

**Ad Hoc Zoning Committee**

**6/17/13**

The list below includes concerns brought forth by members of the public at the October 24, 2012 Lakeshore and Conservation District regulations public information meeting (the comments focused on the lakeshore zone). The committee reviewed the list, assigned topics to members, and researched the topics to develop findings or rationale and recommendations for decisions.

**List of concerns**

(text in black provided by Darby, text in blue compiled from public meeting by Liz Thomas, text in purple = recommendations of the Ad Hoc Zoning Committee)

<b>Docks</b>	Current Regs	USACE: 100 feet long, 8 feet wide, 1,200 square feet; total with extensions 150 feet long
	Proposed Regs (9/12)	40 feet or up to 50 feet if necessary to reach a water depth of 6 feet below the ordinary high water line; width between 3 and 20 feet; extensions 20 feet or less; total square footage <375 square feet. <b>The number of docks permitted per each waterfront lot shall not exceed the following:</b> <b>1. 200 feet or less of water frontage: A total of 1 dock.</b> <b>2. More than 200 feet up to 400 feet of water frontage: A total of 2 docks.</b> <b>3. One additional dock is allowed per each 200 feet of water frontage in excess of 400 feet.</b>
	Goal from Comp Plan	Enact regulations concerning boathouses, moorings, and docks. (Obj 1.2)
	Concerns from public	40' length is not enough to reach even 4' of water in some locations; DEC and OGS regulate docks, what is the rationale for the town to do regulating. (1) Determine dock length based on a minimum depth of water (1) Use DEC rules (5) Don't use OHWL to determine dock length– use mean low water line to determine dock length and distance from water to buildings. (2) Supports dock length and setback requirements (1) Temporary docks – no provision. Are they prohibited? (1) Dock surface area too restrictive --other Finger Lakes allow 720 (2) Allow shaded (covered) areas (1) Setbacks too restrictive (1)

		Minimum width of 3' – remove limit (1) Number of docks – don't regulate (2)
	Town Board question	Total square footage: draft says 375 square feet, Liz suggests 400 sq ft.
	Existing conditions	<b>There are 171 lots on the lakeshore: 152 have docks, 19 do not.</b> <b>Length of 152 docks:</b> Average dock length = 52 feet 77% of docks 60 feet or less <b>Extensions of 60 docks:</b> Average length = 23 feet; average width = 15 feet <b>Square footage</b> for 30 docks: 775 square feet The average lake level elevation from 2000-2009 for June-September ranges from 0.80 to 0.96 feet below the Mean High Water Elevation of 383.5 feet.
	RECOMMENDATION	Consensus decision on 3/28/13: Dock length maximum of 60 ft or up to 100 ft in length in order to reach a water depth of 6 ft. Measurements based on NYS DEC Mean High Water Elevation of 383.5 feet above mean sea level using the 1929 National Geodetic Vertical Datum.
		Approved at 5/30/13 meeting: Dock width: 3-10 feet Extensions: 20 feet in length, 10 feet in width Square footage: 700 square feet (plus 8 square feet for each additional foot allowed beyond 60 feet) Number of docks/lot: The number of docks permitted per each waterfront lot shall not exceed the following: 1. 200 feet or less of water frontage: A total of 1 dock. 2. More than 200 feet up to 400 feet of water frontage: A total of 2 docks. 3. One additional dock is allowed per each 200 feet of water frontage in excess of 400 feet.

<b>Covered Boat Hoists</b>	Current Regulations	NYS DEC-USACE Joint Permit required: Max 900 sq ft; no sides
	Proposed Regulations	Size limit 22 ft x 14 ft, 14 ft high. Roof pitch shall not exceed 3/12.
	Goal from Comp Plan	Enact regulations concerning boathouses, moorings, and docks. (Obj 1.2)
	Concerns from public	What if you have more than one boat or a boat that is larger than the allowed size. Use DEC rules (3)

		<p>15 foot height too low (1)</p> <p>Too small (suggests 25' or enough to cover boat) (3)</p> <p>If sustaining existing character as outlined in the Comprehensive Plan, boat hoists and boat houses of many sizes and shapes should be allowed (1)</p> <p>Roof pitch –provide logic for limitation to 3/12. Should be allowed to match principal building (2)</p>
	Town Board questions	<p>308 sq ft too small and restrictive-suggest allowing room for 2 modest-sized boats or one larger boat ~400/500ft<sup>2</sup> (Liz);</p> <p>Roof pitch too restrictive; prevents boat lift roof from matching main structure roof line or a more aesthetically pleasing steeper pitch; suggest adding language for the BZA to interpret that might allow a steeper roof if the structure is not sited in such a way as to obstruct the neighbor's view (Liz).</p>
	Existing conditions	<p>Average length: 26 feet;</p> <p>Average width: 17 feet;</p> <p>Average square footage: 442 square feet</p>
	RECOMMENDATION	<p>Approved 5/30/13:</p> <p>450 square feet in area</p> <p>15 feet high</p> <p>No sides</p> <p>To avoid excessive impairment of lake views, roof pitch shall not exceed 3/12 (3-inch vertical rise for every 12 inches horizontally)</p>

<b>Boat Houses</b>	Current Regulations	Boat houses (enclosed buildings over the water) are not permitted by USACE/NYS
	Proposed Regulations	No boathouses
	Goal from Comp Plan	Not mentioned
	Concerns from public	<p>Want boat houses to be allowed (3)</p> <p>Wants beach storage allowed (1)</p>
	Town Board questions	<p>Does DEC allow boat houses now and if so, can we work with their regulations to allow if they do not obscure the neighbor's view (Liz)?</p> <p>Point out in zoning text that there is additional info on "Accessory Buildings" (i.e. text such as: See Section x,</p>

		Accessory Buildings)
	RECOMMENDATION	See accessory buildings for structures on land, but otherwise do not allow boathouses.

<b>Accessory Buildings</b>	Current Regulations	All accessory buildings need to meet setback requirements; under 144 sq ft, no building permit required.
	Proposed Regulations	Same
	Goal from Comp Plan	?
	Concerns from public	Appears to be a misunderstanding, accessory buildings under 144 sq ft do not need a building permit but does need to meet the setback requirements.  Proposed zoning will encourage multiple 144 sq ft buildings- does not favor this (1)  Wants beach storage (1) (also see comments about boat houses)
	Town Board questions	Liz has concerns about numerous 144 accessory buildings being built. Can we allow one larger accessory building to keep canoes, kayaks, chairs, etc? suggest 200 (=20x10 enough room for a 15 foot canoe (average) to be stored with 2.5 ft on each end).
	Existing Conditions	56 out of 182 properties have accessory buildings (that are not boathouses)  Accessory Buildings ≤ 144 square feet: 33 > 144 square feet: 23 ≤ 200 square feet: 42 >200 square feet: 14
	RECOMMENDATION	Approved 5/30/13: All accessory buildings need to meet the setback requirement of 50 feet.  Pump houses included in list of accessory uses that can be located within the lakeshore setback area.  Rationale: If a landowner wants to build within the setback area because of unique situation, apply for an area variance. Do not want to make an exception for lakefront property and not the whole town.

<b>Water Rights</b>	Current Regulations	USACE: vague – “prevent possible obstructions to navigation . . . and the neighboring property’s access to the waterway.” NYS OGS responds to complaints.
	Proposed Regulations	Colonial method (same as Town of Ithaca, Canandaigua and Keuka Lakes)
	Goal from Comp Plan	Not mentioned
	Concerns from public	- Do not allow water rights line to intersect (1) - Use DEC regulations (2)
	<b>RECOMMENDATION</b>	Approved 5/30/13: Use the Colonial Method

<b>Moorings</b>	Current Regulations	NYS Parks: require permit if > 100 ft from shore; require fixed white light visible for ½ mile
	Proposed Regulations	All moorings shall be within 100 feet of the shoreline at the OHWL and shall only be placed within the water rights line of lakeshore lots. Moorings within 100 feet of the shoreline shall be kept visible on the surface of the water under all conditions.  Moorings shall be placed so that objects moored to them, at full swing of their moorings or anchor line, will be no closer than 10 feet to the water rights lines of the property. Maintaining moorings within 100 feet of the shoreline in safe operating condition and visible to boaters shall be the responsibility of the property owner associated with each mooring. No mooring shall be placed or used without the permission of the owner of the controlling lakeshore parcel.  The number of private moorings permitted per each waterfront lot shall not exceed the following: <ol style="list-style-type: none"> <li>1. 100 feet or less of water frontage: A total of 1 such mooring.</li> <li>2. More than 100 feet up to 250 feet of water frontage: A total of 2 such moorings.</li> <li>3. More than 250 feet up to 500 feet of water frontage: A total of 3 such moorings.</li> <li>4. One additional mooring is allowed per each 150 feet of water frontage in excess of 500 feet.</li> </ol>
	Goal from Comp	Enact regulations concerning boathouses, moorings, and docks. (Obj 1.2)

	Plan	
	Concerns from public	-Remove setback from water rights line (1) -Use DEC regulations (2)
	RECOMMENDATION	Approved at 5/8/13 meeting (text in bold is new): <b>Only one mooring is permitted per each waterfront lot.</b>  <b>With anchor chain stretched parallel to the onshore wind</b> , all mooring <b>buoys</b> shall be within 100 feet of the shoreline at the OHWL and shall only be placed within the water rights line of lakeshore lots. Moorings within 100 feet of the shoreline shall be kept visible on the surface of the water under all conditions.  Moorings shall be placed so <b>that no part of the objects moored to them</b> , at full swing of their moorings or anchor line, <b>shall cross the water rights lines of the property</b> . Maintaining moorings within 100 feet of the shoreline in safe operating condition and visible to boaters shall be the responsibility of the property owner associated with each mooring. No moorings shall be placed or used without the permission of the owner of the controlling lakeshore parcel.

Stream Setback	Current Regulations	R1-Rural Residence District states that “No buildings or other structures, or parking areas, shall be located within 50 feet from a stream edge or any wetland as defined by state or federal law.” 17.6.2 Stream Protection Setback: USGS topographical maps will be used to classify impermanent and permanent streams. Impermanent streams require a minimum of 25 feet of setback on each side of the stream, extending from the stream bank toward the uplands. Permanent streams are required to have a minimum of fifty feet of buffer on each side of the stream, extending from the stream bank toward the upland.
	Proposed Regulations	50 feet from any stream edge
	Goal from Comp Plan	Review and revise existing Town regulations to more adequately protect streams in the Town through buffer zones, setbacks, or other protection mechanisms such as a stream protection overlay zone. (Obj 1.2)
	Concerns from public	Too restrictive. -50’ is too far (eliminates all shoreline structures for storage) (6) -Is the 50’ is measured horizontally. Makes a difference if there is a big cliff—50’ could be vertical and be only 10’ horizontally from the lake (1) -Lake and stream setback of 50’ is too far (2)
	Town Board questions	Dave: setback to intermittent streams should be 25 ft.

	RECOMMENDATION	Approved 3/14/13: Continue with the existing numbers in the current zoning: 25 ft for impermanent and 50 ft for permanent streams. Approved 5/8/13: Increase the stream setback to 75 feet in Unique Natural Areas of the Lakeshore and Conservation Districts.
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Lot size	Current Regulations	R1-Rural Residence District has a minimum lot area of 2 acres with 2 principal buildings allowed (single or two-family dwellings). Minimum front lot line = 250 ft. With current regs – 6 lots could be subdivided to create 6 new lots.
	Proposed Regulations	One acre for lakeshore and 5 acres for non-lakeshore lots. Minimum width at lake frontage = 150 ft. Minimum road frontage for non-lake – 250 ft. With the proposed – 12 lots could be subdivided to create 14 new lots
	Goal from Comp Plan	Enact zoning regulations to protect the Cayuga Lake waterfront and ensure development that is consistent with the lakefront’s existing character and compatible with the natural environmental features. (Obj 1.1)
	Concerns from public	- 2 acres to 1 acre concern because of reduction of values; 5 acre non-lake lot should be reconsidered (how was this arrived at); if lot size is lowered, it will increase density. <b>2 A changes the “character” of the lake shore. (8)</b>  -Lake and road frontages are too small (1)  - <b>150 ft lake frontage</b> too big – suggests 100 as long as septic requirement can be met (1)
	Existing conditions	Lot area: 52% of lots are smaller than 1 acre 69% of lots are smaller than 2 acres Width at lakeshore: 50% of lots have lake frontage <150 ft 85% of lots have lake frontage <250 ft
	RECOMMENDATION	Approved 3/14/13: For lakeshore lots, keep lot area and frontage the same as current regulations (2 acres, 250 feet), and for non-lakeshore lots, recommend minimum lot size of 5 acres. Discussed: Ithaca Yacht Club should have Marina Zoning, Girl Scout Camp should stay in Park/Recreation District.

<b>Driveways and parking</b>	Current Regulations	No parallel regs.
	Proposed Regulations	Semi-permeable and permeable surfaces for driveways and parking areas are to be encouraged to minimize runoff and erosion. Driveways and parking areas should follow contour lines of the land as much as possible. Regrading of slopes for parking areas shall be minimized. For safety purposes, parking areas shall be designed and built to avoid the necessity for drivers to back their vehicles onto Route 89.
	<b>Proposed Regs #2</b>	<b>The combined dimensions of impermeable walkways and ground level stairs shall be no more than 800 square feet in total area.</b>
	Concerns from the Public	- Use a % coverage instead of a limit on sq ft. (1) -Too restrictive (2) - <b>800 sq ft sidewalk</b> – too restrictive (3)
	Town Board questions	- Should we have a limit to the size of parking on a steep slope (which much of the lakeshore is)? Does a building plan need to show the planned parking area if it is being built within the Slope Overlay?(Liz) - Is blacktop better for erosion on steep driveways than gravel that can erode during heavy rain event (i.e. is impermeable better in some cases)? -800 sq feet of impermeable sidewalk is too restrictive and does not consider the obvious problem of impermeable driveways or parking lots. Consider revising (Liz)
	<b>RECOMMENDATION</b>	LANGUAGE approved on 4/11/13 and 5/30/13 (only text in bold is new): Semi-permeable and permeable surfaces for driveways and parking areas are to be encouraged to minimize runoff and erosion. <b>Driveways and parking areas should be designed to include a combination of permeable and impermeable surface materials as needed to provide for safe passage and to minimize the total area of impervious surface, which would contribute to runoff.</b> Driveways and parking areas should follow contour lines of the land as much as possible. Regrading of slopes for parking areas <b>SHOULD</b> be minimized. For safety purposes, parking areas shall be designed and built to avoid the necessity for drivers to back their vehicles onto Route 89.  <b>For new impervious surfaces proposed for driveways, parking areas, or walkways in Unique Natural Areas or Slope Overlay Areas, Site Plan Review procedures shall be followed, and the Planning Board may seek recommendations from a licensed engineer selected by the Town and paid for by the applicant.</b> [note: the end of this sentence is the same as in section 9.8.5.]



		<b>The 800 square foot limit for impervious walkways, etc. was removed.</b>
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<b>Lot coverage</b>	Current Regulations	R1-Rural Residence District has a maximum lot coverage of 5%.
	Proposed Regulations	Maximum footprint of all buildings shall be 4,000 square feet.
	Goal from Comp Plan	Enact zoning regulations to protect the Cayuga Lake waterfront and ensure development that is consistent with the lakefront's existing character and compatible with the natural environmental features. (Obj 1.1)
	Concerns from public	- Percent coverage (5%) makes more sense. -Wants to prevent McMansions (1)
	Existing conditions	Out of 198 parcels: 7 parcels have building footprints that exceed 4000 sq ft; 99 parcels have a building footprint that is less than 5% of the lot area; 83 parcels have a building footprint that is greater than 5% of the lot area; of that 83 parcels exceeding 5%, 9 lots are between 1-2 acres, 1 lot is greater than 2 acres, with the remaining 73 lots less than 1 acre.
	<b>RECOMMENDATION</b>	Approved on 4/25/13: Maximum lot coverage shall be 5% lot of the lot area.

<b>Tree removal</b>	Current Regulations	None really, except where stormwater regs apply.
	Proposed Regulations	(1) Without Town approval: a tree whose location and conditions combine to make it a threat to human life or property. (The service of a bonded arborist is recommended). (2) With the approval of the Zoning Officer and the possession of a valid building permit: those trees that are in the footprint of a building site, and the driveway access. (3) With a Woodland Management Plan (prepared in conjunction with a consulting forester registered with the Town) that has been filed with and approved by the Zoning Officer and/or the Town's consulting forester: multiple trees for the landowner's cordwood or lumber use, trees for forest management and forest improvement, and trees for commercial timber harvest.
	Goal from Comp Plan	Investigate and implement various mechanisms to protect and preserve environmentally sensitive areas

		such as steep slopes, wetlands, Unique Natural Areas, mature forests and important wildlife habitats in all Land Use areas. (Obj 1.1)
	Concerns from public	<ul style="list-style-type: none"> <li>- To say you cannot cut a tree down to provide sunshine when many properties fight moisture is ridiculous. Maybe design standards need to be established.</li> <li>-Too restrictive – can’t harvest firewood for own use, use DEC regulations (4)</li> <li>-Define trees (1)</li> <li>-Remove regulation or regulation to strict (2)</li> </ul>
	Town Board questions	<ul style="list-style-type: none"> <li>- Suggest adding language that would allow for cutting of firewood but would have stronger oversight of logging. (Liz)</li> <li>- Make allowance to increase air flow for properties near lake due to highly humid conditions while still preventing erosion (Liz).</li> <li>- remember the focus is on preventing erosion when drafting new language. I think there are some flexible ways to do so. (Liz)</li> <li>-Darby note: ask DEC to review regs because they have forestry folks</li> </ul>
	RECOMMENDATION	<p>Discussed on 5/8/13 (new text in bold):</p> <p>Tree removal is allowed in the Lakeshore District according to the following terms and conditions:</p> <p>(1) Without Town approval: a tree whose location and conditions combine to make it a threat to human life or property.</p> <p>(2) With the approval of the Zoning Officer and the possession of a valid building permit: those trees that are in the footprint of a <b>construction</b> site and the driveway access.</p> <p>(3) With a Woodland Management Plan (<b>prepared by a professional forester with Society of American Foresters certification or by a cooperating consulting forester with the New York State Department of Environmental Conservation</b>) that has been filed with and approved by the Zoning Officer and/or the Town’s consulting forester: multiple trees <b>may be removed</b> for the landowner’s firewood or lumber use, <b>and where necessary for forest management and forest improvement. These activities must protect and recognize special features of Unique Natural Areas and steep slopes.</b></p>

<b>Two-</b>	Current Regulations	No limit on size of 2 <sup>nd</sup> dwelling unit.
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<b>family residence</b>	Proposed Regulations	The floor area of the second dwelling unit is not more than fifty percent of the floor area excluding the basement of the primary dwelling except where the second dwelling unit is constructed entirely within the basement area, it may exceed fifty percent.
	Concerns from the public	-50% limit of 2 <sup>nd</sup> dwelling favors larger houses (1)
	Town Board questions	- Liz: requirement is unnecessary and favors those with bigger primary houses. Would suggest keeping with the 4000 sq. ft. total limit and let people decide the size of the 2 units.
	<b>Existing conditions</b>	Out of 198 parcels: 7 parcels have two-family residences; 1 parcel has a 3-family residence; 1 parcel has an apartment building.
	<b>RECOMMENDATION</b>	Approved on 4/25/13: Allow 2-family residence and do not limit the size of the second unit. <i>The rationale: there are so few 2-family and likely not much pressure for having more.</i>

<b>Number of principal buildings</b>	Current Regulations	Two principal buildings are allowed. (note: that includes two duplexes)
	Proposed Regulations	There shall be no more than one principal building on any lot in the Lakeshore District.
	Concerns from the Public	-Keep the 5% coverage rather than a limit on sq ft (1) -Opposes prohibition of second residence (1) -4000 sq ft limit too small (1)
	Town Board questions	- Liz: We have no allowance for guest houses on a property—stay with 4000 sq. ft. limit and allow property owners the flexibility to decide how to use that space.
	<b>Existing conditions</b>	Out of 198 parcels: 4 parcels have 2 single-family residences; 14 parcels have a house and a cabin/cottage/bungalow.
	<b>RECOMMENDATION</b>	Approved on 4/25/13: Allow only one two-family residence, but allow two single-family residences. Reduce the dwelling unit size (750 sq ft) in zoning so garage apartments or guest cottages can be small.

Other	Concerns from the public	<ul style="list-style-type: none"> <li>- <b>non-conformance of existing properties</b> is too high– comp plan indicates zoning should “maintain the existing character of the lake shore” (9) AND “<b>existing lots</b>” (<b>grandfathering</b> language)- Confusion over what can be done/ what can be built if structures destroyed –(7) (DARBY)</li> <li>- <b>Tax breaks</b> for land preservation measures (4) (Darby and Rebecca will meet with FLLT)</li> <li>-Prohibition of plowing <b>salty snow</b> into streams is unnecessarily restrictive (1) (5/30/13 “<b>Plowing of salt laden snow from driveways into streams should be avoided.</b>”</li> <li>-Suggest design standards (1)</li> <li>-Lighting – supports language (1)</li> <li>-Protecting the lake quality/environment is most important (2)</li> <li>-Scenic view language – too vague (1) (committee: keep as a standard)</li> </ul>
	Town Board questions	-Need maps of property lines within the zones to go to the public and TB (Liz)
	UNDER REVIEW	Grandfather clause

Ithaca Yacht Club (Darby)	Current Regulations	In the R1-Rural Residence District and a non-conforming use.
	Proposed Regulations	If in Lakeshore District, would continue to be a non-conforming use.
	Goal from Comp Plan	Enact zoning regulations to protect the Cayuga Lake waterfront and ensure development that is consistent with the lakefront’s existing character and compatible with the natural environmental features. (Obj 1.1)
	Concerns from public	<ul style="list-style-type: none"> <li>- Proposed zoning will make it more difficult to exist because they are non-conforming.</li> <li>- <b>separate zoning for Yacht Club and Girl Scout Camp</b> (4)</li> </ul>
	Town Board questions	[Darby note: Alex, Dave K, and I met with reps from IYC and are looking into establishing a “Marina District.”] Good idea (Liz)
	UNDER REVIEW	