



Board of Zoning Appeals
Zoom Hybrid Meeting
Draft Meeting Minutes
February 19, 2025
Approved: _____

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

Quorum Present

Applicants Present: Shawn Ritchie, Deena Crossmore, Ed Crossmore

Town Staff Present: Mollie Duell, Niels Tygesen

Planning Board Members Present on Zoom: Linda Liddle

Proceedings

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

Approval of Past Minutes

Motion: Hillman motioned to approve the October 23, 2024 meeting minutes as written; Meador seconded.

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

Motion Carried.

New Business Items

VAR2501-01, Crossmore Area Variances

1125 Taughannock Blvd, Parcel Number 31.-2-16

The applicant, Shawn Ritchie, on behalf of the owner, Deena Crossmore, proposes to construct a new 50' tram system from the upper portion of the subject lot down the steep slope to the lower portion of the lot near the shoreline. Two area variances are requested from the Board of Zoning Appeals (BZA) as part of overall site plan review with the Planning Board: reduction of the 50' minimum required front yard setback under the Code of the Town of Ulysses (CTU) 212-47.E and reduction of the 75' minimum required buffer setback from the lake under CTU 212-124.B.

Tyler recused himself from the hearing due to his association with the owner and left the meeting at 7:18 PM.

Shawn Ritchie of FLX Tram spoke about the plans for the proposed tram which would provide a safer access route to the Crossmores' home. Their tram systems are installed with hollow aluminum pilings and the distance between them can be adjusted if needed.

Board members reviewed photos of the site.

Chair Morreale asked why three stations are needed. Ritchie explained that the main use of the tram would be for traveling between the parking area and the house. The second section would travel further down to the lake. Tygesen verified that no stream or side lot line setbacks are impacted by the tram.

Tygesen reviewed comments from the County Planning Department's 239 review. The letter states that the project will have no significant impact but suggests minimizing disruption to the Unique Natural Area.

Hillman asked the maple tree that may be in the tram's path could remain in place. If the tram is constructed further to the north, hill shaping may be needed and walking distance will increase. Discussion ensued over potential erosion issues that could result from the tree's root system being compromised. Moore asked Ritchie if he has ever observed problems resulting from tree removal. Ritchie stated that he has never seen a hill fail due to a tram installation, mentioning the shale in the finger lakes are not as erodible as sandy soils found on Lake Ontario.

Meador asked about the health of the tree and spoke about general tree health issues, expressing concern for increased wildfire risk. Ed Crossmore explained that the tree is healthy but would prefer to have the tram for safety. Hillman mentioned that this tree canopy is also beneficial for slowing rainfall. Chair Morreale expressed concern over no other significantly sized trees adjacent to the installation site. Discussion ensued over general tree health issues and wildfire risks.

Tygesen asked if the tree were cut if the stump could remain and if it would interfere with the tram. Ritchie stated that they do not excavate stumps and it should not interfere with the system. Discussion ensued over alternative solutions. Ed Crossmore stated he would be willing to reduce the distance to the lake as most use would be from the parking area to the middle station.

Motion: Meador motioned to approve Board of Zoning Appeals Resolution No. 2025-001: A Resolution for two Area Variances for the Crossmore Tram Located at 1125 Taughannock Boulevard, Town of Ulysses, Tax Parcel 31.-2-16; Thompson seconded.

Whereas, a request for two area variances was submitted to the Board of Zoning Appeals (BZA) by Shawn Ritchie, FLX Tram, applicant and representative of Deena Crossmore, owner, for property located at 1125 Taughannock Boulevard (tax map # 31.-2-16); and

Whereas, the subject lot is zoned LS: Lakeshore zone and is in the HzE (Hudson and Dunkirk soils, 20% to 45% slopes) steep slope overlay and the Glenwood Ravine and Lake Slopes Unique Natural Area; and

Whereas, the request includes two separate area variances which are related to a site plan application with the Planning Board to construct a new 50-foot tram system within required setbacks; and

Whereas, the first area variance request is relief from 212-47.E and 212.167.A to construct the tram within the 40 foot minimum required front yard setback; and

Whereas, the second area variance request is relief from 212-124.B to permit the tram within the 75 foot minimum required setback from the lake; and

Whereas, all requested variances are a Type II action under the Code, Rules, and Regulations of the State of New York Title 6, Part 617 (SEQR), Section 5.c.16 "granting of individual setback and lot line variance..." and requires no further review; and

Whereas, the action required 239 review, and Tompkins County determined in their comment letter dated February 14, 2025, that the proposal will not have a significant county-wide or inter-community impact, and provided a comment for the Board to consider; and

Whereas, the BZA did conduct a meeting on February 19, 2025 and discussed the proposed variance requests; and

Whereas, notice of the public hearing was published in the Ithaca Journal, was posted on the Town's Public Legal Notice Board, was posted on the Town's webpage, and was mailed to property owners within a 500-foot radius of the subject property; and

Whereas, the BZA did conduct a public hearing on February 19, 2025 where it reviewed a site plan entitled "Crossmore – Site Plan", prepared by FLX Tram dated January 9, 2025 and other application materials; and

Whereas, by considering the criteria listed in the Consolidated Laws of New York Chapter 62, Article 16, Section 267-B.3.b, the BZA reviewed the record and weighed the benefits to the applicant against the detriment to the health, safety and welfare of the neighborhood if the variances were granted; and

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 variances.
2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than area variances.
3. Whether the requested area variances are substantial.
4. Whether the proposed variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. Whether the alleged difficulty was self-created.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS,

Considering all of the statutory factors set forth above, the Board of Zoning Appeals finds the following:

1. The benefit to the applicant in the granting of the area variance to decrease the front yard setback will outweigh the detriment to the health, safety and welfare of the neighborhood.
2. The granting of the area variance to decrease the front yard setback will not create an undesirable change in the character of the neighborhood and will not be a detriment to nearby properties. The structure is minimally disruptive and consistent with others in the neighborhood.
3. The benefit sought by the applicant to decrease the front yard setback cannot be achieved by some method, feasible for the applicant to pursue other than an area variance. The applicant has considered other alternatives but there were no options that did not require an area variance.
4. The requested area variance to decrease the front yard setback is substantial.

5. The proposed area variance to decrease the front yard setback will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because as discussed, the sole maple tree in proximity will be preserved subject to the conditions of approval.
6. The alleged difficulty necessitating the request to decrease the front yard setback is self-created.
7. The benefit to the applicant in the granting of the area variance to decrease the setback from the lake will outweigh the detriment to the health, safety and welfare of the neighborhood with the conditions in place.
8. The granting of the area variance to decrease the setback from the lake will not create an undesirable change in the character of the neighborhood and will not be a detriment to nearby properties.
9. The benefit sought by the applicant to decrease the setback from the lake cannot be achieved by some method, feasible for the applicant to pursue other than an area variance. The applicant has considered other alternatives but there were no options that did not require an area variance.
10. The requested area variance to decrease the setback from the lake is substantial.
11. The proposed area variance to decrease the setback from the lake will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, subject to the conditions of approval.
12. The alleged difficulty necessitating the request to decrease the setback from the lake is self-created.

For the reasons set forth above, and upon the evidence, law and facts, the BZA hereby does grant the area variance to decrease the front yard setback from the east lot line from 40 feet to 30 feet, and does grant the area variance to decrease the setback from the lake from 75 feet to 30 feet for the proposed new tram located at 1125 Taughannock Boulevard, subject to the following conditions:

Conditions of Approval:

1. A revised site plan or survey shall be submitted to the Planning Board for their final site plan review that delineates the proposed tram in relation to the UNA-91 boundaries (the Glenwood Ravine and Lake Slopes Unique Natural Area), along with existing mature vegetation (trees and shrubs) within the proposed location of the tram.
2. There shall be minimal disturbance of the land during construction to the maximum extent feasible. No trees will be removed, including the 6-inch maple at the top of the slope that has been of concern.

Ayes: Chair Morreale, Hillman, Meador, Thompson

Nays: None

Absent: None

Abstain: Tyler

2025 Required Board Member Training

Each year, BZA members are obligated to comply with both the State's and Town's training requirements. Per the Consolidated Laws of New York Chapter 62.16.271.7-a, four hours of training designed to enable members to more effectively carry out their duties must be completed, any additional training may be carried over to succeeding years. Per the Code of the Town of Ulysses Chapter 212-17.E and Town Board Resolution 2025-31, members must comply with State law noted above and must complete annual training in sexual harassment prevention, Civil Rights Title VI, and ethics, provided by the Town.

Board members discussed organizing a training session with the Town's lawyer.

Discussion ensued over wetland definitions.

Staff Report

Tygesen spoke about the potential land donation for recreational use on Cold Springs Rd, suggesting that BZA Members review the February 11 Town Board meeting video. An area variance would be needed to reduce the width of the flagpole to subdivide the land. The Town Board is expected to issue notice of intent to act as lead agency at their next meeting.

Town Board Liaison Report

No Town Board members attended the meeting.

Motion: Hillman motioned to adjourn; Meador seconded.

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

Motion Carried.

ADJOURNED 9:02 PM

Mollie Duell

Board of Zoning Appeals Secretary