



TOWN OF ULYSSES
10 Elm Street, Trumansburg, NY 14886
ulysses.ny.us

Town Supervisor (607) 387-5767, Ext 232 supervisor@ulysses.ny.us
Town Clerk (607) 387-5767, Ext 221 clerk@ulysses.ny.us

October 10, 2014

Bonze Anne Rose Blayk
1668 Trumansburg Rd
Ithaca, NY 14850

Dear Anne Rose,

I am responding to your letter dated September 26, 2014 and our phone conversation on October 6, 2014. Your letter states that the self-storage business, located at 1658 Trumansburg Rd, is out of compliance with the zoning and was so at the time it was approved and erected in 2003. My review of the 2003 approval process and Zoning Officer's determination at the time is that it was an allowed use.

If the Zoning Law changes so that a legally, existing use becomes a nonconforming use, the use may be continued, subject to the provisions of the Zoning Law Article XXIII, §23.2.

If you have concerns about the approval process and determination from 2003, unfortunately, you would have needed to file an Article 78 proceeding with the NYS Supreme Court within 30 days after the decision was filed, see Town Law §267-c attached.

Sincerely,

Darby Kiley
Environmental Planner/Zoning Officer

Enc.

New York State Town Law

§ 267-c. Article seventy-eight proceeding. 1. Application to supreme court by aggrieved persons. Any person or persons, jointly or severally aggrieved by any decision of the board of appeals or any officer, department, board or bureau of the town, may apply to the supreme court for review by a proceeding under article seventy-eight of the civil practice law and rules. Such proceeding shall be instituted within thirty days after the filing of a decision of the board in the office of the town clerk.

2. Costs of appeal. Costs shall not be allowed against the board of appeals unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

3. Preference of appeal to court. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

4. Power of court. If upon the hearing at the supreme court, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his or her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review determining all questions which may be presented for determination.

Message from Nancy Zahler, Ulysses Deputy Town Supervisor

October 10, 2014

Dear Ann Rose, I spoke with fire Chief Jason Fulton about potentially burning your barn as a training exercise. He remembered speaking with someone else about this in the past. I explained our proposed law change and your interest in having them help you deal with your increasingly unsafe structure.

It may be possible under the following conditions:

- 1) The path from the pond to the barn would need to be cleared of weeds to enable fire fighters to connect their hoses
- 2) any neighboring properties would need to ok with it and
- 3) the weather conditions need to be ideal since your barn is close to your other buildings on the property and they don't want to put those or your neighbors in jeopardy.

Jason would be happy to talk with you and you can follow up directly with him on his cell phone:592-4400.

The Re-use Center may also be a resource for deconstructing the barn and salvaging any materials for re-use. Check out their website at fingerlakesreuse.org

Please be sure to contact Alex Rachun if you and Jason agree to plan a barn burn or a demolition.

Good luck, Nancy

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