

**Town of Ulysses
Planning Board Meeting (via Zoom)
FINAL Meeting Minutes
May 5, 2020**

Approved: June 2, 2020

Call to Order: 7:03 p.m.

Present: Chair Linda Liddle, Mo Klein, Rodney Bent, Rebecca Schneider, Town Board Liaison Rich Goldman, Town Planner John Zepko. Jonathan Ferrari was absent.

Members of the Public Present: David and Denise Kooperman, Neil Stevenson.

Agenda Review: None

Minutes Review (April 21): Mo Klein MADE and Ms. Liddle SECONDED the MOTION to approve minutes from the April 21st meeting. Motion passed unanimously.

Privilege of the Floor: None.

Business:

Minor Subdivision: David and Denise Kooperman propose to subdivide a Flag Lot at the property located at 5288 Curry Road, Town of Ulysses, Tax Parcel Number 12.-1-13.2. The property is located in the R Zone. The applicant received a variance from the Board of Zoning Appeals in December of 2019 to reduce the required frontage of the proposed flag lot to 32.83 feet of frontage, where 50 feet of frontage is required in the R zone.

Because the proposal had been discussed at previous meetings there was no discussion or questions for the applicants.

Ms. Liddle read out the resolution:

Whereas, the appeal by David and Denise Kooperman, for an area variances at the property located at 5288 Curry Road, Town of Ulysses, Tax Parcel Number 12.-1-13.2. The property is currently located in the R1 Zone.; and

Whereas, the relief requested is for the following:

- Relief sought from §212-130.A to create a flag lot with 32.83 feet of frontage, where 50 feet of frontage is required.
- Relief sought from §212-40.C to permit the frontage on the parent lot to be reduced to approximately 233.99', where 250' is required.

•Relief sought from §212-40.B to reduce the minimum lot size from 2 acres to 1.14 acres for parcel “A”, the parent lot.

Whereas, the action is a Type II action under SEQR 617.5(c)(16) “granting of individual setback and lotline variance...” and requires no further review; and

Whereas, 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.

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.

No undesirable changes to the character of the neighborhood are likely to occur as a result of granting these area variances.

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.

Yes, the applicant can wait until next month, when new zoning requirements will change in the applicant’s favor.

3. Whether the requested area variances are substantial.

The flag lot frontage variance is substantial; frontage on the main parcel is not substantial, and the lot size change is substantial. The applicant is seeking the following variances:

Zoning Code	Requirement	Relief Request	Difference	% Change
§212-130.A (frontage of flag lot)	50	32.83	17.17	34.34
§212-40.C (min frontage in R1)	250	233.99	16.01	6.404
§212-40.B (min lot size in R1)	2	1.14	0.86	43

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

Our finding is that it is unlikely that the project will result in significant adverse environmental impacts if best practice is used in building the driveway.

5. Whether the alleged difficulty was self-created.

The difficulty is self-created.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS,

Considering all of the statutory factors set forth above, the Board of Zoning Appeals concludes that:

Granting relief from the frontage requirement for a flag lot from 50 feet to 32.8 feet to allow the creation of a flag lot will not have a negative impact on the character or environmental conditions of the neighborhood. The variance is substantial, and the 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 variance requested by the applicant to decrease the frontage requirement for a flag lot from 50 feet to 32.8 feet, conditioned upon the installation of the culvert 1.5 times the width of the stream as measured by the high water mark when a building permit is granted.

Ms. Schneider MADE and Mr. Klein SECONDED the MOTION to approve Resolution ___. Motion passed unanimously.

Minor Subdivision: Neil Stevenson proposes to subdivide a ~5.05 acres Lot at the property located at 5410 Pine Ridge Road, Town of Ulysses, Tax Parcel Number 23.-3-6. The property is located in the AR Zone.

Mr. Stevenson explained to the Board that part of his property needed to be sold to fulfill the terms of his recent divorce. Ms. Schneider was concerned that the property was on its way to being subdivided again and again, something the Board wanted to discourage in Ulysses. After some discussion and explanations from Mr. Stevenson and Mr. Zepko, the Board understood that the parcel of land in question was already separate from Mr. Stevenson's farm property and had not been subdivided before.

Mrs. Schneider then requested the Board look more carefully at the subdivision process at a later meeting.

Ms. Liddle then read out the full resolution:

Town of Ulysses Planning Board

Resolution # 1 (2020)

Resolution for SEQR Negative Determination:

WHEREAS:

1. This is in consideration of a Minor Subdivision located at 5410 Pine Ridge Road, Tax Parcel Number 23.-3-6, for the creation of two lots. The proposed project is located on a 118.8 acre parcel in an AR Zone.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

That after careful consideration of the Short Environmental Assessment Form and evaluation of the possible impacts submitted by staff, the Town of Ulysses Planning Board hereby determines that;

1. the action is Unlisted and will act as Lead Agency in an uncoordinated environmental review with respect to the project; and
2. the project will not result in significant adverse environmental impacts, and makes a negative determination of environmental significance for the reasons set forth in the Environmental Assessment Form Parts 2 and 3 referenced above, in accordance with the New York State Environmental Quality Review Act for the above referenced action as proposed, and therefore, an Environmental Impact Statement will not be required.

Town of Ulysses Planning Board

Resolution # 2 (2020)

Approval of Minor Subdivision located at 5410 Pine Ridge Road, Tax Parcel Number 23.-3-6

WHEREAS:

1. The proposed action is in consideration of a Minor Subdivision located at 5410 Pine Ridge Road, Tax Parcel Number 23.-3-6, for the creation of two lots. The proposed project is located on a 118.8 acre parcel in the AR Zone and
2. The existing lot will be subdivided into two lots. Parcel "A" will be 113.75 acres. Parcel "B" will be 5.05 acres.
3. The Planning Board, acting as lead agency for the project, has issued a Negative Declaration of Significance, pursuant to the New York State Environmental Quality Review Act ("SEQRA"), 6 NYCRR Part 617; and

NOW THEREFORE BE IT RESOLVED:

1.The Town of Ulysses Planning Board approves the Minor Subdivision located at 5410 Pine Ridge Road, Tax Parcel Number 23.-3-6, for the creation of two lots as described above and submitted on the Final Subdivision Map.

Then, Mr. Klein MADE and Mr. Bent SECONDED the MOTION; MOTION passed unanimously.

Ms. Liddle reported that the Town Board were pleased and appreciative of the Planning Board's recent recommendation for the Lake and Conservation zones.

Mr. Klein MADE and Ms. Schneider SECONDED a MOTION to adjourn. Meeting adjourned at 7:45 p.m.

Respectfully submitted by Maria C. Barry.