



Memorandum

To: Jeff Fern, Chairman, Zoning Board of Appeals (ZBA)
Cc: ZBA members, Planning Board, Town Clerk, Town Attorney,
From: Planning Department
Subject: Habitat for Humanity Variance Request to be heard April 2, 2019
Date: March 18, 2019

1932 Slaterville Road, Habitat for Humanity of Tompkins County Minor Subdivision, Tax Parcel ID # 73.-2-9

In January 2019, the Zoning Board of Appeals rejected Habitat for Humanity's variance request for the creation of a flag lot in a Neighborhood Residential (NR) zoning district. You will recall that Habitat proposed two conforming lots and one flag lot.

In response to the Board's comments and decision, Habitat now proposes three conventional lots, two of which are deficient in road frontage. Habitat now seeks relief from the 150' road frontage requirement, as set forth in Article VI, Section 600 Area & Bulk Table, in order to create one lot with 100' of frontage (Lot 2) and one lot with 106' of frontage (Lot 3).

Habitat now proposes one conforming lot with 150.99' of frontage (Lot 1), one lot with 100' of frontage (Lot 2), and one lot with 106' of frontage (Lot 3).

Habitat's application material includes the following: the proposed subdivision sketch, a tax map showing properties with similarly deficient front yards, a short Environmental Assessment Form (SEAF), a letter to Ray Burger, Director of Planning, and the variance request with photos.

For onsite sewage treatment systems Tompkins County Health Department requires a minimum lot size of one usable acre and that lots are shaped such that, as a minimum, a circle of 150' diameter can be inscribed entirely within the confines of the usable area.

When a design professional designs the sewage system, those requirements may be waived by the Health Department. Habitat is aware of the Health Department requirements and has engaged the services of a design professional. Because a waiver is not guaranteed, if the Board decides in favor of the applicant, approval of the variance should be conditioned on those waivers being granted.

NYS Town Law 277 - Planning Board Review

The Planning Board will review this subdivision per NYS Town Law (TL) 277 (6). TN277-6 states that: 'notwithstanding any provision of law to the contrary, where a plat contains one or more lots which do not comply with the zoning regulations, application may be made to the zoning board of appeals for an area variance pursuant to NYS TL 267-b, without the necessity of a decision or

determination of an administrative official charged with the enforcement of the zoning regulations. In reviewing such application the zoning board of appeals shall request the planning board to provide a written recommendation concerning the proposed variance.'

SEQR, County Review, NYSDOT

Granting of an area variance for a single-family, two-family, or three-family residence is a Type II exempt action (SEQR - 617.5c13).

Tompkins County Planning and Sustainability Department conducted a 239 review of Habitat's original request to create a flag lot. We offered the County an opportunity to review this application as well, despite it being exempt from 239 review per the August 31, 2016 inter-government agreement between the Zoning Board and County Planning. The County declined.