



# TOWN OF ULYSSES

## PLANNING & ZONING DEPARTMENT

### Staff Report to the Board of Zoning Appeals

#### REPORT SUMMARY

PROJECT FILE NUMBER	VAR2301-001
APPLICANT	Shawn Ritchie, FLX Tram
PROJECT NAME	Klankowski Setback Variance
PROPOSAL REQUESTS	The applicant has requested a varaince from the minimum setback requirement from the mean high-water elevation (MHWE) of Cayuga Lake (front yard setback and wetland buffer setback) and from the 75 foot minimum buffer setback requirement from the intermittent stream along the north side property line in order to construct a new detached accessory strucutre (tram system). The applicant has proposed to construct the tram approximately 8 feet from the mean high-water elevation of Cayuga Lake and approximately 30 feet from the intermittent stream.
REPORT DATE	February 10, 2023
ATTACHMENTS	Exhibits 1-9
STAFF CONTACT	Niels Tygesen
HEARING DATE	February 15, 2023

#### PROJECT SITE SUMMARY, (Exhibit 2)

LOCATION	1375 Taughannock Blvd
PARCEL	28.-1-5
EXISTING LAND USE	Single-family residence
EXISTING ADJACENT LAND USES	E: N/A; Cayuga Lake W: N/A; Roadway – Taughannock Blvd S: Single-family residence N: Single-family residence
ZONING	LS: Lake Shore
ADJACENT ZONING	LS: Lake Shore to the north and south CZ: Conservation Zone to the west across Taughannock Blvd
COMP PLAN FUTURE LAND USE	Lake Shore
ADJACENT COMP PLAN FUTURE LAND USES	Lake Shore to the north and south Conservation Area to the west across Taughannock Blvd
SUBJECT LOT AREA	.67 acres
SLOPE OVERLAY	Ro: Rock outcrop
STREAMS AND WETLANDS	There is an intermittent stream located along the north

	property line, and Cayuga Lake is classified by the U.S. Fish and Wildlife Service’s National Wetlands Inventory as a Lacustrine Limnetic wetland and deepwater habitat with an unconsolidated bottom that is permanently flooded, (L1UBH).
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**PROJECT OVERVIEW**

<b>BACKGROUND</b>	<p>The subject site was initially developed with a single family dwelling unit in 1930.</p> <p>On March 5, 1990, the Town’s Zoning Board of Appeals granted an area variance to construct an addition for a kitchen. (Exhibit 3)</p> <p>The applicant applied for a building permit for the proposed tram, was informed the permit could not be approved as submitted, and would require a varaince from the BZA in order to construct the tram as proposed.</p>
<b>PROPOSED ACTIVITY</b>	<p>The applicant proposes to construct an 80 foot tram system, the western most part of which would be approximately 8 feet from the MHWE of Cayuga Lake and approximately 30 feet from the intermittent stream. The tram would allow 1 to 4 passengers to travel from the upper elevation of the property where the house is located, down to the lake shore. (Exhibit 4)</p>

**PUBLIC NOTICE AND COMMENT**

<b>PUBLIC/AGENCY NOTICE</b>	<p><u>Notice of Public Hearing:</u></p> <p>Ulysses Town Code <a href="#">(UTC) 212-16.A.10</a> states “All Board of Zoning Appeals procedures shall comply with Town Law § 267-a, as amended from time to time”.</p> <p>Consolidated Laws of New York <a href="#">(CLNY) 62.16.267-A.7</a> states the BZA shall give public notice of the hearing by publication in a local paper at least five days prior to the date of the hearing. Public notice was published in the Ithaca Journal on 02.08.2023. (Exhibit 5)</p> <p><a href="#">CLNY 47.7.104.1</a> requires that the public notice be posted in one or more designated public locations at least 72 hours before the meeting.</p> <p>Notice of the public hearing was posted on the Town’s Legal Notice Board in Town Hall on 02.08.2023.</p> <p><a href="#">CLNY 47.7.104.6</a> requires that notice of the time and place of the meeting be posted on the Town’s website.</p> <p>Notice of the public hearing including the time and place were posted on the Town’s webpage.</p>
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[CLNY 62.16.267-A.10](#) states the BZA shall mail notice of the hearing to the regional state park commission having jurisdiction over any state park or parkway within 500 feet of the subject property, and to Tompkins County Planning as required by [CLNY 24.12-B.239-M](#).

The subject property is not within 500 feet of a state park or parkway.

Per the Inter-governmental Agreement between Tompkins County Planning Department and the Town of Ulysses Planning Board dated 11.24.2003, additions to residential uses on existing non-conforming lots, and yard setback variances not abutting County or State property, a State or County road right of way, or a municipal boundary, are exempt from the requirements of CLNY 24.12-C.239-L, M, and N. (Exhibit 6)

The requested yard setback variance does not abut County or State property, a State or County road right of way, or a municipal boundary. However, given the proposal is also located within the intermittent stream buffer setback and the wetland buffer setback of Cayuga Lake, combined with ambiguity of the Inter-governmental Agreement exemption scope, staff referred the proposal to Tompkins County's Planning Department and requested determination whether County referral for the proposal was required. County comment has not been received at the time of this report.

Notice of the public hearing was provided to property owners within 500 feet of the subject property. (Exhibit 7)

Per [UTC 212-17.B](#), the Planning Board may review and provide written comments on all variance applications to the BZA for projects that would be subject to Planning Board review and approval if the variance is granted. Per [UTC 212-43](#), accessory buildings (including accessory structures) associated with single-family residences are permitted in the LS zone, but require site plan review when within a slope overlay area. During their public meeting on February 7<sup>th</sup>, Planning Board members discussed the proposal and posed questions to the applicant's team regarding construction techniques, proposed building materials, storm events, lake levels, flooding events, and potential environmental impacts to the setback buffers of the intermittent stream and to Cayuga Lake.

PUBLIC/AGENCY COMMENTS	<p>The Planning Board submitted a memo to the BZA stating they unanimously concluded that the proposed project does not pose a detrimental environmental impact to the site or to the character of the surrounding community. (Exhibit 8)</p> <p>No public comment letters were received at the time of this report.</p>
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**PROJECT REVIEW**

<p><a href="#">UTC 212 Zoning</a></p>	<p>Applicable sections of UTC 212 are reviewed below.</p> <p><b><a href="#">Article III Administration</a></b></p> <p><b><a href="#">212-16 Board of Zoning Appeals</a></b>  Per <a href="#">UTC 212-16.B</a>, the BZA is authorized to hear and hold a public hearing for an appeal to relieve dimensional requirements of the zoning code. In considering an area variance, the BZA shall comply with the criteria set forth in <a href="#">CLNY 62.16.267-B.3</a>, see section of report pertaining to CLNY below.</p> <p><b><a href="#">Article IV Terminology</a></b></p> <p><b><a href="#">212-21 Word Usage</a></b>  Per <a href="#">UTC 212-21.C</a>, the word "building" includes the word "structure".</p> <p><b><a href="#">212-22 Definitions</a></b></p> <p>‘Accessory Building’ is defined as “a building subordinate to and clearly incidental to the principal building on the same lot, and used for the purposes customarily incidental to those of the principal building. An accessory building shall not contain habitable space. For the purposes of this chapter, tractor trailers, shipping containers, PODS®, and similar structures are not considered to be accessory buildings”.</p> <p>‘Building Footprint’ is defined as “the area of a lot or site included within the surrounding exterior walls of a building or portion of a building, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof. It includes garages, carports and porches open at the sides but roofed, and accessory structures if attached to the primary residence, but not trellises, patios, and unroofed areas of porch, deck, and balcony. Accessory dwelling units attached to a primary residence shall not be considered a part of the primary residence's footprint”.</p>
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## **Article VIII LS - Lakeshore Zone**

### **212.43 Permitted Uses**

Per [UTC 212-43.A](#), accessory buildings are a permitted use in the LS zone, and require site plan approval from the Planning Board when within a slope overlay area.

### **212.44 Permitted Accessory Uses**

Per [UTC 212-44.A.1](#), accessory buildings are a permitted use in the LS zone subject to the provisions in [UTC 212-167](#).

### **212.47 Lot Area and Yard Requirements**

Per [UTC 212-47.E](#), the minimum front and rear setback, shall be 50 feet from the highway right-of-way, and 50 feet where the lot abuts the lake; the MHWE shall be used for setback measurement.

Per [UTC 212-47.H](#), the maximum lot coverage for all building footprints shall be 5% of the lot area. For lots with a single-family or a two-family residence, lot coverage calculations do not include driveways, walkways, or parking areas.

Per [UTC 212-47.I](#), streams and wetlands are required to have a protective setback as defined in [\[UTC\] 212-124](#).

Per the 'Lot Area and Yard Requirements Summary' table under [UTC 212-47](#), the structure setback from any perennial/intermittent stream, or federal wetland edge in a steep slope overlay area is noted as 75 feet.

## **Article XX Design Standards**

### **212-124 Standards for Buffer Areas**

Per [UTC 212-124.B](#), the buffer for intermittent streams located within the LS zone and within a slope overlay is noted as 75 feet. The buffer for federal wetlands within the LS shore is noted as 50 feet. (Note the code discrepancy/ conflict between this section and UTC 212-47 noted above.)

Per [UTC 212-124.B.6.A](#), the BZA may grant a variance from the buffer and setback requirements of UTC 212-124.

Per [UTC 212-124.B.6.B](#), a variance may be granted only upon a finding that a property's shape, topography or other physical conditions prevents land development unless a variance is granted, or that strict adherence to the minimal buffer and setback requirements would create extreme hardship.

	<p>Per <a href="#">UTC 212-124.B.7</a>, the BZA must consider the following items to determine whether to issue a variance:</p> <ul style="list-style-type: none"> <li>(a) The shape and physical characteristics of the property;</li> <li>(b) The locations of all streams and wetlands on and/or adjacent to the property;</li> <li>(c) The location and extent of the proposed buffer or setback intrusion;</li> <li>(d) Whether alternative designs are possible which require less intrusion;</li> <li>(e) The water quality impacts of the proposed variance</li> </ul> <p><b><a href="#">Article XXIV General Provisions</a></b></p> <p><u>212-167 Accessory Buildings and Accessory Dwelling Units</u>  Per <a href="#">UTC 212-167.A</a>, accessory buildings may be located within 20 percent of a required yard setback. This provision reduces the minimum front yard setback measured from the MHWE of Cayuga Lake from 50 feet to 40 feet.</p>
<p><a href="#">CLNY 62.16.267 Zoning Board of Appeals;</a>  <a href="#">CLNY 62.16.267-A Board of Appeals Procedure;</a> and  <a href="#">CLNY 62.16.267-B Permitted Action by Board of Appeals</a></p>	<p>Applicable sections of CLNY 62.16.267, 62.16.267-A, and 62.16.267-B are reviewed below.</p> <p>Per CLNY 62.16.267.1.b, an area variance is defined as “the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations”.</p> <p>Per CLNY 62.16.267-A.11, the BZA shall comply with the provisions of the State Environmental Quality Review Act (SEQR) under <a href="#">CLNY 43-B.8</a> and its implementing regulations as codified in the Official Compilation of Codes, Rules, and Regulations of The State of New York (<a href="#">CRR-NY</a>) <a href="#">Title Six, Part 617</a>, see section of report pertaining to CRR-NY below.</p> <p>Per CLNY 62.16.267-B.3.a, the BZA shall have the power to grant area variances.</p> <p>Per CLNY 62.16.267-B.3.b, the BZA is required to consider the following criteria for an area variance:</p> <ol style="list-style-type: none"> <li>1. The benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;</li> <li>2. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be</li> </ol>

	<p>created by the granting of the area variance;</p> <ol style="list-style-type: none"> <li>3. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;</li> <li>4. Whether the requested area variance is substantial;</li> <li>5. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and</li> <li>6. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.</li> </ol> <p>Per CLNY 62.16.267-B.3.c, if the BZA grants an area varaince, it shall grant the minimum variance deemed necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.</p> <p>Per CLNY 62.16.267-B.4, the BZA shall have the authority to impose reasonable conditions and restrictions. The conditions shall be consistent with the spirit and intent of the zoning ordinance, and shall be imposed for the purpose of minimizing any adverse impact the variance may have on the neighborhood or community.</p>
<p><a href="#">6 CRR-NY 617 SEQR</a></p>	<p>Applicable sections of 6 CRR-NY 617 are reviewed below.</p> <p>Per <a href="#">6 CRR-NY 617.3.f</a>, no SEQR determination of significance, EIS, or findings statement is required for actions which are classified as Type II actions.</p> <p><a href="#">Per 6 CRR-NY 617.5.a</a>, Type II actions identified in 6 CRR-NY 617.5.c are not subject to review, and have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under <a href="#">CLNY 43-B.8</a>.</p> <p>Per <a href="#">6 CRR-NY 617.5.c.16</a>, the granting of a setback variance is a Type II action.</p>

## **ACTION ITEMS**

There are three variance items associated with the proposed request:

1. Variance from the 40 foot front yard setback from the MHWL of Cayuga Lake;
2. Variance from the 50 foot or 75 foot buffer setback (as determined by the BZA) from the MHWE of Cayuga Lake; and
3. Variance from the 75 foot buffer setback of the intermittent stream.

Per [CLNY 267-A.8](#), the BZA is required to decide upon the appeal with 62 days after the hearing or as extended by mutual consent between the applicant and the BZA.

The BZA must make a finding on the subject property's shape, topography or other physical conditions per UTC 212-124.B.6.B (see section of UTC 212 in report above).

The BZA must deliberate on the criteria listed under UTC 212-124.B.7 as it relates to the wetland buffer setback of Cayuga Lake, and should consider issuing findings on the criteria (see section of UTC 212 in report above).

The BZA must deliberate on the criteria listed under CLNY 62.16.267-B.3.b for each variance item, and should consider issuing findings on the criteria (see section of CLNY in report above).

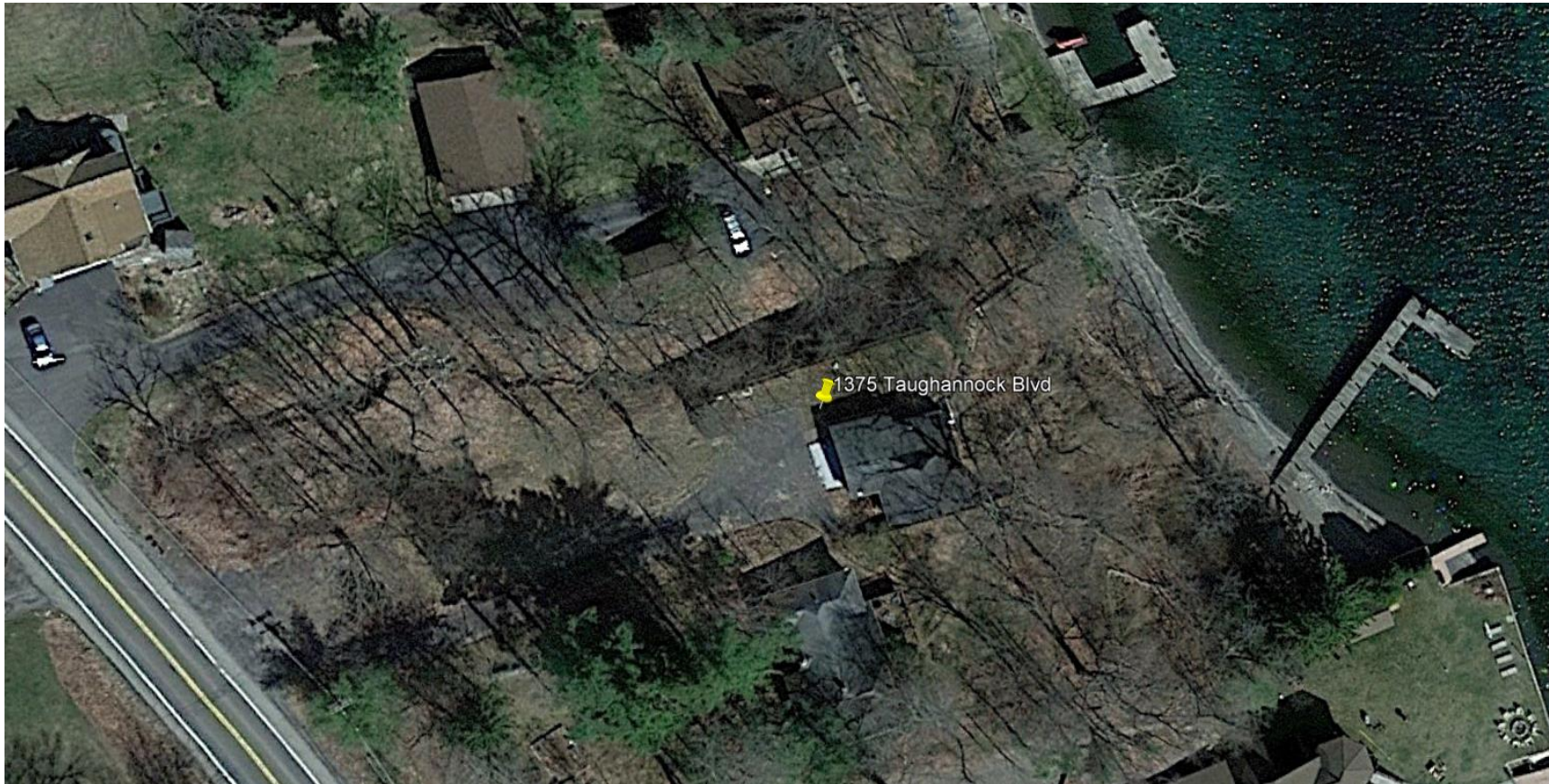
Should the BZA grant the requested variances, with or without conditions and restrictions, they must be the minimum necessary.

### **Exhibits:**

1. Staff Report
2. Project Site Summary
3. BZA Minutes from March 5, 1990
4. Application Submission Packet
5. Affidavit of Publication
6. Inter-governmental Agreement
7. 500 Foot Mailing Map and List
8. Memo from the Planning Board, 02.07.2023
9. Sections of Referenced Codes and Laws

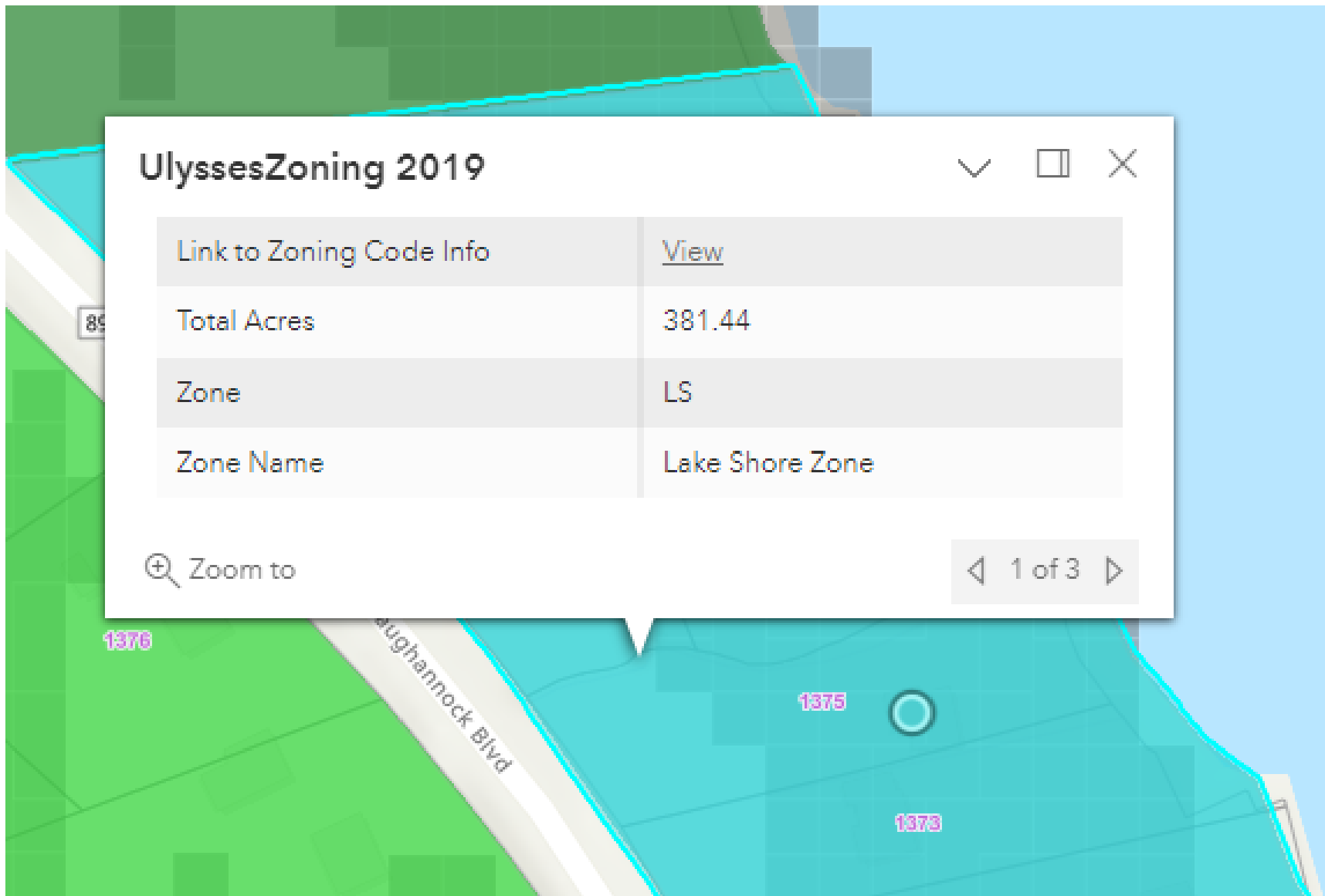


## Project Site Summary



2021 Aerial of Subject Site

Single-family residence on subject lot, Taughannock Blvd to the west, single-family residences to the north and south, Cayuga Lake to the east.



Zoning: LS: Lakeshore Zone for the subject lot, and adjacent properties to the north and south. Conservation Zone is located to the west across Taughannock Blvd.



Slope Overlay Designation of Proposed Project Location: Ro, Rock Outcrop.



- ▶  Parcels
  - ▶  Taxmaps
  - ▶  Soils
  - ▶  Streets
  - ▶  Floodzones
  - ▶  Hydrology
- Intermittent Streams
- Perennial Streams

Stream Designation: Intermittent



Wetland Classification: L1UBH, Lacustrine Limnetic wetland and deepwater habitat, unconsolidated bottom, permanently flooded

TOWN OF ULYSSES  
ZONING BOARD OF APPEALS  
March 5, 1990

PRESENT: Chairman James Hickey, Board Members; George Tselekis, Carl Mann, and Gail Zabawsky. Alex Rachun, Zoning Building Insp.; Marsha Georgia, Secretary.

Others Present: John Shipe and Mr. Shipe

Purpose: to consider a request by Judy Neiss for a variance under Article II Section VI of the Town of Ulysses Zoning Ordinance.

Chairman James Hickey called the meeting of the Town of Ulysses Zoning Board of Appeals to order at 7:38 p.m.

The legal ad was read in to the record and that the adjacent neighbors had been notified.

Mr. Hickey stated that before the Board tonight is an application from Judy Neiss, owning property situated at 1375 Taughannock Blvd., tax parcel # 28-1-5, asking for a area variance in order to build an addition for a kitchen. This was denied by the Zoning Officer under Article VII, Section III of the Ulysses Zoning Ordinance in that no nonconforming building shall be extended except by a variance granted by the Board of Zoning Appeals.

Mr. Hickey also stated that the problem is that property boundaries are such that the parcel can not be made to be conforming.

Mr. Hickey asked to hear from the applicant. Judy Neiss was not present because of working hours not allowing her to be hear. The agent hear on behave of Judy Neiss is her contractor, Mr. John Shipe.

Mr. Shipe stated that he has been asked to build an 10x20 addition off the west side of the house. This would be used for a kitchen and dinning room. It would have 8' ceilings. This would be set up on piers, 6x6's set in concrete.

Mr. Tselekis ask what the deviations from the requirements.

Mr. Rachun stated that the frontage did not conform to the 200' and neither does the 200' circle exist that is required. The frontage is 99' and the property looks to be under an acre. Around 900 square feet under.

Mr. Hickey asked if the addition would be placed on the side of the house that is facing the road.

Mr. Shipe answered yes.

Mr. Mann asked Mr. Rachun if it was 8' between the corner of the building and the property line.

Mr. Rachun answered yes and that 5' was all the set back required.

Mr. Hickey asked if the Board had any further questions and asked the record to show that there was no comments or persons from the public.

Mr. Hickey did comment that the Board does wish the applicant to appear at the hearings. Mr. Rachun stated that Judy Neiss had contacted him and asked that Mr. Shipe be allowed to take her place due to her work hours. Mr. Rachun had informed her that this would be acceptable.

Hearing no further comments, Mr. Tselekis moved, seconded by Mrs. Zabawsky the following resolution;

BE IT RESOLVED, that the Town Board of the Town of Ulysses moves that given that the variation is not substantial in the relation to the requirement; given that there will not be any increase in the population density or any increase burden on governmental facilities; no substantial change in the character of the neighborhood or no detriment to adjoining properties; and obviously no other way for the applicant to pursue other than a variance;

FURTHER RESOLVE, that the Zoning Board of Appeals grant this variance.

A roll call vote was taken.

Mr. Tselekis	aye
Mr. Mann	aye
Mrs. Zabawsky	aye
Mr. Hickey	aye

Variance Granted.

Hearing no further business the meeting was adjourned.

Respectfully submitted,

Marsha L. Georgia  
Secretary

## REQUIREMENTS AND INSTRUCTIONS ZONING BOARD OF APPEALS APPLICATION

These requirements shall be strictly enforced. Failure to comply will result in a denial or delay in the hearing of your appeal. Read all the requirements carefully and if you have any questions contact the Department of Zoning and Code Enforcement.

- Application is due according to the schedule attached.  
The form must be:     Complete  
                                  Legible (printed or typed)  
                                  Signed by the property owner  
(Application must be signed by the property owner. If the applicant is not the property owner, a written statement signed by the owner and notarized permitting the applicant to act on the owner's behalf)

### Information to be submitted with the application form:

- A current Survey Map, showing all setbacks of the existing and proposed structures for all area, and use variances.

All surveys shall bear the signature and stamp of a surveyor licensed to do business in the State of New York.

#### Survey map must show:

- o lot size; identify property lines, frontage length, required setbacks by zone
- o location and total square feet of each of the buildings and all setbacks of existing and proposed structures

- Site photographs of the proposed project

- A narrative that explains what is being proposed, why the approval should be considered, hardships involved and why this change will not be detrimental to the neighborhood and the Town.

- Proof of ownership of the property (submit a copy of the DEED)

N/A Agricultural Data Statement: Any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval by a planning board, zoning board of appeals, town board, or village board of trustees pursuant to article sixteen of the town law or article seven of the village law, that would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred feet of a farm operation located in an agricultural district, shall include an agricultural data statement.

- Letter of authorization from the property owner to the representative granting them permission to act on the property owner's behalf. The property owner must sign the application

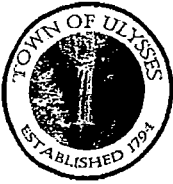
- Complete a Short Environmental Assessment Form.

- Submit an original plus copies of all materials. Total of eight (8) copies

- Submit one electronic copy in PDF format

- Fees: **The application fee is \$150.00;** and any necessary engineering or legal fees incurred. All additional amounts owed for engineering or legal shall be paid by the applicant to the Town of Ulysses.





# TOWN OF ULYSSES Board of Zoning Appeals Application

10 Elm Street  
Trumansburg, NY 14866  
607-387-9778

Tax Map No. 28 (28-1-5) Appeal No. \_\_\_\_\_

**1. APPLICANT:**

Name SHAWN RITCHIE (FLY TRAM)  
Address 2052 ONEIL RD., MACEDON, NY  
Telephone (315) 936-1937 email: sritchie@flytram.com

**2. PROPERTY OWNER:**

Name KARL KLANKOWSKI  
Address 1375 TAUGHANNOCK BLVD, ITHACA, NY 14850  
Telephone \_\_\_\_\_ email: KlanKowskiK@gmail.com

**3. LOCATION:**

Number & Street name 1375 TAUGHANNOCK BLVD, ITHACA, NY (28-1-5)

**4. ACTION DENIED:**

Building permit \_\_\_ Use \_\_\_ Renewal \_\_\_ Subdivision \_\_\_ Project/site plan X  
Other \_\_\_\_\_

**5. DENIAL MADE PURSUANT TO CHAPTER & SECTION 212-47 1/2 212-124.B**

**6. TYPE OF ACTION REQUESTED:**

Use variance X Area Variance \_\_\_ Permit Renewal \_\_\_ Interpretation \_\_\_  
Flood Variance \_\_\_ Other \_\_\_\_\_

**7. ZONING DISTRICT:**

A1 \_\_\_ A2 \_\_\_ R1 \_\_\_ R2 \_\_\_ LS X CD \_\_\_  
RM \_\_\_ MHP \_\_\_ H1 \_\_\_ H2 \_\_\_ B1 \_\_\_ MD \_\_\_ IL \_\_\_ PR \_\_\_ DD \_\_\_

**8. LOT INFORMATION:**

Acres: 0.67 SQ.FT. Frontage 100' Wetlands \_\_\_ Flood Plain \_\_\_  
Within 500ft of a farm operation located in an Agricultural District NO  
Within 500ft of State/County Highway NO

By submitting this application, the applicant consents to the Town, through its officers or employees, entering upon the subject premises to conduct relevant site inspections in connection with this application.

**9. SIGNATURE OF PROPERTY OWNER: Karl Klankowski**

Print name: KARL KLANIKOWSKI DATE: 12-14-22

**STAFF USE ONLY**

Date of Board Meeting \_\_\_\_\_ Action Taken \_\_\_\_\_

Fees Paid \_\_\_\_\_



# FLX TRAM

2052 O'Neil Rd.  
Macedon, NY 14502  
(315) 986-1937

December 13, 2022

To: Ulysses Zoning Board of Appeals  
10 Elm St.  
Trumansburg, NY 14886

RE: Karl Klankowski Tram – 1375 Taughannock Blvd

Hello,

FLX Tram LLC proposes to Karl Klankowski to build an 80' tram system that will allow 1-4 passengers to safely travel from the upper portion of the owner's yard to the lower level of his yard (above the shoreline). The overall tram footprint is very small due to the design of the aluminum piping pile system and has little to no impact to the local environment.

The current staircase on the property (52 – 9" steps at 45 deg) has become an increasing large hardship for the homeowner (age 72) to safely navigate, therefore a tram system would be a safe and dependable addition for him to access the shoreline and dock of his property.

The northern property line of the home is an intermittent creek-bed, and currently the proposed tram layout is within the intermittent creek buffer zone of 75' (§212-124). The proposed tram site resides roughly 30' from the creek bed, so it will have minimal to no impact the intermittent future flow and will not impact storm runoff.

The eastern property line of the home is Cayuga Lake shoreline. The tram will travel down the slope and the lower portion will be within the 50' buffer zone of the lake (§212-124) The tram landing area will have little to no impact to the lake due to the non-corrosive properties of the materials used in construction and the non-invasive construction methods.

Please call with any questions or clarifications. Have a great day!

*Josh*

Josh Stafford  
FLX Tram, LLC  
jstafford@ankom.com  
585-794-0191 (cell)



# FLX TRAM

2052 O'Neil Rd.  
Macedon, NY 14502  
(315) 986-1937

December 13, 2022

To: Ulysses Zoning Board of Appeals  
10 Elm St.  
Trumansburg, NY 14886

RE: Authorization of Agent to Act on Property Owners Behalf – 1375 Taughannock Blvd

Hello,

I hereby authorize the following person(s) to act as my agent(s) to apply for, sign, and file the documents necessary to obtain an Owner-Builder Permit for my tram project.

Name of Authorized Agent:  
Shawn Ritchie (FLX Tram LLC)

Address of Authorized Agent:  
2052 O'Neil Rd, Macedon, NY

Phone Number of Authorized Agent:  
(585) 729-9724

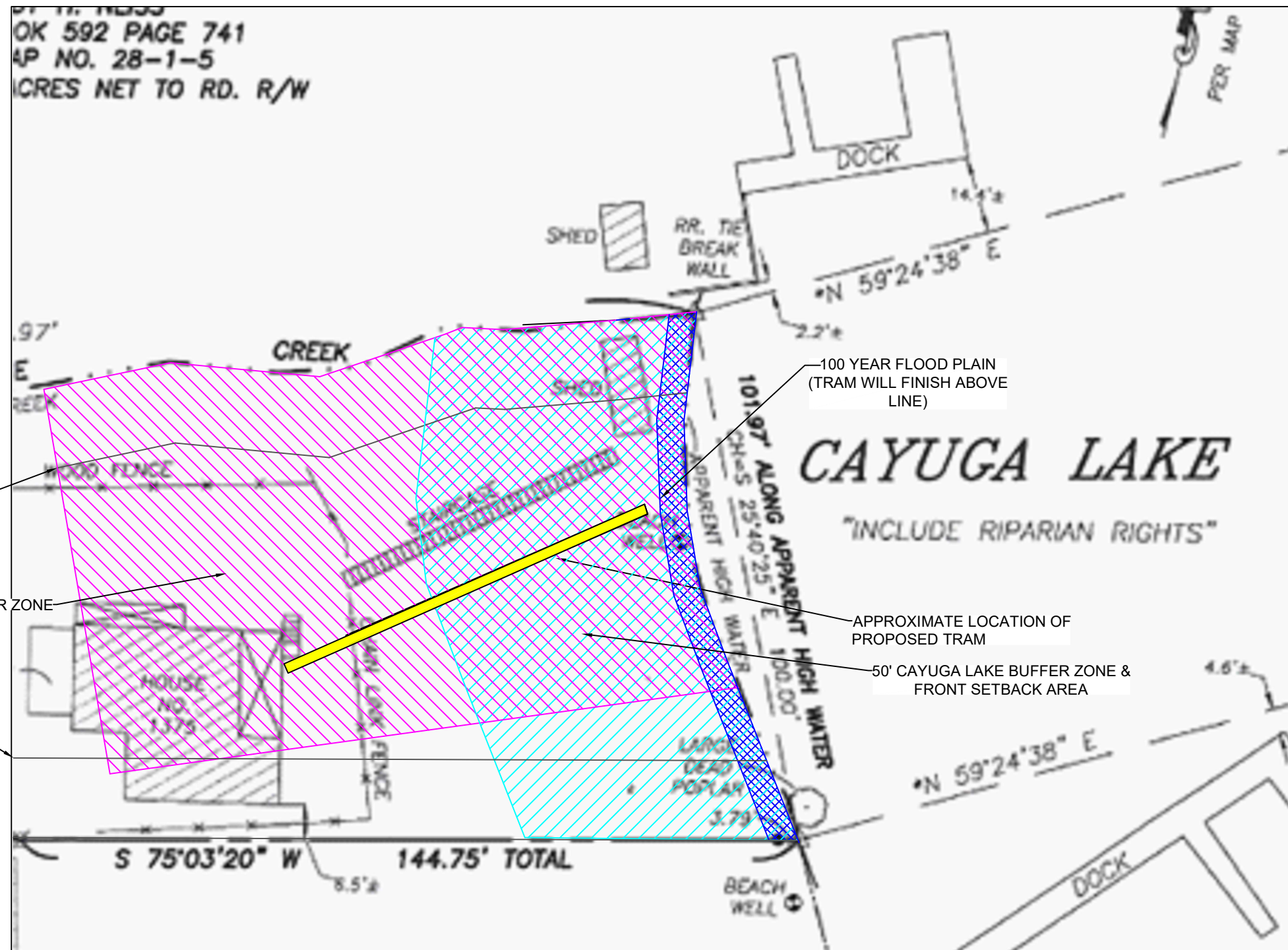
I declare under penalty of perjury that I am the property owner for the address listed above and I personally filled out the above information and certify its accuracy.

Property Owner's Signature: Karl Iklankowski Date: 12-14-22

Property Owner: KARL IKLANIKOWSKI Print Name

*Josh*

Josh Stafford  
FLX Tram, LLC  
jstafford@ankom.com  
(315)



15' SIDE SETBACK LINE

75' INTERMITTENT CREEK BUFFER ZONE

15' SIDE SETBACK LINE

100 YEAR FLOOD PLAIN  
(TRAM WILL FINISH ABOVE  
LINE)

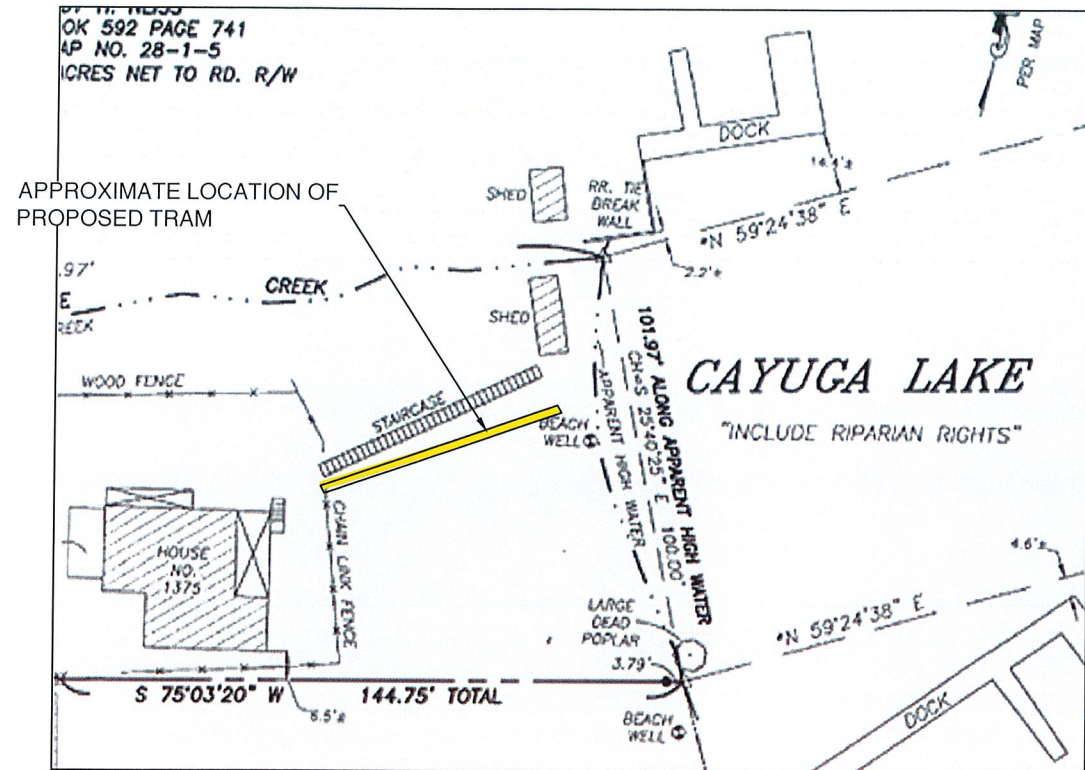
APPROXIMATE LOCATION OF  
PROPOSED TRAM

50' CAYUGA LAKE BUFFER ZONE &  
FRONT SETBACK AREA

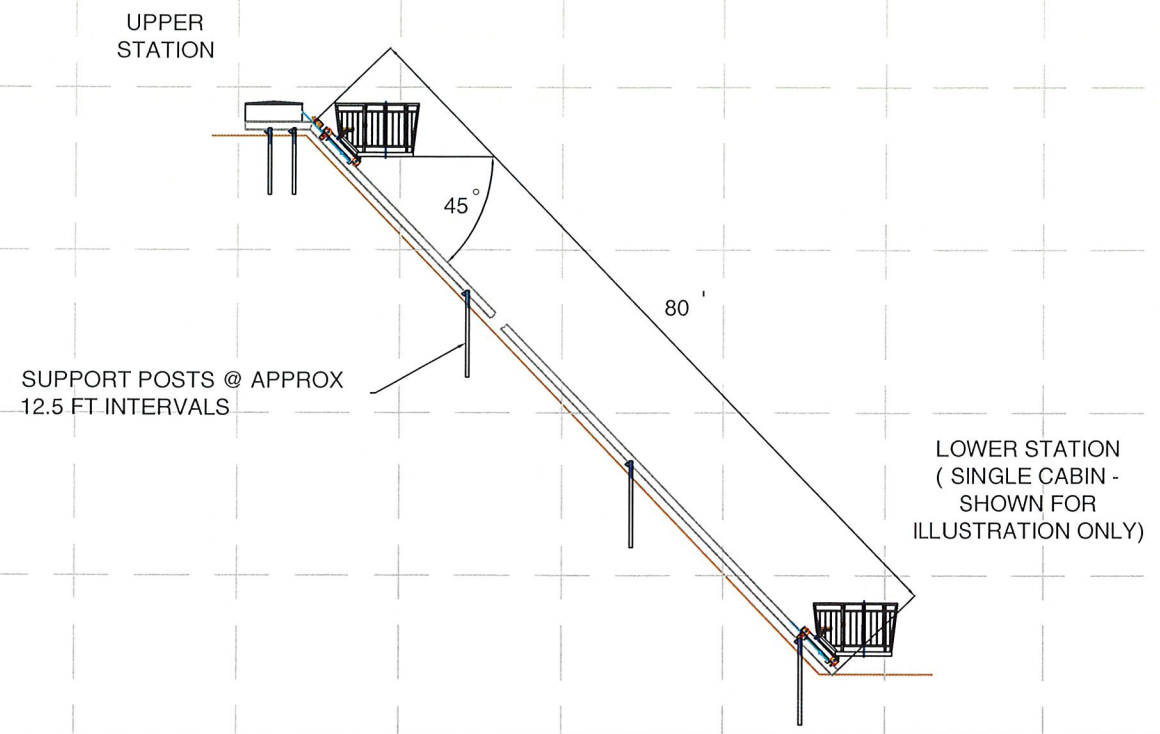
KLANKOWSKI - TRAM SITE PLAN

KLANKOWSKI - TRAM SITE PLAN			
<b>FINGER LAKES TRAM LLC</b>			
MACEDON, NY			
SIZE	FSCM NO.	DWG NO.	REV
SCALE	NONE	December 7, 2022	SHEET 3 OF 3

### KLANKOWSKI SITE LOCATION



### ELEVATION VIEW



#### A) CONSTRUCTION & EROSION CONTROL SEQUENCE

1. MINIMAL EXCAVATION REQUIRED ON SITE (LESS THAN 1 CY)
2. TREE AND VEGETATIVE BRUSH REMOVAL AS REQUIRED
3. REMOVE STAIRS & LANDINGS AS REQUIRED FOR INSTALL
4. INSTALL TRAM PILINGS (12-18) DRIVEN TO 42" DEPTH - REFUSAL
5. INSTALL CROSS PIPE
6. INSTALL 25' TRACK SECTION(S) AND SECURE TO CROSS PIPE
7. INSTALL HOIST STATION, CARRIAGE AND CABIN
8. SEED ANY EXPOSED SOIL
9. MODIFY/INSTALL UPPER AND LOWER LANDING STATIONS IF REQ'D
10. INSTALL & FINALIZE CONTROLS
11. INSTALL SAFETY EGRESS STAIRS (SITE/CUSTOMER DEPENDANT)
12. CONSTRUCTION WILL TAKE APPROXIMATELY 2 WEEKS

#### B) CONSTRUCTION NOTES

1. EROSION CONTROL AND SOIL STABILIZATION—THE FIRST STEP IN THE CONSTRUCTION SEQUENCE IS TO INSTALL SILT FENCE ACROSS ANY AREAS WHERE THE SOIL WILL BE DISTURBED.
2. FOUNDATION NOTES—THE PILING DESIGN APPROACH ELIMINATES THE NEED TO EXCAVATE VIRGIN SOIL AND THE POURING OF CONCRETE. THE NATURE OF THE PILINGS WILL NOT ONLY SUPPORT THE TRAM RAILS BUT ADD INCREASED SUPPORT TO THE SOIL ON THE SLOPE.
3. LANDINGS—UPPER, AND LOWER LANDINGS TO BE MODIFIED/INSTALLED TO ALLOW FOR SAFE INGRESS AND EGRESS FROM TRAM. CONSTRUCTION TO ADHERE TO LOCAL AND NYS BUILDING CODE.
4. SAFETY EGRESS STAIRS — INSTALLED AT REQUEST OF CUSTOMER TOO ALLOW FOR SAFE EGRESS OF TRAM IN CASE OF EMERGENCY
5. RESTORATION AND LANDSCAPING — CONTRACTOR SHALL INSTALL THE TRAM TO LIMIT THE REMOVAL OF VEGETATION, RESTORE/RELOCATED ANY ON-SITE VEGETATION WHICH HAS BEEN DISTURBED.

#### C) PLAN NOTES

1. OWNER: KARL KLANKOWSKI  
1375 TAUGHANNOCK BLVD  
TAX ID: 28.-1-5
2. TRAM DESIGNER AND INSTALLER:  
FINGER LAKES TRAM, 2052 O'NEIL RD.  
MACEDON, NY
3. TRACK DESIGN:  
APPROXIMATELY 80', 45 DEGREES  
FROM HORIZONTAL
4. TRACK CONSTRUCTION:  
PILING FOUNDATION DESIGN—2" D SCH  
40 AL PIPE DRIVEN TO REFUSAL.  
TOTAL PILINGS 12-18
5. SOIL:  
TYPE—STRATIFIED SHALE AND ROCK,  
MOST SUITABLE FOR DRIVEN  
SUPPORT POSTS
6. TRAM DESIGN DETAILS:  
REFER TO GENERAL ARRANGEMENT  
DRAWING GA001—CANTILEVER

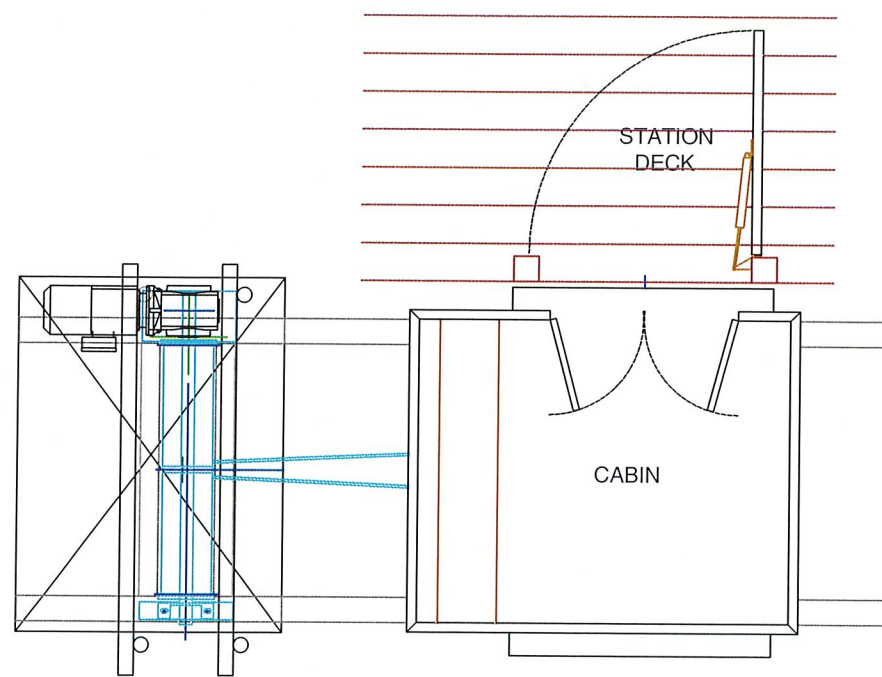


VIEW OF APPROXIMATE TRAM TRACK LOCATION

KLANKOWSKI - SITE PLAN			
<b>FINGER LAKES TRAM LLC</b>			
MACEDON, NY			
SIZE	FSCM NO.	DWG NO.	REV
SCALE	NONE	NOVEMBER 10, 2022	SHEET 1 OF 3

REVISIONS				
ZONE	REV	DESCRIPTION	DATE	APPROVED

**PLAN VIEW**

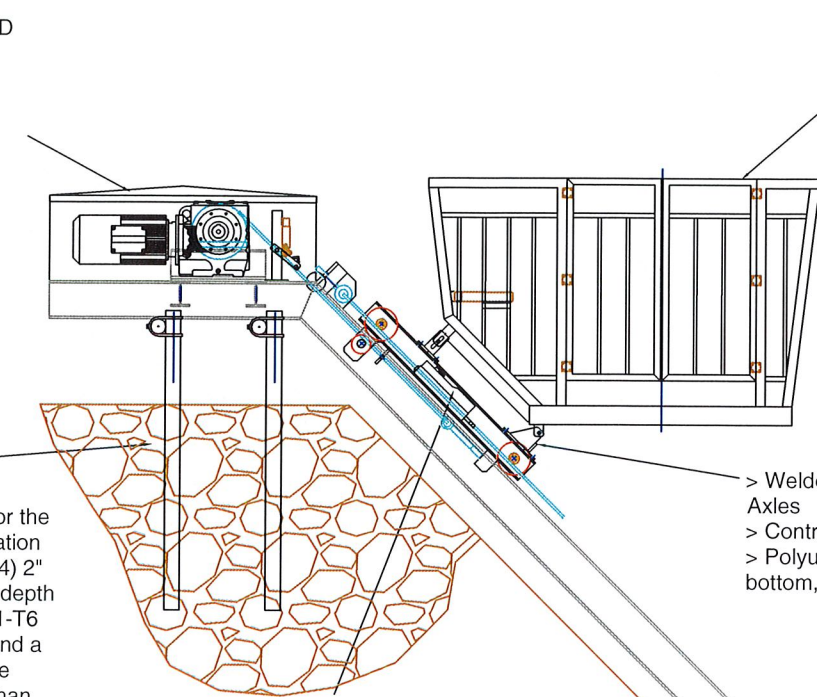


- CONTROLS**
- > Soft Start/Stop
  - > Reverse Acting Brake
  - > Failsafe Mechanical Brake
  - > Cable Slack Detection
  - > Interlocked Station Gates Top and Bottom

**HOIST STATION**

- > 3 HP SEW Eurodrive GearMotor VFD
- > Run Speed 80 fpm
- > 230 V Single Phase Service
- > 3/8" Galvanized Steel Cable (17:9) (Safety and Pull Cables)
- > Single or Dual Pull Cable Design (Slope Dependent) 10x / 20x Safety Factor

**ELEVATION VIEW**



**CABIN**

- > Welded 6061-T6 Aluminum Construction
- > Wireless Controlled Start/Stop/Reverse
- > Overweight Limit Protection
- > Powder Coat Finish
- > Self Leveling (if required)

**CARRIAGE**

- > Welded 6061-T6 Aluminum Frame and Axles
- > Control Stop Deceleration < .2g
- > Polyurethane Wheels 95A (4 top, 2 bottom, 4 side)

**FOUNDATION**

A pillar Foundation design has been developed for the hoist station which eliminates the need for excavation and pouring of concrete. The design consists of (4) 2" dia. Sch. 40 Foundation pilings driven to a target depth of 42" or refusal. The pilings are made from 6061-T6 aluminum which has an ultimate stress of 45ksi and a yield strength of 40ksi. With a projection of 12" the horizontal load strength of each piling is greater than 1880 lbs. In shale and gravel type soil conditions the pilings provide sufficient bearing area on the soil to stay within acceptable design limits.

In cases where the Foundation pilings cannot be driven into the ground or the refusal depth is less than 30", an alternate anchoring method will be employed. A 2' length of #4 (0.5" dia.) rebar is cemented into a 1" diameter drilled hole 12" deep. The piling is then inserted over the rebar and cemented in place using CGM Super Por-Rok Exterior Anchoring Cement (or equivalent). The working bond strength is approximately 3800 lbs.

The hoist frame is secured to the entire track system and becomes one integrated unit. A typical 100' long track system with hoist is secured by a total of 20 pilings. This produces a combined foundation load strength of 37,600 bs. This Foundation design provides a 37 times safety factor of the design load of the tram. This approach eliminates excavation of virgin soil and the pouring of concrete. The pilings also support the soil on the hillside and help prevent erosion.

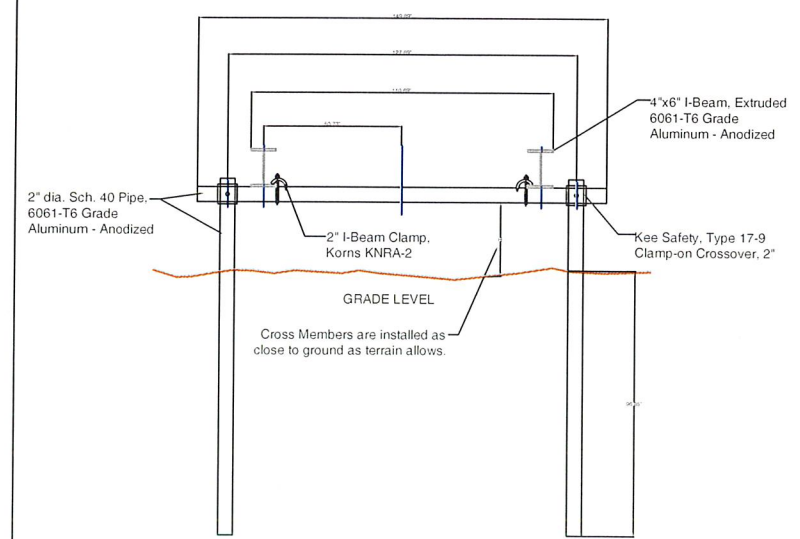
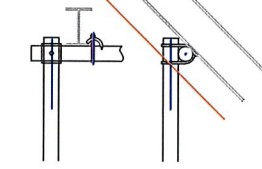
**BRAKE SYSTEM**

- > Independent Safety Cable
- > Emergency Brake Automatically Actuated
- > Overspeed Governor / Maintenance Free
- > Sky Lock™ Overspeed Braking System

**TRACK**

- > 4"x6" I-Beam, Extruded 6061-T6 Grade Aluminum - Anodized
- > Track I-Beam installed in 25ft lengths. Sections joined using 0.375" thick 6061-T6 Aluminum side and bottom plates connected by (10) 3/8" stainless steel bolts.
- > Vertical and horizontal support posts installed at approximately 12.5 ft intervals and connected to each other using a Kee Safety, Type 17-9 Clamp-on Crossover, 2".
- > Horizontal support post to I-Beam connection made using a malleable iron clamp with steel hardware providing an estimated holding force of 1750 lbs per clamp.

**UPHILL VIEW**



**UPHILL VIEW OF TRACK SYSTEM**

GENERAL ARRANGEMENT DRAWING KLANKOWSKI			
FINGER LAKES TRAM LLC MACEDON, NY			
SIZE B	FSCM NO.	DWG NO. GA 001 Cantilever	REV A
SCALE NONE	November 10, 2022	SHEET 2 OF 2	

BEACH WELL  
(See survey for reference)



**The white stakes mark the edge of the 100 year flood plain (386.0') —Tram will terminate at the green markers above the plain**



**9 Nov 2021—Lake at 385.0' - this matches TG Miller Survey "Apparent High water line"**

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

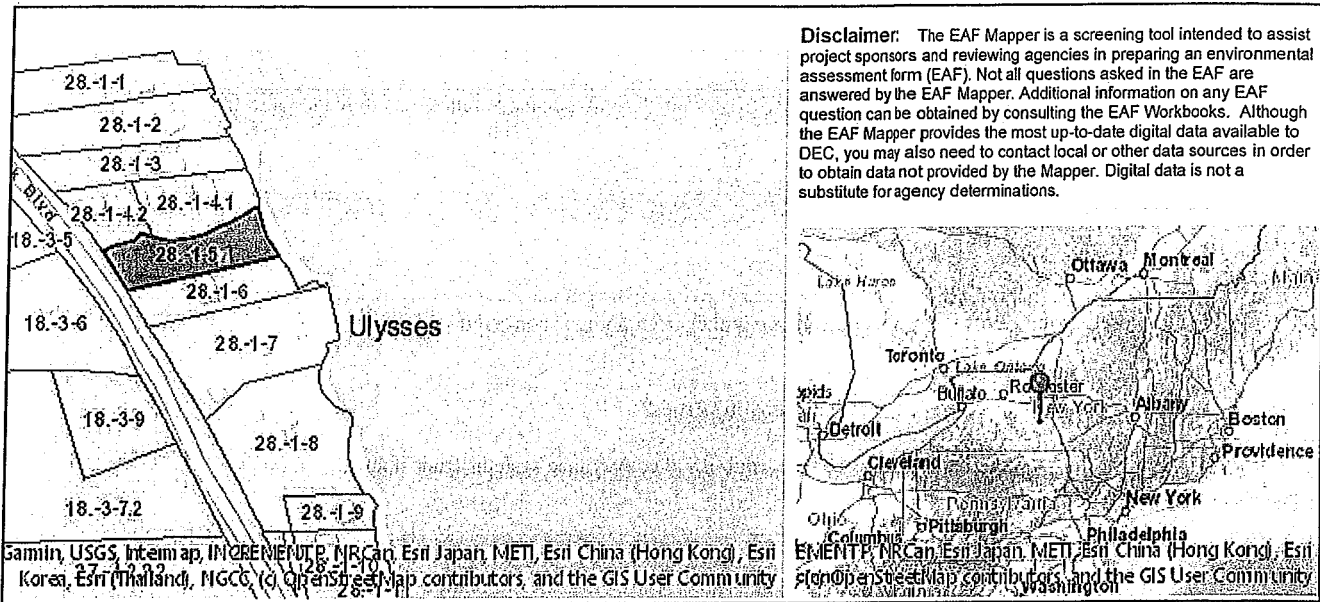
<b>Part 1 – Project and Sponsor Information</b>			
KARL KLANKOWSKI TRAM PROJECT			
Name of Action or Project: KARL KLANKOWSKI TRAM PROJECT			
Project Location (describe, and attach a location map): 1375 TAUGHANNOCK BLVD, ULYSSES, NY - FLX Tram Project (see map below)			
Brief Description of Proposed Action: Finger Lakes Tram LLC proposes to Karl Klankowski the installation of a 80' long tram system, which includes a hoist drum, cabin (for 1-4 passengers), carriage and track with pilings every 10' (horizontal distance) to transport passengers from upper backyard to bottom of hill. The tram system will include loading stations at top and bottom. The tram system does require 220V 30 amp service installed by a licensed electrician to operate.			
Name of Applicant or Sponsor: Shawn Ritchie		Telephone: (315) 986-1937	
		E-Mail: sritchie@fingerlakestram.com	
Address: 2052 O'Neil Road			
City/PO: Macedon		State: NY	Zip Code: 14502
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<0.25 acres acres _____ <0.10 acres acres _____ _____ acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			



5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Proposed location is not in, nor does it adjoin a state listed Critical Environmental Area.	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: FLX Tram meets New York State Energy Code Section C405.8.2: the tram system complies with ASME 17.1 and has a variable voltage drive system that reduces operating voltage in response to light loading conditions.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ The tram will not connect to water/sewer.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ The tram will not connect to water/sewer.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ Cayuga Lake, intermittent stream is located on the northern property lot line; the proposed tram will not alter or change either waterbodies do to the small footprint design of the tram piling support system.			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Lake Sturgeon, Bald Eagle	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>Shawn Ritchie</u> Date: <u>1-12-23</u> Signature: <u><i>Shawn Ritchie</i></u> Title: <u>VP FLX Trams</u>		

PRINT FORM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Lake Sturgeon, Bald Eagle
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No



# Tompkins County Clerk Recording Page

**Return To**

THALER & THALER

**Maureen Reynolds, County Clerk**

Tompkins County Clerk  
320 North Tioga Street  
Ithaca, NY 14850  
(607) 274-5431

Document Type: **DEED**

Receipt Number: 21-308295

<b>Grantor (Party 1)</b>
NEISS, JUDY

<b>Grantee (Party 2)</b>
KLANKOWSKI, KARL A

<b>Fees</b>	
Recording Fee	\$20.00
Pages Fee	\$25.00
State Surcharge	\$20.00
TP-584 Form Fee	\$5.00
RP-5217 Form Fee	\$125.00
State Transfer Tax	\$1,848.00
County Transfer Tax	\$924.00
Deed Notice Fee	\$10.00
<b>Total Fees Paid:</b>	<b>\$2,977.00</b>

Transfer Amt: \$462,000.00
Instrument #: 2021-11136
Transfer Tax #: 000377

Property located in **Ulysses**

State of New York  
County of Tompkins

Recorded on September 22nd, 2021 at 3:49:08 PM  
with a total page count of 5.

Tompkins County Clerk

*This sheet constitutes the Clerk's endorsement required by section 319 of the Real Property Law of the State of New York*

**Do Not Detach**

**CERTIFICATE OF WORKERS' COMPENSATION INSURANCE**

\*\*\*\*\* 562616070  
JD CHAPMAN AGENCY INC  
66 MAIN ST  
MACEDON NY 14502



SCAN TO VALIDATE  
AND SUBSCRIBE

**POLICYHOLDER**  
ANKOM DEVELOPMENT LLC  
2052 ONEIL RD  
MACEDON NY 14502

**CERTIFICATE HOLDER**  
TOWN OF ULYSSES  
10 ELM ST  
TRUMANSBURG NY 14886

<b>POLICY NUMBER</b> R1484 810-5	<b>CERTIFICATE NUMBER</b> 871454	<b>POLICY PERIOD</b> 06/30/2021 TO 06/30/2022	<b>DATE</b> 5/3/2022
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THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 1484 810-5, COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW, AND, WITH RESPECT TO OPERATIONS OUTSIDE OF NEW YORK, TO THE POLICYHOLDER'S REGULAR NEW YORK STATE EMPLOYEES ONLY.

IF YOU WISH TO RECEIVE NOTIFICATIONS REGARDING SAID POLICY, INCLUDING ANY NOTIFICATION OF CANCELLATIONS, OR TO VALIDATE THIS CERTIFICATE, VISIT OUR WEBSITE AT [HTTPS://WWW.NYSIF.COM/CERT/CERTVAL.ASP](https://www.nysif.com/cert/certval.asp). THE NEW YORK STATE INSURANCE FUND IS NOT LIABLE IN THE EVENT OF FAILURE TO GIVE SUCH NOTIFICATIONS.

THIS POLICY DOES NOT COVER THE SOLE PROPRIETOR, PARTNERS AND/OR MEMBERS OF A LIMITED LIABILITY COMPANY.

THE POLICY INCLUDES A WAIVER OF SUBROGATION ENDORSEMENT UNDER WHICH NYSIF AGREES TO WAIVE ITS RIGHT OF SUBROGATION TO BRING AN ACTION AGAINST THE CERTIFICATE HOLDER TO RECOVER AMOUNTS WE PAID IN WORKERS' COMPENSATION AND/OR MEDICAL BENEFITS TO OR ON BEHALF OF AN EMPLOYEE OF OUR INSURED IN THE EVENT THAT, PRIOR TO THE DATE OF THE ACCIDENT, THE CERTIFICATE HOLDER HAS ENTERED INTO A WRITTEN CONTRACT WITH OUR INSURED THAT REQUIRES THAT SUCH RIGHT OF SUBROGATION BE WAIVED.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS NOR INSURANCE COVERAGE UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY.

NEW YORK STATE INSURANCE FUND

DIRECTOR, INSURANCE FUND UNDERWRITING



CERTIFICATE OF INSURANCE COVERAGE
NYS DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

PART 1. To be completed by NYS disability and Paid Family Leave benefits carrier or licensed insurance agent of that carrier

1a. Legal Name & Address of Insured (use street address only)
ANKOM DEVELOPMENT LLC
2052 ONEIL ROAD
MACEDON, NY 14502
1b. Business Telephone Number of Insured
1c. Federal Employer Identification Number of Insured or Social Security Number
562616070

2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)
Town of Ulysses
10 Elm St
Trumansburg, NY 14886
3a. Name of Insurance Carrier
ShelterPoint Life Insurance Company
3b. Policy Number of Entity Listed in Box "1a"
DBL581041
3c. Policy effective period
01/01/2022 to 12/31/2022

4. Policy provides the following benefits:
[X] A. Both disability and paid family leave benefits.
[ ] B. Disability benefits only.
[ ] C. Paid family leave benefits only.
5. Policy covers:
[X] A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.
[ ] B. Only the following class or classes of employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability and/or Paid Family Leave Benefits insurance coverage as described above.

Date Signed 5/3/2022 By [Signature]
(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number 516-829-8100 Name and Title Richard White, Chief Executive Officer

IMPORTANT: If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.
If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be emailed to PAU@wcb.ny.gov or it can be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4B, 4C or 5B have been checked)

State of New York
Workers' Compensation Board
According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law(Article 9 of the Workers' Compensation Law) with respect to all of their employees.
Date Signed By
(Signature of Authorized NYS Workers' Compensation Board Employee)
Telephone Number Name and Title

Please Note: Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1. Insurance brokers are NOT authorized to issue this form.



AFFIDAVIT OF PUBLICATION  
THE ITHACA  
JOURNAL

State of New York  
Tompkins County

Kallen being duly sworn, deposes and says she is the Principal Clerk of the Ithaca Journal, a public newspaper printed and published in Ithaca aforesaid and that a notice of which the annexed is a true copy as published in said newspaper:

On the 10 day of February in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Kallen, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument. (Signature of Notary)

02/08/2023

Kallen

Legal Clerk

Subscribed and sworn to before me this 10 day of February, 2023

Shelly Hora

Notary Public  
State of Wisconsin. County of Brown

8-25-23

My commission expires

SHELLY HORA  
Notary Public  
State of Wisconsin

**NOTICE OF PUBLIC HEARING**

The Town of Ulysses has received an application for an area variance to construct a new tram system within required setbacks and buffers of Cayuga Lake and an intermittent stream.

Applicant: Karl Klankowski  
Project Location: 1375 Taughannock Blvd., Ithaca, NY 14850

Project File Number: VAR2301-001  
Board of Zoning Appeal Public Hearing: Wednesday February 15, 2023, 7:00 PM

Hearing Location: Town Hall, 10 Elm St., Trumansburg  
The public may either join in person or via Zoom videoconference at:

<https://zoom.us/j/96162758850>  
Meeting ID: 961 6275 8850  
+1 646 876 9923 US (New York)

The application is available for inspection at 10 Elm St., Trumansburg or online at: <https://townofulyssesny.gov/calendar/>

Comments on the application are solicited and all interested parties or their representatives will be afforded an opportunity to submit written and/or oral comments during the hearing. Written comments may be sent in advance to the Town Planner at 10 Elm St., Trumansburg NY 14886 or via email to [planner@townofulyssesny.gov](mailto:planner@townofulyssesny.gov) by 5pm on Feb. 15, 2023.

The Town strives to provide accommodations for individuals with disabilities. Please contact our office at least two days prior to the scheduled event if accommodations are needed.  
2/8/23

0005586450-01



Inter-governmental Agreement  
 Tompkins County Review of Local Zoning and Planning Actions  
 Under New York State General Municipal Law

- I. This agreement is made this 24<sup>th</sup> day of November, 2003 between the Tompkins County Planning Department and the ~~Town of Ulysses Planning Board.~~
- A. Authority and Purpose of State Law  
 The authority for county planning agency review of certain local planning and zoning actions is provided in Article 12-B, Section 239 (l, m & n) of New York State General Municipal Law (GML). The purpose as stated in law is "to bring pertinent inter-community and county-wide planning, zoning, site plan and subdivision considerations to the attention of neighboring municipalities and agencies having jurisdiction."
- B. Current Practice in Tompkins County  
 The Tompkins County Charter gives responsibility for the implementation of this county review to the Commissioner of Planning. All matters identified in GML Section 239 (m & n) are currently subject to review.
- C. Authority for Inter-governmental Agreement  
 GML Section 239 (m) specifically authorizes the county planning agency to "enter into an agreement with the referring body or other duly authorized body of a city, town or village to provide that certain proposed actions set forth in this subdivision are of local, rather than inter-community or county-wide concern, and are not subject to referral under this section." GML Section 239 (n) authorizes the same agreement with respect to subdivision plats.

II. Items to be Excluded from Review


Pursuant to the authority cited herein the parties to this agreement do hereby agree that the following items are of local, rather than inter-community or county-wide, concern and are not subject to referral to the Tompkins County Planning Department under New York State General Municipal Law Article 12-B Section 239 (l, m & n):

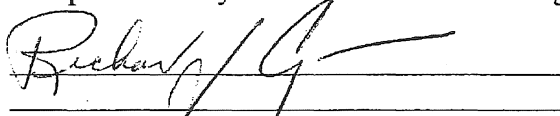
- A. Lot frontage, width or depth variances for residential uses;
- B. Lot area variances for additions to residential uses on existing non-conforming lots;
- C. Special Permits or Site Plan Reviews for permitted accessory uses and home occupations on residential lots;
- D. Residential subdivisions of fewer than 5 lots all of which comply with local zoning standards and Tompkins County Sanitary Code requirements, and do not involve new local roads or streets directly accessing a State or county road;
- E. Yard setback variances not abutting County or State property, a State or County road right of way, or a municipal boundary;

- F. Site Plan Reviews or Special Permits for change of commercial use in an existing building not involving any change in building footprint and with no change in vehicular access on a State or County highway;
- G. Sign variances exceeding local standards by 20% or less.

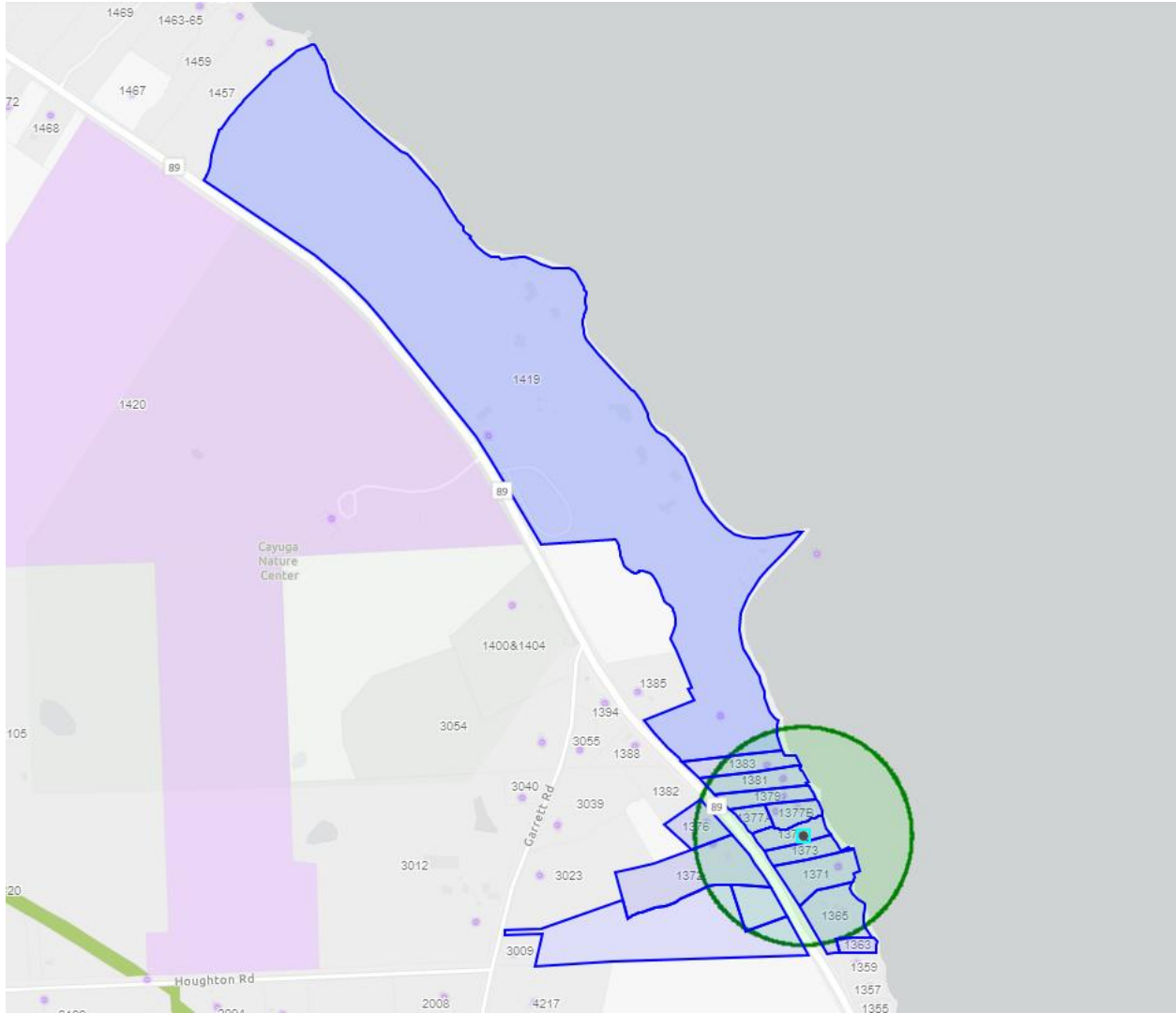
III. Execution, Termination and Modification

- A. The undersigned parties attest that they have the authority to enter into this agreement. This agreement shall become effective upon execution by both parties.
- B. The agreement shall remain in effect unless terminated by 60 days advance written notice by either party. Such notice shall be by certified mail to the Tompkins County Commissioner of Planning or the authorized local municipal official, as appropriate.
- C. The agreement may be modified by mutual agreement of the parties hereto.

By:  11/14/03  
Tompkins County Commissioner of Planning Date

 11/24/03  
Chair, Planning Board Date  
Town of Ulysses

# 500' Mailing Radius Map



WHITE, DONALD	1372 Taughannock Blvd	Ithaca , NY, 14850
SEVEN LAKES GIRL SCOUTS	8170 Thompson Rd	Cicero , NY, 13039
LADY515, LLC	6 Oak Tree Dr	Binghamton , NY, 13903
PROUJANSKY, PHILIP	333 Coddington Rd	Ithaca , NY, 14850
MORAN, RICHARD M	1377 Taughannock Blvd	Ithaca , NY, 14850
AREY, KAREN O	1377A Taughannock Blvd	Ithaca , NY, 14850
LADY515, LLC	6 Oak Tree Dr	Binghamton , NY, 13903
WHITE, FRANK DONALD	231 Drake Rd	Lansing , NY, 14882
MILLER, NELSON D	1379 Taughannock Blvd	Ithaca , NY, 14850
REITKNECHT, FELICE L	303 Plouse Ln	Sayre , PA, 18840
HALTOM, MAURICE	1381 Taughannock Blvd	Ithaca , NY, 14850
AKROFI, OFOSU R	1376 Taughannock Blvd	Ithaca , NY, 14850
KLANKOWSKI FAMILY TRUST	1375 Taughannock Blvd	Ithaca , NY, 14850
PROUJANSKY, PHILIP	1365 Taughannock Blvd	Ithaca , NY, 14850
SHELLEY, MARY	109 Park Pl	Ithaca , NY, 14850



# TOWN OF ULYSSES

## PLANNING BOARD

### PLANNING BOARD MEMO

**TO:** Board of Zoning Appeals  
**FROM:** Planning Board  
**DATE:** February 7, 2023  
**MEETING DATE:** February 15, 2023  
**SUBJECT:** Klankowski Setback Variance, VAR2301-001

### INTRODUCTION

The applicant for the Klankowski Setback Variance project, along with his representatives, presented their proposal to the Planning Board at the February 7<sup>th</sup> meeting. During the meeting, Planning Board members discussed the proposal and posed questions to the applicant's team regarding construction techniques, proposed building materials, storm events, lake levels, flooding events, and potential environmental impacts to the setback buffers of the intermittent stream along the north property line and to Cayuga Lake.

### PROCESS

Per [UTC 212-17.B](#), the Planning Board may review and provide written comments on all variance applications to the BZA for projects that would be subject to Planning Board review and approval if the variance is granted. The Planning Board is required to submit any written comments to the BZA no less than five calendar days prior to the BZA's public hearing. Should the BZA grant approval, the next step for the proposal will be sketch plan review by the Planning Board per [UTC 212-19.C.1](#).

### COMMENTS TO THE BOARD OF ZONING APPEALS

The Planning Board unanimously concluded that the proposed project does not pose a detrimental environmental impact to the site or to the character of the surrounding community.

6 CRR-NY 617.3  
NY-CRROFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK  
TITLE 6. DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
CHAPTER VI. GENERAL REGULATIONS  
PART 617. STATE ENVIRONMENTAL QUALITY REVIEW

6 CRR-NY 617.3

6 CRR-NY 617.3

## 617.3 General rules.

(a) No agency involved in an action may undertake, fund or approve the action until it has complied with the provisions of SEQR. A project sponsor may not commence any physical alteration related to an action until the provisions of SEQR have been complied with. The only exception to this is provided under section 617.5(c)(24), (27), and (34) of this Part. An involved agency may not issue its findings and decision on an action if it knows any other involved agency has determined that the action may have a significant adverse impact on the environment, until a final EIS has been filed. The only exception to this is provided under section 617.9(a)(5)(i) of this Part.

(b) SEQR does not change the existing jurisdiction of agencies nor the jurisdiction between or among State and local agencies. SEQR provides all involved agencies with the authority, following the filing of a final EIS and written findings statement, or pursuant to section 617.7(d) of this Part to impose substantive conditions upon an action to ensure that the requirements of this Part have been satisfied. The conditions imposed must be practicable and reasonably related to impacts identified in the EIS or the conditioned negative declaration.

(c) An application for agency funding or approval of a Type I or Unlisted action will not be complete until:

(1) a negative declaration has been issued; or

(2) until a draft EIS has been accepted by the lead agency as satisfactory with respect to scope, content and adequacy. When the draft EIS is accepted, the SEQR process will run concurrently with other procedures relating to the review and approval of the action, if reasonable time is provided for preparation, review and public hearings with respect to the draft EIS.

(d) The lead agency will make every reasonable effort to involve project sponsors, other agencies and the public in the SEQR process. Early consultations initiated by agencies can serve to narrow issues of significance and to identify areas of controversy relating to environmental issues, thereby focusing on the impacts and alternatives requiring in-depth analysis in an EIS.

(e) Each agency involved in a proposed action has the responsibility to provide the lead agency with information it may have that may assist the lead agency in making its determination of significance, to identify potentially significant adverse impacts in the scoping process, to comment in a timely manner on the EIS if it has concerns which need to be addressed and to participate as may be needed, in any public hearing. Interested agencies are strongly encouraged to make known their views on the action, particularly with respect to their areas of expertise and jurisdiction.

**(f) No SEQR determination of significance, EIS or findings statement is required for actions which are Type II.**

(g) Actions commonly consist of a set of activities or steps. The entire set of activities or steps must be considered the action, whether the agency decision-making relates to the action as a whole or to only a part of it.

(1) Considering only a part or segment of an action is contrary to the intent of SEQR. If a lead agency believes that circumstances warrant a segmented review, it must clearly state in its determination of significance, and any subsequent EIS, the supporting reasons and must demonstrate that such review is clearly no less protective of the environment. Related actions should be identified and discussed to the fullest extent possible.

(2) If it is determined that an EIS is necessary for an action consisting of a set of activities or steps, only one draft and one final EIS need be prepared on the action provided that the statement addresses each part of the action at a level of detail sufficient for an adequate analysis of the significant adverse environmental impacts. Except for a supplement to a generic environmental impact statement (see section 617.10[d] of this Part), a supplement to a draft or final EIS will only be required in the circumstances prescribed in section 617.9(a)(7) of this Part.

(h) Agencies must carry out the terms and requirements of this Part with minimum procedural and administrative delay, must avoid unnecessary duplication of reporting and review requirements by providing, where feasible, for combined or consolidated

proceedings, and must expedite all SEQR proceedings in the interest of prompt review.

(i) Time periods in this Part may be extended by mutual agreement between a project sponsor and the lead agency, with notice to all other involved agencies by the lead agency.

6 CRR-NY 617.3

Current through April 30, 2021

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**END OF DOCUMENT**

6 CRR-NY 617.5  
NY-CRR

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK  
TITLE 6. DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
CHAPTER VI. GENERAL REGULATIONS  
PART 617. STATE ENVIRONMENTAL QUALITY REVIEW

6 CRR-NY 617.5  
6 CRR-NY 617.5

617.5 Type II actions.

(a) Actions or classes of actions identified in subdivision (c) of this section are not subject to review under this Part, except as otherwise provided in this section. These actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8. The actions identified in subdivision (c) of this section apply to all agencies.

(b) Each agency may adopt its own list of Type II actions to supplement the actions in subdivision (c) of this section. No agency is bound by an action on another agency's Type II list. The fact that an action is identified as a Type II action in an agency's procedures does not mean that it must be treated as a Type II action by any other involved agency not identifying it as a Type II action in its procedures. An agency that identifies an action as not requiring any determination or procedure under this Part is not an involved agency. Each of the actions on an agency Type II list must:

- (1) in no case, have a significant adverse impact on the environment based on the criteria contained in section 617.7(c) of this Part; and
- (2) not be a Type I action as defined in section 617.4 of this Part.

(c) The following actions are not subject to review under this Part:

- (1) maintenance or repair involving no substantial changes in an existing structure or facility;
- (2) replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part;
- (3) retrofit of an existing structure and its appurtenant areas to incorporate green infrastructure;
- (4) agricultural farm management practices, including construction, maintenance and repair of farm buildings and structures, and land use changes consistent with generally accepted principles of farming;
- (5) repaving of existing highways not involving the addition of new travel lanes;
- (6) street openings and right-of-way openings for the purpose of repair or maintenance of existing utility facilities;
- (7) installation of telecommunication cables in existing highway or utility rights of way utilizing trenchless burial or aerial placement on existing poles;
- (8) maintenance of existing landscaping or natural growth;
- (9) construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;
- (10) routine activities of educational institutions, including expansion of existing facilities by less than 10,000 square feet of gross floor area and school closings, but not changes in use related to such closings;
- (11) construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation, maintenance or upgrade of a drinking water well or a septic system or both, and conveyances of land in connection therewith;



(12) construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;

(13) extension of utility distribution facilities, including gas, electric, telephone, cable, water and sewer connections to render service in approved subdivisions or in connection with any action on this list;

(14) installation of solar energy arrays where such installation involves 25 acres or less of physical alteration on the following sites:

(i) closed landfills;

(ii) brownfield sites that have received a Brownfield Cleanup Program certificate of completion (COC) pursuant to ECL section 27-1419 and section 375-3.9 of this Title or environmental restoration project sites that have received a COC pursuant to section 375-4.9 of this Title, where the COC under either program for a particular site has an allowable use of commercial or industrial, provided that the change of use requirements in section 375-1.11(d) of this Title are complied with;

(iii) sites that have received an inactive hazardous waste disposal site full liability release or a COC pursuant to section 375-2.9 of this Title, where the department has determined an allowable use for a particular site is commercial or industrial, provided that the change of use requirements in section 375-1.11(d) of this Title are complied with;

(iv) currently disturbed areas at publicly-owned wastewater treatment facilities;

(v) currently disturbed areas at sites zoned for industrial use; and

(vi) parking lots or parking garages;

(15) installation of solar energy arrays on an existing structure provided the structure is not:

(i) listed on the National or State Register of Historic Places;

(ii) located within a district listed in the National or State Register of Historic Places;

(iii) been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places pursuant to sections 14.07 or 14.09 of the Parks, Recreation and Historic Preservation Law; or

(iv) within a district that has been determined by the Commissioner of the Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places pursuant to sections 14.07 or 14.09 of the Parks, Recreation and Historic Preservation Law;

**(16) granting of individual setback and lot line variances and adjustments;**

(17) granting of an area variance for a single-family, two-family or three-family residence;

(18) reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part;

(19) the recommendations of a county or regional planning board or agency pursuant to General Municipal Law sections 239-m or 239-n;

(20) public or private best forest management (silviculture) practices on less than 10 acres of land, but not including waste disposal, land clearing not directly related to forest management, clear-cutting or the application of herbicides or pesticides;

(21) minor temporary uses of land having negligible or no permanent impact on the environment;

(22) installation of traffic control devices on existing streets, roads and highways;

(23) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns;

(24) information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action;

(25) official acts of a ministerial nature involving no exercise of discretion, including building permits and historic preservation permits where issuance is predicated solely on the applicant's compliance or noncompliance with the relevant local building or preservation code(s);

(26) routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment;

- (27) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;
- (28) collective bargaining activities;
- (29) investments by or on behalf of agencies or pension or retirement systems, or refinancing existing debt;
- (30) inspections and licensing activities relating to the qualifications of individuals or businesses to engage in their business or profession;
- (31) purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials;
- (32) license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities;
- (33) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list;
- (34) engaging in review of any part of an application to determine compliance with technical requirements, provided that no such determination entitles or permits the project sponsor to commence the action unless and until all requirements of this Part have been fulfilled;
- (35) civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion;
- (36) adoption of a moratorium on land development or construction;
- (37) interpretation of an existing code, rule or regulation;
- (38) designation of local landmarks or their inclusion within historic districts;
- (39) an agency's acquisition and dedication of 25 acres or less of land for parkland, or dedication of land for parkland that was previously acquired, or acquisition of a conservation easement;
- (40) sale and conveyance of real property by public auction pursuant to article 11 of the Real Property Tax Law;
- (41) construction and operation of an anaerobic digester, within currently disturbed areas at an operating publicly-owned landfill, provided the digester has a feedstock capacity of less than 150 wet tons per day, and only produces class A digestate (as defined in section 361-3.7 of this Title) that can be beneficially used or biogas to generate electricity or to make vehicle fuel, or both;
- (42) emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources, provided that such actions are directly related to the emergency and are performed to cause the least change or disturbance, practicable under the circumstances, to the environment. Any decision to fund, approve or directly undertake other activities after the emergency has expired is fully subject to the review procedures of this Part;
- (43) actions undertaken, funded or approved prior to the effective dates set forth in SEQR (see chapters 228 of the Laws of 1976, 253 of the Laws of 1977 and 460 of the Laws of 1978), except in the case of an action where it is still practicable either to modify the action in such a way as to mitigate potentially adverse environmental impacts, or to choose a feasible or less environmentally damaging alternative, the commissioner may, at the request of any person, or on his own motion, require the preparation of an environmental impact statement; or, in the case of an action where the responsible agency proposed a modification of the action and the modification may result in a significant adverse impact on the environment, an environmental impact statement must be prepared with respect to such modification;
- (44) actions requiring a certificate of environmental compatibility and public need under article VII, VIII, X or 10 of the Public Service Law and the consideration of, granting or denial of any such certificate;
- (45) actions subject to the class A or class B regional project jurisdiction of the Adirondack Park Agency or a local government pursuant to sections 807, 808 and 809 of the Executive Law, except class B regional projects subject to review by local government pursuant to section 807 of the Executive Law located within the Lake George Park as defined by subdivision one of section 43-0103 of the Environmental Conservation Law; and
- (46) actions of the Legislature and the Governor of the State of New York or of any court, but not actions of local legislative bodies except those local legislative decisions such as rezoning where the local legislative body determines the action will not be entertained.

END OF DOCUMENT

- > [The Laws of New York \(/legislation/laws/all\)](/legislation/laws/all) > [Consolidated Laws of New York \(/legislation/laws/CONSOLIDATED\)](/legislation/laws/CONSOLIDATED)
- > [CHAPTER 24 General Municipal \(/legislation/laws/GMU-CH24\)](/legislation/laws/GMU-CH24) >
- [ARTICLE 12-B County Planning Boards and Regional Planning Councils \(/legislation/laws/GMU/A12-B\)](/legislation/laws/GMU/A12-B)

UP

PREVIOUS  
[SECTION 239-L](/legislation/laws/GMU/239-L)  
[Coordination of certain municipal zoning and planning actions; legislative intent and policy \(/legislation/laws/GMU/239-L\)](/legislation/laws/GMU/239-L)

**ARTICLE 12-B**  
[County Planning Boards and Regional Planning Councils \(/legislation/laws/GMU/A12-B\)](/legislation/laws/GMU/A12-B)

NEXT  
[SECTION 239-N](/legislation/laws/GMU/239-N)  
[Referral of certain proposed subdivision plats to the county planning agency or regional planning council; report thereon; final action \(/legislation/laws/GMU/239-N\)](/legislation/laws/GMU/239-N)

THIS ENTRY WAS PUBLISHED ON 2014-09-22 ⓘ

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2014-09-22



## SECTION 239-M

### Referral of certain proposed city, town and village planning and zoning actions to the county planning agency or regional planning council...

General Municipal (GMU) CHAPTER 24, ARTICLE 12-B

§ 239-m. Referral of certain proposed city, town and village planning and zoning actions to the county planning agency or regional planning

(a) The term "proposed" as used in subparagraphs (ii) and (iii) of paragraph (b) of subdivision three of this section shall be deemed to include only those recreation areas, parkways, thruways, expressways, roads or highways which are shown on a county comprehensive plan adopted pursuant to section two hundred thirty-nine-d of this article or adopted on an official map pursuant to section two hundred thirty-nine-e of this article.

(b) The term "referring body" shall mean the city, town or village body responsible for final action on proposed actions subject to this section.

(c) The term "full statement of such proposed action" shall mean all materials required by and submitted to the referring body as an application on a proposed action, including a completed environmental assessment form and all other materials required by such referring body in order to make its determination of significance pursuant to the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations. When the proposed action referred is the adoption or amendment of a zoning ordinance or local law, "full statement of such proposed action" shall also include the complete text of the proposed ordinance or local law as well as all existing provisions to be affected thereby, if any, if not already in the possession of the county planning agency or regional planning council. Notwithstanding the foregoing provisions of this paragraph, any referring body may agree with the county planning agency or regional planning council as to what shall constitute a "full statement" for any or all of those proposed actions which said referring body is authorized to act upon.

(d) The term "receipt" shall mean delivery of a full statement of such proposed action, as defined in this section, in accordance with the

rules and regulations of the county planning agency or regional planning council with respect to person, place and period of time for submission. In no event shall such rule or regulation define delivery so as to require in hand delivery or delivery more than twelve calendar days prior to the county planning agency's or regional planning council's meeting date. In the absence of any such rules or regulations, "receipt" shall mean delivery in hand or by mail to the clerk of the county planning agency or regional planning council. Where delivery is made in hand, the date of receipt shall be the date of delivery. Where delivery is made by mail, the date as postmarked shall be the date of delivery. The provisions of this section shall not preclude the rules and regulations of the county planning agency or regional planning council from providing that the delivery may be a period greater than twelve days provided the referring body and the county planning agency or regional planning council agree in writing to such longer period.

2. Referral of proposed planning and zoning actions. In any city, town or village which is located in a county which has a county planning agency, or, in the absence of a county planning agency, which is located within the jurisdiction of a regional planning council duly created pursuant to the provisions of law, each referring body shall, before taking final action on proposed actions included in subdivision three of this section, refer the same to such county planning agency or regional planning council.

3. Proposed actions subject to referral. (a) The following proposed actions shall be subject to the referral requirements of this section, if they apply to real property set forth in paragraph (b) of this subdivision:

(i) adoption or amendment of a comprehensive plan pursuant to section two hundred seventy-two-a of the town law, section 7-722 of the village law or section twenty-eight-a of the general city law;

(ii) adoption or amendment of a zoning ordinance or local law;

(iii) issuance of special use permits;

(iv) approval of site plans;

(v) granting of use or area variances;

(vi) other authorizations which a referring body may issue under the provisions of any zoning ordinance or local law.

(b) The proposed actions set forth in paragraph (a) of this subdivision shall be subject to the referral requirements of this section if they apply to real property within five hundred feet of the following:

(i) the boundary of any city, village or town; or

(ii) the boundary of any existing or proposed county or state park or any other recreation area; or

(iii) the right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or

(iv) the existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or

(v) the existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or

(vi) the boundary of a farm operation located in an agricultural district, as defined by article twenty-five-AA of the agriculture and

markets law, except this subparagraph shall not apply to the granting of

area variances.

(c) The county planning agency or regional planning council may enter into an agreement with the referring body or other duly authorized body of a city, town or village to provide that certain proposed actions set forth in this subdivision are of local, rather than inter-community or county-wide concern, and are not subject to referral under this section.

4. County planning agency or regional planning council review of proposed actions; recommendation, report. (a) The county planning agency or regional planning council shall review any proposed action referred for inter-community or county-wide considerations, including but not limited to those considerations identified in section two hundred thirty-nine-1 of this article. Such county planning agency or regional planning council shall recommend approval, modification, or disapproval, of the proposed action, or report that the proposed action has no significant county-wide or inter-community impact.

(b) Such county planning agency or regional planning council, or an authorized agent of said agency or council, shall have thirty days after receipt of a full statement of such proposed action, or such longer period as may have been agreed upon by the county planning agency or regional planning council and the referring body, to report its recommendations to the referring body, accompanied by a statement of the reasons for such recommendations. If such county planning agency or regional planning council fails to report within such period, the referring body may take final action on the proposed action without such report. However, any county planning agency or regional planning council report received after thirty days or such longer period as may have been agreed upon, but two or more days prior to final action by the referring body, shall be subject to the provisions of subdivision five of this section.

5. Extraordinary vote upon recommendation of modification or



disapproval. If such county planning agency or regional planning council recommends modification or disapproval of a proposed action, the referring body shall not act contrary to such recommendation except by a vote of a majority plus one of all the members thereof.

6. Report of final action. Within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency or regional planning council. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.

- > [The Laws of New York \(/legislation/laws/all\)](/legislation/laws/all) > [Consolidated Laws of New York \(/legislation/laws/CONSOLIDATED\)](/legislation/laws/CONSOLIDATED)
- > [CHAPTER 47 Public Officers \(/legislation/laws/PBO/-CH47\)](/legislation/laws/PBO/-CH47) >
- [ARTICLE 7 Open Meetings Law \(/legislation/laws/PBO/A7\)](/legislation/laws/PBO/A7)

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PREVIOUS	<b>ARTICLE 7</b>	NEXT
<a href="/legislation/laws/PBO/103-A">SECTION 103-A</a>	<a href="/legislation/laws/PBO/A7">Open Meetings Law</a>	<a href="/legislation/laws/PBO/105">SECTION 105</a>
<a href="/legislation/laws/PBO/103-A">Videoconferencing by public bodies (/legislation/laws/PBO/103-A)</a>	<a href="/legislation/laws/PBO/A7">(/legislation/laws/PBO/A7)</a>	<a href="/legislation/laws/PBO/105">Conduct of executive sessions (/legislation/laws/PBO/105)</a>

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2016-09-16



## SECTION 104

### Public notice

Public Officers (PBO) CHAPTER 47, ARTICLE 7

§ 104. Public notice. 1. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given or electronically transmitted to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two hours before such meeting.

2. Public notice of the time and place of every other meeting shall be given or electronically transmitted, to the extent practicable, to the

news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.

3. The public notice provided for by this section shall not be construed to require publication as a legal notice.

4. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.

5. If a meeting will be streamed live over the internet, the public notice for the meeting shall inform the public of the internet address of the website streaming such meeting.

6. When a public body has the ability to do so, notice of the time and place of a meeting given in accordance with subdivision one or two of this section, shall also be conspicuously posted on the public body's internet website.

> [The Laws of New York \(/legislation/laws/all\)](/legislation/laws/all) > [Consolidated Laws of New York \(/legislation/laws/CONSOLIDATED\)](/legislation/laws/CONSOLIDATED)  
> [CHAPTER 62 Town \(/legislation/laws/TWN/-CH62\)](/legislation/laws/TWN/-CH62) > [ARTICLE 16 Zoning and Planning \(/legislation/laws/TWN/A16\)](/legislation/laws/TWN/A16)

PREVIOUS	UP	NEXT
<a href="#">SECTION 266</a>	<a href="#">ARTICLE 16</a>	<a href="#">SECTION 267-A</a>
<a href="#">Adoption of first zoning ordinance (/legislation/laws/TWN/266)</a>	<a href="#">Zoning and Planning (/legislation/laws/TWN/A16)</a>	<a href="#">Board of appeals procedure (/legislation/laws/TWN/267-A)</a>

THIS ENTRY WAS PUBLISHED ON 2014-09-22 

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2014-09-22



## SECTION 267

### Zoning board of appeals

Town (TWN) CHAPTER 62, ARTICLE 16

§ 267. Zoning board of appeals. 1. Definitions. As used in this section:

(a) "Use variance" shall mean the authorization by the zoning board of appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

(b) "Area variance" shall mean the authorization by the zoning board

of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

2. Appointment of members. Each town board which adopts a local law or ordinance and any amendments thereto pursuant to the powers granted by this article shall appoint a board of appeals consisting of three or five members as shall be determined by such local law or ordinance and shall designate the chairperson thereof. In the absence of a chairperson the board of appeals may designate a member to serve as acting chairperson. The town board may provide for compensation to be paid to experts, clerks and a secretary and provide for such other expenses as may be necessary and proper, not exceeding the appropriation made by the town board for such purpose.

3. Town board members ineligible. No person who is a member of the town board shall be eligible for membership on such board of appeals.

4. Terms of members first appointed. In the creation of a new board of appeals, or the reestablishment of terms of an existing board, the appointment of members to the board shall be for terms so fixed that one member's term shall expire at the end of the calendar year in which such members were initially appointed. The remaining members' terms shall be so fixed that one member's term shall expire at the end of each year thereafter. At the expiration of each original member's appointment, the replacement member shall be appointed for a term which shall be equal in years to the number of members of the board.

5. Terms of members now in office. Members now holding office for terms which do not expire at the end of a year shall, upon the expiration of their term, hold office until the end of the year and their successors shall then be appointed for terms which shall be equal in years to the number of members of the board.

6. Increasing membership. Any town board may, by local law or ordinance, increase a three member board of appeals to five members. Additional members shall be first appointed for single terms as provided by resolution in order that the terms of members shall expire in each of five successive years and their successors shall thereafter be appointed for full terms of five years. No such additional member shall take part in the consideration of any matter for which an application was on file with the board of appeals at the time of his or her appointment.

7. Decreasing membership. A town board which has increased the number of members of the board of appeals to five may, by local law or ordinance, decrease the number of members of the board of appeals to three to take effect upon the next two expirations of terms. Any board of appeals which, upon the effective date of this section has seven members, may continue to act as a duly constituted zoning board of appeals until the town board, by local law or ordinance, reduces such membership to three or five. However, no incumbent shall be removed from office except upon the expiration of his or her term.

7-a. Training and attendance requirements. (a) Each member of the board of appeals shall complete, at a minimum, four hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four hours in any one year may be carried over by the member into succeeding years in order to meet the requirements of this subdivision. Such training shall be approved by the town board and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.

(b) To be eligible for reappointment to such board, such member shall

have completed the training promoted by the town pursuant to this subdivision.

(c) The training required by this subdivision may be waived or modified by resolution of the town board when, in the judgment of the town board, it is in the best interest of the town to do so.

(d) No decision of a zoning board of appeals shall be voided or declared invalid because of a failure to comply with this subdivision.

8. Vacancy in office. If a vacancy shall occur otherwise than by expiration of term, the town board shall appoint the new member for the unexpired term.

9. Removal of members. The town board shall have the power to remove, after public hearing, any member of the zoning board of appeals for cause. Any zoning board of appeals member may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by the town board by local law or ordinance.

10. Chairperson duties. All meetings of the board of appeals shall be held at the call of the chairperson and at such other times as such board may determine. Such chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.

11. Alternate members. (a) A town board may, by local law or ordinance, or as a part of the local law or ordinance creating the zoning board of appeals, establish alternate zoning board of appeals member positions for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest. Alternate members of the zoning board of appeals shall be appointed by resolution of the town board, for terms established by the town board.

(b) The chairperson of the zoning board of appeals may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial zoning board of appeals meeting at which the substitution is made.

(c) All provisions of this section relating to zoning board of appeals member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards, shall also apply to alternate members.



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## SECTION 267-A

### Board of appeals procedure

Town (TWN) CHAPTER 62, ARTICLE 16

§ 267-a. Board of appeals procedure. 1. Meetings, minutes, records. Meetings of such board of appeals shall be open to the public to the extent provided in article seven of the public officers law. Such board of appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

2. Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the board of appeals shall be filed in the office of the town clerk within five business days and shall be a public record.

3. Assistance to board of appeals. Such board shall have the authority to call upon any department, agency or employee of the town for such assistance as shall be deemed necessary and as shall be authorized by the town board. Such department, agency or employee may be reimbursed for any expenses incurred as a result of such assistance.

4. Hearing appeals. Unless otherwise provided by local law or ordinance, the jurisdiction of the board of appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the administrative official charged with the enforcement of any ordinance or local law adopted pursuant to this article. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the town.

5. Filing of administrative decision and time of appeal. (a) Each order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of the zoning local law or ordinance shall be filed in the office of such administrative official, within five business days from the day it is rendered, and shall be a public record. Alternately, the town board may, by resolution, require that such filings instead be made in the town clerk's office.

(b) An appeal shall be taken within sixty days after the filing of any order, requirement, decision, interpretation or determination of the administrative official, by filing with such administrative official and with the board of appeals a notice of appeal, specifying the grounds thereof and the relief sought. The administrative official from whom the

appeal is taken shall forthwith transmit to the board of appeals all the papers constituting the record upon which the action appealed from was taken.

6. Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the administrative official charged with the enforcement of such ordinance or local law, from whom the appeal is taken, certifies to the board of appeals, after the notice of appeal shall have been filed with the administrative official, that by reason of facts stated in the certificate a stay, would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

7. Hearing on appeal. The board of appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice of such hearing by publication in a paper of general circulation in the town at least five days prior to the date thereof.

The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the board prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.

8. Time of decision. The board of appeals shall decide upon the appeal within sixty-two days after the conduct of said hearing. The time within which the board of appeals must render its decision may be extended by mutual consent of the applicant and the board.

9. Filing of decision and notice. The decision of the board of appeals on the appeal shall be filed in the office of the town clerk within five business days after the day such decision is rendered, and a copy

thereof mailed to the applicant.

10. Notice to park commission and county planning board or agency or regional planning council. At least five days before such hearing, the board of appeals shall mail notices thereof to the parties; to the regional state park commission having jurisdiction over any state park or parkway within five hundred feet of the property affected by such appeal; and to the county planning board or agency or regional planning council, as required by section two hundred thirty-nine-m of the general municipal law, which notice shall be accompanied by a full statement of such proposed action, as defined in subdivision one of section two hundred thirty-nine-m of the general municipal law.

11. Compliance with state environmental quality review act. The board of appeals shall comply with the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations as codified in title six, part six hundred seventeen of the New York codes, rules and regulations.

12. Rehearing. A motion for the zoning board of appeals to hold a rehearing to review any order, decision or determination of the board not previously reheard may be made by any member of the board. A unanimous vote of all members of the board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.

13. Voting requirements. (a) Decision of the board. Except as otherwise provided in subdivision twelve of this section, every motion or resolution of a board of appeals shall require for its adoption the

affirmative vote of a majority of all the members of the board of appeals as fully constituted regardless of vacancies or absences. Where an action is the subject of a referral to the county planning agency or regional planning council the voting provisions of section two hundred thirty-nine-m of the general municipal law shall apply.

(b) Default denial of appeal. In exercising its appellate jurisdiction only, if an affirmative vote of a majority of all members of the board is not attained on a motion or resolution to grant a variance or reverse any order, requirement, decision or determination of the enforcement official within the time allowed by subdivision eight of this section, the appeal is denied. The board may amend the failed motion or resolution and vote on the amended motion or resolution within the time allowed without being subject to the rehearing process as set forth in subdivision twelve of this section.

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## SECTION 267-B

### Permitted action by board of appeals

Town (TWN) CHAPTER 62, ARTICLE 16

§ 267-b. Permitted action by board of appeals. 1. Orders, requirements, decisions, interpretations, determinations. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of such ordinance or local law and to that end shall have all the powers of the

administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken.

2. Use variances. (a) The board of appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.

(b) No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located, (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence; (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood; (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and (4) that the alleged hardship has not been self-created.

(c) The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

3. Area variances. (a) The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such ordinance or local law, to grant area variances as defined herein.

(b) In making its determination, the zoning board of appeals shall

take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider: (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 variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance 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; and (5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

(c) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

4. Imposition of conditions. The board of appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the zoning ordinance or local law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community.



## Chapter 212. Zoning

### Article III. Administration

#### § 212-16. Board of Zoning Appeals.

##### A. Establishment.

- (1) There is hereby established a Board of Zoning Appeals consisting of five persons who shall function in the manner prescribed by law.
- (2) The members of the Board of Zoning Appeals shall be residents of the Town of Ulysses and shall be appointed by the Town Board to serve staggered terms of five years. Vacancies occurring in said Board by expiration of term or otherwise shall be filled in the same manner.
- (3) All Board members must comply with Town Law § 267, Subdivision 7-a, as to noncompliance with minimum requirements relating to attendance and training as established by the Town Board.
- (4) The Town Board shall designate the Chairman of the Board of Zoning Appeals. The Board of Zoning Appeals shall choose its Vice Chairman, who shall preside in the absence of the Chairman. In the absence of both the Chairman and the Vice Chairman, the Board of Zoning Appeals shall choose one of its number as acting Chairman. Such Chairman, or the party acting in his or her stead during his or her absence, may administer oaths and compel the attendance of witnesses.
- (5) There may be appointed additionally up to two alternate members of the Board Zoning of Appeals. Alternate members shall be appointed by resolution of the Town Board for terms established by the Town Board.
- (6) The Chairperson of the Board Zoning of Appeals shall designate an alternate member to substitute for a regular member in the event that a regular member is unable or unwilling to vote because of a conflict of interest, recusal, absence, abstention, or any other reason and an alternate member is present at the meeting when the designation takes place.
- (7) To the extent this provision is inconsistent with Town Law § 267, Subdivision 11, it is intended to supersede such section, in accordance with Municipal Home Rule Law § 10(1)(ii)d(3). All other rights, responsibilities and procedures related to alternate members set forth in said § 267 shall apply.
- (8) The Board of Zoning Appeals shall appoint a secretary who shall take minutes of all its meetings and keep its records.
- (9) The Board of Zoning Appeals shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this chapter, and all its resolutions and orders shall be in accordance therewith.
- (10) The Board of Zoning Appeals shall act in accordance with the provisions hereinafter contained in this section, hold public hearings to determine appeals from any refusal of a building permit or statement of compliance by the Zoning Officer, or review any order, decision, interpretation

or refusal thereof of the Zoning Officer, where such order or decision is based upon the requirements of this chapter. An appeal must be made within the time prescribed by the rules of the Board of Zoning Appeals. All Board of Zoning Appeals procedures shall comply with Town Law § 267-a, as amended from time to time.

(11) All permitted actions by the Board of Zoning Appeals shall comply with Town Law § 267-a, as amended from time to time.

- B. Area variances. The Board of Zoning Appeals may hear an appeal for an area variance to relieve dimensional or similar requirements. In considering the grant of an area variance, the Board shall comply with the criteria for the granting of such variances set forth in Town Law § 267-b, as amended from time to time.
- C. Use variances. The Board of Zoning Appeals may hear an appeal for a use variance to consider allowing a use not permitted by this chapter. In considering the grant of a use variance, the Board shall comply with the criteria for the granting of such variances set forth in Town Law § 267-b, as amended from time to time.
- D. Interpretation. The Board of Zoning Appeals may hear and decide appeals from and review any order, requirement, decision, interpretation or determination made by the administrative official charged with the enforcement of this chapter in accordance with Town Law § 267-b, as amended from time to time.

## Chapter 212. Zoning

### Article III. Administration

#### § 212-17. Planning Board.

- A. The Planning Board is hereby charged with carrying out the functions provided for in § 274-a of Town Law: to review and approve, approve with modification and conditions, or disapprove site plans. The Planning Board is charged with carrying out the functions provided for in § 274-b of Town Law: to grant special permits. The Planning Board may be charged with additional specific activities by resolution of the Town Board.
- B. The Planning Board may review and provide written comments on all variance applications to the Board of Zoning Appeals for projects that would be subject to Planning Board review and approval if the variance is granted. If providing written comments, the Planning Board shall submit said comments no less than five calendar days prior to the public hearing for the zoning variance application.
- C. There is hereby established a Planning Board consisting of five persons who shall function in the manner prescribed by law.
- D. The members of the Planning Board shall be residents of the Town of Ulysses and shall be appointed by the Town Board to serve staggered terms of five years. Vacancies occurring in said Board by expiration of term or otherwise shall be filled in the same manner.
- E. All Board members must comply with Town Law § 271, Subdivision 7-a, as to noncompliance with minimum requirements relating to attendance and training as established by the Town Board.
- F. The Town Board shall designate the Chairman of the Planning Board. The Planning Board shall choose its Vice Chairman, who shall preside in the absence of the Chairman. In the absence of both the Chairman and the Vice Chairman, the Planning Board shall choose one of its number as acting Chairman. Such Chairman, or the party acting in his or her stead during his or her absence, may administer oaths and compel the attendance of witnesses.
- G. There may be appointed additionally up to two alternate members of the Planning Board. Alternate members shall be appointed by resolution of the Town Board for terms established by the Town Board.
- H. The Chairperson of the Planning Board shall designate an alternate member to substitute for a regular member in the event that a regular member is unable or unwilling to vote because of a conflict of interest, recusal, absence, abstention, or any other reason and an alternate member is present at the meeting when the designation takes place.
- I. To the extent this provision is inconsistent with Town Law § 271, Subdivision 15, it is intended to supersede such section, in accordance with Municipal Home Rule Law § 10(1)(ii)d(3). All other rights, responsibilities and procedures related to alternate members set forth in said § 271 shall apply.
- J. The Planning Board shall appoint a secretary, who shall take minutes of all its meetings and keep its records.

- K. The Planning Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this chapter and all its resolutions and orders shall be in accordance therewith.

## Chapter 212. Zoning

### Article VIII. LS — Lakeshore Zone

#### § 212-43. Permitted uses.

Only the following buildings or uses are permitted in this district, and site plan approval, pursuant to the provisions of Article III, § 212-19, is required in unique natural areas and slope overlay areas:

- A. Single-family residences and their accessory buildings.
- B. Two-family residences and their accessory buildings.
- C. Any municipal or public utility purpose necessary to the maintenance of utility services except that substations and similar structures shall be subject to the same setback requirements that apply to residences.

#### § 212-44. Permitted accessory uses.

- A. The following are permitted accessory uses, which are customarily incidental to the permitted uses listed above in § 212-43:
  - (1) Accessory buildings, as defined in Article IV and subject to provisions of Article XXIV, § 212-167, Accessory buildings.
  - (2) Accessory dwelling unit, subject to the provisions of Article XX, § 212-128.
  - (3) Elder cottage, subject to the provisions of Article XX, § 212-139.5.
  - (4) Open-sided elevators/lifts.
  - (5) Temporary buildings, as defined in Article IV.
  - (6) Minor solar collection system subject to the provisions of Article XX, § 212-139.1.
- B. Site plan approval, pursuant to the provisions of Article III, § 212-19, is required in unique natural areas and slope overlay areas for the permitted accessory uses listed in this section.
- C. Permitted accessory uses without site plan approval. Such uses as are customarily incidental to the permitted uses listed above in this article, § 212-43.
  - (1) Signs as regulated under Article XX, § 212-122.
  - (2) Home occupations, where no more than one person residing off the premises is employed.

#### § 212-47. Lot area and yard requirements.

- A. There shall be no more than one principal building on any lot in the LS-Lakeshore Zone.

- B. Minimum lot area shall be two acres for lakefront lots and five acres for non-lakefront lots.
- C. Minimum lot width at the mean high-water elevation (MHWE) shall be 250 feet and minimum lot width at the road frontage shall be 250 feet for all non-flag lots.
- D. Minimum lot depth shall be 250 feet for lakefront lots and 450 feet for non-lakefront lots.
- E. Minimum setback, front and rear, shall be 50 feet from the highway right-of-way, and 50 feet where the lot abuts the lake; the MHWE shall be used for setback measurement. Docks, boat hoists, and boat ramps are permitted within the setback area.**
- F. Minimum side yard setbacks shall be 15 feet, except for a corner lot fronting on two public streets, where the minimum yard setback for the side yard to the street or road shall be 25 feet.
- G. Maximum building height for the principal dwelling shall be 32 feet above average grade measured at the building perimeter.
- H. Maximum lot coverage for all building footprints shall be 5% of the lot area. For lots with a single-family or a two-family residence, lot coverage calculations do not include driveways, walkways, or parking areas. The term "building footprint" is defined in Article IV, § 212-22.**
- I. Streams and wetlands are required to have a protective setback as defined in § 212-124.**
- J. No parking areas shall be constructed within 50 feet of the MHWE.
- K. Flag lots shall meet minimum lake frontage (250 feet) and lot area (two acre) requirements. Lot area excludes the pole. The pole shall connect to the road, not the lake. Non-lakeshore flag lots shall meet minimum lot area (five acres) excluding the pole. See Article XX, Design Standards, § 212-130.
- L. The above notwithstanding, in the case of a lot with frontage on the lake, accessory uses such as pump houses, docks, boat ramps and boat hoists typically associated with water-oriented recreational pursuits are permitted within the front yard setback area fronting on the lake; provided, however, that they are located outside of the required side yard setback areas and conform to the regulations or permits of the United States or New York State.
- M. For the purposes of cluster development on a lakefront lot, one dwelling unit will be allowed per 150 feet of lake frontage.
- N. Maximum building footprint shall be 3,500 square feet, except for accessory dwelling units which shall have a maximum floor area of 1,200 square feet pursuant to Article XX, § 212-128.

<b>Lot Area and Yard Requirements Summary</b>		
<b>Requirement</b>	<b>Lakefront</b>	<b>Non-Lakefront</b>
Lot coverage, maximum (percent)	5	5
Building height, maximum (feet)	32	32
Lot area, minimum (acres)	2	5
Maximum footprint of principal building (square feet)	3,500	3,500
Lakeshore frontage, minimum (feet)	250	Not applicable
Lot width at road frontage, minimum (feet)	250	250
Lot depth, minimum (feet)	250	450

<b>Lot Area and Yard Requirements Summary</b>		
<b>Requirement</b>	<b>Lakefront</b>	<b>Non-Lakefront</b>
Setback from lakeshore, minimum, measured from MHWE (feet)	50	Not applicable
Setback from road or rear property line (feet)	50	50
Side yard setback, minimum (feet)	15	15
Structure or parking area or road setback from perennial/intermittent stream, minimum (not in unique natural area or steep slope overlay (feet)	50	50
Structure or parking area or road setback from any perennial/intermittent streams, or federal wetland edge in unique natural area and steep slope overlay areas, minimum (feet)	75	75
Structure or parking area or road setback from any state wetland edge (feet)	100	100
Structure or parking area or road setback from any federally or locally designated wetland edge (feet)	50 - 100 (see § 212-48 below)	50-100 (see § 212-48 below)

## Chapter 212. Zoning

### Article XX. Design Standards

#### § 212-124. Standards for buffer areas.

##### A. Visual screening/Vegetated buffer.

- (1) Wherever a vegetated screening buffer area is required by this chapter, said buffer area shall be planted and maintained with vegetation that results in a visual barrier that is at least six feet in height from ground level within three years to five years. All vegetated buffers shall be maintained.
- (2) Vegetation within any required buffer area may consist of maintained lawn, shrubs or trees. Plants selected for use in any required buffer areas should be species that are hardy to the Finger Lakes region and that are noninvasive. Shrubs when planted may be two feet to four feet in height and must achieve six feet in height within three years to five years. Trees shall be six feet in height when planted.
- (3) At the discretion of the Planning Board, a fence may be substituted for vegetation to achieve the required six-foot high visual screen; provided, however, that:
  - (a) The width of the buffer area is not reduced below the minimum required by this chapter;
  - (b) The remaining portions of the buffer area shall be planted and maintained with vegetation.
- (4) In the case of new construction within a B1 — Business Zone or OTMU — Office Technology Mixed-Use Zone, such a visual barrier shall be planted or built prior to the issuance of any certificate of zoning compliance by the Zoning Officer.

##### B. Stream and wetland protection setback.

- (1) Healthy stream sides that are vegetated with native woody trees and shrub plants provide flood reduction, erosion control, groundwater filtration, surface water quality improvement, and wildlife habitat. Therefore, commercial parcels and properties and all properties in environmental overlay zones that are being considered for new development or building upgrades and that encompass or adjoin a stream or creek are required to maintain and protect the existing vegetated streamside habitat (i.e., setbacks) during and after construction, or restore the vegetation through plantings in those habitats where such vegetation has been removed.
- (2) U.S. Geological Survey topographical maps will be used to classify intermittent/impermanent and perennial/permanent streams. Impermanent or intermittent, also known as "seasonal," streams require a minimum of 25 feet of setback on each side of the stream, extending from the stream bank toward the uplands. Permanent/perennial streams are required to have a minimum 50 feet of buffer on each side of the stream, extending from the stream bank toward the upland.
- (3) No buildings or other structures, or parking areas, shall be located within 100 feet from any N.Y. State regulated wetland. No buildings or other structures, or parking areas, shall be



located within 50 feet from any federally or locally designated wetland.

Area or Zone	Setback		
<b>Setback to Taughannock and Trumansburg Creeks in all Zones</b>	<b>100 feet</b>		
<b>Specific Zone Setbacks</b>	<b>Perennial/Permanent</b>	<b>Intermittent/Impermanent</b>	<b>Wetland</b>
General setback if not otherwise noted	50 feet	25 feet	50 feet
A/R — Agricultural	50 feet	25 feet	50 feet
A2 — Special Agricultural	100 feet from a stream or any federal, state, or local wetland		
R — Residential (see § 212-41)	50 feet	50 feet	100 feet, state 50 feet, federal or local
<b>LS — Lakeshore (see § 212-47 for details)</b>	50 feet from any stream or lake. In UNA or steep slope overlay, setback is 75 feet	<b>50 feet.</b> <b>In UNA or steep slope overlay, setback is 75 feet</b>	<b>50 feet for federal and local wetlands</b> <b>100 feet for state wetlands</b>
C — Conservation (see § 212-55 for details) Regulations apply to buildings, structures, paved areas, or storage of equipment	50 feet May be increased by 50%	50 feet May be increased by 50%	100 feet May be increased by 50%
RM — Multiple-Residence (see § 212-133)	Buildings, structures, or parking: >100 feet from a stream edge Roadways: > 50 feet from a stream edge		Buildings, structures, or parking: >100 feet from a wetland Roadways: > 50 feet from a wetland
MHP — Manufactured Home Parks (see § 212-132L for more details)	No manufactured home, structures, parking areas or roads within 50 feet from any stream edge		100 feet from state wetland 50 feet from any federal or local wetland
HC — Hamlet Center	50 feet from any stream edge or any wetland for any building, structure, or parking area.		
HN — Hamlet Neighborhood (see § 212-81 for more details)	50 feet from any stream edge or any wetland for any building, structure, or parking area.		
WH — Waterburg Hamlet	50 feet from a stream edge or any federal or locally designated wetland for any building, structure, or parking area Setback to any state wetland is 100 feet		
B1 — Business (see § 212-93 for more details)	No buildings, structures, parking areas within 100 feet from any stream edge No roads within 50 feet from any stream edge		
MZ — Marina	100 feet from a stream edge or wetland		

Area or Zone	Setback		
<b>Setback to Taughannock and Trumansburg Creeks in all Zones</b>	<b>100 feet</b>		
<b>Specific Zone Setbacks</b>	<b>Perennial/Permanent</b>	<b>Intermittent/Impermanent</b>	<b>Wetland</b>
	See § <b>212-101</b> , Buffer areas, and § <b>212-102A(4)(c)</b> , Design standards		
OTMU — Office Technology Mixed-Use (see § <b>212-109</b> for more details)	Buildings, structures, or parking: >100 feet from a stream edge or wetland		
PR — Parks and Recreation	Buildings, structures, or parking: >100 feet from a stream edge or wetland or lake frontage using mean high water		
DD — Development Districts	See individual districts		
Design Standards — Animals (§ <b>212-126</b> )	Buildings where animals are kept: >100 feet from a stream edge or wetland		
Design Standards — campgrounds — seasonal, group and overnight (§ <b>212-127</b> )	Campsites, buildings, tents, structures, parking: >100 feet from a stream edge or wetland Roadways: > 50 feet from a stream edge or wetland		
Design Standards — extractive industry (§ <b>212-129</b> )	Mining activities, buildings, parking, equipment or production storage areas: >100 feet from a stream edge or wetland		
Design Standards — Sawmills (§ <b>212-136</b> )	Buildings, structures, log- or lumber-sorting or storage yards, parking or equipment storage: > 100 feet		
Design Standards — Farm operation, accessory commerce (§ <b>212-139</b> )	Buildings, structures, parking: >100 feet from wetland or perennial stream. Roadways: > 50 feet from stream edge of any perennial stream or wetland		

## (4) Applicability.

- (a) A 100-foot stream setback is required adjacent to Trumansburg and Taughannock Creeks. Vegetation in stream protection setbacks will consist of native tree and shrub species, tolerant of the conditions of flooding and soil saturation which are typical of such habitats, and generally designated as obligative wetland, facultative, facultative wetland, or facultative upland species in the U.S. Army Corps of Engineers' National Wetland Plant List (NWPL), (2016, as revised). This design includes approximately 75 feet of undisturbed mature forest directly adjacent to the bank, a middle zone 15 feet wide of actively growing forest with periodic thinning, and a third zone approximately 15 feet wide planted in warm-season grasses. Larger setbacks with wider zones are encouraged to provide greater stream protection.
- (b) The Town of Ulysses requires the delineation of any applicable stream or wetland setback areas on subdivision plats, site plan applications, special permits, and variance applications, building permit applications, excavation or fill permit applications, or any Land Development Activity as defined by the Local Law for Stormwater Management and Erosion & Sediment Control.
- (c) Classification of perennial and intermittent streams will be determined by U.S. Geological Survey topographical maps or determination by a New York State Licensed Geologist or

Tompkins County Soil & Water Conservation Zone. Intermittent, also known as "seasonal," streams require at least a minimum of 25 feet of setback on each side of the stream, extending from the stream bank toward the uplands. Perennial streams are required to have at least a minimum 50 feet of buffer on each side of the stream, extending from the stream bank toward the upland. Certain zones vary from these general setbacks.

- (d) Classification of wetlands will be determined by a qualified wetland delineator using the methodology contained in the U.S. Army Corps of Engineers Wetlands Delineation 1987 or latest version. A jurisdictional letter may be required by either the U.S. Army Corps of Engineers or N.Y. State Department of Environmental Conservation to confirm the wetland/upland boundaries.
- (5) Prohibited activities. The following activities are explicitly prohibited in the stream or wetland setback area.
  - (a) Storage or placement of any hazardous materials, before the following setback allotment, is prohibited. All sewage systems, both drain fields and raised systems and replacement of existing wells, must adhere to a 100-foot buffer from Trumansburg and Taughannock Creeks. Any property that cannot accommodate such a buffer requires a variance.
  - (b) Purposeful introduction of invasive vegetative species that reduce the persistence of local vegetation is prohibited. For a listing of invasive vegetation to avoid, refer to the Tompkins County Environmental Management Council's List of Invasive Plants of Tompkins County, New York (2018, as revised).
  - (c) Waste storage and disposal including but not limited to disposal and dumping of snow and ice, recyclable materials, manure, hazardous or noxious chemicals, used automobiles or appliance structures, and other abandoned materials.
  - (d) Public water supply wells must be greater than 200 feet from top of stream bank; private wells are not allowed in the stream setback area. Any property whose water supply cannot accommodate such a buffer requires a variance.
  - (e) Soil disturbance by grading, stripping, mining or removal of soil, sand and gravel, and quarrying of raw materials.
  - (f) Filling or dumping.
  - (g) Dredging, deepening, widening, straightening or any such alteration of the beds and banks of natural streams except where the New York State Department of Environmental Conservation has issued a permit expressly allowing such activities on the parcel.
  - (h) Storage or application of herbicide, pesticides, fertilizers, or other chemicals.
  - (i) Parking, storage, or operation of motorized vehicles.

**(6) Variance procedures.**

- (a) Variances from the above buffer and setback requirements may be granted only in accordance with the following provisions. Except as provided below, the Town of Ulysses Board of Zoning Appeals may not grant a variance from this ordinance without conducting a public hearing on the application for variance.
- (b) A variance may be granted only upon a finding that a property's shape, topography or other physical conditions prevents land development unless a variance is granted, or that strict adherence to the minimal buffer and setback requirements would create extreme hardship.
- (c) A variance request must include the following information in written documentation:

[1] A to-scale site map with stream, wetlands, slopes and other natural features locations as determined by field survey;

- [2] Description of the topography, slopes and soil type, shape of property, natural vegetation, and other distinguishing or prohibitive physical characteristics of the property;
  - [3] The locations and footprint of all existing structures and other impervious cover on a site map, with footprint for proposed structures. This map shall include the limits of all existing and proposed excavation, fill or other land development activity, both inside and outside the stream setback;
  - [4] The exact area of the affected buffer and setback, and nature of proposed changes to be made to these areas shall be accurately and clearly indicated. A calculation of the total area and length of the proposed intrusion and any pre-existing intrusions shall be included;
  - [5] A stormwater management plan given the proposed changes and intrusions;
  - [6] Documentation of supposed hardship should the buffer be maintained;
  - [7] Proposed mitigation for the intrusion.
- (7) The following matters will be considered in determining whether to issue a variance:
- (a) The shape and physical characteristics of the property;
  - (b) The locations of all streams and wetlands on and/or adjacent to the property;
  - (c) The location and extent of the proposed buffer or setback intrusion;
  - (d) Whether alternative designs are possible which require less intrusion;
  - (e) The water quality impacts of the proposed variance.

## Chapter 212. Zoning

### Article XXIV. General Provisions

#### § 212-167. Accessory buildings and accessory dwelling units.

- A. Except in the HC — Hamlet Center Zone, no accessory building or accessory dwelling unit may occupy more than 20% of any required yard setback and in no case shall exceed the maximum height permitted in the zone. For lots abutting Cayuga Lake, a boathouse in the front yard shall be a permitted accessory use.
- B. For the purposes of this chapter, tractor trailers, shipping containers, PODS<sup>®</sup>, and similar structures are not considered to be accessory buildings.
- C. Accessory buildings 120 square feet or smaller may be located as close as 10 feet from side and rear property lines, but may not occupy the required front yard space or setback area.
- D. Lots two acres in size and under shall be limited to two accessory buildings.
- E. On lots two acres in size or less, no accessory building whether attached or detached from the principal building shall occupy required front yard space or setback area.