

**TOWN OF ULYSSES
BOARD OF ZONING APPEALS
FINAL MINUTES
Wednesday, May 20, 2020**

This meeting was held via video conferencing due to COVID-19 virus.

Approved: June 17, 2020

Present: Board Chair Steve Morreale, and members Andy Hillman, Robert Howarth, Cheryl Thompson, and David Tyler; BZA Liaison Katelin Olson; Town Planner John Zepko.

Public in Attendance: Karen Meador, and Linda Liddle

Call to Order: 7 p.m.

Mr. Morreale provided brief logistical guidance, since the meeting – and future BZA meetings, until further notice – would be held via Zoom, a video conferencing platform.

Discussion of letter from Patricia and Richard Moran: Patricia and Richard Moran have requested that the Board of Zoning Appeals rehear the variance request decided 20 November 2019.

Mr. Zepko said the Morans, citing personal health issues, have requested postponement of their request.

Public Hearing – Appeal by Karen and Robert Meador, for an area variance from Section 212-47 (N.) (Maximum building footprint in Lakeshore zone), of the Town of Ulysses Zoning Law, for the purpose of permitting construction of a building with a footprint of approximately 6,400 sf, where 2,000 sf is the maximum. The property is ~ 5.8 acres in size and is located at 1617 Taughannock Blvd, Tax Map # 16.-1-16

Ms. Meador provided an extended overview of the project, beginning by stating that the project description, as laid out in the BZA's agenda, inaccurately characterizes the project. We are not asking to build a 6,400 square foot building, she said; we are asking for a 600 square foot addition to what's been here for decades. Her project began in 2007, when she purchased the former Cayuga Lake Restaurant with the intent to transform it into an age-in-place home. The restaurant had burned down in the 1980s, leaving only a foundation and a concrete building, which became the Meador home. The property remained vacant for many years until the Meadors purchased it and made minor revisions to make it livable. They also removed all of the existing asphalt used as the restaurant parking lot and installed 100 white spruce trees along the road edge to serve as a privacy barrier and to reduce runoff. The footprint we have now, she said, is the same as it was when we purchased it.

In contracting with Jon Ferrari, a local architect, the Meadors sought to blend the home into the surrounding landscape; a garage – currently under construction – was designed to be subterranean, with a “green” roof consisting of 42 large pots to hold medium-sized trees and large shrubs. Early on, the Meadors thought of tearing down the existing building but learned there would be serious environmental impacts in doing so. They opted to add on. The current home is going to serve as space for laundry, an office, mud room and storage, while the proposed addition will be for a kitchen, dining area, and master bedroom. Currently, the house does not have a functioning kitchen, she said.

The Meadors were surprised to learn of the updated Lakeshore zoning and the change to the maximum allowable footprint of 2,000 square feet.

She next went through each of the BZA’s five statutory factors for variance requests. The main concern seems to be over environmental impact and impermeable surface, she said, and that’s what the Meadors are attempting to minimize: they have taken out the existing asphalt and put in a green roof; the house and garage will be visually limited from the roadway, she added. On the question of alternative methods, Ms. Meador said such methods might have been possible if planning were completed years ago, before zoning was changed. There is no feasible way to gain this needed space, she said. On the question of whether the variance request is substantial, Ms. Meador said it isn’t. We are asking for a relatively small addition, she said, and this request would not have been a variance request at all had the Meadors known a zoning change was imminent. On the question of whether the request will have an adverse impact on the physical or environmental conditions, she said the Meadors are continuing to improve the aesthetics and environmental impact through the removal of asphalt. The house will look more like terraced gardens and not as a large structure. On the question of whether the difficulty was self-created, she said absolutely not; it was created by surprise zoning. She said the Meadors share the Town’s concerns in creating both aesthetically pleasing and environmentally friendly properties.

Mr. Zepko said notice of the meeting was advertised in the newspaper of record, and the Town received two letters from neighbors.

Mr. Morreale opened the public hearing.

Mr. Tyler asked about the roof plantings and whether considerations had been given to the plantings causing damage to the underlying structure. Ms. Meador assured Mr. Tyler that the roof can withstand the weight of the plants. While the planters are installed on the roof, there are currently no plants yet, she said.

Ms. Thompson noted the neighbor letter that claimed the garage, which is currently under construction, was not permitted for its actual size. A variance for garage construction was approved by the BZA on May 17, 2017; the approved size was 43 feet by 50 feet (2,150 square feet), though Mr. Ferrari’s drawing was for 2,300 square feet. I would say that is not too far outside of approval, she said. However, the other parameter for approval back in 2017 was that the garage would not be more than three feet above the road. Ms. Thompson asked for confirmation from the applicant: Are 2,300 square feet and the 3-foot height accurate?

My architect and contractor are building to plan, Ms. Meador said, adding that the land does slope down away from the road. Trees were planted to nearly hide the structure.

Ms. Thompson also asked about the height of the house addition: would it be the same height as the existing building or garage? Ms. Meador said the two-story addition will be hidden behind a cedar tree and would be consistent with zoning height requirements.

Mr. Hillman noted Ms. Meador's letter saying that she was caught off guard by the zoning change and that the 2,000 square foot limitation was arbitrary. Ms. Meador said there is no scientific evidence to support 2,000 square feet and that she thinks the restriction is unnecessarily constraining. The change to a 5-percent coverage limit, without any scientific reasoning, is significant, particularly when the proposed building is located further up the property, away from the lake.

Mr. Howarth thought the allegation regarding the previous variance is serious and should be addressed. He visited the site recently and thought the garage footprint was in compliance. Secondly, during variance requests, he said the BZA usually reviews topographical maps of the property, schematics of the viewshed, and other documents as needed. Route 89 is a scenic byway, which also needs to be considered during review. Environmental impact, hydrology, and viewshed are important considerations. He asked how tall the building would be relative to the garage?

Ms. Meador said the plan is to go no higher than allowable zoning (32 feet).

On the question of the garage footprint and prior approval, Mr. Zepko said he spoke with Town Code Enforcement Officer Tom Meyers, who assured Mr. Zepko that he was there when the garage foundation was poured and that it is in compliance.

Mr. Tyler asked if it were possible to view all permits and applications associated with the property that were filed with the Town. Mr. Zepko said the Meadors have two open building permits.

On the subject of architectural drawings, Ms. Meador said she wanted to get the variance first before commissioning for the drawings, which are costly.

Mr. Morreale, Mr. Howarth, and Mr. Hillman didn't feel that the hydrology piece was a major concern on the property; drawings would help confirm that, though.

A short conversation ensued over whether the Meador garage and house were considered one building. Once attached, Mr. Zepko said, it is one building.

Asked how comfortable the Board was in voting, Mr. Howarth said he would like more information on viewshed, specifically schematics – what the viewshed would be from the roadway, building massing, height, and how the building would look on the landscape. He noted the BZA already reviewed the property's hydrology back in 2017. Ms. Thompson and Mr. Hillman agreed with the need for more information.

The Board opted to table the public hearing until the applicant supplies the requested materials.

Mr. Howarth MADE the MOTION to table the public hearing, and Ms. Thompson SECONDED the MOTION. The motion was carried unanimously, 5-0.

Ms. Thompson MADE the MOTION to adjourn the meeting, and Mr. Hillman SECONDED the MOTION. The motion was carried unanimously, 5-0.

Meeting adjourned at 8:58 p.m.

Respectfully submitted by Louis A. DiPietro II on June 15, 2020.

FINAL