

**TOWN OF ULYSSES  
BOARD OF ZONING APPEALS  
MEETING MINUTES  
Wednesday, February 21, 2018**

**Approved: March 21, 2018**

**Present:** Board Chair Bob Howarth, and members Jonathan Ferrari, and Steve Morreale; Town Planner Darby Kiley.

**Excused:** Andy Hillman, Cheryl Thompson

**Public in Attendance:** Bruce and Martha Turnbull, and Shawn Ritchie.

**Call to Order:** 7:00 p.m.

**Public Hearing:** Appeal by Bruce and Martha Turnbull for area variances under Section 212-54F Lot Area and Yard Requirements for the LS-Lakeshore District of the Town of Ulysses Zoning Law. This is for the purpose of constructing a tram that would be located 1 +/- foot from the northern property line, where 12 feet is the required side yard setback for an accessory structure. The property is located at 17 Maplewood Rd, Town of Ulysses, Tax Parcel Number is 29.-1-37.

Offering a brief overview of his project, Mr. Turnbull said he intends to have a tram installed on the north side of his property. Installing the tram on the south side is more difficult due to a ravine that was subject to flooding twice over the past 25 years. He bought the property in 1983 and, now in his 70s, navigating the multiple steps to and from the house is more difficult. Accessibility is an issue for visiting relatives, some who are wheelchair bound, and potentially for emergency responders.

The Town received three comments via email regarding the project. All were generally supportive, with no negative feedback.

Mr. Ritchie explained the infrastructure used for the tram, and BZA members asked about placement and impact on the slope. Mr. Ritchie said the posts are driven into the ground by hand, a hydraulic pounder and/or a bobcat.

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

The BZA reviewed the record and weighed the benefits to the Applicants against the detriment to the health, safety and welfare of the neighborhood if the variance is granted by considering the five statutory factors. The benefit sought by applicants is to construct a tram on the north side of the property. The tram would be 1 +/- ft from the side yard line where 12 feet is the required setback for accessory structures:

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 tram is not likely to produce an undesirable change in the character of the neighborhood nor be a detriment to nearby properties. The buildings and structures along the shoreline in this area are very close to one another. The driveway is at the top of a steep cliff and the houses are accessed via stairs or other means.

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

Because of the narrowness of the lot and a ravine on the southern boundary, the proposed location along the northern boundary is the only location that can accommodate the tram.

3. Whether the requested area variances are substantial.

The area variance of 1 foot instead of 12 feet is substantial.

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

It is not likely that the variance will have an adverse impact on the physical or environmental conditions of the neighborhood. The installation will include little land disturbance and will not impact the local hydrology.

5. Whether the alleged difficulty was self-created.

The difficulty is self-created because the applicant is choosing to install a tram where the side yard setback cannot be met.

6. Considering all of the statutory factors set forth above, the Board of Zoning Appeals concludes as follows, the tram will not have a negative impact on the character of the neighborhood, nor on the physical or environmental conditions, and the proposed location is the most feasible for the installation. The proposed variance is substantial; the difficulty is self-created, however the benefits to the applicant outweigh the 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 grants the area variance requested by the applicant for a tram to be constructed 1 foot from the north property line where 12 feet is required.

The vote was as follows:

Mr. Howarth	AYE
Mr. Ferrari	AYE

Mr. Morreale                      AYE  
Result: Variance granted

**Meeting minutes (01/17/2018)**

Mr. Howarth MADE the MOTION to accept the January 17, 2018 meeting minutes, and Mr. Morreale SECONDED the MOTION. The motion was unanimously accepted.

**Discussion on draft zoning**

Mr. Morreale gave a review of the previous Zoning Updates Steering Committee meeting, highlighting the three major points of discussion: CAFOs; expanding the Conservation Zone west to Dubois Road, and expanding the R2 near the southwest edge of the Village of Trumansburg. R1 has 2-acre minimum lot sizes, while the R2 has 1-acre minimums. According to Mr. Morreale, Rebecca Schneider of the Planning Board suggested buffering development on the Village edge with green space and parks. Mr. Ferrari said creating more density around existing village areas is a smart approach; Indeed, all planning suggests as much, he said. He also referenced Savannah, Ga., and its design, which has parks at every break in the grid. Continuing, he said the Town could require within subdivision requirements that a certain amount of land has to be set aside for public use. He likes the idea of nodes and open space, but Route 96 is a major thoroughfare, and has public transportation and municipal water. I would rather see development on Route 96 than out in open areas, he said.

Ms. Kiley said she previously spoke with four different lenders to ask if Town-imposed limits on subdivisions impacted a farmer's ability to borrow. According to the lenders, they grant financing based on ag land value, not the land's development potential.

At this time, the BZA outlined what its five guiding strategies relative to the zoning update. The five priorities are: (1) to maximize contiguous farmland and open space, while recognizing the importance of water quality and habitat, (2) that developed space be concentrated, not sprawling, (3) to minimize close proximity between residences and farms, (4) maintain 400 feet minimum road frontage and 2-acre minimum lot sizes, (5) a limit of one single-family residence per lot, with a smaller accessory apartment, in the ag zone; in the R2, two residences are permitted as long as the total lot area is greater than 2 acres.

Mr. Howarth said he would like to have a discussion on flaglots, considering he feels the Town should not permit flaglots on ag land. But, without flaglots, you end up with development along the roadway, Mr. Morreale said. Mr. Howarth noted clustering is an option too. The BZA briefly discussed flaglots before the subject turned to the BZA's 80/20 proposal for subdivisions. Under the current ZUSC proposal, after 25 years, a previously subdivided lot could be subdivided again. Mr. Ferrari's concern is that the 25-year provision is not permanent; a deed restriction would be.

The subject of flaglots was set aside due to lack of clear consensus on how to proceed.

The BZA finalized its five priorities as listed above, and briefly touched on the Turnbull project.

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

Meeting adjourned at 8:33 p.m.

Respectfully submitted by Louis A. DiPietro II on March 16, 2018.