



Board of Zoning Appeals
Zoom Hybrid Meeting
Draft Meeting Minutes
July 17, 2024
Approved: _____

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

Absent Board Members: Robert Howarth

Quorum Present

Applicants Present: Michael Hamilton

Town Staff Present: Niels Tygesen, Mollie Duell

Proceedings

Chair Morreale called the meeting to order at 7:01 PM at Town Hall.

Approval of Past Minutes

Motion: Tyler motioned to approve the May 15, 2024 meeting minutes; Meador seconded.

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

Motion Carried.

Old Business Items

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', approximately 16.28 acre lot, and 'Parcel B', approximately 2.39 acre lot with an existing house, barn, and well. The A/R 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. One area variance is requested from the Board of Zoning Appeals (BZA) as part of overall subdivision review with the Planning Board: to reduce the minimum lot width at the front lot line of 400' per CTU 212-29.D to 254' for proposed Parcel B.

Michael Hamilton stated that a new map showing wetlands with the 50' buffer has been submitted. The setbacks from two sides of the barn have been increased to comply with the zoning code.

Tyler asked Hamilton about the letter from the Tompkins County Planning Department. The County recommends that a building envelope is added to the plat. Hamilton responded that his family has no interest in building near the wetlands.

Tygesen clarified that a supermajority vote would be required only if the Board does not include the County's recommendation in the decision. Chair Morreale confirmed that the

applicants are willing to accept the County's recommendation. Tygesen stated that the buildable area would need to be delineated on the final plat map as part of the Planning Board's final plat review.

Chair Morreale asked what the restrictions in the buffer zone would be for tilling or other agriculture. Tygesen explained that restrictions related to agriculture can become complicated due to State Ag and Markets.

Meador spoke about clarifying that a proposed development limitation would be to prohibit additional residences being constructed; the deed restriction should not apply to a shed, barn, or other accessory buildings that are not dwelling units. Hamilton expressed that he is fine with adding a deed restriction.

Tyler asked about driveways. Hamilton stated that an easement would be written up for a shared driveway.

Tygesen stated that the Planning Board's review of the final plat is pending the variance decision.

Hamilton confirmed that Parcel A would have 400 feet of frontage and Parcel B would have 254 feet of frontage.

Chair Morreale stated that 254 feet is far from what is normally accepted, but because of the deed restriction he feels okay about this.

Tygesen noted that a survey will be required for the Planning Board's final plat approval.

The Board discussed a hearing to be scheduled for August 7.

ZCA2407-01: Zoning Code Amendment to 212-16, Board of Zoning Appeals

Town Legal drafted a code amendment to the Code of the Town of Ulysses 212-16 related to notification of public hearings for the Board of Zoning Appeals (BZA). The current proposal would add a requirement for subject property to be posted with the notice at least 10 days prior to the hearing and for the notice to be readily visible from the nearest adjacent public road.

Discussion ensued over what the sign would be required to look like.

Tygesen stated that there are no restrictions under State or local law. The Planning Board currently posts signs. These signs would not be restricted by the Town's sign ordinance. For the Planning Board's notice signs, the same language is used for the newspaper legal notice and mailed notice to neighbors.

Discussion ensued over possible legal issues that could come from signage.

Hillman noted that the initial request for signage had been brought up to increase awareness of hearings for residents who are not close enough to the site to receive notices by mail.

Tygesen stated that the newspaper notice costs are covered by the applicant and the cost for the signs is incorporated into the application fees.

Town Board Liaison Report

No Town Board members attended the meeting.

Motion: Hillman motioned to adjourn the meeting; Chair Morreale seconded.

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

Motion Carried.

ADJOURNED 7:56 PM

Mollie Duell

Board of Zoning Appeals Secretary