



TOWN OF ULYSSES

BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS MEMO

TO: Town Board
FROM: Board of Zoning Appeals
DATE: August 21, 2024
MEETING DATE: September 10, 2024
SUBJECT: Proposed Zoning Code Amendment for BZA Hearing Notice Signs

The BZA met on July 17, 2024 to discuss the draft code amendment by Town Legal to the Code of the Town of Ulysses 212-16.A.10 related to notification of public hearings for the BZA. After deliberation, the BZA determined no amendment or changes were needed to the draft language and unanimously voiced approval.

Stephen J Morreale

Stephen Morreale
Board of Zoning Appeals Chair

**EXHIBIT A
TOWN OF ULYSSES
LOCAL LAW NO. ____ FOR THE YEAR 2024**

BOARD OF ZONING APPEALS ZONING CODE AMENDMENT

Be it enacted by the Town Board of the Town of Ulysses as follows:

Section 1. Section 212-16 entitled “Board of Zoning Appeals” shall be amended as follows:

A.(1) through (9) *Remains the same.*

A.(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. **Notice of public hearings shall, in addition to all other requirements for publication of a hearing notice pursuant to the Laws of the State of New York, be posted on the subject property in a manner that is readily visible to the public from the nearest adjacent public road at least 10 days prior to the subsequent public hearing.**

A.(11) *Remains the same.*

B through D *Remains the same.*

Section 2. Remainder

Except as hereinabove amended, the remainder of the Code of the Town of Ulysses shall remain in full force and effect.

Section 3. Severability

The provisions of this Local Law are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

§ 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. Notice of public hearings shall, in addition to all other requirements for publication of a hearing notice pursuant to the Laws of the State of New York, be posted on the subject property in a manner that is readily visible to the public from the nearest adjacent public road at least 10 days prior to the subsequent public hearing.

- (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.

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.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Zoning Code Amendment to Board of Zoning Appeals			
Project Location (describe, and attach a location map): Town-wide			
Brief Description of Proposed Action: The Town of Ulysses intends to amend the Code of the Town of Ulysses, Chapter 212 Zoning, Article III Administration, Section 19 Board of Zoning Appeals.			
Name of Applicant or Sponsor: Town of Ulysses Town Board		Telephone: 607.387.5767 x232 E-Mail: supervisor@townofulyssesny.gov	
Address: 10 Elm Street			
City/PO: Trumanburg		State: NY	Zip Code: 14886
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 checked="" 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 type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input 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, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	N/A <input type="checkbox"/> <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO <input type="checkbox"/>	YES <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? 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?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input 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? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input 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 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?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 20px;"> a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? </div> If Yes, briefly describe:	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>
<p>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor/name: <u>Town of Ulysses</u> Date: <u>08.30.2024</u></p> <p>Signature: _____ Title: <u>Town Supervisor</u></p>		

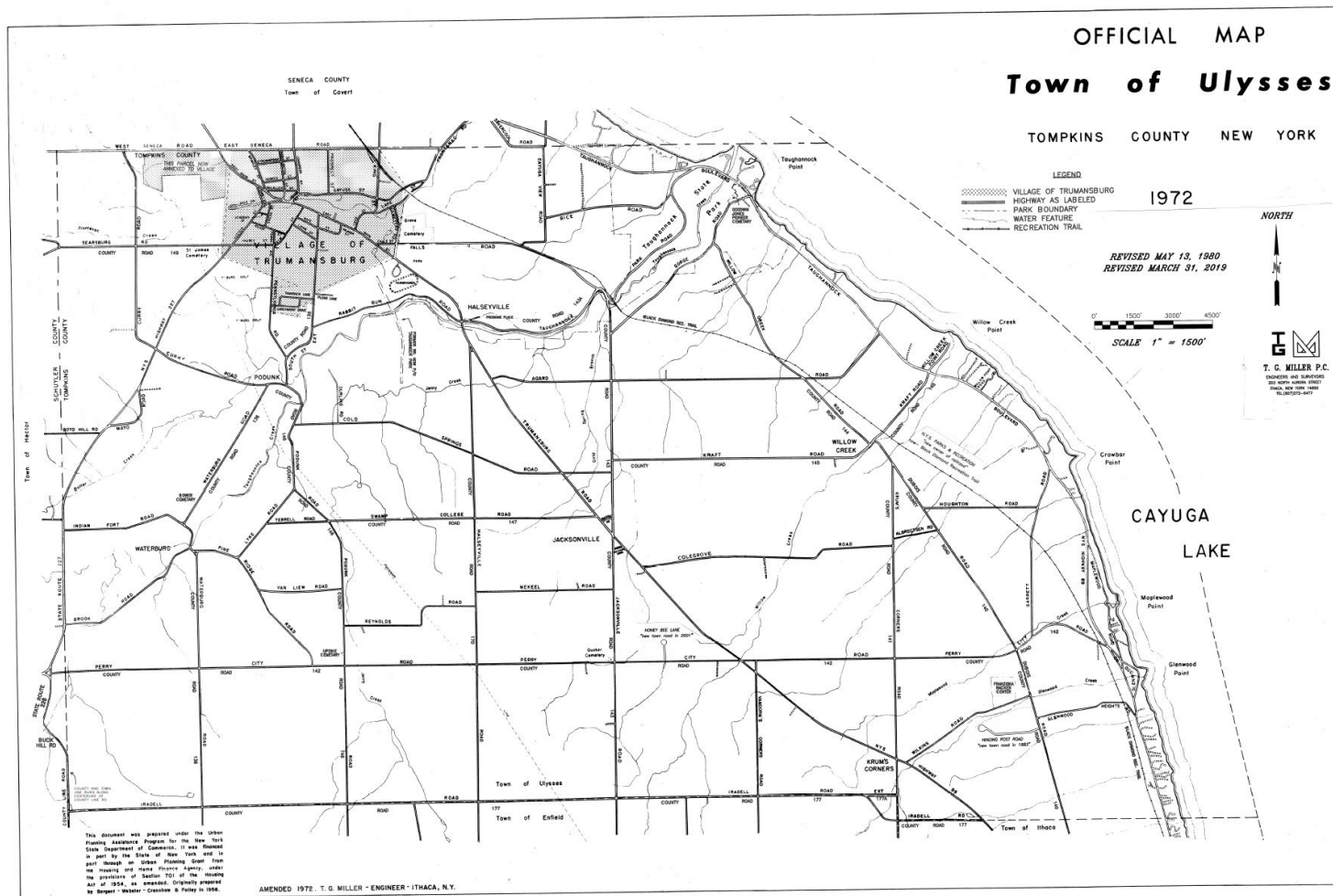
SUBJECT: Zoning Code Amendment to Board of Zoning Appeals, SEAF Part 1 Narrative

PROJECT NUMBER: ZCA2407-01

PROJECT LOCATION: Town-wide

The intent of the proposed action is to amend a sub-section of Code of the Town of Ulysses, Chapter 212 Zoning, Article III Administration, Section 19 Board of Zoning Appeals. This action will make a minor amendment to the existing code to require posting of properties, subject to actions by the Board of Zoning Appeals, with a notice of public hearing.

SUBJECT: Zoning Code Amendment to Board of Zoning Appeals, SEAF Part 1 Location Map
PROJECT NUMBER: ZCA2407-01
PROJECT LOCATION: Town-wide



Town of Ulysses, Official Map 2019



TOWN OF ULYSSES

PLANNING AND ZONING DEPARTMENT

STAFF MEMO

TO: Town Board
FROM: Niels Tygesen, Planner
DATE: August 30, 2024
MEETING DATE: September 10, 2024
SUBJECT: Zoning Code Amendment to Board of Zoning Appeals

PROJECT NUMBER: ZCA2407-01
PROJECT LOCATION: Town-wide

INTRODUCTION

The Board of Zoning Appeals (BZA) made a request to their Town Board Liaison for the Town Board to amend the zoning code to require posting of properties, subject to actions by the BZA, with a notice of public hearing.

PROCESS

Town Legal drafted a proposed local law that would amend the Code of the Town of Ulysses ([CTU 212-16.A.10](#)) that would codify the requirement to post subject property with a notice of public hearing. The BZA discussed the draft code amendment during their meeting on [July 17, 2024](#), and determined no amendment or changes were needed to the draft language and unanimously voiced approval. Under the [Consolidated Laws of New York \(CLNY\) 62.16.265](#), the Town Board may amend the zoning code subsequent to a public hearing. [CTU 1-7](#) states the Code of the Town of Ulysses may be amended as the Town Board deems desirable. And [CTU 212-12](#) states the zoning code regulations may be amended by the Town Board pursuant to local law. The action is considered an unlisted action under SEQR per [Title 6 of the Codes, Rules, and Regulations of New York](#) which the Town Board will act as Lead Agency. The proposal was submitted to the County for review as it is not exempt from the requirements of [CLNY 24.12-B.239-L, M, or N](#).

PLANNING STAFF RECOMMENDATIONS

Planning staff recommend the Town Board amend the zoning code as drafted.

REQUEST TO THE TOWN BOARD

Review the information in this memo; [review the proposed drafted code amendment](#); [review the drafted resolution and local law](#); [review the BZA's memo to the Town Board](#); [review the drafted SEQR documents](#); and consider additional materials that may be needed by the Board from Legal and/or staff to facilitate its deliberations.