



Memorandum

To: Jeff Fern, Chairman

Cc: ZBA members, Town Clerk, Town Attorney,

From: Planning Department

Subject: Nonconforming Use Change, 155-159 Game Farm Road, Tax Parcel ID # 67.-1-37.3

Date: July 1, 2019

Rick Bayo, 7 Fox Hollow Rd, owns 155-159 Game Farm Road, a one-acre parcel in the Neighborhood Residential (NR) district. The principal use allowed in a NR district is single-family dwellings and accessory structures customarily incidental to a permitted use. The parcel contains a 4-bedroom raised ranch, a detached 2-car garage, and two nonconforming, currently unoccupied, mobile homes.

Mr. Bayo would like to replace the mobile homes with two stick-built homes. He is appealing to the Board under Article XVI, Section 1601-C, which allows a nonconforming use to be changed to another similar or more restrictive nonconforming use if the ZBA determines whether the proposed use is similar or more restrictive. This is not a Use Variance request.

Mr. Bayo proposes to construct two 800 square foot homes, replacing the existing 720 square foot and 417 square foot trailers, a net increase of 463 square feet. The larger trailer sits within the 50' front yard setback. If approved, each of the new dwelling units will be approximately 115' from the ROW, with four parking spaces located behind the homes.

SEQR, County Review, Ag & Market

The construction or expansion of a single-family, two-family or a three-family residence on an approved lot is a Type II exempt action (SEQR - 617.5c9) but changing one nonconforming use to another is an Unlisted Action. The Zoning Board is the Lead Agency. As a potentially Interested Agency, a copy of the appeal request has been forwarded to the Tompkins County Highway Department.

The application was sent to the Tompkins County Department of Planning and Sustainability for its regional GML 239 review. Notification was given to the Town of Ithaca per 239-nn). The property is outside of an Agricultural District.

Department Comments/Recommendations

A public hearing is scheduled for Tuesday, August 6, 2019, at 6PM.