



Board of Zoning Appeals
Zoom Hybrid Meeting
Draft Meeting Minutes
May 15, 2024
Approved: _____

Board Members Present: Chair Stephen Morreale, Cheryl Thompson, David Tyler, Andrew Hillman, Robert Howarth, Karen Meador

Quorum Present

Applicants Present: Michael Hamilton, Rebecca Hamilton, Laura Austen, Steve Terwilliger,

Members of the Public Present: Cindy Dew

Planning Board Members Present on Zoom: Linda Liddle

Town Board Members Present on Zoom: Mary Bouchard

Town Staff Present: Niels Tygesen, Mollie Duell

Proceedings

Chair Morreale called the meeting to order at 7:02 PM at Town Hall.

Approval of Past Meeting Minutes

Motion: Tyler motioned to approve the February 21, 2024 meeting minutes; Thompson seconded.

Vote: Thompson, aye; Tyler, aye; Chair Morreale, aye; Howarth, aye; Hillman, aye.

Motion Carried.

Privilege of the Floor

No members of the public addressed the Board pertaining to items not on the agenda.

New Business Items

A. VAR2404-01: Hamilton Area Variance

4179 Waterburg Rd, Parcel Number 23.-2-10.3

The applicant, Michael Hamilton, proposes to subdivide the existing 18.67 acre lot into two lots, 'Parcel A', a 16.67 acre lot, and 'Parcel B', a 2 acre lot with an existing house, barn, and well. The AR zone requires 400 feet of lot width at the front lot line, a minimum side yard setback of 30 feet, and a minimum rear yard setback of 75 feet per the Code of the Town of Ulysses ([CTU 212-29](#)). Three area variances are requested from the Board of Zoning Appeals (BZA) as part of overall subdivision review with the Planning Board: one for Parcel A to reduce the minimum side yard setback of 30' per [CTU 212-29.G](#) to 15' for a proposed new house, the second for Parcel B to reduce the minimum lot width at the front lot line of 400' per [CTU 212-29.D](#) to 250', and the third for Parcel B to reduce the minimum rear yard setback of 75' per [CTU 212-29.H](#). to 15' for an existing barn.

Tygesen explained that the Planning Board has conducted an initial review and requested additional information including details about wetlands and possible forest preservation areas.

Michael Hamilton stated that he and his family have chosen to pursue a variance instead of a cluster subdivision, which would have required some land to be conserved. The proposed subdivision will allow the Hamiltons to build a home for their family.

Chair Morreale asked what the reason for the subdivision is. Hamilton stated that the whole property deed is already in his name, and the bank will not allow building on the parcel unless it is subdivided.

Rebecca Hamilton elaborated on her conversations with the bank, who will not allow development until the property is fully paid off, which would be in a few years. A construction loan must be taken out on the new parcel. Currently the Hamiltons have horses, and they would like to expand to other farm animals in the future. If a flag lot was proposed, it would not require a variance, but this is not desirable to the Hamiltons because this would impact the location that is currently used as a hayfield.

Tygesen confirmed that no notice about the proposal has been distributed to the public pending more information from the applicants.

Rebecca Hamilton stated that neighbors could provide statements of support for the BZA.

Laura Austen, Rebecca's mother, who currently lives in the existing house on the parcel, stated that the goal is keeping the animals where they are, and she would like to stay in Trumansburg and have her family live next door. Austen spoke about plans for her son to eventually move into her home.

Linda Liddle spoke about the Planning Board's cluster subdivision review, stating that although the proposal counters current zoning regulations, this specific proposal seems like a good idea in a farming community.

Howarth asked if notice board posting requirements for public hearings have been approved by the Town Board. Bouchard replied that she was not sure exactly where the issue stands and will discuss it at the next Town Board meeting.

Meador asked about the 15-foot setbacks, noting that it looks like boundaries could be adjusted to meet the zoning requirement and reduce the number of sought variances.

The Hamiltons stated that they could make some adjustments to comply with side and rear yard setbacks and return with a single variance request for the 250 feet of road frontage instead of the required 400 feet. Chair Morreale stressed that a 150-foot reduction is significant. Rebecca Hamilton responded that it made sense to them to have one parcel in compliance rather than to have both parcels require a variance.

Howarth stated that the 400-foot frontage rule is critically important. There have been multiple thoughts about how to protect farmland long term, and the 400-foot rule has been the main way to achieve this. Under zoning regulations, a second house could be built on each parcel. Howarth suggested prohibiting future building if the application moves forward.

Hillman asked if a single driveway is planned to be shared by the existing and proposed home. Hamilton responded yes, adding that there is no intention to make any changes to the line of mature evergreens along the property's frontage. A second entrance on the property is used for tractor access.

Thompson asked if the owners are ok with putting in writing that they will only build one house per parcel. The Hamiltons expressed that they have no desire to build any additional houses.

Liddle reviewed discussions from the Planning Board review. The Board had asked to conserve wetland and woodland areas under a cluster subdivision application. Part of the property would be restricted to ensure that there is no further development.

Rebecca explained that a development restriction was preferable to conserving an area of the property and this is why they have chosen to pursue a variance instead of the cluster subdivision.

Tyler expressed that the proposed subdivision seems reasonable. Thompson agreed, adding that a cluster may be better than the 400-foot rule in some cases.

Meador briefly spoke about her concerns that zoning regulations may bring difficulties to those who have financial obstacles. If there were no building restrictions from the bank, the Hamiltons would be allowed to build the proposed home without subdividing and would comply with current zoning regulations. Meador noted that a deed restriction to limit future development would likely be required for subdividing with a variance.

Rebecca Hamilton stated that waiting is the only other option financially, and this is not ideal for their family, who would be living in a 2-bedroom house with 4 children.

Discussion ensued over possible scenarios in the future if the property were to be sold.

Howarth suggested pausing discussion until a public hearing is scheduled.

Chair Morreale noted that he did not find the provided architectural drawings relevant to the subdivision, and a clearer newer plat must be provided. Michael Hamilton confirmed that there is no significant grading on the property.

Discussion ensued over other ways the parcel could be divided.

Thompson asked if keeping the frontage as small as possible is preferred. Rebecca Hamilton replied yes, this would help share a driveway. Meador suggested considering if a shared driveway is ideal long term, adding that an easement would be needed.

Tyler stated that he finds the proposal reasonable if a deed restriction limiting the development of additional homes is included.

Michael Hamilton confirmed that only one variance is now sought for frontage width.

Tygesen asked whether the Board would require a survey for the next review. Chair Morreale responded that a survey is not needed, the map just needs to be visually clearer with wetland, stream, and topographical information included.

Tygesen confirmed the existing barn is conforming.

Town Board Liaison Report

Bouchard stated that the next Town Board meeting is in two weeks.

The next BZA meeting date will be determined in the upcoming week.

Tyler expressed concern about being able to meet upcoming training deadlines.

On June 6 the Town will conduct in-person training for staff and board members on ethics, sexual harassment, and workplace violence at the Town Hall in the morning. If unable to attend, the courses may be completed online. The deadline for completing training is June 30. Board members expressed interest in the Town providing specified training for the BZA.

Cindy Dew asked about the status of the Bennett area variance application. Tygesen replied that the Planning Board and BZA will continue their review when the additional requested information has been provided by the applicant.

Motion: Hillman motioned to adjourn the meeting; Tyler seconded.

Vote: Hillman, aye; Thompson, aye; Tyler, abstain; Chair Morreale, aye; Howarth, aye.

Motion Carried.

ADJOURNED 8:17 PM

Mollie Duell

Board of Zoning Appeals Secretary