

TOWN BOARD MEETING

Town of Ulysses

May 12, 2020

Audio of the minutes are available on the website at ulysses.ny.us.

The meeting was held via videoconference on the Zoom platform.

Notice of Town Board meetings are posted on the Town's website and Clerk's board.

ATTENDANCE:

TOWN OFFICIALS PRESENT:

Supervisor- Nancy Zahler

Board members- Richard Goldman, Michael Boggs, Katelin Olson, Marc Devokaitis

Town Clerk- Carissa Parlato

Second Deputy Supervisor- Michelle Wright

Highway Superintendent- Scott Stewart

Attorney for the Town- Khandikile Mvunga Sokoni (arrived at 7:35pm)

Environmental Planner- John Zepko

OTHERS PRESENT:

Anne Koreman, Roxanne Marino

REVIEW OF ZOOM MEETING RULES

Ms. Zahler requested that attendees mute themselves when not speaking, and refrain from using the chat function.

CALL TO ORDER:

Ms. Zahler called meeting to order at 7pm.

ATTENDANCE:

The Town Clerk called the roll.

Town Board:

Ms. Zahler	present
Ms. Olson	present
Mr. Boggs	present
Mr. Goldman	present
Mr. Devokaitis	present

Town Staff:

Ms. Wright	present
Mr. Zepko	present

REPORTS FROM REPRESENTATIVES AND COMMITTEE CHAIRS:

Ms. Koreman shared the following updates from Tompkins County Legislature:

- Planning to redirect state funds for rental assistance
- Attending COVID-19 business re-opening meetings
 - Our regional success will continue dependent on following guidelines of distancing, masks, hygiene, etc.
- \$11-18 million shortfall in budget

- Will continue meeting as information becomes available

APPROVAL OF MEETING AGENDA:

RESOLUTION 2020-106: APPROVAL OF MEETING AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda for May 12, 2020 with the addition of an Executive Session for the purpose of matters leading to the appointment of an individual.

Moved: Ms. Zahler Seconded: Mr. Goldman

Ms. Zahler aye
Ms. Olson aye
Mr. Boggs aye
Mr. Goldman aye
Mr. Devokaitis aye

Vote: 5-0

Date Adopted: 5/12/2020

TOWN REPORTS:

(See Appendix)

APPROVAL OF ADDITION TO AGENDA:

RESOLUTION 2020-107: APPROVAL OF ADDITION TO AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda with the addition of a resolution to extend the probationary period for Bill Austen.

Moved: Ms. Zahler Seconded: Mr. Goldman

Ms. Zahler aye
Ms. Olson aye
Mr. Boggs aye
Mr. Goldman aye
Mr. Devokaitis aye

Vote: 5-0

Date Adopted: 5/12/2020

OLD BUSINESS:

ZONING AMENDMENT

Ms. Sokoni added that she made a few non-substantive edits (such as reference numbers), and suggested that the board differentiate between the terms “lake front” and “lakeshore”.

RESOLUTION 2020-108: APPROVAL OF DRAFT ZONING AMENDMENT ON DEVELOPMENT IN LAKESHORE AND CONSERVATION ZONES AND SCHEDULING OF PUBLIC INFORMATION MEETING

WHEREAS, the Town Board of the Town of Ulysses (Town Board) enacted Local Law No. 3 of 2019 on December 10, 2019, which law was filed with the New York State Secretary of State on December 16, 2019, which local law repealed in its entirety the Town of Ulysses Zoning Law adopted by Local Law No. 3 of 2013, amended from time to time, and codified as Chapter 212 of the Laws of the Town of Ulysses, and in its place adopted a new zoning law, and

WHEREAS, when adopting the Zoning Law on December 10, 2019 by Resolution 2019-211 several members of the Town Board wanted to re-visit the law in 2020 based on feedback from the Public Hearing held November 12, 2019 and

WHEREAS, the Town Board wished to consider alternative strategies that balance property rights with our environmental stewardship when protecting steep slopes and Unique Natural Areas in the Lakeshore and Conservation zone rather than a zone-wide limit of 2000sq ft footprint and

WHEREAS, the Ulysses Town Planning Board transmitted their recommendations including proposed changes to the current zoning along with their rationale to the Town Board on April 28, 2020 through Planning Board Resolution Numbers 1 of 2020 and 2 of 2020, and

WHEREAS, the Ulysses Town Board wishes to seek feedback from those affected by the proposed amendments to the Zoning Law, as well as from the public in general, now therefore be it

RESOLVED, that the Town Board adopts the following draft (see Appendix II) for review and discussion by the public to inform the final wording of the amendment that will be subject to Environmental reviews, Review by Tompkins County Planning Department, neighboring municipalities and public hearing, and further

RESOLVED, that a Public Information Meeting be convened on Monday, June 1 at 7pm via videoconference for the purpose of presenting the proposed changes and responding to questions and comments about the proposed amendment and further

RESOLVED, that following the Public Information Meeting and completion of the steps legally required to prepare for enactment of a local law, the Town Board is intending to schedule a Public Hearing for Tues., July 14 at 7pm by videoconference with an option for call in or written comments.

Moved: Ms. Zahler Seconded: Mr. Devokaitis

DISCUSSION:

Ms. Olson suggested documenting rationale when making changes.

MOTION TO TABLE:

Ms. Olson made a motion to table the resolution. This was seconded by Mr. Devokaitis and passed unanimously.

EXECUTIVE SESSION:

Ms. Zahler made a motion to go into Executive Session at 8:26pm for the purpose of discussing the appointments of particular people. This was seconded by Mr. Goldman and passed unanimously.

Mr. Goldman moved to end Executives Session at 9:01pm. This was seconded by Mr. Boggs and passed unanimously.

APPOINTMENTS TO ALTERNATE SEATS ON THE PLANNING BOARD

The board decided to take no action on this topic without advice from counsel.

MID-YEAR BUDGET REVIEW

Ms. Wright shared a preliminary document created with Ms. Zahler showing amendments to the town's 2020 budget resulting from the COVID-19 pandemic.

The board discussed ideas for moving ahead.

NEW BUSINESS:

APPROVAL OF A MEMORANDUM OF UNDERSTANDING RE: CODE ENFORCEMENT

RESOLUTION 2020-109: APPROVAL OF A MEMORANDUM OF UNDERSTANDING RE: CODE ENFORCEMENT

WHEREAS, Tom Myers will be concluding his service with the Town of Ulysses as Code Enforcement Officer on May 15, 2020 and

WHEREAS, the Town of Ulysses needs to assure code enforcement services continue while we finalize our search for a new Code Enforcement Officer and

WHEREAS, the Town of Ithaca is willing to provide 10-15 hours/week of a code enforcement officer's time to follow through on open projects and issue new permits as allowed by New York State, now therefore be it

RESOLVED, that the Ulysses Town Board authorizes the Town Supervisor to execute a Memorandum of Understanding with the Town of Ithaca which permits the Town of Ulysses to purchase up to 15 hours/week at an hourly rate of \$32.98 with no additional cost for pro-rated fringe benefits for the time period beginning Monday, May 18, 2020 through June 12, 2020 if needed and acceptable to the Town of Ithaca and further

RESOLVED, that the payment for hourly services rendered shall be paid from Code Enforcement contractual expenses B3620.4 and further

RESOLVED, that the Town of Ulysses enter into a contract for professional services with Tom Myers for up to 15 hours at a rate of \$30/hour for time spent assisting the Town of Ithaca Code Enforcement Officer to transition the current and future projects and further

RESOLVED, that the Town of Ulysses wishes to extend our sincere appreciation for the service and good humor Tom has offered to the Town of Ulysses during his tenure.

Moved: Ms. Zahler

Seconded: Ms. Olson

Ms. Zahler aye

Ms. Olson aye

Mr. Boggs aye

Mr. Goldman aye

Mr. Devokaitis aye

Vote: 5-0

Date Adopted: 5/12/2020

AUTHORIZATION OF NEXT STEPS FOR OUT-OF-DISTRICT USER IN WATER DISTRICT 3

RESOLUTION 2020-110: AUTHORIZATION TO CONSIDER REQUEST FROM A RESIDENT OF WATER DISTRICT #3 TO BECOME AN OUT OF DISTRICT USER

WHEREAS, as resident on Colegrove Road has expressed interest in joining Water District #3 as an out of district user and

WHEREAS, if all conditions can be met, addition of an out of district user at the user's cost benefits both the new user and the water district by increasing the volume of water used, now therefore be it

RESOLVED, that the Town Supervisor, Town Clerk, and Water Department are hereby authorized by the Ulysses Town Board to work with the Town of Ithaca for approval to add a user and with the

resident to prepare an out of district user agreement to be voted on by the Town Board, on behalf of the water district.

Moved: Mr. Goldman Seconded: Ms. Olson

Ms. Zahler aye
Ms. Olson aye
Mr. Boggs aye
Mr. Goldman aye
Mr. Devokaitis aye

Vote: 5-0

Date Adopted: 5/12/2020

ESTABLISHING STANDARD WORK HOURS for POSITIONS for NEW YORK STATE AND LOCAL RETIREMENT

RESOLUTION 2020-111: ESTABLISHING STANDARD WORK HOURS for POSITIONS for NEW YORK STATE AND LOCAL RETIREMENT

WHEREAS, the New York State and Local Retirement System requires a municipality to establish standard work days for specific titles eligible for retirement credit, now therefore be it

RESOLVED, that the Town of Ulysses hereby established the following standard work days for these titles and will report the officials to the New York State and Local Retirement based on their record of activities:

Highway Superintendent Standard Work Day: 8 hours
Town Councilperson Standard Work Day: 6 hours

Moved: Mr. Devokaitis Seconded: Ms. Olson

Ms. Zahler aye
Ms. Olson aye
Mr. Boggs aye
Mr. Goldman aye
Mr. Devokaitis aye

Vote: 5-0

Date Adopted: 5/12/2020

APPRECIATION FOR JASON FULTON, RETIRING FIRE CHIEF

RESOLUTION 2020-112: APPRECIATION FOR JASON FULTON, RETIRING FIRE CHIEF

WHEREAS, On May 7, 2020 Jason Fulton stepped down from his position Chief of the Trumansburg Fire Department after 16 years is, and

WHEREAS, during his tenure, he provided energetic leadership to a regional volunteer department including the Town of Ulysses and

WHEREAS, Chief Fulton extended his professional commitment to public safety and fire fighting by improving the training offered to the members of the Fire Company and

WHEREAS, Chief Fulton actively and successfully recruited new members to grow and sustain our active Fire Company, now therefore be it

RESOLVED, that the Town of Ulysses extend our deep appreciation to Chief Jason Fulton for his leadership and service in protecting the residents of Ulysses, Trumansburg and our surrounding communities.

Moved: Mr. Boggs Seconded: Mr. Devokaitis

Ms. Zahler aye
Ms. Olson aye
Mr. Boggs aye
Mr. Goldman aye
Mr. Devokaitis aye

Vote: 5-0
Date Adopted: 5/12/2020

EXTENDING PROBATIONARY PERIOD FOR WILLAM AUSTEN

RESOLUTION 2020-113: EXTENDING PROBATIONARY PERIOD FOR WILLAM AUSTEN

RESOLVED, upon recommendation of the Highway Superintendent that the Town Board approves the extension of the probationary period of Mechanical Equipment Operator William Austen from June 2, 2020 to October 31, 2020.

Moved: Ms. Zahler Seconded: Mr. Goldman

Ms. Zahler aye
Ms. Olson aye
Mr. Boggs aye
Mr. Goldman aye
Mr. Devokaitis aye

Vote: 5-0
Date Adopted: 5/12/2020

APPROVAL OF MINUTES

RESOLUTION 2020-114: APPROVAL OF MINUTES

RESOLVED that the Ulysses Town Board approves the minutes from 4/28/20 and 5/8/20.

Moved: Mr. Goldman Seconded: Mr. Devokaitis

Ms. Zahler aye
Ms. Olson aye
Mr. Boggs aye
Mr. Goldman aye
Mr. Devokaitis aye

Vote: 5-0
Date Adopted: 5/12/2020

APPROVAL OF CLAIMS

RESOLUTION 2020-115: APPROVAL OF CLAIMS

RESOLVED that the Ulysses Town Board has reviewed the following claims:

- HA fund: voucher #16 in the amount of \$3420
- HB fund voucher #3 in the amount of \$7319.99
- A-SW funds vouchers #185-218 in the amount of \$182,968.74

Moved: Ms. Zahler Seconded: Mr. Goldman

Ms. Zahler aye

Ms. Olson	aye
Mr. Boggs	aye
Mr. Goldman	aye
Mr. Devokaitis	aye

Vote: 5-0

Date Adopted: 5/12/2020

ADJOURN:

Mr. Devokaitis moved to adjourn the meeting at 10:03pm. This was seconded by Ms. Olson and passed unanimously.

APPENDIX I:

TOWN REPORTS:

HIGHWAY SUPERINTENDENT- Submitted by Mr. Stewart

Discussed the 284 agreement and that will not be able to follow through with this due to COVID-19 pandemic. Will work on new agreement to present at next meeting.

PLANNING/ZONING- Submitted by Mr. Zepko

Planning Board

- 7 April meeting
 - Per Town Board resolution dated 11 Feb 2020, the Planning Board made recommendations to increase the allowable footprint to 3,500 square feet in both the Lakeshore and Conservation zones, as well as to implement performance standards for stormwater and erosion control on projects requiring site plan review.
- 21 April meeting
 - One minor subdivision discussed – no vote due to lack of quorum

Board of Zoning Appeals

- No April meeting
- There is one new application for an area variance. The application will be heard at the 20 May meeting.

Planner Activity

- Continue to follow up on Cleaner Greener Grant (39053). A Progress Payment Request was submitted for \$2,250 for the completion of outstanding deliverables. Approximately \$4,000 (10% retainage of the total grant \$40k grant amount) remains to be released when the Final Report is accepted.
- Completed Town of Ulysses Annual Stormwater Management Report for compliance with NY State SPDES General Permit (GP-0-15-003) for Stormwater Discharges from Municipal Separate Storm Systems (MS4). The Town participates in an inter-municipal stormwater program with MS4's in Tompkins County. Local progress on Minimum Control Measures (MCM) are compiled into a single Annual Report and submitted to NY DEC.
- Worked with Town staff to formulate Continuity of Operations for Dept. of Zoning and Code Enforcement including procedures for the handling of Planning Board and Zoning Board submissions.
- Completed Stormwater Solutions webinar training.
- Completed Erosion Control for Low Impact Design Training.
- Completed Evolving Best Management Practices for green infrastructure training.
- 4/3 – participated in Town Staff meeting
- 4/10 – participated in Corona Virus update/staff meeting
- 4/13 – participated in ZOOM meeting w/ Supervisor Zahler and Councilman Goldman to discuss and coordinate 2020 work plan of office of Zoning and Code Enforcement
- 4/14 – Attended Town Board meeting

TOWN CLERK: Submitted by Ms. Parlato

<u>LICENSES/PERMITS issued:</u>	#
Sporting licenses	0

Disabled parking permits	2
Dog licenses and renewals	45
Marriage licenses	1
Plumbing permits	0
Address assignments	0
Notarizations	2
FOIL requests-received	1
FOIL requests-completed	1

FINANCIAL REPORT:	
\$708.50	TOTAL Collected for fees & licenses
635.00	stays in the town
73.50	goes to the state

CLERK'S OFFICE TASKS:

- Routine tasks:
 - retrieved, sorted, vouchered mail, answered inquiries on various topics, attended town board meetings and took minutes, kept website current
- Emergency tasks during COVID-19:
 - Assist staff in remote work and meetings set up (connecting to town server, Zoom videoconferencing...)
 - Take part in various weekly meetings with county health dept., Congressman Reed, community leaders, town staff, Village/Town/School
 - Assist in review and update of Continuity of Operations Plan
 - Sent weekly listserv messages to residents, mailed and posted dog licenses;
 - Performed marriage license via Zoom videoconference
 - Performed notary service via Zoom videoconference
- Human Resources tasks:
 - Manage recruitment for Code Officer position, schedule interviews.

TAX COLLECTION:

- Prepare final reports in preparation for turning collections over to Tompkins County. Awaiting confirmation from county.

SALO HABITAT COMMITTEE:

- Make and hang sign at trailhead re: COVID-19 precautions

WATER DISTRICT TASKS:

- Post bills, coordinate new water hook ups & meter changes with water operator

SAFETY COMMITTEE:

- *Meeting scheduled for May 5*

COMMITTEES/ASSOCIATIONS:

- *None this month*

CODE REPORT- Submitted by Mr. Myers

Building Permits issued	15
Plan Reviews	12
Certificate of Occupancy issued	1
Certificate of Compliance issued	7
Complaints Received	1
Complaints Resolved	0
Inspections (Footers, Foundations, Plumbing, Insulation, roofing, Pools, Etc.)	Did not record
New Site Inspections	10
Building Review Consultations (pre-plan meetings, Future Bldg/Remodeling)	8
Fire Safety Inspections	0
Code Training Seminars	4
County Assessment, Town, DOS Reports	2
Open property in violation cases	5
Property violations resolved	0

Value of Permits issued: \$1,102,504

Building Permit fees collected for month: \$4,777

Building Permit renewal fees collected for month: \$2,218

SECOND DEPUTY SUPERVISOR- Submitted by Ms. Wright**Emergency Related**

- Overview of weekly activities:
 - Approximately 6 hours of weekly meetings pertaining to response to the emergency.
 - Monday: meeting with Village departments, school, DOER, Sheriff's office; standing meeting with NZ
 - Tuesday: no regularly scheduled emergency meeting
 - Wednesday: Ulysses community leader meeting, task force meeting
 - Thursday: County/DOH phone call, NZ meeting, standing GC meeting
 - Friday: ToU staff meeting
 - Internal communications on process and procedure changes and on-going adjustments in the context of the ever-changing conditions of the emergency. Documentation of COOP (continuity of operations plan), communications regarding ROOP (reconstitution of operations plan), hazard and resource inventory updates
 - External communications pertaining to resources for: local businesses, ag related businesses, food security/food pantry, PPE, employment, daycare, etc.
 - Clerks have begun to post newsletter updates on the website for ease of information access and visibility: <https://ulysses.ny.us/pages/current-issues/186/resources-during-covid-19/>
 - Task force creation in process: food security/grocery delivery/good neighbor, economic recovery and planning

- Special Projects
 - COVID 2020 Budget Work
 - Information gathering and data management: modeling and projection figures
 - Continued work with Nancy on 2020 budget redesign modeling
 - Communications with department heads and staff
 - Communications with auditors
 - FEMA reimbursement account creation

Active Grant Updates

- **NYSERDA Heat Pump Grant**
 - Internal Activities: coordination with contractor re: tentative start date and ESD guidelines for construction. Proof of performance bond submitted by Interstate and on file in the Clerk’s office. Wrap up activities pertaining to State Contract Reporter.
 - Engineer Update: approval of all submittals for system components.
 - Timeline update: meeting scheduled for 5/15 with Safety Committee, Project Committee and Interstate to assess the latest information and guidance from the state. Interstate is ready to start as soon as they are allowed.
- **Cemetery Road Bridge over Trumansburg Creek (NYSDOT funded with FHWA money, Barton & Loguidice Engineers)**
 - Internal Activities: applications for reimbursement, discussion on design with County, B&L, and NZ and MB.
 - Engineer Update:
 - Waiting on design approval which will officially allow us to move to Final Design.
 - Working through the ROW process – coordinating with NYSDOT for the TEs (temporary easements) and assisting if necessary for the Town-Village resolution.
 - The next official step will be Advance Detail Plans.
 - Revised Project Timeline:

When	What	Status
September 2018	Project Awarded Bridge NY Funding	Complete
October 2018	Project Added to STIP/TIP	Complete
January 2019	State-Local Agreement Executed	Complete
January 2019	Design Consultant Contract Executed	Complete
January 2020	Design sent to NYSDOT for review	Complete
March 2, 2020	Public Meeting	Meeting held 3/2
January 2021	ROW Acquisition Completed	NYS will conduct, this is in process
January 2021	PS&E Approved by County & State	
February 2021	Project Letting	
June 2021	Begin Construction	
October 2021	Complete Construction	

- **WD #3 WIIA Grant (EFC funded, MRB Engineers)**

- Internal activities: internal financial modeling options in progress. Meetings with engineers and financial advisors to gain more clarity on lending and cash flow process. Conversations/communications regarding aerator panel cover structure plan.
- Engineer Update: continued communications with DOH on system design and installation. Once DOH approves overall plans, this project will go out to bid.
- Revised Project Timeline:
 - Once we get the go ahead from DOH:
 - Estimation of about a 2 month timeline from when we get the go ahead from when construction will start
 - Bid window = 2-3 weeks
 - Once we get bids back we will press go on whatever financial plan we will enact, including a strong possibility of working with Municipal Solutions to get bids on a BAN, from start to finish this process would take about 6 weeks to finalize
 - 3-4 month construction window

Other Work

Curry Road Structure Replacement

Conversation continued with B&L about bridge span and other historical documentation. If deemed prudent still looking at BRIDGE NY funding application for this. The plan is to leave this item on here as a place marker until we find funding and get the structure replaced.

Other Financial & Bookkeeper Supervision

- Continual monitoring, corrections and adjustments in 2019 (abstract 13 corrections) and 2020 books
- Advising submission of AUD
- Development of Notes to Financial Statements for AUD
- Implementing bank transfers via COOP procedures
- Fund balance analysis
- Payroll supervision

Capital Asset GAAP Compliance & Multi-year Financial Planning

- Asset database is up and functioning: continued work regarding managing the data within it is on hold during this reporting period due to emergency.

Committee/Advisory Board Updates

- Ithaca-Tompkins County Transportation Council: Planning Committee
 - 5/5/2020 Meeting Notes from Planning and Policy Joint Meeting:
 - Cecil A. Malone Bridge admin modification: temporary easement funds obtained from money saved in the design phase.
 - CR109 (Etna Rd.) over Fall Creek Bridge Replacement had a similar admin modification.
 - Approval of Federal Transportation Administration (FTA) projects to be put on the TIP (Transportation Improvement Program), this work includes architecture and engineering of the new TCAT facility.
 - Census conversation: on-campus housing population will be counted via the universities; students living off campus are the part of the population that will be tricky to ensure they are counted for Tompkins County. Collegietown area is

severely undercounted, at time of meeting, was only 18% counted versus 50% across the county.

- If we don't hit the 55,000 population mark this area would lose its urban status, which translates into about 2.6 million dollars a year in Transit funding; but it is not a likely scenario.
- NYSDOT report
 - Maintenance crews and construction still in action.
 - Waiting to hear from "main office" as it pertains to NYS capital projects.
 - NYSDOT Ithaca facility: moving along, well underway
 - OGS will handle the auction of the NYSDOT 3rd street property
 -

Miscellaneous

- Work with Recreation Director on financial elements pertaining to setting up Rec Desk software

Report on Meetings, Training, Conferences, Workshops or other Professional Development Attended this Month

- 1) *What: Interfund Loan OSC Local Officials Training Unit, presenter: William Naylor*
Where: Webinar
When: 4/16/20, 10-11am
Summary of topics covered:
 - General refresher of the topic
 - Interfund loan guidance via GML 9-a
 - Due to 391 and Due from 630 don't hit expense or revenue lines
 - If interfund loans extend beyond financial year, it should be recognized via resolution in the organization meeting at the beginning of the year.
- 2) *What: Strategizing for the Effects of COVID-19*
Presenter: Laura Schultz Director of Fiscal Analysis & Senior Economist at the Rockefeller Institute
Where: Webinar (recorded, link: <https://www.youtube.com/watch?v=pyFhog9RuTs>)
When: 5/7/20 1pm – 1:40pm
Points of Note:
 - Resources for more related info:
 - This was a follow up from Part I, which I did not attend, but is online if interested: https://www.youtube.com/watch?v=nhy5VhnWc_Y
 - Rockefeller Institute is the public policy think tank organization for the SUNY system and is an excellent resource: <https://rockinst.org/>
 - Projections show the economy will rebound (if there are no further shut downs) by Q1 of 2023
 - Suggestions to local governments regarding how to support local economy include revising applicable zoning to encourage business growth.

Upcoming

- Adjustments to accounting entries for CD investments (right now in system as placeholder in A fund)
- Ongoing work with 2020 budget redesign

- *WIIA grant HA fund financial work*

Ms. Zahler shared some updates regarding the 211 program and banner, and the status of the town's summer youth programs.

APPENDIX II:

Amendment to Zoning Law- Lakeshore and Conservation Zones:

Article VIII LS — Lakeshore Zone

§ 212-42 **Purpose.**The purposes of the Lakeshore Zone are:

- (1) To protect the fragile environment of the lakeshore, that area east of State Route 89 to the center line of Cayuga Lake, in accordance with the Town of Ulysses Comprehensive Plan (2009);
 - (2) To provide a regulatory framework through which development can occur with minimal environmental impact; and
 - (3) To develop design standards for houses and accessory buildings that create a harmonious effect for the natural environment and the residents.
- B. In particular, the following are important aspects or considerations for the Lakeshore Zone:
- (1) Among the important natural and ecological features of the Lakeshore Zone are steep slopes, mature forests, fragile cliffs, tributaries, and seasonal streams feeding into Cayuga Lake.
 - (2) In recognition of their natural and ecological significance, several areas of the Lakeshore Zone have been designated as unique natural areas by the Tompkins County Environmental Management Council.
 - (3) The Town has designated a slope overlay area, which recognizes six soil types that when disturbed are significantly erodible and unstable based on their characteristics and slope steepness (see Article IV, Terminology).
- C. Nothing in these regulations is intended to require or permit activities which contravene any laws, rules, or regulations or permits of the United States or New York State, or any agency thereof, nor are any of the provisions intended to supersede any requirements for obtaining any permits or approvals required by the United States or New York State, or any agency thereof.

§ 212-43 Permitted uses.

- A. Only the following buildings or uses are permitted in this district, and site plan approval, pursuant to the provisions of Article III, § 212-19, is required in unique natural areas and slope overlay areas:
 - (1) Single-family residences and their accessory buildings.
 - (2) Two-family residences and their accessory buildings.
 - (3) Any municipal or public utility purpose necessary to the maintenance of utility services except that substations and similar structures shall be subject to the same setback requirements that apply to residences.
 - (4) Any municipal or public utility purpose necessary to the maintenance of utility services except that substations and similar structures shall be subject to the same setback requirements that apply to residences.

§ 212-44 Permitted accessory uses.

- A. The following are permitted accessory uses, which are customarily incidental to the permitted uses listed above in § ~~212-50~~212-43:

- (1) Accessory buildings, as defined in Article IV and subject to provisions of Article XXIV, § 212-167: *Accessory Buildings*.

- (2) Accessory Dwelling Unit, subject to the provisions of Article XX, § 212-128.

- (3) Elder Cottage, subject to the provisions of Article XX, § 212-139.5.

- (4) Open-sided elevators/lifts.

- (5) Temporary buildings, as defined in Article IV.

- (6) Minor solar collection system subject to the provisions of Article XX, § 212-139.1. [Added 11-24-2015 by L.L. No. 3-2015]

- B. Site plan approval, pursuant to the provisions of Article III, § 212-19, is required in unique natural areas and slope overlay areas for the permitted accessory uses listed in this section.

- C. Permitted accessory uses without site plan approval. Such uses as are customarily incidental to the permitted uses listed above in this article, § ~~212-50~~212-43.

- (1) Signs as regulated under Article XX, § 212-122

- (2) Home occupations, where no more than one person residing off the premises is employed.

§ 212-45 Uses permitted by site plan approval.

- E. The following uses are allowed upon approval of a site plan by the Planning Board

and subject to the design standards set forth in relevant sections of Article **XX**:

- A. Adult care, family.
- B. Farm Operation.
- C. Bed-and-breakfast operations where such is part of the residence.
- D. Child care, family.
 - 1) Professional offices where:
 - 2) Such office is part of the residence property; and
 - 3) No more than three persons residing off the premises are employed on site.

§ 212-46 Uses allowed by special permit.

F. The following uses are allowed upon approval of a special permit pursuant to Article **III**, § **212- 18**, subject to the design standards set forth in relevant sections of Article **XX** and site plan review by the Planning Board:

- A. Fire stations or other public buildings necessary to the protection of or servicing of a neighborhood.
- B. Restaurants.
- C. Public or nonprofit owned boat launching site, swimming beach, picnic area.
- D. Public or nonprofit owned park or playground, including accessory buildings and improvements.

§ 212-47 Lot area and yard requirements.

- A. Number of principal buildings per lot: two single-family residences or one two-family residence.
- B. Minimum lot area shall be two acres for ~~lakeshore-lake front~~ lots and five acres for ~~non- lakeshore~~Non-lake front lots.
- C. Minimum lot width at the mean high-water elevation (MHWE) shall be 250 feet and minimum lot width at the road frontage shall be 250 feet for all non-flag lots.
- D. Minimum lot depth shall be 250 feet for ~~lakeshore-lake front~~ lots and 450 feet for ~~non- lakeshore~~non-lake front lots.
- E. Minimum setback, front and rear, shall be 50 feet from the highway right-of-way, and 50 feet where the lot abuts the lake; the MHWE shall be used for setback measurement. Docks, boat hoists, and boat ramps are permitted within the setback area.

- F. Minimum side yard setbacks shall be 15 feet, except for a corner lot fronting on two public streets, where the minimum yard setback for the side yard to the street or road shall be 25 feet.
- G. Maximum building height for the principal dwelling shall be 32 feet above average grade measured at the building perimeter.
- H. Maximum lot coverage for all building footprints shall be 5% of the lot area. For lots with single-family and two-family residences, lot coverage calculations do not include driveways, walkways, or parking areas. Streams and wetlands are required to have a protective setback as defined in § 212- 124.
- I. No parking areas shall be constructed within 50 feet of the MHWE.
- J. Flag lots shall meet minimum lake frontage (250 feet) and lot area (two acre) requirements. Lot area excludes the pole. The pole shall connect to the road, not the lake. Non-lakeshore flag lots shall meet minimum lot area (five acres) excluding the pole. See Article **XX**, Design Standards, § **212-130**.
- K. The above notwithstanding, in the case of a lot with frontage on the lake, accessory uses such as pump houses, docks, boat ramps and boat hoists typically associated with water-oriented recreational pursuits are permitted within the front yard setback area fronting on the lake; provided, however, that they are located outside of the required side yard setback areas and conform to the regulations or permits of the United States or New York State.
- L. For the purposes of cluster development on a lakeshore-lake front lot, one dwelling unit will be allowed per 150 feet of lake frontage.

A. Lot Area and Yard Requirements Summary

B. Requirement	C. <u>LakeshoreLake</u> Front	D. <u>Non-lakeshoreNon-Lake</u> Front
E. Lot coverage, maximum (percent)	F. 5	G. 5
H. Building height, maximum (feet)	I. 32	J. 32
K. Lot area, minimum (acres)	L. 2	M. 5
N. Lakeshore frontage, minimum (feet)	O. 250	P. Not applicable

Q. Lot width at road frontage, minimum (feet)	R. 250	S. 250
T. Lot depth, minimum (feet)	U. 250	V. 450
W. Setback from lakeshore, minimum, measured from MHWE	X. 50	Y. Not applicable

Z. Lot Area and Yard Requirements Summary

AA. Requirement	BB. Lakeshore <u>Lake</u> Front	CC. Non-lakeshore <u>Non-Lake</u> Front
DD. Setback from road or rear property line (feet)	EE. 50	FF. 50
GG. Side yard setback, minimum (feet)	HH. 15	II. 15
JJ. Structure or parking area or road setback from perennial/intermittent stream, minimum (not in unique natural area or steep slope overlay (feet)	KK. 50	LL. 50
MM. Structure or parking area or road setback from any perennial/intermittent streams, or Federal wetland edge in unique natural area and steep slope overlay areas, minimum (feet).	NN. 75	OO. 75
PP. Structure or parking area or road setback from any State wetland edge.	QQ. 100	RR. 100
SS. Structure or parking area or road setback from any Federally or locally designated wetland	TT. 50 – 100 (see §212-48 UU. below)	VV. 50-100 (see §212-48 below)

M. Maximum footprint of a building shall be ~~2,000~~3,500 square feet, except Accessory Dwelling Units pursuant to Article XX, §212-128.

§ 212-48 Design standards.

H. In the event of any conflict between the provisions of this § **212-48** and other provisions of this chapter, the provisions of this section shall prevail.

A. Streams.

I. Perennial and intermittent streams are, and wetlands may become, prominent features of the Lakeshore Zone and the condition of these water bodies directly affects the health of Cayuga Lake and the various creatures that depend on the water for sustenance. As such, it is the intent of these Lakeshore Zone regulations to ensure the continued preservation and health of these many Cayuga Lake tributaries for current and future generations.

(1) For the purposes of this section, the area of a wetland is defined by both state and federal governing regulations. Buffer areas apply to federally protected wetlands greater than 0.1 acre.

(2) Requirements.

(a) To the extent possible, perennial and intermittent streams shall be protected from sediment, effluent, sewage, and driveway runoff.

(b) Diverting or altering the course of perennial or intermittent streams shall be prohibited, except where a NYSDEC permit is obtained in advance of starting work.

(c) Unless otherwise authorized by the Planning Board or state or federal agency, no disturbance as listed previously in this section shall be located within 100 feet of any NY State regulated wetland or 50 feet from a Federally or locally regulated wetland.

(d) During the site plan approval process where there is evidence of a wetland, the Planning Board may require a wetland delineation study to determine potential impacts of development on said wetland.

(3) Recommendations.

(a) Plowing of salt laden snow from driveways into streams should be avoided.

(b) The proximity of docks to mouths of tributaries should consider natural variation in stream boundary location so as to not interfere with stream flow over time.

(c) Stream bank vegetation should be encouraged to minimize erosion. Where necessary, stream banks should be replanted with native species.

(d) Flow of water in Cayuga Lake tributaries should not be impeded by

human- made structures in or spanning streams.

B. Vegetation and landscape.

J. The intent of the Town of Ulysses is to preserve and encourage vegetation, especially noninvasive trees and shrubs, in the Lakeshore Zone in order to prevent erosion, sedimentation of the lake and streams, and maintain the rural, scenic nature of the Town. The intent of this section is to encourage landowners in this district to preserve and encourage vegetation for the benefit of current and future residents of the Town.

- (1) The intent of the Town of Ulysses is to preserve the natural features of the Lakeshore Zone and, as such, to allow development that uses mechanisms that minimize disruption of the current ecological balance. The Zoning Officer and Planning Board shall review all development with the following guidelines when reviewing a site plan for approval.
- (2) Requirements. Tree removal, except clear-cutting, is allowed in the Lakeshore Zone outside of unique natural areas or slope overlay areas. Tree removal is allowed in the Lakeshore Zone in the unique natural areas or slope overlay areas according to the following terms and conditions:
 - (a) Without Town approval: a tree or trees whose location and conditions combine to make it a threat to human life or property.
 - (b) 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, septic system, parking areas, and the driveway access.
 - (c) Clear-cutting of forest stands for any use other than necessary minimal clearing for the requirements of a building project is prohibited.
 - (d) In unique natural areas or slope overlay areas, a woodland management plan shall be filed with and approved by the Zoning Officer and/or the Town's consulting forester for multiple trees removed for the landowner's firewood or lumber use, and for forest management and forest improvement. A woodland management plan shall be 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.
- (3) Recommendations.
 - (a) In areas outside of unique natural areas and slope overlay areas, a woodland management plan is recommended when removing multiple trees for the landowner's firewood or lumber use and for forest

management and forest improvement.

- (b) Existing noninvasive vegetation should be maintained to the extent practicable to minimize runoff.
- (c) Buffer areas proximal to water bodies are to be promoted using noninvasive plants to protect water resources.
- (d) Removal of trees for the purpose of expanding a view is discouraged.
- (e) Removal of trees for the purpose of expanding sunlight exposure is discouraged.
- (f) Native plants should be encouraged, especially shrubs and trees that produce edible fruit and nuts for wildlife.
- (g) Removal of invasive plants (garlic mustard, swallowwort, barberry, honeysuckle, buckthorn, multiflora rose, Russian olive and Norway maple, etc.) is encouraged so long as this effort does not contribute to significant soil disturbance or erosion.
- (h) Wildlife habitats, biological corridors, contiguous forests, and open space linkages should be encouraged and preserved.
- (i) Dead trees that do not pose a threat to life, property or a healthy forest should be left to provide wildlife habitat for both birds and animals.
- (j) New development should not compromise scenic views, in particular viewing points from adjacent roads and trails.
- (k) Regrading should blend in with the natural contours and undulations of the land.
- (l) Buildings proposed to be located within significant viewing areas should be screened and landscaped to minimize their intrusion on the character of the area.
- (m) Building design should harmonize with the natural setting.
- (n) Building materials should harmonize with their natural setting and be compatible with neighboring land uses.

C. Stormwater

1. In Unique Natural Areas and/or Steep Slope Overlay areas that are subject to site plan review, the following standards apply:
 2. Any alteration of the hydrology of the site shall be minimized and/or mitigated so as to minimize the impact on water quality, peak discharge, groundwater recharge, and drainage

patterns. To the extent possible, the quantity, quality, and timing of stormwater runoff during and after development shall not be substantially altered from pre-development conditions. The recommended technical standards for the design of post-construction structures are detailed in the "New York State Stormwater Management Design Manual," as revised. In reviewing the adequacy of an applicant's stormwater management plans, the Planning Board may seek recommendations from a licensed engineer selected by the Town and paid for by the applicant.

3. Priority should be given to maintaining natural drainage systems, including perennial and intermittent streams, swales and drainage ditches.
4. Drainage of stormwater shall not cause erosion, siltation, contribute to slope failures, pollute groundwater or cause damage to or flooding of adjacent or downstream properties.
5. The Planning Board may require the developer or property owner to submit the following:
 - a) Stormwater Pollution Prevention Plan (SWPPP), prepared by a NYS licensed engineer or other qualified professional. The contents of the SWPPP and qualifications of qualified professionals are specified in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity.
 - b) A statement of the proposed stormwater management objectives.
 - c) A description of the proposed structural and vegetative stormwater measures that will be utilized to ensure that the quantity, temporal distribution and quality of stormwater runoff during and after development are not substantially altered from pre-development conditions. This will include appropriate plans, design data, calculations, and other information.
 - d) A maintenance plan, which describes the type and frequency of maintenance required by the stormwater management facilities utilized and the arrangements that will be made to ensure long-term maintenance of these facilities. Operation, maintenance, and any necessary repairs are the responsibility of the property owner or his/her designee. Storm water management facilities shall have adequate easements to permit the Town to inspect and, if necessary, to take corrective action should the owner fail to properly maintain the system. If corrective action by the Town is required, incurred costs are the responsibility of the property owner.
 - e) A flood hazard analysis for any development located within or adjacent to the designated floodplain.

D. Soil and sediment control.

- (1) The goals for erosion and sediment control are (1) to minimize the opportunity for soil to be moved by wind, precipitation and runoff and (2) to contain sediment that does move close to its place of origin and thus

prevent it from reaching a water body or damaging other lands. In order to ensure that the land will be developed with a minimum amount of soil erosion and to protect the

K. natural character of on-site and off-site water bodies, the Planning Board shall require the developer to follow certain erosion control practices. The standards for erosion and sediment control are as follows:

- (2) A structure or parking area shall have a minimum setback to perennial and intermittent streams of 50 feet or 75 feet if within a Unique Natural Area or Steep Slope Overlay, as measured from the top edge of the slope rising from the bank of the stream. See § 212-124.B.
- (3) On sites within the slope overlay area or unique natural area, there shall be no excavation, grading or filling without the submission to the Zoning Officer of an excavation, fill, and grading permit. Excavation, grading or filling of more than 10 cubic yards is subject to site plan approval. The Planning Board may seek recommendations from the Town Engineer, and the associated cost shall be paid for by the applicant. This provision is not applicable to projects with a valid permit from a county, state, or federal agency; nor is it applicable to any projects with current site plan approval.
- (4) In addition to the requirements of this article, any construction, grading, or other activities shall be conducted in accordance with any federal, state, or other local law or requirement pertaining to such activity, including, but not limited to, any requirements of the New York State Department of Environmental Conservation and the United States Army Corps of Engineers.
- (5) Roads and driveways should follow existing contours to the extent practicable to minimize erosion from cuts and fills.
- (6) In Unique Natural Areas and/or Steep Slope Overlay areas that are subject to site plan review, the following standards apply:
 - a. The Planning Board may require the developer to submit an erosion and sediment control plan, the contents of which are specified in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity.
 - b. Erosion and sediment control practices shall be consistent with requirements of the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity. A permit is generally required for construction activities that disturb one or more acre of land.
 - c. The recommended technical standards for erosion and sedimentation control are detailed in the “New York Standards and Specifications for Erosion and Sediment Control” published by the Empire State Chapter of

the Soil and Water Conservation Society, as revised.

- d. The development plan should be consistent with the topography, soils, and other physical characteristics of the site so as to minimize the erosion potential and avoid disturbance of environmentally sensitive areas.
- e. Existing vegetation on the project site should be retained and protected as much as possible to minimize soil loss from the project site. (This will also minimize erosion and sediment control costs.)
- f. Erosion and sediment control measures should be constructed prior to beginning any land disturbances. All runoff from disturbed areas should be directed to the sediment control devices. These devices should not be removed until the disturbed land areas are stabilized.
- g. The timing and sequence of construction activities shall expose the smallest practical area of land at any one time during the development. Temporary vegetation and/or mulching should be used to protect critical areas. Permanent vegetation shall be established as soon as practicable. Construction will not be considered complete until all disturbed areas are successfully seeded or stabilized with erosion control materials.

E. Driveways and parking.

(1) Requirements.

- (a) 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) For safety purposes, parking areas shall be designed and built to avoid the necessity for drivers to back their vehicles onto Route 89.

(2) Recommendations.

- (a) Semi-pervious and pervious surfaces for driveways and parking areas are encouraged to minimize runoff and erosion.
- (b) Driveways and parking areas should be designed to include a combination of pervious and impervious surface materials as needed to provide for safe passage of traffic and to minimize the total area of impervious surface, which would contribute to runoff.
- (c) Driveways and parking areas should follow contour lines of the land as much as possible.
- (d) Excavation and regrading of slopes for parking areas should be minimized.

§ 212-49 Limitations on subdivision of parent tracts.

L. Any tract or parcel of land in common contiguous ownership at the time of the creation of this zone on December 17, 2013, subject to other normally applicable subdivision laws and regulations, may be subdivided to create up to and not more than three lots.

Article IX
CZ — Conservation Zone

§ 212-50 Purpose.

- A. The purposes of the Conservation Zone are:
- (1) To preserve the outstanding natural features in the Town of Ulysses in accordance with the Town of Ulysses Comprehensive Plan (2009);
 - (2) To provide a regulatory framework through which development can occur with minimal environmental impact;
 - (3) To preserve existing areas of contiguous open space, prevent destruction of natural areas, preserve existing and potential agricultural land, and promote mechanisms that protect these areas, such as enlarged stream buffer areas, conservation easements, and deed restrictions when considering any future land development; and
 - (4) To preserve the scenic beauty of the area to promote tourism as an important benefit to the Town of Ulysses.
- B. In particular, the following are important aspects or considerations for the Conservation Zone:
- (1) Among the natural values and ecological importance of this area are the mature forest, plant and wildlife habitat, numerous streams, and natural character. The Conservation Zone contains large areas of steep slopes, wetlands, and highly erodible soil, where any future development may have an adverse environmental impact on both the land and Cayuga Lake.
 - (2) In recognition of its natural and ecological significance, several large areas of the Conservation Zone have been designated as unique natural areas by the Tompkins County Environmental Management Council.
 - (3) The Town has designated a slope overlay area, which recognizes six soil types that when disturbed are significantly erodible and unstable based on their characteristics and slope steepness (see Article IV, Terminology).
- C. Nothing in these regulations is intended to require or permit activities which

M. contravene any laws, rules, or regulations or permits of the United States or New York State, or any agency thereof, nor are any of the provisions intended to supersede any requirements for obtaining any permits or approvals required by the United States or New York State, or any agency thereof.

§ 212-51 Permitted uses.

- A. Only the following buildings or uses are permitted in this district, and site plan approval, pursuant to the provisions of Article III, § 212-19, is required in unique natural areas and slope overlay areas:
- (1) Farm Operation.
 - (2) Single-family residences and their accessory buildings.
 - (3) Two-family residences and their accessory buildings.
 - (4) Two unattached single-family residences and their accessory buildings where there is a minimum lot size of 10 acres.
 - (5) Any municipal or public utility necessary to the maintenance of utility services except that substations and similar structures shall be subject to the same setback requirements that apply to residences.
 - (6) Major solar collection system subject to the provisions of Article XX, § 212-139.2. [Added 11-24-2015 by L.L. No. 3-2015]

§ 212-52 Permitted accessory uses.

- A. Only the following are permitted accessory uses, which are customarily incidental to the permitted uses listed above in § ~~212-58~~212-51:
- (1) Accessory buildings, as defined in Article IV and subject to the provisions of Article XXIV, § 212-167: *Accessory Building*.
 - (2) Accessory Dwelling Unit, subject to the provision of Article XX, § 212-128.
 - (3) Adult care, family.
 - (4) Bed-and-breakfast establishments.
 - (5) Child care, family.
 - (6) Elder cottage, subject to the provisions of Article XX, § 212-139.5.
 - (7) Professional offices where such office is part of the residence property and no more than three persons residing off the premises are employed on site.
 - (8) Roadside stands, subject to the provisions of Article XX, § 212-135.

(9) Temporary building, as defined in Article IV.

(10) Minor solar collection system subject to the provisions of Article XX,
N. § 212-139.1. [Added 11-24-2015 by L.L. No. 3-2015]

B. Site plan approval, pursuant to the provisions of Article III, § 212-19, is required in unique natural areas and slope overlay areas for the permitted accessory uses listed in this section.

C. Permitted accessory uses without site plan approval. Such uses as are customarily incidental to the permitted uses listed above in this Article X, § ~~212-58~~212-51.

(1) Signs as regulated under Article XX, § 212-122

(2) Home occupation where no more than one person residing off the premises is employed.

§ 212-53 Uses allowed by special permit.

O. The following uses are allowed upon approval pursuant to Article III, § 212-18, subject to the design standards in the Conservation Zone and site plan review by the Planning Board:

WW. Museums and nature centers.

XX. Public and private community parks, regional parks and preserves.

YY. Residential care/assisted living.

ZZ. Restaurants.

AAA. Bicycle/ski rental business.

§ 212-54 Lot area and yard requirements.

A. There shall be no more than two principal buildings on any lot in the Conservation Zone where the lot size is less than 10 acres. Principal buildings shall be no less than 30 feet apart. No elder cottage or Accessory Dwelling Unit may be placed on a lot with two existing principal buildings.

B. Minimum lot area for one principal building shall be five acres.

C. Minimum lot width at front lot line shall be 400 feet.

D. Minimum lot depth shall be 450 feet.

- E. Minimum front yard setback shall be 75 feet.
- F. Minimum side yard setback shall be 50 feet.
- G. Minimum rear yard setback 50 feet.
- H. Maximum building height shall be 32 feet above average grade measured at the building perimeter or as determined by the Planning Board when slope exceeds 15%. It is within the discretion of the Planning Board whether or not to allow any building on slopes greater than 25%.
- I. The maximum footprint of a building shall be ~~2,000~~3,500 square feet except Accessory Dwelling Units which are limited to 1,200 square feet floor area (§ 212-128).
- J. Driveways and parking areas may be considered a building as part of the lot coverage requirements at the discretion of the Planning Board.
- K. Flag lots are permitted, subject to the standards set forth in Article **XX**, § **212-130**.
- L. Accessory buildings shall not occupy the front yard, except for roadside stands (subject to provisions of Article **XX**, § **212-135**), and a garage may be attached to the front of a house.
- M. Maximum lot coverage by permanent structures shall be 5% of the lot area.

§ 212-55 **Design standards.**

P. In the event of any conflict between the provisions of this § **212-55** and other provisions of this chapter, the provisions of this section shall prevail.

A. Stream and wetland setbacks.

(1) Perennial and intermittent streams and wetlands are prominent features of the Conservation Zone, and the condition of these water bodies directly affects the health of Cayuga Lake and the fauna that depend on the water for sustenance. As such, it is the intent of these Conservation Zone regulations to ensure the continued preservation and health of these many Cayuga Lake water resources for current and future generations. (See§ 212-124 Standards for buffer areas).

(2) For the purposes of this section, wetlands are defined by both state, federal and local governing regulations. Buffer areas apply to federal and locally protected wetlands greater than 0.1 acre and all state wetlands.

- (3) No buildings, structures, paved areas, or storage of construction equipment or machinery shall be located within the following buffer areas: 50 linear feet of the bank of any perennial or intermittent stream and 100 feet of any wetland. These buffer areas may be increased by up to 50% should the Planning Board determine that such an increase is necessary to protect water quality or to minimize the impacts of erosion and sedimentation.
- (4) During the site plan approval process where there is evidence of a wetland, the Planning Board may require a wetland delineation study to determine the exact boundaries and to evaluate potential impacts of development on said wetland.

B. Vegetation and landscape.

- (1) The intent of the Town of Ulysses is to preserve and encourage vegetation, especially noninvasive trees and shrubs, in the Conservation Zone in order to prevent erosion, sedimentation of the lake and streams, and maintain the rural, scenic nature of the Town.
- (2) The intent of this section is to encourage landowners in this district to preserve and encourage vegetation for the benefit of current and future residents of the Town.
- (3) The intent of the Town of Ulysses is to preserve the natural features of the Conservation Zone and, as such, to allow development that uses mechanisms that minimize disruption of the current ecological balance. The Zoning Officer and Planning Board shall review all development with the following guidelines when reviewing a site plan for approval.
- (4) Requirements. Tree removal, except clear-cutting, is allowed in the Conservation Zone outside of unique natural areas or slope overlay areas. Tree removal is allowed in the Conservation Zone in the unique natural areas or slope overlay areas according to the following terms and conditions:
 - (a) Without Town approval: a tree or trees whose location and conditions combine to make it a threat to human life or property.
 - (b) 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, septic system, parking areas, and the driveway access.
 - (c) Clear-cutting of forest stands for any use other than necessary minimal

clearing for the requirements of a building project is prohibited.

- (d) In unique natural areas or slope overlay areas, a woodland management plan shall be filed with and approved by the Zoning Officer and/or the Town's consulting forester for multiple trees removed for the landowner's firewood or lumber use, and for forest management and forest improvement. A woodland management plan shall be 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.

(5) Recommendations.

- (a) In areas outside of unique natural areas and slope overlay areas, a woodland management plan is recommended when removing multiple trees for the landowner's firewood or lumber use and for forest management and forest improvement.
- (b) Existing noninvasive vegetation should be maintained to the extent practicable to minimize runoff.
- (c) Buffer areas proximal to water bodies are to be promoted using noninvasive native plants to protect water resources.
- (d) Retain existing stone walls.
- (e) Removal of trees for the purpose of expanding a view is discouraged.
- (f) Removal of trees for the purpose of expanding sunlight exposure is discouraged.
- (g) Native plants should be encouraged, especially shrubs and trees that produce edible fruit and nuts for wildlife.
- (h) Removal of invasive plants (garlic mustard, swallowwort, barberry, honeysuckle, buckthorn, multiflora rose, Russian olive and Norway maple, etc.) is encouraged so long as this effort does not contribute to significant soil disturbance or erosion.
- (i) Wildlife habitats, biological corridors, contiguous forests, and open space linkages should be encouraged and preserved.
- (j) Dead trees that do not pose a threat to life, property, or a healthy forest should be left to provide wildlife habitat for both birds and animals.

- (k) New development should not compromise scenic views, in particular viewing points from adjacent roads and trails.
- (l) Regrading should blend in with the natural contours and undulations of the land.
- (m) Siting of buildings should be below ridgelines or hilltops.
- (n) Where possible, buildings and structures should be located on the edges of open fields to minimize visual impacts.
- (o) Buildings proposed to be located within significant viewing areas should be screened and landscaped to minimize their intrusion on the character of the area.
- (p) Building design should harmonize with the natural setting.
- (q) Building materials should harmonize with their natural setting and be compatible with neighboring land uses.

Q. C . Stormwater

1. In Unique Natural Areas and/or Steep Slope Overlay areas that are subject to site plan review, the following standards apply:

- 2. Any alteration of the hydrology of the site shall be minimized and/or mitigated so as to minimize the impact on water quality, peak discharge, groundwater recharge, and drainage patterns. To the extent possible, the quantity, quality, and timing of stormwater runoff during and after development shall not be substantially altered from pre-development conditions. The recommended technical standards for the design of post-construction structures are detailed in the "New York State Stormwater Management Design Manual," as revised. In reviewing the adequacy of an applicant's

stormwater management plans, the Planning Board may seek recommendations from a licensed engineer selected by the Town and paid for by the applicant.

- 3. Priority should be given to maintaining natural drainage systems, including perennial and intermittent streams, swales and drainage ditches.
- 4. Drainage of stormwater shall not cause erosion, siltation, contribute to slope failures, pollute groundwater or cause damage to or flooding of adjacent or downstream properties.
- 5. The Planning Board may require the developer or property owner to submit the following:
 - f) Stormwater Pollution Prevention Plan (SWPPP), prepared by a NYS licensed engineer

or other qualified professional . The contents of the SWPPP and qualifications of qualified professionals are specified in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity.

g) A statement of the proposed stormwater management objectives.

h) A description of the proposed structural and vegetative stormwater measures that will be utilized to ensure that the quantity, temporal distribution and quality of stormwater runoff during and after development are not substantially altered from pre-development conditions. This will include appropriate plans, design data, calculations, and other information.

i) A maintenance plan, which describes the type and frequency of maintenance required by the stormwater management facilities utilized and the arrangements that will be made to ensure long-term maintenance of these facilities. Operation, maintenance, and any necessary repairs are the responsibility of the property owner or his/her designee. Storm water management facilities shall have adequate easements to permit the Town to inspect and, if necessary, to take corrective action should the owner fail to properly maintain the system. If corrective action by the Town is required, incurred costs are the responsibility of the property owner.

j) A flood hazard analysis for any development located within or adjacent to the designated floodplain.

R. Soil and sediment control.

- (1) The goals for erosion and sediment control are (1) to minimize the opportunity for soil to be moved by wind, precipitation and runoff and (2) to contain sediment that does move close to its place of origin and thus prevent it from reaching a water body or damaging other lands. In order to ensure that the land will be developed with a minimum amount of soil erosion and to protect the natural character of on-site and off-site water bodies, the Planning Board shall require the developer to follow certain erosion control practices.
- (2) A structure or parking area shall have a minimum setback to perennial and intermittent streams of 50 feet or 75 feet if within a Unique Natural Area or Steep Slope Overlay, as measured from the top edge of the slope rising from the bank of the stream. See § **212-124.B**.
- (3) On sites within the slope overlay area or unique natural area, there shall be no excavation, grading or filling without the submission to the Zoning Officer of an excavation, fill, and grading permit. Excavation, grading or

filling of more than 10 cubic yards is subject to site plan approval. The Planning Board may seek recommendations from the Town Engineer, and the associated cost shall be paid for by the applicant. This provision is not applicable to projects with a valid permit from a county, state, or federal agency; nor is it applicable to any projects with current site plan approval.

- (4) In addition to the requirements of this article, any construction, grading, or other activities shall be conducted in accordance with any federal, state, or other local law or requirement pertaining to such activity, including, but not limited to, any requirements of the New York State Department of Environmental Conservation and the United States Army Corps of Engineers.
- (5) Roads and driveways should follow existing contours to the extent practicable to minimize erosion from cuts and fills.
- (6) In Unique Natural Areas and/or Steep Slope Overlay areas that are subject to site plan review, the following standards apply:
 - a. The Planning Board may require the developer to submit an erosion and sediment control plan, the contents of which are specified in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity.
 - b. Erosion and sediment control practices shall be consistent with requirements of the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity. A permit is generally required for construction activities that disturb one or more acre of land.
 - c. The recommended technical standards for erosion and sedimentation control are detailed in the "New York Standards and Specifications for Erosion and Sediment Control" published by the Empire State Chapter of the Soil and Water Conservation Society, as revised.
 - d. The development plan should be consistent with the topography, soils, and other physical characteristics of the site so as to minimize the erosion potential and avoid disturbance of environmentally sensitive areas.
 - e. Existing vegetation on the project site should be retained and protected as much as possible to minimize soil loss from the project site. (This will also minimize erosion and sediment control costs.)
 - f. Erosion and sediment control measures should be constructed prior to beginning any land disturbances. All runoff from disturbed areas should be directed to the sediment control devices. These devices should not be removed until the disturbed land areas are stabilized.

- g. The timing and sequence of construction activities shall expose the smallest practical area of land at any one time during the development. Temporary vegetation and/or mulching should be used to protect critical areas. Permanent vegetation shall be established as soon as practicable. Construction will not be considered complete until all disturbed areas are successfully seeded or stabilized with erosion control materials

D. Driveways and parking.

(1) Requirements.

- (a) 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) For safety purposes, parking areas shall be designed and built to avoid the necessity for drivers to back their vehicles onto roads.

(2) Recommendations.

- (a) Semi-pervious and pervious surfaces for driveways and parking areas are encouraged to minimize runoff and erosion.
- (b) Driveways and parking areas should be designed to include a combination of pervious and impervious surface materials as needed to provide for safe passage
S. of traffic and to minimize the total area of impervious surface which would contribute to runoff.
- (c) Driveways and parking areas should follow contour lines of the land as much as possible.
- (d) Excavation and regrading of slopes for parking areas should be minimized.

E. Limitations on subdivision of parent tracts.

- (1) Any tract or parcel of land in common contiguous ownership at the time of the creation of this zone on December 17, 2013, subject to other normally applicable subdivision laws and regulations, may be subdivided to create up to and not more than 3 lots.

*Respectfully Submitted by Carissa Parlato,
6/1/2020*