

Meeting Minutes  
Ad Hoc Zoning Committee  
Town of Ulysses

May 8, 2013

**Approved 5/22/13**

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

**Public:** Tim Fallon, Heinz Riederer, Don Smith, Liz Thomas, Nancy Zahler

Mr. Hawkes called the meeting to order at 7:01 PM.

There were no changes to the agenda.

Meeting minutes from April 25 were approved with two wording changes. Ms. Schneider abstained.

**PRIVILEGE OF THE FLOOR**

Don Smith thanked the ad hoc committee for their work and said that the silent majority of lakeshore residents think the US Army Corps of Engineers are too permissive. There are portions of the 2012 draft zoning that are overly restrictive, such as tree removal. He also thanked the Ulysses Lake Association for their constructive suggestions and input.

Heinz Riederer handed out language from NYS Navigation Law that addresses moorings (language is pasted below). The law states that a property owner can only have one mooring, and does not include lot size as a factor.

**Moorings**

Mr. Wilson read the following section of Navigation Law Section 35-a:

3. Adjacent upland owners may place one mooring buoy and one swimming float of not more than one hundred square feet of surface area, in the waters adjacent to and within the boundaries of their shoreline, provided however, that no floating object and no vessel or part thereof which is secured to a mooring buoy shall at any time extend more than one hundred feet from shore and further provided that no floating object may be placed in a navigable channel or in any location in which it will interfere with free and safe navigation or free access to another person's property. The commissioner shall have the right to remove or alter the location of any such buoy or float in the interest of navigation.

Mr. Wilson recommended additional language to the proposed zoning suggestions because moorings are defined as either a place where ships are moored or as all cables, lines, etc. used to moor a ship; and since all of the cables, lines, etc. may have impact in shallow water circumstances, particularly when US Coast Guard recommendations of chain length are followed.

**Mr. Wilson made a motion to add “*With anchor chain stretched parallel to the onshore wind, all mooring buoys shall be . . .*” The motion was seconded by Mr. Kerness, all members voted in favor, the motion passed.**

Mr. Wilson explained that offshore winds come over the hill and cannot move the buoy and chain, the winds drive against the shoreline.

Mr. Kerness asked why the location is 10 feet from the property line, why not make it adjacent. Mr. Wilson prefers the 10 foot buffer but in some cases the lots are small, though all of the existing moorings would be grandfathered. Mr. Hawkes would prefer language that says that no part of the boat could cross the water rights line.

If a mooring is located more than 100 feet from shore, it needs a white light. There are concerns about moorings by the Girl Scout camp where boats moor and form rafts and have parties. According to state law, the Girl Scouts would have had to give permission for those moorings, and it’s not clear if that permission was granted.

**Mr. Hawkes made a motion for new language regarding mooring location:**

**“Moorings shall be placed so that no part of the object moored to them, at full swing of their moorings or anchor line shall cross the water rights lines of the property.”**

**Mr. Kerness seconded the motion, all members voted in favor, the motion passed.**

The committee discussed the number of moorings per lot. The US Army Corps of Engineers would allow up to 4 moorings, but the State regulations state that only one mooring is allowed.

**Mr. Hawkes made a motion, seconded by Mr. Wilson, to allow only one mooring per lot. All members voted in favor, the motion passed.**

The following includes the language approved in the preceding section to be inserted into the draft lakeshore district:

*“With anchor chain stretched parallel to the onshore wind, all mooring buoys 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 no part of the objects moored to them, at full swing of their moorings or anchor line, shall cross 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 moorings shall be placed or used without the permission of the owner of the controlling lakeshore parcel.

Only one mooring is permitted per each waterfront lot.”

### **Setbacks and UNAs**

The committee discussed how throughout the town the stream setbacks are 25 feet for impermanent and 50 feet for permanent streams but there is a need for conservation in places such as Unique Natural Areas. UNAs could be used to identify where setbacks could be increased. Most of the houses in the lakeshore area are NOT in the UNA, increasing the stream setback would be for protecting steep slopes.

**Mr. Wilson made a motion, seconded by Ms. Schneider to increase the stream setback to 75 feet in Unique Natural Areas of the Lakeshore and Conservation Districts. All members voted in favor, the motion passed.**

### **Tree Removal**

The committee reviewed the proposed edits presented by Mr. Kerness at the April 25, 2013 meeting. The following language will replace the "Requirements" section under 9.8.3

Tree removal is allowed in the Lakeshore District according to the following terms and conditions:

(1) Without Town approval: a tree whose location and conditions combine to make it a threat to human life or property.

(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 construction site and the driveway access.

(3) With a Woodland Management Plan (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) that has been filed with and approved by the Zoning Officer and/or the Town's consulting forester: multiple trees for the landowner's firewood or lumber use and trees for forest management and forest improvement. *These activities must protect and recognize special features of Unique Natural Areas and steep slopes.*

### **NEXT MEETING:**

The next two meeting dates are May 22 at 7:00 PM. The discussion will cover previously discussed topics.

The meeting was adjourned at 8:55 PM.

Minutes submitted by Darby Kiley.