

**TOWN OF ULYSSES
BOARD OF ZONING APPEALS
FINAL MINUTES
Wednesday, April 17, 2019**

Approved: June 19, 2019

Present: Board Chair Bob Howarth, and members Andy Hillman, Steve Morreale, Cheryl Thompson, and David Tyler; Town Planner John Zepko.

Public in Attendance: Michael Boggs, Linda Liddle, Georgia Lesh and Helena Bloom.

Call to Order: 7 p.m.

Mr. Howarth requested an additional agenda item – to add 10 to 15 minutes for a discussion of the ongoing zoning update, following the evening’s public hearing. Board members agreed to this request.

Public Hearing - Appeal by the Paleontological Research Institute for an area variance under Section 212-122 D(2) , Standards for signs, of the Town of Ulysses Zoning Law, for the purpose of increasing the allowable size of a business directional sign at the property located at the Cayuga Nature Center, 1420 Taughannock Blvd, Town of Ulysses, Tax Map # 18.-4-11.

Ms. Lesh said PRI is working with a local designer to replace the existing sign, which is rotted. PRI seeks to install a sign built with natural materials and mounted on a low, stone wall. Having good, visible signage is necessary at the Cayuga Nature Center because it’s located in a 55-mph zone and is set further back off the road. The existing sign is 4 feet by 8 feet, while the proposed sign is 4.5 feet by 6 feet (not including the stone wall).

The Town received no correspondences on the matter.

Board discussion included the following topics: the differences between business directional and free-standing signage; the need to give consideration for sign aesthetics since Route 89 is a scenic byway; right-of-way on Route 89, and the observation that the proposed sign is a visual improvement on the existing one. Ms. Thompson asked if it would make more sense to grant PRI a use variance for a free-standing sign, so as not to use up their allowance for a single directional sign. Mr. Zepko did not believe the current proposal satisfied use variance criteria.

Mr. Hillman MADE the MOTION to grant the variance request, and Mr. Morreale SECONDED the MOTION as follows:

By considering the five statutory factors, the BZA reviewed the record and weighed the benefits to the Applicant against the detriment to the health, safety and welfare of the neighborhood if the variances are granted. The benefit sought by the applicant is to replace the existing sign with a 27 square-foot sign.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variances.

The addition is not likely to produce an undesirable change in the character of the neighborhood. The applicant is proposing to replace a sign that is aged and in need of repair. The proposed sign is a visual improvement over the existing sign.

2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than area variances.

To build a sign of the proposed dimensions, an area variance must be obtained. The applicant could construct a sign of 6 square feet per side without a variance.

3. Whether the requested area variances are substantial.

The variance is substantial, exceeding the permitted area of the sign by approximately 350%. However, the proposed sign is smaller than the existing sign.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The construction of a sign is unlikely to have an adverse impact on the physical or environmental conditions of the neighborhood.

5. Whether the alleged difficulty was self-created.

The difficulty is self-created because the applicant is choosing to increase the area of the proposed sign beyond what is permitted in the zoning law.

6. Considering all of the statutory factors set forth above, the Board of Zoning Appeals concludes as follows;

The construction of a sign, approximately 27 square feet per side, will not have a negative impact on the character of the neighborhood, nor on the environmental conditions. The variance is substantial, and difficulty is self-created. However, the benefits to the applicant outweigh the potential detriment to the health, safety and welfare of the neighborhood.

For the reasons set forth above, and upon the evidence, law and facts, the BZA hereby does grant the area variances requested by the applicant for the construction of a 27 square-foot sign.

Two friendly amendments were offered and accepted, adding language noting the proposed sign's visual improvement over the existing one.

The vote was as follows:

Mr. Howarth	AYE
Mr. Hillman	AYE
Mr. Morreale	AYE
Ms. Thompson	AYE
Mr. Tyler	AYE

Result: Variance granted

Meeting Minutes (3/20/2019)

Mr. Tyler MADE the MOTION to accept the March 20, 2019 meeting minutes, and Mr. Morreale SECONDED the MOTION. The motion was unanimously carried.

Zoning update discussion

Mr. Howarth attended the previous evening's Town Planning Board meeting as a citizen and offered the Planning Board an update on the BZA's previous discussion with Michael Boggs and Rich Goldman of the Town Board. At the Planning Board meeting, Mr. Goldman stated that the Town Board is considering putting most of the updated zoning proposal on a single resolution and putting the resolution to a vote. A second resolution would deal specifically with the 70/30 preservation/development subdivision parameters and delay its enactment for either 6 or 12 months. Mr. Howarth felt this was a bad idea. The Planning Board requested the BZA consider this delay proposal and provide them feedback.

Mr. Boggs said there is traction amongst the Town Board members to delay the 70/30 implementation, which he is not in favor of. His personal issue with the proposal is that the proposed delay would exceed his term on the Board. The idea for the delay, he said, is to give landowners time to plan any potential sale of property. According to Mr. Howarth, Mr. Goldman stated that without such a delay, the updated zoning – including the 70/30 provision – would not receive the required four votes to pass. The proposal would include a set date for implementation, meaning that the delay could not be stretched out indefinitely.

Mr. Morreale said he was okay with the implementation in one year, while Mr. Howarth opposed it. Ms. Thompson asked Mr. Zepko if a 2-acre minimum, together with maintaining 400 feet of minimum road frontage and fresh provisions for flaglots, would accomplish what the 70/30 strategy aims to do. He said they would – the flaglot provision shores up the existing zoning.

Mr. Boggs also said the boundary line for the Conservation Zone – which had been moved up to Dubois Road as part of zoning update discussions – has been reset back to its original location. A protest petition was submitted in opposition to expanding the Zone, Mr. Zepko said.

Ms. Liddle, who lives in the Dubois Road area, said the Conservation Zone change has been a major issue from the start. She and other landowners are concerned about the potential value impact to their properties because development opportunities disappear or are reduced. Landowners did not initially understand the impact of expanding the Zone, she said.

The Board reached a consensus to craft an advisory resolution to the Town Board.

Advisory Resolution

Mr. Morreale MADE the MOTION to approve the advisory resolution, and Mr. Hillman SECONDED the MOTION as follows:

“We advise the Town Board that the Conservation District should not remain in R1 and prefer the expanded Conservation Zone as proposed by the Zoning Update Steering Committee (ZUSC), but if it falls back, it should fall back to AR or a new zone.

“We prefer the immediate implementation of the limitations on subdivisions, and view delaying the implementation as less desirable.”

The motion was approved unanimously.

Mr. Hillman MADE the MOTION to adjourn the meeting, and Mr. Howarth SECONDED the MOTION. The motion was unanimously carried.

Meeting adjourned at 8:29 p.m.

Respectfully submitted by Louis A. DiPietro II on May 14, 2019.