

Meeting Minutes
Ad Hoc Zoning Committee
Town of Ulysses

April 25, 2013

Approved 5/8/13

Attendees: Rod Hawkes (chairperson), Darby Kiley, Dave Kerness, Don Wilson

Excused: Rebecca Schneider

Public: Tim Fallon, Heinz Riederer, Rocco Lucente, Todd Searles, Lawrence McCann, Cheryl Chalmers, Liz Thomas

Mr. Hawkes called the meeting to order at 7:03 PM.

There were no changes to the agenda.

Meeting minutes from April 11 were approved as prepared.

PRIVILEGE OF THE FLOOR

Rocco Lucente stated that he was opposed to the lakeshore zoning, especially the dock length. The town is ignoring more important issues such as the Trumansburg sewage plant, which discharges high levels of fecal coliform, making the lake by Camp Barton unswimmable and water pulled from the lake undrinkable. He asked if the zoning is the fight that the town needs to be fighting right now, and asked the town to drop this distraction so the boy scouts can swim in the lake.

Mr. Hawkes responded that this committee is not the Town Board, and the committee was charged with reviewing the zoning.

Todd Searles stated that he was interested in a vacancy on the Town Board.

Tim Fallon stated that he had concerns about the resident survey that had been discussed: about who got it, who responded, and that the information was misleading. He stated that some residents did not respond because they did not want to lend credence to the survey. The Ulysses Lake Association has said that they would get involved in participating in a survey for more meaningful information. He stated that a friend who does market research said the previous survey was dismal. Regarding the dock length discussion, Mr. Fallon stated that the 6 foot water depth does not work for a lot of people. If a sailboat is used in the best sailing weather, in the spring and fall, the water is a foot and a half lower than in the summer. Wave action also changes a foot or more. People live on the lake to use the lake. The shorter the dock, the more of a need for an L shape, so that sailboats can be docked. Neighbor enjoys diving off the ends of their docks. Trying to constrain docks seems artificial and unnecessary. Part of what draws people is the variation: steep pitch, deck on top – adds to richness of lakeshore with

customized individualized housing. Zoning doesn't feel like it is going to keep that for us. Concerned about lake, in favor of zoning.

Heinz Riederer delivered a letter in February that was an analysis of the survey. The survey needs to be factual and he found some errors. He noted that his letter was referenced on March 14 but was not discussed at any subsequent meeting.

Lawrence McCann said that he did not receive the survey but he did receive a tax bill. He stated that many people have been working on the rezoning and thanks them for their work. He has been attending many meetings and said that the zoning changes affect only a few people, that this is spot zoning for the benefit of small number of landowners, and to the detriment of other landowners. He noted the he has seen preferential abuse intruding on landowners rights based on incorrect advice and information controlled by the same small group, including planning, zoning and town board members without fresh citizen input. The process so far has been preferential, arbitrary and capricious, the antithesis of a well-considered plan. Tax payers should not have to fight for what is fair on their land or in their community. He stated that he feels he has no voice and has tried very hard to have a voice and all he has gotten is criticism. This zoning process only furthers a yet-unidentified, opaque purpose for property owners who are already violating the zoning law as they stand now, and grandfathering would continue to benefit. The ad hoc committee owes the citizens answers on why they are majority controlled by the boards they represent and would appreciate a response.

Mr. Hawkes responded that he was asked to serve and that is how he got involved.

Don Wilson stated that he was asked to serve. He learned early on that he would not be able to make everyone happy. He does agree with various things that have been stated. Mr. Wilson has concentrated his efforts on docks, and compromise is necessary on both sides. The state doesn't allow docks longer than 100'. There will be restrictions for dock length if you want to more than 6 foot water depth in areas where more than 60 or so feet is necessary. The only way to get around that is to totally dismiss the zoning process and leave it to the state regulations. He stated that his thinking has changed, instead of thinking "what's mine is mine", that we are borrowing from our children, and we need to plan wisely for the environment. Stream setback and lot size does impact the setbacks. The town needs to address how we are going to build in the future. Areas to the west of Rt 89 are steep and zoning should protect Unique Natural Areas. He asked that people take a longer look into the future and think about what we are going to have here.

Liz Thomas stated that the Town Board could have taken draft zoning but decided to have an ad hoc committee because they have the background and a couple planning board members were chosen because they have the expertise with the zoning and use it for site plan review. This is an advisory only board and will make recommendations to the town board. There will be more chances for residents to provide input.

Principal Buildings and Building Footprint

Ms. Kiley presented existing conditions of buildings in the lakeshore area, using the County information on building footprint and accessory buildings.

Total number of lots: 198 (excluding Girl Scout Camp, Ithaca Yacht Club, and State Parks)

Number of lots with no structure: 15

Number of lots with shed but no house: 2

Number of lots with 2 single-family residences: 4

Number of lots with 1 single-family residence and a cabin/cottage/bungalow: 14

Number of lots with one two-family residence: 7

Number of lots with one three-family residence: 1

Number of lots with an apartment building: 1

Number of lots with a building footprint > 4,000 square feet: 7

Number of lots with a building footprint <5% of lot area: 99

Number of lots with a building footprint >5% of lot area: 83

Of those 83 lots: Number of lots > 2 acres: 1

Of those 83 lots: Number of lots between 1 - 2 acres: 9

Of those 83 lots: Number of lots <1 acre: 73

Mr. Wilson noted that about half are more and half are less than 5% area lot coverage. Ms. Kiley pointed out that 73 of the lots are less than 1 acre, and would prefer using the 5% rule.

Lot coverage	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.
	RECOMMENDATION	5% lot coverage

Two-family residence	Current Regulations	No limit on size of 2 nd dwelling unit.
	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.
	RECOMMENDATION	Allow 2-family residence and do not limit the size of the second unit. The rationale: there are so few 2-family and likely not much pressure for having more.

Number of principal buildings	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.
	RECOMMENDATION	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.

Mr. Wilson made a motion, seconded by Mr. Kerness to accept the recommendations highlighted in yellow in the tables above. All members voted in favor, motion passed.

Tree removal

Mr. Kerness handed out a packet of information regarding tree removal. The packet includes the following:

1. Why we don't cut trees on steep slopes: (a) root system keeps soil in place; (b) acts as groundwater recharge; (c) water filtration; (d) watershed protection; (e) pollution of waterways and health of fish and wildlife; (f) trees generate oxygen, absorb carbon dioxide, filter air pollution, reduce noise, provide shade, etc.
2. Forest management language from Ithaca Planning Department (attached).
3. Comments from Thomas Gerow (Professional Forester) on Ulysses Conservation Zone (attached).
4. City of Shell Lake, Wisconsin, shoreline buffer zone (attached). Mr. Kerness noted a 30% or 30 ft wide tree removal area.
5. 11/13/11 Lakeshore Zone language for Section 2.4 (9.8.3, 2013) (see attached).
6. Amended language to consider for section 9.8.3.

Mr. Kerness stated that he works with a forester to discuss what trees can be thinned on his property. He found in his research that "clear cutting" does not mean that every tree in an area is removed, and sometimes clear cutting is used as a forest management practice

Mr. Wilson noted that the Comprehensive Plan states that changes made should prevent and minimize erosion. We need to be careful that does not equate to cutting a tree or not. Most responsible landowners will start planting and landscaping as soon as a house is complete. Mr. Wilson said that he has many hemlocks, and it was recommended to him that he cut 50% of them to let light onto the forest floor to encourage regrowth of understory trees.

Mr. Hawkes added that the tree removal section has gone through many phases. The committee should review what Mr. Kerness presented for discussion at the next meeting.

NEXT MEETING:

The next two meeting dates are May 8 and May 22 at 7:00 PM. The discussion will cover tree removal, moorings, setbacks, and other previously discussed topics.

The meeting was adjourned at 8:18 PM.

Minutes submitted by Darby Kiley.