



# TOWN OF ULYSSES

## BOARD OF ZONING APPEALS

### Board of Zoning Appeals Resolution No. 2026-003

**A Resolution for One Area Variance for the Pritts Two Lot Minor Subdivision Located at 5230 Cold Springs Road, Town of Ulysses, Tax Parcel 12.-4-19.2**

**Whereas**, a request for one area variances was submitted to the Board of Zoning Appeals (BZA) by the Town of Ulysses on behalf of the property owners, Marvin and Allison Pritts, for property located at 5230 Cold Springs Road (tax parcel 12.-4-19.2); and

**Whereas**, the subject lot is zoned R: Residential and A/R Agricultural/Rural; and

**Whereas**, the requested area variance is related to a minor subdivision application with the Planning Board to subdivide the existing 16.58 acre lot into two lots, Parcel A approximately 1.37 acres and Parcel B approximately 15.21 acres; and

**Whereas**, the area variance request is relief from the Code of the Town of Ulysses 212-130.A for proposed Parcel B to reduce the minimum required width of the pole portion of the lot from 50 feet to 38 feet; and

**Whereas**, the BZA did request the Planning Board review the proposal and provide written recommendation on the variance; and

**Whereas**, the Planning Board recommended the BZA grant the area variance as requested by the applicant in their Resolution 2026-005; and

**Whereas**, the requested variance was subject to environmental review as an Unlisted Action under the Code, Rules, and Regulations of the State of New York Title 6, Part 617 (SEQR); and

**Whereas**, the Town Board gave due notice with intent to act as Lead Agency in the environmental review for the proposed project, and on August 27, 2025 passed Resolution 2025-121 that issued a negative determination of environmental significance for the proposal and determined an EIS would not be required; and

**Whereas**, the action required 239 review, and Tompkins County's Department of Planning & Sustainability determined in their comment letter dated January 9, 2026, the proposal will not have a significant county-wide or inter-community impact, and provided the following comment for the Board to consider: "The Town should consider including, as a condition of the area variance, that the created "pole" lot must be consolidated with the created "flag" lot to ensure the proposed subdivision does not create a non-conforming lot."; 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, was posted on the subject site; 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 18, 2026 where it reviewed a plat map entitled "Town of Ulysses Subdivision Plat for Marvin P. Pritts and Allison P. Pritts, Located at 5230 Cold Springs Road, Town of Ulysses, Tompkins County, New York", prepared by Williams & Edsall Land Surveyors, PC dated December 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 variance was 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 an 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:

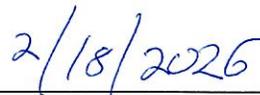
1. The benefit to the applicant in the granting of the area variance to reduce the minimum required width of the pole portion of the lot from 50 feet to 38 feet for proposed Parcel B will outweigh the detriment to the health, safety and welfare of the neighborhood.
2. The granting of the area variance will not create an undesirable change in the character of the neighborhood and will not be a detriment to nearby properties subject to the conditions of approval.
3. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue other than an area variance. There is no other feasible entrance to the property.
4. The requested area variance is substantial.

5. The proposed area variance 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 and careful execution by the town.
6. The alleged difficulty is self-created.
7. The proposal will not create a third parcel for a “pole lot” separate from the overall “flag lot”. Rather proposed Parcel B is a single lot that comprises a “pole” portion and a “flag” portion; therefore, a condition as recommended by County Planning is not warranted.

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 width of the pole portion of the lot from 50 feet to 38 feet as described above, and as shown on the plat map noted above, as part of the proposed two lot minor subdivision located at 5230 Cold Springs Road subject to the following conditions:

1. A fence shall be built on the sides of the property affected by the project at 5250 Cold Springs Road and there shall be consideration of extending the fence at 5270 Cold Springs Road, in consultation with the property owner. Existing evergreen trees near the property lines will be kept wherever possible.
2. The town shall employ the most environmentally friendly materials and methods feasible, including vegetative screening.

  
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Board of Zoning Appeals Chair

  
\_\_\_\_\_  
Date

**Ayes:** Ferrrari, Hillman, Meador, Morreale, Thompson

**Nays:** None

**Absent:** None

**Abstain:** None