



TOWN OF ULYSSES

PLANNING AND ZONING DEPARTMENT

STAFF MEMO

TO: Town Board
FROM: Niels Tygesen, Planner
DATE: November 27, 2023
MEETING DATE: November 28, 2023
SUBJECT: Zoning Code Amendment for
Development District 3 Proposal

INTRODUCTION

Development District No. 3: Bar/Restaurant/Trailers (DD3), was created May 8, 1979. The allowed uses for DD3 are listed under the Code of the Town of Ulysses [\(CTU\) 212-118.C](#), and are as follows:

- Bar and restaurant;
- Maintenance of mobile home adjacent to the existing bar and restaurant; and
- Maintenance of a second mobile home adjacent to Halseyville Road, for so long as said mobile home may be occupied by Howard and Anna Brown, or the survivor of them.

Devon Van Noble, of [Van Noble Farm](#), submitted an application to the Planning Board to construct a new building approximately in the same location as the existing building located on-site for use as a restaurant, with the intention of increasing butchering and retail use component in the next 5 to 8 years. The applicant has also proposed a minor subdivision to create a new lot, approximately 2.9 acres. The new lot is intended to be residential and retain the existing mobile home noted above adjacent to Halseyville Rd. The applicant met with the Planning Board on October 17th to discuss the proposal ([submitted application materials](#), [video of 10.17.2023 meeting](#) (14:20 mark), [meeting minutes](#)). At the October 17th meeting, the Planning Board passed a motion to send the proposal to the Town Board to consider a zoning amendment to CTU 212-118.C. Subsequent to the 10.17 meeting, the applicant submitted [revised materials](#). During the Planning Board's 11.21 meeting, Board members discussed some concerns with Town Board liaison Rich Goldman, and determined to send a memo to the Town Board listing noted concerns ([video of 11.21.2023 meeting](#) (1:11:20 mark), [draft meeting minutes](#)).

ZONING CODE AMENDMENT AUTHORITY, PROCESS, AND TIMELINE

Under the [Consolidated Laws of New York 62.16.265](#), the Town Board may amend the zoning code and map subsequent to a public hearing. [CTU 1-7](#) states the Code of the Town of Ulysses may be amended as the Town Board deems desirable. And [CTU 212-12](#) states the regulations set forth in the zoning code may be amended, supplemented, changed or repealed by the Town Board pursuant to local law.

The current zoning code for the Town is silent on the procedural process for amendments to the code, to the zoning map, and to development districts. Best practice, in this particular instance, would be to refer to the regulations listed under [CTU 212-20](#) pertaining to rezoning for development districts or other rezoning actions, as the request is an amendment to the zoning regulations of a development district. The initial step by the Town Board is to determine whether the proposal 'merits further consideration'. If the Town Board determines the request merits further

consideration, then the proposal will be further reviewed by the Planning Board in more detail. The Planning Board is not required to conduct a public hearing as part of the process but may choose to do so. Once the Planning Board has issued their recommendation, the proposal will come before the Town Board for final consideration ([Zoning Code Amendment Timeline](#)).

PLANNING STAFF RECOMMENDATIONS

Planning staff recommend the Town Board decide the proposal merits further consideration and refer the proposal to the Planning Board for further review. As part of the review, it is also recommended the Town develop a comprehensive set of development standards for DD3 to potentially be implemented. The current zoning code only lists the permitted uses for DD3 along with referrals to off-street parking and signage standards. Lot dimensions, building standards, stream and wetland standards etc. should all be developed and codified.

REQUEST TO THE TOWN BOARD

Review the information in this memo, including the applicant's submittal items and the Planning Board's meeting materials, and consider additional materials that may be needed by the Board from the applicant, staff, and/or Legal to facilitate its deliberations.