Department for a septic system and continue to work with their architect. Having visited the site, Mr. Morreale asked about the actual location of the home, to which Mr. Garrison said it would be built where the driveway begins to flatten out. The driveway would remain in its current location, he said.

Mr. Tselekis commented that shifting the house closer to Maplewood Road would squeeze the driveway and likely make view problems even worse. Digging into the bank would be a better solution for both Mr. Garrison and the McCanns, he reasoned.

Mr. Garrison said the roof pitch is 5/12, and there is the possibility of going to 4/12, which would lower the roof height by about 16 inches. The height of the proposed home is 31 feet. Mr. McCann reiterated his suggestion to rotate the home and move it closer to Maplewood Road, since the angle of obstruction increases the further back (west) the house is located. That minimizes the variance requests, he said: the applicant would only need a roughly 2.5 feet rear-yard setback variance – which Mr. McCann said was no issue – and a 2.5 feet setback variance on the roadway side. He also expressed concern that the 35 foot distance from the proposed house to his lot line could actually be closer once construction is finished. He said he does not want to make the applicant's lives difficult, but there are strict zoning rules to follow.

After a brief conversation concerning topography and house height, Board members asked Ms. Kiley about the concerns of the Planning Board. She explained that the Planning Board is interested in seeing how the house and slope interact, particularly the foundation and drainage plans for the area. She also pointed to a potential procedural issue: the 35-foot rear-yard setback variance, if approved this evening, would essentially be voided if Planning Board concerns regarding grading and draining necessitate a design change in the home's location.

Mr. Morreale said he is concerned about depth of the home and the substantial amount of slope that would have to be removed to accommodate the basement. You cannot cut into a slope that dramatically without effecting water acceleration, he said. Mr. Garrison said about 8 feet of slope would have to be removed. He plans to waterproof his foundation, with gravel back-fill and a 4-inch outflow pipe into a nearby stream.

The idea of a narrower home was discussed, but as Ms. Thompson pointed out, a thinner home would create a larger solid and not impact height significantly enough. Mr. Garrison added that a more narrow home does not fit their goal to design a residence in which to age in place.

Mr. Morreale reiterated his concerns that the proposed home is located on a steep slope and in a Unique Natural Area. Right now, soils are holding in water, and cutting into the slope only accelerates water into the lake. Mr. Garrison said his engineer, John Andersson, has weighed in and suggested a catch basin to handle water runoff. A framing contractor, Mr. Garrison said he has worked on larger projects – like the Buddhist monastery and the Waldorf School – and is familiar with water runoff concerns.

Mr. Tselekis said it appears that the Board is interested in seeing a lower roof pitch and mitigating water runoff into a footer drain. Mr. Howarth suggested rotating the home slightly and moving it 5 feet to the east, thus minimizing the variance request. Mr. Garrison said he would

have to measure it off to see how the alteration would impact basement access via the driveway. Ms. Thompson requested the architect show in drawings the slopes and swales to divert surface water. She thought a berm and swale would be necessary on all four sides of the house. Mr. Garrison said his plans are to include a catch basin for footer drains and gutters.

On the subject of drinking water, Mr. Garrison said they have a verbal, right-of-way agreement with neighbors to maintain a water line to the lake. The line would be located under the roadway, similar to a line used by Glenwood Pines. Water wells in the vicinity are noted for low volume and high salt, he said.

The Board reached a consensus to postpone the variance request until its next meeting to allow the applicant more time to explore water runoff mitigation efforts.

Mr. Morreale MADE the MOTION to table action until the Board's next meeting or until materials from the applicant are ready for review. Mr. Howarth SECONDED the MOTION.

It was understood that Mr. Garrison would need updated drawings from his architect. The Board could review the project as soon as its next meeting on Wednesday, January 20, 2016, if the materials are ready by then.

The vote was as follows:

Mr. Tselekis AYE
Mr. Howarth AYE
Mr. Means AYE
Mr. Morreale AYE
Ms. Thompson AYE

Result: Action tabled

Meeting Minutes Review (10/21/15): Mr. Howarth commended the quality of Board minutes. Mr. Howarth MADE the MOTION to accept the October 21, 2015 meeting minutes, and Mr. Morreale SECONDED the MOTION. The motion was unanimously approved.

Mr. Means MADE the MOTION to adjourn, and Mr. Morreale SECONDED the MOTION. The motion was unanimously approved.

Meeting adjourned at 7:46 p.m.

Respectfully submitted by Louis A. DiPietro on December 18, 2015.