

**Sunbeam Candles**  
**Development District Request**  
**Project # DD 21-01**

**Staff Planner:** John Zepko  
**Date:** 15 March 2021

**Location:** Trumansburg Road  
**Tax Map #:** 34.-2-1.3  
**Site Size:** ~ 13 acres

**Zoning:** AR – Agricultural Rural Zone



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## **SUMMARY OF REQUEST**

The applicant, and owner of Sunbeam Candles, David Gould, is requesting a change of zoning on the property identified as tax map number 34.-2-1.3, at the north-east corner of Trumansburg and Van Dorn Corners Roads. The property is located in the Agricultural/Rural Zone (AR) and is approximately 13 acres in size with ~712 of road frontage.

The applicant proposes to construct an approximately 6,000 square foot facility for the manufacture of beeswax candles. The operation would be considered as **Light Industry** under the Town of Ulysses Zoning Code.

Light Industry is defined as “*The manufacture of finished products or parts predominantly from previously processed or prepared materials, including processing or fabrication, assembly, treatment, packaging, incidental storage, or sales and distribution of such products.*”

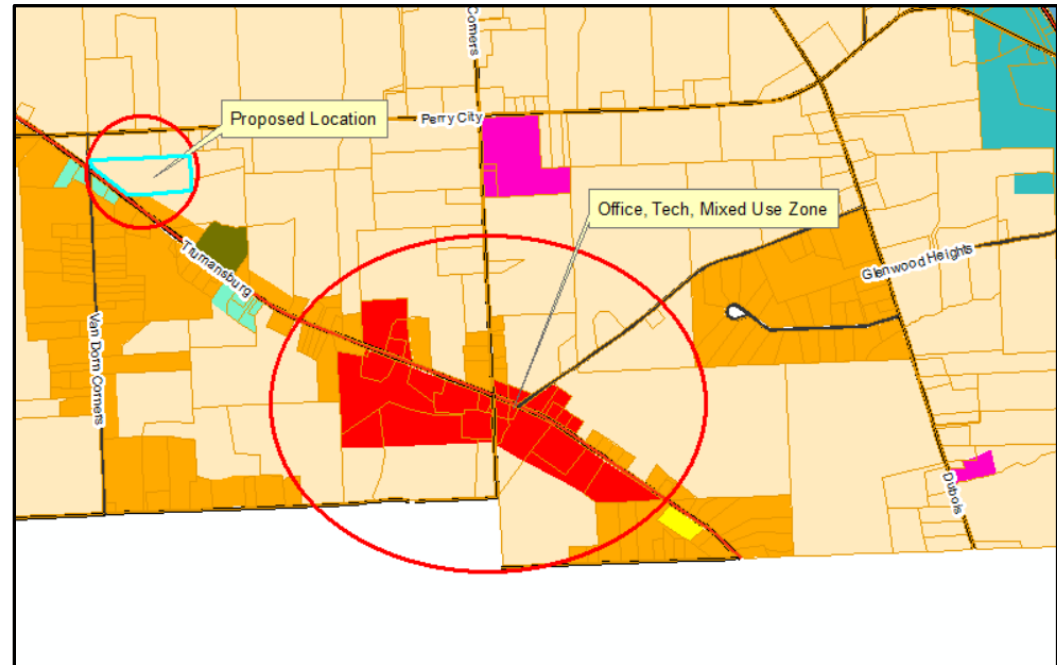
## EVALUATION of ALTERNATIVES

Light Industry is not a permitted use in the AR zone. The following options are available for consideration:

1. Relocation of the project to the Office, Technology, Mixed-use Zone (Light Industry permitted w/ Site Plan - §212-106 Q)
2. Application for a Use Variance from 212-25 of the Zoning Code
3. Application to the Town Board to change zoning designation to:
  - a. OTMU; or
  - b. Development District

### Relocation of the project to the Office, Technology, Mixed-use (OTMU)

The applicant was advised that §212-106 Q. of the Ulysses Zoning Code permits Light Industry with Site Plan approval from the Planning Board. The applicant would need to find available land within the OTMU zone upon which to locate.



Application for a Use Variance from 212-25 of the Zoning Code

Use Variances are governed by criteria set forth §267-B.2(b) of NYS Town Law. To demonstrate that the zoning regulations have caused unnecessary hardship, the appellant must demonstrate to the BZA the following for each and every permitted use under the zoning (side panel):

**Use Variance Criteria**

- **The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;**
- **That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;**
- **That the requested use variance, if granted, will not alter the essential character of the neighborhood; and**
- **That the alleged hardship has not been self-created**

The applicant was informed of his right to make an appeal. The applicant was also advised of the criteria by which the application would be weighed, and that the BZA must find that each of the four tests has been met before a use variance could be issued. The burden of proving that an unnecessary hardship existed on this property, for each and every use permitted in the AR zone, seemed unlikely.

Application to the Town Board to change zoning designation

§212-20 (Rezoning for DD – Development Districts or other zoning actions) of the Town Zoning Code permits a landowner to submit a request for rezoning. The petition may be a request to change a tract of land to a zoning district already designated in the Town, or to establish a new Development District with the plans and regulations that are typically associated with such.

Office Technology, Mixed Use Zone (OTMU) – The Town Board could suggest or considered a change in zoning designation from AR to OTMU, where light industry is a permitted use with Site Plan approval of the Planning Board. As the OTMU zone is already in existence, the obvious advantage is that the existing regulations would apply to the newly designated parcel. The Town Board should be cognizant that all of the uses and restrictions of the OTMU would apply to this property.

§212-103 of the zoning states: *“The purpose of the OTMU — Office Technology Mixed-Use Zone is to provide for employment, support local entrepreneurs and stimulate local economic development by providing areas where land uses may include office, research and development; light industrial; overnight lodging accommodations and commercial and service businesses to support area workers and residents. This zone is intended for low-impact and moderate-impact employment uses, which may benefit from close proximity to, but clear separation from, residential neighborhoods, and is located adjacent to a state highway access point.”*

**Permitted Uses in OTMU (§212-104)**

- Agricultural
- Commercial
- Farm operation
- On-farm labor housing

**Uses Permitted by Site Plan Approval in OTMU (§212-106)**

- Adult entertainment businesses
- Auction house
- Artist's studio.
- Bicycle/ski rental business.
- Professional offices.
- Churches, mosques, synagogues, temples and other places of worship, convents, rectories, parish houses.
- Clinic
- Communication transmission towers and telecommunications facilities,
- Conference center.
- Facilities for agricultural education and recreation events.
- Farm breweries, farm cideries, farm distilleries, farm wineries
- Fire stations and other public buildings
- Health club.
- Hospital.
- Hotel.
- Lawn/landscaping service.
- Light industry.
- Off-premises signs,
- Large- and small-scale sawmills
- Major solar collection system, subject to the provisions of Article XX, § 212-139.2.
- Motel.
- Public and private schools, nursery schools, institutions of higher education.
- Public or private park or playground
- Regional parks, wildlife sanctuaries, woodland preserves, arboretums.
- Research and development enterprises not involving the manufacture, fabrication, processing, or sale of products,
- Restaurant.
- Retail lumber and building-supply centers.
- Repair shop, personal service.
- Retail use, provided the establishment does not exceed 12,000 gross square feet in floor area,
- Self-service storage facility
- Signs
- Warehouse, not to exceed 20,000 gross square
- Wineries.

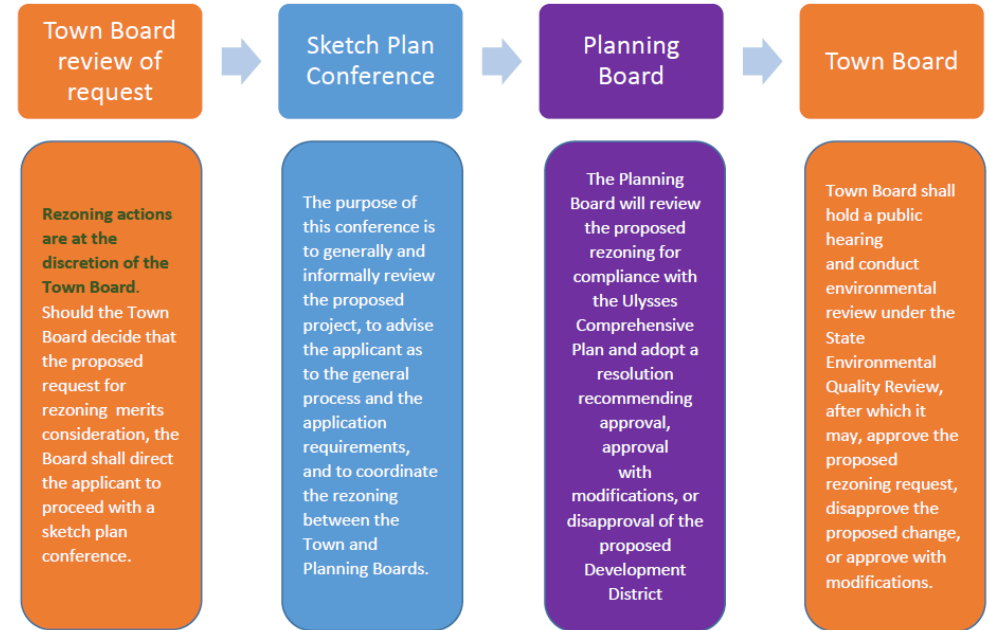
**Uses Permitted by Site Plan Approval in OTMU (§212-106)**

- Auto body and repair shops
- Boat repair and service shop

## Rezoning Procedure (§212-20)

Rezoning is at the sole discretion of the Town Board, and requires the approval of the Town Board. It is a multi-step process beginning with a request to the Town Board to re-zone. If the Town Board believes the proposal merits further exploration, the Board shall direct the applicant to proceed with a sketch plan conference and then will refer the project to the Planning Board for its review and recommendation.

The purpose of the Sketch Plan conference is to informally review the proposed project and to advise the applicant on the general process and application requirements. The zoning code (212-20.C.(2) states that the Zoning Officer, Planning Board Chair, Town Board Planning Liaison, and the Planning Management Officer shall conduct this meeting.



The Planning Board will review the project for compliance with the Comprehensive Master Plan. It may only make a recommendation to approve if the rezoning request in conformance with the Plan. The Planning Board will also review the plan for compliance with the regulations of the zone for which rezoning is requested. The Planning Board will make a resolution recommending approval, approval with modifications, or disapproval.

The Planning Board must consider:

- The need within the community for the proposed use.
- The desirability of the proposed location.
- The compatibility of the applicant's proposed particular mix of land uses with the existing character of the neighborhood in which the proposed use would be located, and the impact on the future quality of the neighborhood.
- Safeguards proposed by the applicant to mitigate possible detrimental effects of the uses within the proposed rezoning on the entire area and on adjacent property.
- Safeguards proposed by the applicant to preserve existing trees and outstanding topographic or geologic features, and reduce potential for soil erosion and sedimentation.
- Evidence that the application is compatible with the goals of Comprehensive Plans, if any.
- A general statement as to how common open space is to be owned and maintained.
- If the development is to be phased, a general indication of how the phasing is to proceed. Whether or not the development is to be staged, the sketch plan shall show the intended total project.
- Evidence of the applicant's capacity to carry out the plan and the applicant's awareness of the scope of the application, both physical and financial

When the Town Board has received the recommendation of the Planning Board, the Town Board will hold a public hearing and conduct SEQR. It may then approve, approve with modifications, or deny the request for rezoning. According to §212-20.F.(1) *“In making its decision, the Town Board shall make an affirmative finding regarding whether or not the proposed change is in conformance with the Town Comprehensive Plan.”*

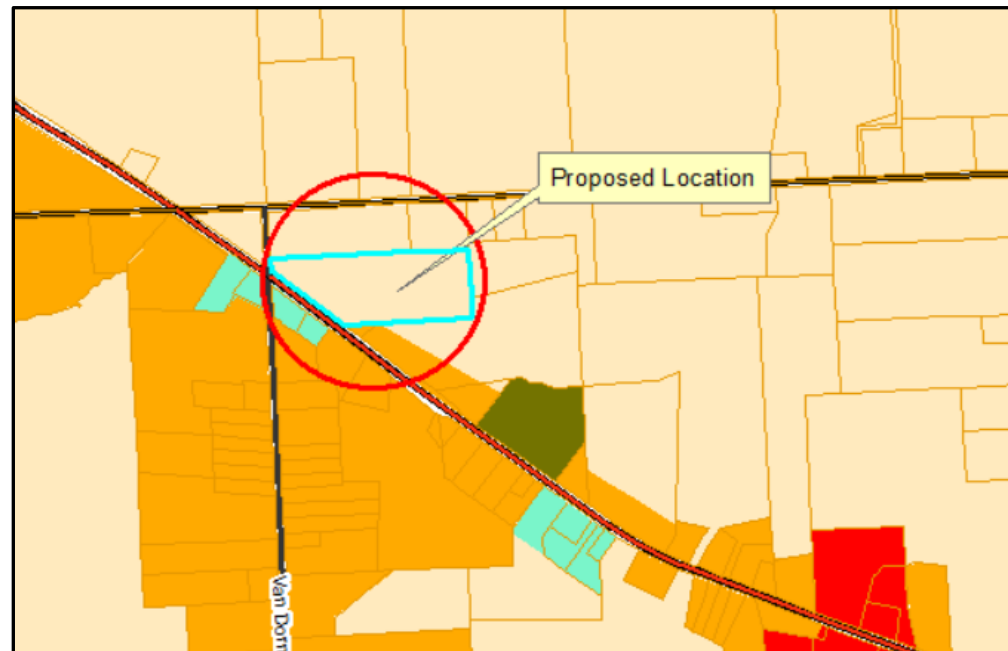
Rezoning to establish a Development District follows the same process, but requires the establishment of a development plan and regulations which clearly state what uses will be permitted within the DD and under what circumstances those uses will be allowed. Lot area and yard requirements should be established, along with any other performance standards that are deemed necessary for each permitted use. Additionally, the Board should consider who will conduct future review approval (Planning Board or Town Board) and establish procedures for amendment of both the development plans and zoning regulations if they become necessary. The Board may also wish to discuss phasing plans, and sunset clauses, by which the DD reverts to the underlying zoning if it does not develop in a timely manner. A site plan shall also be submitted to the Planning Board for its consideration of final site plan review, if it was not previously done in the rezoning review.

## LAND USE AND ZONING INFO

The proposed project location is the AR – Agricultural Rural Zone of the Town of the Ulysses. § 212-23 of the zoning codes states as its Purpose:

*“The A/R — Agricultural/Rural Zone is primarily intended to preserve farming and agricultural lands in the Town and also to maintain open space and the quality of life enjoyed by residents of the Town. Agriculture is an important part of the Town's economy, providing both direct and indirect employment benefits, and it also provides the visual benefits of open space. This zone prioritizes and preserves viable agriculture in the Town by providing an area where agricultural operations and agricultural-based enterprises are the predominant active land uses in the zone. The creation of the Agricultural/Rural Zone illustrates the Town's commitment to farming and agricultural uses as preferred uses in this zone. The Agricultural/Rural Zone protects existing agricultural areas by limiting suburban and urban development; encourages the continuation of agriculture as a viable economic activity and way of life; reduces land use conflicts; protects ecological and natural resources; and preserves open space. Furthermore, this zoning is designed to preserve the existing agricultural operations that flourish on the excellent soils and to promote the establishment of new agricultural enterprises to assure the continuation of the rural nature of the Town.”*

AR Lot area and Yard Requirements §212-29	
Min. Lot area	2 acres
Min. Lot width	400'
Min. Lot depth	200'
Min. Front set back	50'
Min. Side set back	30'
Min. Rear set back	75'
Max building height	32'
Max Lot Coverage	5%
Max area of non-ag. Building	5000 square feet



§212 -25 AGRICULTURAL/RURAL Permitted Uses

- Farm operation, and agricultural buildings including nurseries, greenhouses, orchards and vineyards.
- Agricultural events.
- Commercial stables
- Silviculture
- Roadside stands
- Single-family residences, two-family residences, Accessory buildings.
- Farm labor housing as regulated by the New York State Uniform Code.
- Temporary buildings

§212 -26 AGRICULTURAL/RURAL Permitted Accessory Uses

- Accessory dwelling units
- Farm operation, accessory commerce when no new building is constructed.
- Bed-and-breakfast establishments
- Customary home occupations
- Elder cottages
- Family adult care
- Family child care.
- Adult care groups
- Fences and walls
- Home occupations
- Minor solar collection system
- Playgrounds
- Professional offices where such office is part of the residence building
- Signs



#### §212 -26 AGRICULTURAL/RURAL Uses Allowed by Site Plan Approval

- Airstrips, private
- Animal processing structures, limited to a maximum building footprint of 2,000 square feet.
- Cemeteries as regulated by New York State
- Churches, mosques, synagogues, temples and other places of worship, convents, rectories, parish houses.
- Communication transmission towers and telecommunications facilities
- Cottage industries.
- Facilities for agricultural education and recreation events
- Farm breweries, farm cideries, farm distilleries, farm wineries.
- Farm operation, accessory commerce when constructing a new building or adding an addition to an existing building
- Lawn/landscaping services.
- Lodges.
- Major solar collection system
- Small-scale sawmills
- Wineries.

#### §212 -26 AGRICULTURAL/RURAL Uses Allowed by Special Permit

- Airports
- Animal confinement regulated by confined or concentrated animal feeding operation (CAFO),
- Animal waste storage facility
- Group campgrounds
- Campgrounds, overnight
- Fire stations and other public buildings necessary for the protection or servicing of a neighborhood.
- Hunting clubs.
- Kennels
- Public and private schools, nursery schools and institutions of higher education, including dormitory accommodations.
- Regional parks and preserves
- Golf courses
- Residential care/assisted living/rehabilitation facilities

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## RELEVANT CODES / PLANNING DOCUMENTS

According to the Town Ulysses Comprehensive Master Plan (2009) Future Land Use Map (pg. 39), the project is located in the Agricultural Priority Area.

The following has been copied from the Agricultural Priority Area section (pg. 42) of the Town Ulysses Comprehensive Master Plan:

**“Agricultural lands comprise the largest portion of land use within Ulysses and provide important economic and ecological resources for the Town, as well as directly contribute to the rural and scenic character of the community. Within designated Agricultural Priority Area locations, the protection and continuation of agricultural practices is a priority over all other land uses. However, this does not exclude future residential growth from occurring in these areas. Rather, it seeks to allow residential land use in a manner that is sensitive and considerate of the rural character, natural features, and agricultural lands which currently exist.**



Currently, agricultural areas in the Town are characterized by a mixture of farms and residential development on roadside frontage. The remaining active farms, prime agricultural lands, and open spaces are important features for the Town to preserve. The Town should adopt land use policies that encourage and protect these areas to remain available for farming and open space conservation, and limit residential and other nonagricultural development to a scale that is respectful of the surrounding environment, protect public health and safety, and minimize conflict with agriculture. The Town should discourage over-development of rural road frontages in these areas.

The retention of the rural ambiance and character of the community has been identified as a priority by Town residents and limiting, and carefully monitoring, future development in these areas should be an on-going effort undertaken by Town officials.

**Equally important is promoting the continuation and growth of farming, including the creation of new farms on viable agricultural lands not actively in use. If development were allowed to occur without oversight by the Town, risks include losing irretrievable environmental and economic resources that have historically been the foundation of the Ulysses community. A balanced approach to the protection of farmland and development is achievable in the Town. A variety of tools and techniques are available to assist the Town in implementing its vision to protect the unique natural resources within the Agricultural Priority Area, while still providing the opportunities for farmers and landowners to subdivide property for income purposes.”**

The following policy areas and objectives were identified for the Agricultural Priority Area. See the Comprehensive Master Plan for a more in depth explanation of each policy area.

POLICY AREA #2 – SUSTAINABLE LAND USE AND DEVELOPMENT (pg. 22)

Objective #2.1 A. - Use the Future Land Use Plan to guide officials’ decision-making as it relates to future development.”

Objective #2.2 - Limit future commercial development to designated areas as defined on the Future Land Use Plan including Transitional Commercial and Office and Technology Mixed Use.

- A. Promote redevelopment and reuse of existing vacant buildings using mechanisms such as streamlined site plan review and approval for types of development the Town seeks to encourage.
- B. Incorporate the Route 96 Corridor Management Plan recommendations to maintain the rural corridor character along Route 96 with nodes at the Village of Trumansburg and the hamlet of Jacksonville.

Objective #2.6 -Preserve and protect the Town’s rural characteristics and agricultural lands.

POLICY AREA #3 – LOCAL ECONOMY (pg. 27)

Objective #3.1 - Understand the role of agriculture in the local economy and support the businesses of local farmers.

POLICY AREA #4 – COMMUNITY SERVICES (pg. 29)

Objective #4.2- Coordinate the delivery of utilities in Ulysses while preserving and protecting the rural character of the community.



**Sunbeam Candles DD Request  
SBL 34.-2-1.3**

 Parcels\_2020



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**NOTES**

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