



Board of Zoning Appeals

Zoom Hybrid Meeting

Draft Meeting Minutes

September 17, 2025

Approved: _____

Board Members Present: Chair Stephen Morreale, Karen Meador, Cheryl Thompson

Quorum Present: yes

Absent Board Members: Andrew Hillman, Kim Moore

Town Staff Present: Niels Tygesen, Carissa Parlato

Applicants Present: Valerie Wilson, Shawn Ritchie (contractor, FLX Tram), Ryan James (representative on behalf of Chase & Culler)

Members of the Public Present: (none)

Proceedings

Chair Morreale called the meeting to order at 7:05 PM at Town Hall.

Approval of Past Minutes

Ms. Thompson requested an edit to the minutes to reflect that she abstained from voting to approve the May minutes at the 8/20/25 meeting.

Motion: Ms. Thompson motioned to approve the August 20, 2025 meeting minutes; Ms. Meador seconded.

Vote: Meador, aye; Thompson, aye; and Chair Morreale, aye

Motion Carried.

Old Business Item

VAR2507-01, Culler Chase Area Variances

123 Maplewood Rd, Parcel Number 28.-1-17

The applicant, Ryan James, on behalf of the property owners, Jonathan Culler & Cynthia Chase, proposes a renovation and addition to an existing non-conforming detached accessory building. Per the Code of the Town of Ulysses (CTU) 212-47.E in connection with CTU 212-167.A, the minimum required front setback for the accessory building is 40 feet; it currently is at 21 feet 1 inch with a request to reduce the setback to 20 feet 6 inches for the expansion. The existing height of the structure is 13.56 feet with a request to increase the height to 19.47 feet. Per CTU 212-47.H the maximum permitted lot coverage is 5 percent; the existing lot coverage is 8 percent with a request to increase the lot coverage to 10.45 percent for the expansion. Per CTU 212-156.A, nonconforming buildings may be destroyed and rebuilt but may not be taller or larger than the footprint of the existing building.

Mr. Morreale asked Mr. James for any updates as the board was already familiar with the project.

Mr. James said that the recent sketches show the updated measurements and water management strategies (rain garden).

The group further discussed the structure location as well as the pitch of the roof as it related to making the space livable; privacy; and the lakeview for both the property owner and the community.

Mr. Tygesen noted that 3 letters of support were received for the project.

Mr. Morreale asked if anyone in the audience had comments. (No one did).

SEQR DISCUSSION:

Mr. Tygesen said that he did not find anything problematic (positive declaration) in the SEQR review.

Motion: Ms. Thompson moved to approve Board of Zoning Appeals Resolution 2025-004, a Resolution of SEQR Determination for the Area Variances Related to the Culler Chase Accessory Building Located at 123 Maplewood Road, Town of Ulysses, Tax Parcel 28.-1-17; Ms. Meador seconded.

WHEREAS, the Board of Zoning Appeals finds the following:

1. The proposed action is related to a site plan application with the Planning Board to renovate and construct an addition to an existing non-conforming detached accessory building located at 123 Maplewood Road (tax parcel 28.-1-17); and
2. The subject lot is zoned LS: Lakeshore zone and is in the HsD3: Hudson silty clay loam, 12 to 20 percent slopes, eroded steep slope overlay and the Maplewood Glen and Lake Slopes Unique Natural Area; and
3. The proposal will require three area variances to decrease the front yard setback from 40 feet to 20 feet 6 inches for the building expansion (the setback is only being reduced 7 inches from its current non-conforming state); increase the maximum permitted lot coverage from five percent to 10.45 percent; and increase the existing non-conforming building's square footage from approximately 126 square feet to 315 square feet (most of which is open porch) and to increase the building height from 13.56 feet to 19.47 feet; and
4. The proposal is an Unlisted Action under SEQR for which the Town of Ulysses Board of Zoning Appeals is conducting an uncoordinated environmental review in relation to the requested area variances; and
5. The Board of Zoning Appeals on September 17, 2025, has reviewed and accepted as

adequate a map entitled "Proposed Site Plan, Parcel 28.-1-17", prepared by Brotherton Construction LLC dated September 5, 2025, and has reviewed and accepted as adequate a Short Environmental Assessment Form prepared by the applicant dated June 19, 2025, and other application materials; and

6. The proposal should not create a material conflict with the 2009 land use plan or zoning regulations of the LS zone; and
7. The proposal will not result in a change in the use of the land and should not result in the use intensity of the land; and
8. The proposal should not impair the character or quality of the existing community; and
9. The proposal will not have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area; and
10. The proposal should not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkways; and
11. The proposal should not cause a significant increase in the use of energy;
12. The proposal should not significantly impact existing water supplies or wastewater treatment utilities; and
13. The proposal will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources; and
14. The proposal should not result in an adverse change to natural resources; and
15. The proposal should not result in an increase in the potential for erosion, flooding or drainage problems; and
16. The proposal should not create a hazard to environmental resources or human health.

NOW, THEREFORE, THE BOARD OF ZONING APPEALS RESOLVES THE FOLLOWING:

That the Town of Ulysses Board of Zoning Appeals hereby makes a negative determination of environmental significance in accordance with Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617 New York State Environmental Quality Review for the above referenced action as proposed, based on the information in the Short Environmental Assessment Form, and, therefore, an Environmental Impact Statement will not be required.

Ayes: Chair Morreale, Meador, Thompson

Nays: None

Absent: Hillman, Moore

Abstain: None

Motion: Ms. Meador moved to approve Board of Zoning Appeals Resolution 2025-005, a Resolution for Three Area Variances for the Culler Chase Accessory Building Located at 123 Maplewood Road, Town of Ulysses, Tax Parcel 28.-1-17; Ms. Thompson seconded.

WHEREAS, the Board of Zoning Appeals finds the following:

1. A request for three area variances was submitted to the Board of Zoning Appeals (BZA) by Ryan James, on behalf of the property owners, Jonathan Culler & Cynthia Chase, for property located at 123 Maplewood Road (tax parcel 28.-1-17); and
2. The variance requests are related to a site plan application with the Planning Board to renovate and construct an addition to an existing non-conforming detached accessory building; and
3. The subject lot is zoned LS: Lakeshore zone and is in the HsD3: Hudson silty clay loam, 12 to 20 percent slopes, eroded steep slope overlay and the Maplewood Glen and Lake Slopes Unique Natural Area; and
4. The first area variance request is relief from the Code of the Town of Ulysses (CTU) 212-47.E in conjunction with CTU 212-167.A, to construct an addition to the detached accessory building within the 40-foot minimum required front yard setback; and
5. The second area variance request is relief from CTU 212-47.H to exceed the maximum permitted five percent lot coverage; and
6. The third area variance is relief from CTU 212-156.A to increase both the square footage and height of the existing non-conforming building; and
7. The proposal is an Unlisted Action for which the Town of Ulysses Board of Zoning Appeals made a negative determination of environmental significance in an uncoordinated review on September 17, 2025 after having reviewed and accepted as adequate a Short Environmental Assessment Form prepared by the applicant; and
8. The action required 239 review, and Tompkins County determined in their comment letter dated August 8, 2025, that the proposal will not have a significant county-wide or inter-community impact; and
9. The BZA did conduct a public meeting on September 17, 2025 and discussed the proposed variance requests; and

10. 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, was posted on the subject property, and was mailed to property owners within a 500-foot radius of the subject property; and
11. The BZA did conduct a public hearing on September 17, 2025 where it reviewed a site plan entitled "Proposed Site Plan, Parcel 28.-1-17", prepared by Brotherton Construction LLC dated September 5, 2025 and other application materials; and
12. 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, THE BOARD OF ZONING APPEALS RESOLVES THE FOLLOWING:;

1. The benefit to the applicant in the granting of the area variance to decrease the front yard setback from 40 feet to 20 feet 6 inches for the building expansion will outweigh the detriment to the health, safety and welfare of the neighborhood. As the current setback for the non-confirming structure is 21 ft, 1 inch so the change is only 7 inches.
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 the only option to increase the building footprint without this variance would impact a mature tree and its root system which would negatively impact the soil integrity of the subject work site.
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 mature tree in proximity will be preserved subject to the condition 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 increase the maximum permitted lot coverage from 5 percent to 10.45 percent will outweigh the detriment to the health, safety and welfare of the neighborhood with the condition in place. The current non-conforming lot coverage is approximately 8.5%.
8. The granting of the area variance to increase the maximum permitted lot coverage 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 increase the maximum permitted lot coverage 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 increase the maximum permitted lot coverage is substantial.
11. The proposed area variance to increase the maximum permitted lot coverage will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, subject to the condition of approval.
12. The alleged difficulty necessitating the request to increase the maximum permitted lot coverage is self-created.
13. The benefit to the applicant in the granting of the area variance to increase the existing non-conforming building's square footage from approximately 126 square feet to 315 square feet (most of which is open porch), and to increase the building height from 13.56 feet to 19.47 feet will outweigh the detriment to the health, safety and welfare of the neighborhood with the condition in place.
14. The granting of the area variance to increase the building's square footage and building height will not create an undesirable change in the character of the neighborhood and will not be a detriment to nearby properties.
15. The benefit sought by the applicant to increase the building's square footage and building height 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.

16. The requested area variance to increase the building's square footage and building height is substantial.
17. The proposed area variance to increase the building's square footage and building height will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, subject to the condition of approval.
18. The alleged difficulty necessitating the request to increase the building's square footage and building height 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 40 feet to 20 feet 6 inches for the building expansion,
- does grant the area variance to increase the maximum permitted lot coverage from five percent to 10.45 percent, and
- does grant the area variance to increase the existing non-conforming building's square footage from approximately 126 square feet to 315 square feet (most of which is open porch) and to increase the building height from 13.56 feet to 19.47 feet, subject to the following conditions:

Conditions of Approval:

1. There shall be minimal disturbance of the land during construction to the maximum extent feasible. No trees shall be removed.
2. A rain garden will be provided to capture up to 3 inches in a 24 hour period to mitigate the effects of the additional hard surface area.

Ayes: Chair Morreale, Meador, Thompson

Nays: None

Absent: Hillman, Moore

Abstain: None

NEW BUSINESS ITEM

VAR2507-02, Wilson Area Variances

1587 Taughannock Blvd, Parcel Number 18.1-1.4

The applicant, Shawn Ritchie, on behalf of the owner, Victoria Wilson, proposes to construct a new 85' tram system from the upper portion of the subject lot down the steep slope to the lower portion of the lot near the shoreline. Per the Code of the Town of Ulysses (CTU) 212-47.E in connection with CTU 212-167.A, the minimum required front setback is 40 feet, the request is to reduce the setback to 5 feet. Per CTU 212-124.4, the minimum required buffer from the lake is 75 feet, the request is to reduce the setback to 5 feet.

The board asked Mr. Ritchie clarifying questions regarding high water/flooding, what material the tram is constructed of, longevity of the product, and the stairs.

Mr. Morreale opened the floor to public comment. (*No one commented*).

Mr. Tygesen said that no comments were received.

Mr. Morreale closed the comment period.

Motion: Ms. Thompson moved to approve Board of Zoning Appeals Resolution 2025-006, a Resolution for Two Area Variances for the Wilson Tram Located at 1587 Taughannock Boulevard, Town of Ulysses, Tax Parcel 18.1-1.4; Ms. Meador seconded.

WHEREAS, the Board of Zoning Appeals finds the following:

1. A request for two area variances was submitted to the Board of Zoning Appeals (BZA) by Shawn Ritchie, on behalf of the owner, Victoria Wilson, for property located at 1587 Taughannock Boulevard, Town of Ulysses, Tax Parcel 18.1-1.4; and
2. The variance requests are related to a site plan application with the Planning Board to construct a new 85' tram system from the upper portion of the subject lot down the steep slope to the lower portion of the lot near the shoreline; and
3. The subject lot is zoned LS: Lakeshore zone and is in the HsD3 (Hudson silty clay loam, 12% to 20% slopes, eroded) and Ro (Rock outcrop) steep slope overlay; and
4. The first area variance request is relief from the Code of the Town of Ulysses (CTU) 212-47.E in conjunction with CTU 212-167.A, to construct the tram within the 40-foot minimum required front yard setback; and
5. The second area variance request is relief from CTU 212-124.B to permit the tram within the 75-foot minimum required setback from the lake; and
6. 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;

7. The action required 239 review, and Tompkins County determined in their comment letter dated August 20, 2025, that the proposal will not have a significant county-wide or inter-community impact; and

8. The BZA did conduct a public meeting on September 17, 2025 and discussed the proposed variance requests; and

9. 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, was posted on the subject property, and was mailed to property owners within a 500-foot radius of the subject property; and

10. The BZA did conduct a public hearing on September 17, 2025 where it reviewed a site plan entitled "Wilson – Site Plan", prepared by FLX Tram dated July 18, 2024 and other application materials; and

11. 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, THE BOARD OF ZONING APPEALS RESOLVES THE FOLLOWING:

1. The benefit to the applicant in the granting of the area variance to decrease the front yard setback from 40 feet to 5 feet for the tram 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 construction of the structure will be minimally disruptive. The existing tram and its attached metal stair extend approximately equally as far into the setback as the proposed tram. These structures will be removed.

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.

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 the construction of the structure will be minimally disruptive as there are many such structures along the lake in the vicinity.

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 buffer to the lake from 75 feet to 5 feet will outweigh the detriment to the health, safety and welfare of the neighborhood.

8. The granting of the area variance to decrease the buffer to the lake will not create an undesirable change in the character of the neighborhood and will not be a detriment to nearby properties as there are many such structures along the lake in the vicinity.

9. The benefit sought by the applicant to decrease the buffer to 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 buffer to the lake is substantial.

11. The proposed area variance to decrease the buffer to the lake will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. The existing tram and its attached metal stair extend approximately equally as far into the setback as the proposed tram. These structures will be removed as part of this project.

12. The alleged difficulty necessitating the request to decrease the buffer to 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 40 feet to 5 feet;
- and does grant the variance to decrease the lakefront setback from 75 feet to 5 feet to accommodate the tram which replaces the old tram and attached staircase.

Ayes: Chair Morreale, Meador, Thompson

Nays: None

Absent: Hillman, Moore

Abstain: None

Motion: Ms. Thompson motioned to adjourn; Ms. Meador seconded.

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

Motion Carried.

ADJOURNED 9:15PM



Carissa Parlato, Town Clerk/Interim Board of Zoning Appeals Secretary

DRAFT