

**Board of Zoning Appeals
Zoom Hybrid Meeting
Meeting Minutes
August 16, 2023
Approved: September 6, 2023**

Board Members Present: Andrew Hillman, David Tyler, Robert Howarth, Tom Butler, Chair
Stephen Morreale

Board Members Absent: Cheryl Thompson

Quorum Present

Applicants Present: Matthew Hatton, Charles Gaulke, Amy Gaulke, Pete Angie, Anne Koreman,
Cameron Neuhoff, Nancy Zahler, Carrie Pollak, Steve Knapp, Jessica Janssen, Ivan Garcia

Town Board Present: Rich Goldman

Town Legal Present: Nate VanWhy

Others Present: Linda Liddle

Town Staff: Niels Tygesen, Mollie Duell

Members of the Public: Amy Panek, Amalie Brewer, Diane Hillmann

Proceedings

Chair Morreale called the meeting to order at 7:00 PM at Town Hall.

Motion: Howarth made a motion to appoint Butler as a voting member for the duration of the meeting; Hillman seconded.

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

Motion Carried.

Approval of Agenda

Motion: Tyler made a motion to move VAR2303-002 to the end of the meeting, Howarth seconded.

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

Motion Carried.

Approval of Past Meeting Minutes

The BZA postponed the approval of the February 15 meeting minutes.

Motion: Howarth made a motion to approve the July 19 meeting minutes; Butler seconded.

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

Motion Carried.

Privilege of the Floor

No members of the public approached the Board regarding any items not on the agenda.

Old Business Items

VAR2306-01, Gaulke Area Variance, Public Hearing

The applicant, Shawn Ritchie, on behalf of the owner, Chris Gaulke, proposes to construct a new 100' 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. The Board previously discussed the proposal during its meeting on and July 19, 2023.

Matthew Hatton of FLX Trams stated that the proposed tram will be 25 feet longer than the Klankowski tram, which recently received variance approval. Hatton also noted that the tram will be constructed outside of the boundary of the Unique Natural Area located in part of Gaulke's property.

Butler explained that the Klankowski tram was granted a variance because an existing staircase was excessive to climb.

Hatton noted that trams are preferable over stairs because they create a smaller footprint.

During the BZA meeting on July 19, BZA members indicated that a site visit would be important in making a decision about whether a variance should be granted.

Gaulke was asked why a request for a site visit was denied; Gaulke responded that he was not opposed to a site visit, but he did not understand the urgency to complete a visit before tonight's meeting. Gaulke continued to explain that a visit was not scheduled because he felt that coordinating access to the site is challenging, requiring traveling through his neighbor's property.

Chair Morreale expressed interest in gathering more information about trees located near the site.

Butler stated that no visit was made to the Klankowski property because photographs of the staircase justified the benefit for a tram. BZA members agreed that photographs did not provide a clear enough picture of Gaulke's property.

Tyler asked about the location of the Unique Natural Area covering part of Gaulke's property.

The applicants shared GIS imagery of the parcel showing the boundaries of the Unique Natural Area and the site where the tram is proposed to be built.

Chair Morreale indicated that a site visit would ensure a better chance of variance approval.

Gaulke agreed to schedule a site visit before proceeding with a vote.

Motion: Howarth made a motion to table the hearing on VAR2306-01 pending a site visit by BZA members; Hillman seconded.

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

Motion Carried.

Tygesen noted that the Gaulke project will still require site plan approval from the Planning Board.

Chair Morreale added that adding a staircase through the property would likely not be allowed by the BZA; Gaulke expressed interest in not building a staircase in the future.

VAR2306-02, Jacksonville Park Area Variance, Public Hearing

The applicant, Pete Angie, on behalf of the owner, Jacksonville Community Association, Inc., proposes to construct improvements to Jacksonville Community Park, including a new off-street parking area and path, in order to improve accessibility and use of the park. Three area variances are requested from the Board of Zoning Appeals (BZA) as part of overall special permit and site plan review with the Planning Board: reduction of the 100' minimum required stream buffer required under the Code of the Town of Ulysses (CTU) 212-115.A to 25' for the proposed ADA off-street parking area, reduction of the 100' minimum required stream buffer required under CTU 212-115.A to 25' for the proposed overflow off-street parking area, and reduction of the 100' minimum required stream and wetland buffers required under CTU 212-115.A to 74'-10" for an existing ADA compliant restroom. The Planning Board will be briefed on the proposal during their July 18th meeting for Sketch Plan Review.

Pete Angie, chair of the Jacksonville Community Association, explained that the plans for the park were developed after surveying the community about what they would like to see in the park. Angie described the organizational problems with the current layout of the park. The parking lot is next to the pond, and moving it would allow people to gather near the pond. Parking would not be increased, only relocated, but it would then be encroaching on an intermittent stream.

Angie stated that the overall goal of the project is to improve accessibility throughout the park.

A 4-foot wide ADA compliant path would be created to connect features of the park.

Angie expects that there would be 2 to 5 events scheduled per year, and the proposed changes would support these events.

Discussion ensued over the intermittent stream.

Howarth asked how parking estimates were determined.

Angie stated that on a typical day, 2-3 people are parked at a time walking their dogs. The current overflow parking for larger gatherings does not accommodate mobility impaired individuals.

Butler expressed support for the proposed changes, noting that he uses the park frequently and appreciates the efforts to improve the space.

Discussion ensued over the recent wetness in the parking area and the intermittent stream.

Anne Koreman stated that gravel would provide support for parking.

Hillman suggested that there could be better options to avoid encroaching on stream buffers.

Angie responded that the parking is already encroaching on a buffer, and moving the parking area would reduce the potential issues. The only other option for parking location is the grass immediately adjacent to the pavilion, which would increase the footprint caused by gravel. If parking is shifted out of the buffer, the only flat playing area in the park would be lost; this area is used for larger picnics and sports.

Previous president of the JCA Dianne Hillmann described the improvements that have been made to the park since the JCA began managing the area. Hillmann urged the BZA to consider that the currently proposed park layout is the best possible design, stating that these plans have been developed with experience and care.

Angie added that the other potential parking area is where the leech field is proposed, and it could not be driven over.

Discussion ensued over buffer regulations that changed as a result of the 2019 zoning update and the work that had been done prior to zoning changes.

Discussion ensued over the location of the restroom.

Nancy Zahler, previously a Town Board member, shared her recollections of the process surrounding the 2019 zoning update. Zahler stated that the new zoning ordinance was adopted in December 2019. In the fall of 2019, the health department advised the JCA that the best and safest location for the restroom was at its current location. The water line was created in December 2019 to run from Swamp College road to the concrete pad where the bathroom was located. Previously the park was in the Hamlet zone, which requires significantly smaller setbacks than the current Park zone.

Zahler stated that she reached out to Liz Thomas, the former Town supervisor, John Zepko, the Town's previous planner, and CJ Randall. Zahler asked if anyone could recall a specific discussion about park setbacks, and no one could recall such a conversation taking place; Zepko only remembered confusion about setbacks.

Howarth believed that the Town Board developed the setback guidelines specifically for the Jacksonville Park, as the only other park in the Town is Taughannock State park; Howarth believes the State Park is not required to follow Town zoning code.

Tygesen referenced the Town zoning map to show each parcel zoned Park and Recreation. There are a total of six areas zone Park and Rec.: Jacksonville Park, Cayuga Nature center, Trumansburg Golf Club, Smith Woods Nature Preserve, Habitat Nature Preserve, and Taughannock Falls State Park.

Hillman asked how the restroom would be maintained.

Angie explained that the JCA would develop a contract with the neighboring Montessori school, who uses the park regularly. Someone would be hired to clean the restroom weekly in the warmer season.

Amelie Brewer of 3015 Swamp College Road spoke about the proposed changes, showing general support for the plans other than the overflow parking; Brewer expressed concern about people using the parking area after the park has closed and worried about potential environmental impacts from cars parking on the grass.

Angie replied that increased use of the overflow parking lot would likely decrease the likelihood for criminal activity. Angie noted that he has spoken with the Sherriff's Department about patrolling the area.

Butler stated that the benefits of the changes outweigh the potential problems, and there is no perfect solution.

Discussion ensued over parked cars leaking gasoline and other caustic fluids, in relation to the history of gasoline pollution in Jacksonville.

Angie suggested controlling where people park by developing the landscape to limit access.

Goldman stated that he believes the Board would have exempted the JCA from the updated zoning regulations if they had anticipated this proposal, in order to avoid the need for variances.

Chair Morreale asked how many park attendees require accessible parking.

Koreman explained that accessibility does not always mean ADA or permanent disabilities are being accommodated. The proposal would also assist people who are carrying large objects such as coolers, or people who are pushing strollers.

Discussion ensued over the recommendations described in the letter from the County.

Andrew Hillman stated that he had spoken to residents of Jacksonville who expressed opposition to having a restroom in the park, because they would prefer to travel home to their own bathrooms.

Diane Hillmann explained that the restroom is necessary for those who cannot wait to travel home to use a bathroom, such as older people, especially women, who can otherwise not plan to spend time in the park. Cameron Neuhoff, a member of the JCA, agreed that a bathroom is necessary to welcome visitors who are traveling to the park from outside Jacksonville.

Following brief discussion, Angie and the BZA agreed to divide the variances into three resolutions.

Motion: Butler made a motion to approve Resolution 2023-005; Tyler seconded.

Resolution No. 2023-005, A Resolution for an Area Variance for the Jacksonville Community Park Located at 3037 Swamp College Road, Town of Ulysses, Tax Parcel 25.-6-7

Whereas, a request for an area variance was submitted to the Board of Zoning Appeals (BZA) by Pete Angie, on behalf of the owner, Jacksonville Community Association, Inc., for property located at 3037 Swamp College Road (tax map # 25.-6-7), and which is approximately 10.5 acres in size, zoned P/R: Park/Recreation; and

Whereas, the requested area variance is related to a special permit and site plan application with the Planning Board to construct improvements to Jacksonville Community Park as shown on the site plan dated August 3, 2023; and

Whereas, the area variance request is relief from the Code of the Town of Ulysses [212-115.A](#), to decrease the 100 foot minimum stream buffer to construct an ADA off-street parking area; and

Whereas, the action required 239 review, and Tompkins County determined in their comment letter dated July 24, 2023, that the proposal will have a significant county-wide or inter-community impact, and recommended modifications and comments for the Board to consider; and

Whereas, the BZA did conduct a meeting on July 19, 2023 and discussed the proposed variance requests; and

Whereas, notice of the public hearing was published in the Ithaca Journal on August 9, 2023, 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 August 16, 2023 were it reviewed a site plan entitled "Site Plan Drawing No Z1.01", prepared by CDN dated August 3, 2023 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 variance.
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 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.
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 100 foot minimum stream buffer to 25 feet in order to construct an ADA off-street parking area will outweigh the detriment to the health, safety and welfare of the neighborhood.
2. The granting of the area variance to decrease the 100 foot minimum stream buffer to 25 feet to construct an ADA off-street parking area will create an undesirable change in the character of the neighborhood and will be a detriment to nearby properties.
3. The benefit sought by the applicant to decrease the 100 foot minimum stream buffer to 25 feet to construct an ADA off-street parking area cannot be achieved by some method, feasible for the applicant to pursue other than an area variance.
4. The requested area variance to decrease the 100 foot minimum stream buffer to 25 feet to construct an ADA off-street parking area is substantial.
5. The proposed area variance to decrease the 100 foot minimum stream buffer to 25 feet to construct an ADA off-street parking area will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
6. The alleged difficulty to decrease the 100 foot minimum stream buffer to 25 feet to construct an ADA off-street parking area 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 stream buffer from 100 feet to 25 feet to construct an ADA off-street parking area as part of the proposed improvements to Jacksonville Community Park located at 3037 Swamp College Road, subject to the following conditions of approval:

Conditions of Approval

1. The proposal shall utilize lower-level LED lighting, and all outdoor LED lighting shall not be higher than 2700 CCT.
2. There shall be no more than fifteen vehicles parked on the subject lot.

Ayes: Tyler, Howarth, Butler, Chair Morreale

Nays: Hillman

Absent: Thompson

Abstain:

Variance Granted.

Motion: Butler made a motion to approve Resolution 2023-006; Tyler seconded.

Resolution No. 2023-006, A Resolution for an Area Variance for the Jacksonville Community Park Located at 3037 Swamp College Road, Town of Ulysses, Tax Parcel 25.-6-7

Whereas, a request for an area variance was submitted to the Board of Zoning Appeals (BZA) by Pete Angie, on behalf of the owner, Jacksonville Community Association, Inc., for property located at 3037 Swamp College Road (tax map # 25.-6-7), and which is approximately 10.5 acres in size, zoned P/R: Park/Recreation; and

Whereas, the requested area variance is related to a special permit and site plan application with the Planning Board to construct improvements to Jacksonville Community Park as shown on the site plan dated August 3, 2023; and

Whereas, the area variance request is relief from the Code of the Town of Ulysses [212-115.A](#), to decrease the 100 foot minimum stream buffer for a proposed overflow off-street parking area; and

Whereas, the action required 239 review, and Tompkins County determined in their comment letter dated July 24, 2023, that the proposal will have a significant county-wide or inter-community impact, and recommended modifications and comments for the Board to consider; and

Whereas, the BZA did conduct a meeting on July 19, 2023 and discussed the proposed variance requests; and

Whereas, notice of the public hearing was published in the Ithaca Journal on August 9, 2023, 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 August 16, 2023 where it reviewed a site plan entitled "Site Plan Drawing No Z1.01", prepared by CDN dated August 3, 2023 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 variance.
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 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.

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 100 foot minimum stream buffer to 25 feet for a proposed overflow off-street parking area will outweigh the detriment to the health, safety and welfare of the neighborhood.
2. The granting of the area variance to decrease the 100 foot minimum stream buffer to 25 feet for a proposed overflow off-street parking area will create an undesirable change in the character of the neighborhood and will be a detriment to nearby properties.
3. The benefit sought by the applicant to decrease the 100 foot minimum stream buffer to 25 feet for a proposed overflow off-street parking area cannot be achieved by some method, feasible for the applicant to pursue other than an area variance.
4. The requested area variance to decrease the 100 foot minimum stream buffer to 25 feet for a proposed overflow off-street parking area is substantial.
5. The proposed area variance to decrease the 100 foot minimum stream buffer to 25 feet for a proposed overflow off-street parking area will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
6. The alleged difficulty to decrease the 100 foot minimum stream buffer to 25 feet for a proposed overflow off-street parking area 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 stream buffer from 100 feet to 25 feet for the proposed overflow off-street parking area as part of the proposed improvements to Jacksonville Community Park located at 3037 Swamp College Road, subject to the following conditions of approval:

Conditions of Approval

1. The proposal shall utilize lower-level LED lighting, and all outdoor LED lighting shall not be higher than 2700 CCT.
2. There shall be no more than fifteen vehicles parked on the subject lot.

Ayes: Tyler, Butler, Chair Morreale

Nays: Hillman, Howarth

Absent: Thompson

Abstain:

Variance Denied. A super majority of the Board was required for the motion to be approved due to 239 comments from Tompkins County.

Motion: Butler made a motion to approve Resolution 2023-007; Tyler seconded.

Resolution No. 2023-007, A Resolution for an Area Variance for the Jacksonville Community Park Located at 3037 Swamp College Road, Town of Ulysses, Tax Parcel 25.-6-7

Whereas, a request for an area variance was submitted to the Board of Zoning Appeals (BZA) by Pete Angie, on behalf of the owner, Jacksonville Community Association, Inc., for property located at 3037 Swamp College Road (tax map # 25.-6-7), and which is approximately 10.5 acres in size, zoned P/R: Park/Recreation; and

Whereas, the requested area variance is related to a special permit and site plan application with the Planning Board to construct improvements to Jacksonville Community Park as shown on the site plan dated August 3, 2023; and

Whereas, the area variance request is relief from the Code of the Town of Ulysses [212-115.A](#), to decrease the 100 foot minimum stream and wetland buffer for an existing ADA compliant restroom; and

Whereas, the action required 239 review, and Tompkins County determined in their comment letter dated July 24, 2023, that the proposal will have a significant county-wide or inter-community impact, and recommended modifications and comments for the Board to consider; and

Whereas, the BZA did conduct a meeting on July 19, 2023 and discussed the proposed variance requests; and

Whereas, notice of the public hearing was published in the Ithaca Journal on August 9, 2023, 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 August 16, 2023 where it reviewed a site plan entitled "Site Plan Drawing No Z1.01", prepared by CDN dated August 3, 2023 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 variance.
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 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.
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 100 foot minimum stream and wetland buffer to 70 feet for an existing ADA compliant restroom will outweigh the detriment to the health, safety and welfare of the neighborhood.
2. The granting of the area variance to decrease the 100 foot minimum stream and wetland buffer to 70 feet for an existing ADA compliant restroom will not create an undesirable change in the character of the neighborhood and will not be a detriment to nearby properties.
3. The benefit sought by the applicant to decrease the 100 foot minimum stream and wetland buffer to 70 feet for an existing ADA compliant restroom cannot be achieved by some method, feasible for the applicant to pursue other than an area variance. The expense of making this change would be prohibitive.
4. The requested area variance to decrease the 100 foot minimum stream and wetland buffer to 70 feet for an existing ADA compliant restroom is substantial.
5. The proposed area variance to decrease the 100 foot minimum stream and wetland buffer to 70 feet for an existing ADA compliant restroom will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
6. The alleged difficulty to decrease the 100 foot minimum stream and wetland buffer to 70 feet for an existing ADA compliant restroom 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 stream and wetland buffer from 100 feet to 70 feet for

an existing ADA compliant restroom as part of the proposed improvements to Jacksonville Community Park located at 3037 Swamp College Road, subject to the following condition:

Condition of Approval

1. The proposal shall utilize lower-level LED lighting, and all outdoor LED lighting shall not be higher than 2700 CCT.

Ayes: Butler, Tyler, Hillman, Chair Morreale, Howarth

Nays:

Absent: Thompson

Abstain:

Variance Granted.

VAR2303-002: New Women’s Residential Addiction Recovery Center Area Variances, Public Hearing

The applicant and property owner, Ithaca Alpha House Center, Inc., proposes to construct a new two-story detached building, approximately 13,617 gross square feet, for use as a 25 bed facility associated with the existing Cayuga Addiction Recovery Services building on the subject site. Two area variances are requested from the Board of Zoning Appeals (BZA) as part of a special permit and site plan review with the Planning Board: the Code of the Town of Ulysses (CTU) 212-29.A permits only one principal building on a lot in the A/R zone, and UTC 212-29.L limits the permitted maximum floor area of a new nonagricultural building to 5,000 square feet. The proposal will comply with all conditions of the variance granted in 2019. The Board previously discussed the proposal during its meetings on June 21, 2023 and July 19, 2023.

Carrie Pollak, attorney Hancock Esterbrook, stated that representatives from CARS visited the neighbors of the facility to provide notice of the public hearing.

Pollak reviewed the recent developments in the proposal, including establishing that the BZA would be involved in any enforcement action.

Pollak explained that during consultation with the previous town attorney, representatives from CARS were told that they would need to file the covenant upon applying for a building permit, but the project never progressed to this point.

Discussion ensued over the language in the restrictive covenant. Pollak recalls Tyler providing specific language to be included and offered to provide email correspondence describing the development process.

Tyler noted that although the Town of Hector does not have zoning, the BZA would require the covenant to be recorded in both counties.

Pollak asked if adding a modest amount pavement would be acceptable, if needed to support future business operations.

The BZA agreed that the deed restriction can be amended in the future if needed, with their approval.

Howarth noted that neighbors have raised concern over the undeveloped land changing, and supported making the restrictions permanent.

Pollak stated that she believes that the BZA's authority in the deed restriction could be overwritten by the Town of Ulysses, but not by the Town of Hector.

VanWhy stated that if the modification is not specified to be the BZA, authority would default to the Town Board.

Discussion ensued over the history of the proposal.

Howarth asked about energy efficiency efforts that have been incorporated into the designs.

Architect Ivan Garcia stated that a letter dated June 19, 2023 was distributed listing the plans for energy compliance and listed the items.

Howarth suggested the architects consider updating the heat pumps.

Penny McGuire of 6560 Route 227 stated that she has had several discussions with the staff at CARS, and she feels that an agreement had been reached regarding her concerns over lighting , as discussed during the Planning Board meeting on August 15. McGuire expressed satisfaction with the staff's efforts to address her concerns about the construction and operations at the facility, noting that the atmosphere has improved.

Steve Knapp stated that the concerns surrounding intermittent stream buffers have been resolved with the Planning Board.

Motion: Butler made a motion to approve Resolution 2023-087; Howarth seconded.

Resolution No. 2023-008, A Resolution for two Area Variances for the New Women's Residential Addiction Recovery Center Located at 6621 Route 227, Town of Ulysses, Tax Parcel 22.-2-4

Whereas, a request for two area variances was submitted to the Board of Zoning Appeals (BZA) by Ithaca Alpha House Center, Inc. doing business as Cayuga Addiction Recovery Services, applicant and owner for property located at 6621 Route 227 (tax map # 22.-2-4), and which is approximately 5.92 acres in size, zoned A/R: Agricultural/Rural; and

Whereas, the request includes two separate area variances which are related to a special permit and site plan application with the Planning Board to construct a new two-story detached building, approximately 13,617 gross square feet, for use as a 25 bed facility associated with the existing Cayuga Addiction Recovery Services building on the subject site as shown on the site plan dated March 7, 2023 and revised July 13, 2023; and

Whereas, the first area variance request is relief from the Code of the Town of Ulysses [212-29.A](#), to permit a second principal building on the subject lot; and

Whereas, the second area variance request is relief from the Code of the Town of Ulysses [212-29.L](#), to exceed the 5,000 square foot maximum floor area for the proposed new building; and

Whereas, both the BZA and the Planning Board considered a similar development proposal by the applicant in 2019; and

Whereas, the Planning Board was designated Lead Agency in 2019 and issued a negative determination of environmental significance on the previous proposed development on September 3, 2019; and

Whereas, the Planning Board on June 6, 2023 considered the amended proposal and determined that no substantive changes was proposed for the project, no substantive new information was discovered, and no substantive changes in circumstances related to the project have arisen that were not previously considered, and affirmed and upheld the previous negative determination of environmental significance for the amended proposed development; and

Whereas, the action required 239 review, and Tompkins County determined in their comment letter dated April 11, 2023, that the proposal will have a significant county-wide or inter-community impact, and recommended modifications and comments for the Board to consider; and

Whereas, the Planning Board did conduct a public hearing on August 15, 2023, and granted approval of the special permit and site plan with a condition that the two requested area variances are granted; and

Whereas, the BZA did conduct meetings on June 21, 2023 and July 19, 2023 and discussed the proposed variance requests; and

Whereas, notice of the public hearing was published in the Ithaca Journal on April 10, 2023 and on August 9, 2023, 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 August 16, 2023 were it reviewed a site plan entitled "Site Layout Plan Drawing No SP-100", prepared by Fontanese, Folts, Aubrecht, Ernst Architects dated March 7, 2023, revised March 20, 2023, April 11, 2023, and July 13, 2023 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 construct a second principal building on the subject lot will outweigh the detriment to the health, safety and welfare of the neighborhood.
2. The granting of the area variance to construct a second principal building on the subject lot will create an undesirable change in the character of the neighborhood and will be a detriment to nearby properties; however this is ameliorated given the overall size of the combined parcels and given that a restrictive covenant will be filed on both parcels.
3. The benefit sought by the applicant to construct a second principal building on the subject lot can be achieved by some method, feasible for the applicant to pursue other than an area variance.
4. The requested area variance to construct a second principal building on the subject lot is substantial.
5. The proposed area variance to construct a second principal building on the subject lot will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; however this is ameliorated given the overall size of the combined parcels and given that a restrictive covenant will be filed on both parcels.
6. The alleged difficulty to construct a second principal building on the subject lot is self-created.
7. The benefit to the applicant in the granting of the area variance to exceed the 5,000 square foot maximum floor area for the proposed new building will outweigh the detriment to the health, safety and welfare of the neighborhood.
8. The granting of the area variance to exceed the 5,000 square foot maximum floor area for the proposed new building 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 exceed the 5,000 square foot maximum floor area for the proposed new building cannot be achieved by some method, feasible for the applicant to pursue other than an area variance.

10. The requested area variance to exceed the 5,000 square foot maximum floor area for the proposed new building is substantial.
11. The proposed area variance to exceed the 5,000 square foot maximum floor area for the proposed new building will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
12. The alleged difficulty to exceed the 5,000 square foot maximum floor area for the proposed new building 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 construct a second principal building on the subject lot, and does grant the area variance to exceed the 5,000 square foot maximum floor area for the proposed new two-story detached building, approximately 13,617 gross square feet, located at 6621 Route 227, subject to the following conditions:

Conditions of Approval

1. A restrictive covenant, as shown in Exhibit A, as revised to a maximum lot coverage of 4.5 percent, and included herein, shall be recorded against the subject property and the adjacent property, Parcel 10.00-3-18, located in the Town of Hector. A certified copy of the recorded instruments shall be filed with the Town of Ulysses prior to Certificate of Occupancy.
2. Minor modification of the proposed gross square footage of the new building is permitted without additional review or approval of the BZA. Minor modification is defined herein as the construction of less than 500 square feet. Gross square footage over 14,116 shall require review and approval by the BZA.
3. The applicant shall document that they have considered the four energy elements for new construction projects outlined in the Tompkins County Energy Recommendations for New Construction (2018) as part of their construction permit application.
4. The proposal shall utilize lower-level LED lighting, and all outdoor LED lighting shall not be higher than 2700 CCT.

Ayes: Butler, Hillman, Howarth, Chair Morreale

Nays: Tyler

Absent: Thompson

Abstain:

Variances Approved.

Town Board Liaison Report

The BZA discussed training requirements introduced by the Town Board. BZA members expressed concerns that any required training should be directly related to BZA operations.

Howarth stated that he has already taken required trainings at Cornell and in other professional settings that would be repeated by the Town's required training.

Goldman explained that no training provided by Cornell is being seen by the Town, and having a standardized training would protect the Town legally.

Multiple BZA members agreed that they would reconsider their positions on the BZA if these training requirements were not revoked. The deadline for completing training is September 25, 2023.

Butler noted the lack of training relevant to the BZA, stating that Hillman has offered to create training designed specifically for the BZA.

Goldman stated that he would discuss the concerns from the BZA with the Town Board.

Howarth suggested further developing the rules for providing notice about applications, suggesting that neighbors should be notified at a further distance than what is currently required.

VanWhy responded that this could be discussed and considered for a possible adoption date in October.

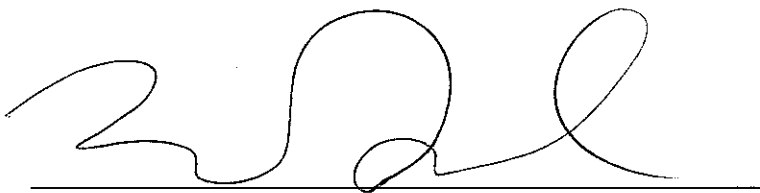
Butler stated that he had not been included in communications about training requirements.

Motion: Hillman made a motion to adjourn the meeting; Butler seconded.

Vote: Butler, aye; Hillman, aye; Howarth, aye; and Chair Morreale, aye.

Motion Carried.

ADJOURNED 10:40 PM



Mollie Duell
Board of Zoning Appeals Secretary