



Board of Zoning Appeals
Zoom Hybrid Meeting
Draft Meeting Minutes
October 23, 2024
Approved: _____

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

Absent Board Members: Robert Howarth

Quorum Present

Applicants Present:

Town Staff Present: Mollie Duell, Niels Tygesen

Members of the public Present: Cindy Dew, Lars Voorhees

Proceedings

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

Approval of Past Minutes

Motion: Tyler motioned to appoint Meador as a voting member for the duration of the meeting; Hillman seconded.

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

Motion Carried.

Motion: Hillman motioned to approve the August 7, 2024 meeting minutes as written; Thompson seconded.

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

Motion Carried.

Old Business Items

VAR2311-02, Bennett Area Variances, Public Hearing

4450 Ploss Lane, Parcel Number 12.-3-12.2

The applicant, Charles Guttman, on behalf of the property owners, Marcie Bennett-Gray and Thomas Bennett Jr., proposes to subdivide the existing 1.56 acre lot into two lots, Parcel A approximately 5,508sf and Parcel B approximately 66,146sf. The R zone requires a minimum lot area of 32,000 square feet for lots with public water or sewer, 160 feet of lot width at the front lot line, 200 feet of lot depth, and a maximum lot coverage of 7.5 percent per the Code of the Town of Ulysses ([CTU 212-40](#)). Four area variances for Parcel A are requested from the Board of Zoning Appeals (BZA) as part of overall subdivision review with the Planning Board: reduction of the minimum lot area under [CTU 212.40.B](#) to 5,508sf, reduction of the minimum lot width under [CTU 212-40.D](#), to 146.75 feet, reduction of the minimum lot depth under CTU 212.40.E, to 75.09 feet, and exception from the maximum lot coverage under [CTU 212.40.J](#) to 12.6 percent.

Charles Guttman was not available to attend the hearing. Chair Morreale noted the Board prefers applicants or their representatives to be present. The Village of Trumansburg has left the variance decision to the Ulysses BZA.

Discussion ensued over the garage that lies partially in the Town of Ulysses and partially in the Village of Trumansburg. Chair Morreale suggested that the structure should not be habitable as an additional condition of approval.

Meador questioned what was disclosed to the buyers during the property sale. Cindy Dew, who intends to purchase proposed Parcel B, explained that the entire property has been sold since the application was submitted.

Tygesen noted that the Planning Board issued a negative SEQR determination, and the Tompkins County Planning Department also found no negative impact. No other comments about the proposal were received from the public. No variances are required for Parcel B.

Discussion ensued over possible future development on Parcel B. Board members expressed that this is not a concern due to the location in a relatively dense neighborhood.

Discussion ensued over the deed restriction. Tygesen noted the new owners have been given notice of the public hearing.

Tyler and Meador agreed it is not ideal to have one lawyer representing the former owner, current owner, and buyer of subdivided Parcel B. Chair Morreale stated that this is not within the purview of the BZA.

Motion: Thompson motioned to approve [Board of Zoning Appeals Resolution 2024-002: A Resolution for Four Area Variances for the Bennett Two Lot Subdivision Located at 4450 Ploss Lane, Town of Ulysses, Tax Parcel 12.-3-12.2](#); Hillman seconded.

Whereas, a request for four area variances was submitted to the Board of Zoning Appeals (BZA) by Charles Guttman, on behalf of the property owners, Marcie Bennett-Gray and Thomas Bennett Jr., for property located at 4450 Ploss Lane, Tax Parcel 12.-3-12.2; and

Whereas, the area variance requests are related to a minor subdivision application with the Planning Board to subdivide the subject lot into two parcels: 'Parcel A' approximately 5,508 square feet (sf) and 'Parcel B' approximately 66,146sf in area as shown on the plat attached; and

Whereas, the first area variance request is relief from the Code of the Town of Ulysses (CTU) 212-40.B, to reduce the minimum required lot area for 'Parcel A' from 32,000sf to 5,508sf; and

Whereas, the second area variance request is relief from CTU 212-40.D, to reduce the minimum required lot width at the front lot line for 'Parcel A' from 160 feet to 146.75 feet; and

Whereas, the third area variance request is relief from CTU 212-40.E, to reduce the minimum required lot depth for 'Parcel A' from 200 feet to 75.09 feet; and

Whereas, the fourth area variance request is relief from CTU 212-40.J, to exceed the maximum lot coverage for 'Parcel A' from 7.5 percent to 12.6 percent; and

Whereas, the Planning Board did declare its intent to act as Lead Agency for the environmental review for the proposal on December 5, 2023; and

Whereas, the BZA did agree to declare the Planning Board as Lead Agency on December 20, 2023; and

Whereas, the Planning Board did issue a negative determination of environmental significance under the New York Codes, Rules, and Regulations Title 6, Part 617 on May 21, 2024 and therefore an Environmental Impact Statement is not required; and

Whereas, pursuant to Consolidated Laws of New York (CLNY) Chapter 24, Article 12-B, Sections 239 L, M, and N the proposal was submitted to Tompkins County for review; and

Whereas, The Department of Planning & Sustainability of Tompkins County submitted their response letter to the Town dated December 21, 2023 that states they determined the proposed action will have no significant county-wide or inter-community impact; and

Whereas, the BZA did conduct public meetings on December 20, 2023 and October 23, 2024 and discussed the proposed variance requests; and

Whereas, notice of the public hearing was published in the Ithaca Journal on October 11, 2024, was posted on the Town's Public Legal Notice Board, was posted on the Town's webpage, and mailed to property owners within a 500-foot radius of the subject property; and

Whereas, the BZA did conduct a public hearing on October 23, 2024 where it reviewed a plat entitled "Final Plat for 4450 Ploss Lane – Parcel 12.-3-12.2, Town of Ulysses, Tompkins County, New York", prepared by T.G. Miller, P.C., dated September 21, 2023 and revised September 11, 2024, and other application materials; and

Whereas, by considering the criteria listed in CLNY 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 the area variance.
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 reduce the minimum required lot area for 'Parcel A' from 32,000sf to 5,508sf will outweigh the detriment to the health, safety and welfare of the neighborhood with the deed restriction in place.

2. The granting of the area variance to reduce the minimum required lot area for 'Parcel A' 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 reduce the minimum required lot area for 'Parcel A' can be achieved by some other method, feasible for the applicant to pursue other than an area variance; however, with the deed restriction this is the most desirable outcome for the owners which will preserve the character of the site/or other justification language as needed.
4. The requested area variance to reduce the minimum required lot area for 'Parcel A' is substantial.
5. The proposed area variance to reduce the minimum required lot area for 'Parcel A' will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district with the deed restriction in place.
6. The alleged difficulty to reduce the minimum required lot area for 'Parcel A' is self-created.
7. The benefit to the applicant in the granting of the area variance to reduce the minimum required lot width at the front lot line for 'Parcel A' from 160 feet to 146.75 feet will outweigh the detriment to the health, safety and welfare of the neighborhood with the deed restriction in place.
8. The granting of the area variance to reduce the minimum required lot width at the front lot line for 'Parcel A' will not create an undesirable change in the character of the neighborhood and will not be a detriment to nearby properties due to a deed restriction on further development that will be required as a condition of approval.
9. The benefit sought by the applicant to reduce the minimum required lot width at the front lot line for 'Parcel A' can be achieved by some other method, feasible for the applicant to pursue other than an area variance; however, with the deed restriction this is the most desirable outcome for the owners which will preserve the character of the site.
10. The requested area variance to reduce the minimum required lot width at the front lot line for 'Parcel A' is not substantial.
11. The proposed area variance to reduce the minimum required lot width at the front lot line for 'Parcel A' will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district with the deed restriction in place.
12. The alleged difficulty to reduce the minimum required lot width at the front lot line for 'Parcel A' is self-created.
13. The benefit to the applicant in the granting of the area variance to reduce the minimum required lot depth for 'Parcel A' from 200 feet to 75.09 feet will outweigh the detriment to the health, safety and welfare of the neighborhood with the deed restriction in place.
14. The granting of the area variance to reduce the minimum required lot depth for 'Parcel A' will not create an undesirable change in the character of the neighborhood and will not be a

detriment to nearby properties due to a deed restriction on further development that will be required as a condition of approval.

15. The benefit sought by the applicant to reduce the minimum required lot depth for 'Parcel A' can be achieved by some other method, feasible for the applicant to pursue other than an area variance; however, with the deed restriction this is the most desirable outcome for the owners which will preserve the character of the site.
16. The requested area variance to reduce the minimum required lot depth for 'Parcel A' is substantial.
17. The proposed area variance to reduce the minimum required lot depth for 'Parcel A' will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district with the deed restriction in place.
18. The alleged difficulty to reduce the minimum required lot depth for 'Parcel A' is self-created.
19. The benefit to the applicant in the granting of the area variance to exceed the maximum lot coverage for 'Parcel A' from 7.5 percent to 12.6 percent will outweigh the detriment to the health, safety and welfare of the neighborhood with the deed restriction in place.
20. The granting of the area variance to exceed the maximum lot coverage for 'Parcel A' will not create an undesirable change in the character of the neighborhood and will not be a detriment to nearby properties due to a deed restriction on further development that will be required as a condition of approval.
21. The benefit sought by the applicant to exceed the maximum lot coverage for 'Parcel A' can be achieved by some other method, feasible for the applicant to pursue other than an area variance; however, with the deed restriction this is the most desirable outcome for the owners which will preserve the character of the site.
22. The requested area variance to exceed the maximum lot coverage for 'Parcel A' is substantial.
23. The proposed area variance to exceed the maximum lot coverage for 'Parcel A' will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district with the deed restriction in place.
24. The alleged difficulty to exceed the maximum lot coverage for 'Parcel A' 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 reduce the minimum required lot area for 'Parcel A' from 32,000sf to 5,508sf, does grant the area variance to reduce the minimum required lot width at the front lot line for 'Parcel A' from 160 feet to 146.75 feet, does grant the area variance to reduce the minimum required lot depth for 'Parcel A' from 200 feet to 75.09 feet, and does grant the area variance to exceed the maximum lot coverage for 'Parcel A' from 7.5 percent to 12.6 percent for the proposed minor subdivision located at 4450 Ploss Lane, subject to the following conditions:

Conditions of Approval:

1. A deed restriction prohibiting any additional structures shall be recorded against Parcel A and a certified copy of the recorded instrument shall be filed with the Town with submission of the final plat map for approval signatures.
2. Any future request to remove the deed restriction shall require approval by the BZA.
3. The existing garage shall not be used as habitable space.

Ayes: Hillman, Meador, Thompson, Chair Morreale

Nays: None

Absent: Howarth

Abstain: Tyler

Motion Carried.

Board members discussed setting the regularly scheduled meetings for the BZA for 2025.

Motion: Thompson motioned to approve [Board of Zoning Appeals Resolution 2024-003: A Resolution Adopting the Regularly Scheduled Meetings for 2025](#); Chair Morreale seconded.

THE BOARD OF ZONING APPEALS RESOLVES THE FOLLOWING:

The Board of Zoning Appeals hereby adopts the following as its schedule of Regular Meetings for the Year 2025. Unless otherwise noted, all meetings for the Town of Ulysses Board of Zoning Appeals will be held on the third Wednesday of every month in 2025, commencing at 7:00 PM and ending by 10:00 PM as noted below.

Wednesday, January 15, 2025

Wednesday, February 19, 2025

Wednesday, March 19, 2025

Wednesday, April 16, 2025

Wednesday, May 21, 2025

Wednesday, June 18, 2025

Wednesday, July 16, 2025

Wednesday, August 20, 2025

Wednesday, September 17, 2025

Wednesday, October 15, 2025

Wednesday, November 19, 2025

Wednesday, December 17, 2025

Meetings will be held in Town Hall, 10 Elm Street, Trumansburg, NY.

Ayes: Hillman, Meador, Thompson, Tyler, Chair Morreale

Nays: None

Absent: Howarth

Abstain: None

Motion Carried.

Town Board Liaison Report

No Town Board members attended the meeting.

Motion: Hillman motioned to adjourn; Meador seconded.

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

Motion Carried.

ADJOURNED 8:17 PM

Mollie Duell

Board of Zoning Appeals Secretary