

**TOWN OF ULYSSES
BOARD OF ZONING APPEALS
FINAL MINUTES
Wednesday, February 20, 2019**

Approved: March 20, 2019

Present: Board Chair Bob Howarth, and members Andy Hillman, Steve Morreale, Cheryl Thompson, and David Tyler; Town Planner John Zepko.

Public in Attendance: Anne Schneiderman, Steven Valloney, Bill Housworth, David Allen, and Marvin Pritts.

Call to Order: 7:01 p.m.

Appeal by the Paleontological Research Institute (PRI) for an area variance under Section 212-162, Fences and Walls, of the Town of Ulysses Zoning Law, for the purpose of increasing the height of a fence from 6 feet to 8 feet, at the property located at Smith Woods, Trumansburg Road, Town of Ulysses, Tax Parcel Number 13.-3-1.

In introducing the project, Mr. Pritts said his group's goal is to preserve the integrity of Smith Woods and foster the regeneration of trees and wildflowers there. A 6-foot high fence was installed last March and made a huge difference in the spring wildflower population. However, three deer got into Smith Woods in late fall, and another deer got in in the last two weeks. The fence is working, he said, but it is not perfect.

Before deliberating, BZA members discussed briefly whether or not any of them had conflicts of interest, either as PRI members or otherwise. None did.

Offering public comment, Mr. Housworth, of Falls Road, serves on the cemetery board and previously served on the Smith Woods committee that oversaw the transfer of the Woods to PRI. At the time of the transfer, the committee did not know that a fence would be going up. He is opposed to the fence and called it a terrible waste of taxpayer money.

Ms. Schneiderman, of Hinging Post Road, said she supports the fence use. Speaking as a citizen (she said she's not affiliated with PRI), she said a 6-foot high fence is just not adequate and supports a change in Town regulations to allow for 8-foot tall fences. In her own yard, deer cleared her 6-foot fence, but that changed with an 8-foot tall fence. Deer are also a public health risk due to Lyme Disease, she added.

Mr. Allen, president of the Grove Cemetery Association, served previously on the Smith Woods committee along with Mr. Pritts. The committee assumed the Woods would be kept natural. PRI should consider other alternatives, like deer culling, or bait, catch and release. He said the current fence, with pressure-treated wood, is visually unpleasing and not a nice calling card for the village. Mr. Allen also said the Woods entrance – located at Falls and Cemetery roads – is placed awkwardly and creates a traffic safety issue when visitors park their vehicles close to the

entrance. Lastly, he noted some visitors have turned the Woods into a dog park, thanks to the fence, and the fence has impacted the environment by keeping out native species, like red foxes and potentially turkeys.

The Town did receive a correspondence, a letter from Vicki Romanoff that expressed her issues with the fence, notably that it has created an impromptu dog park in the Woods, and that it is aesthetically unpleasing.

Mr. Pritts said a forest ecologist recommended the fence installation. The intent is to preserve the Woods. Responding to Mr. Housworth's comment that the fence is a waste of taxpayer money, he said a private donor gave the money to install the fence; there is no taxpayer money being used. He noted the existing posts are already 8 feet tall, since at the time of the installation PRI officials anticipated that a 6-foot-high fence may not be sufficient. All PRI will need to do is add additional wires to run the additional fencing across. As for parking, PRI recognizes it as an issue and has tried to get the word out to the community. Lastly, he said the fence netting is large enough to let other animals traverse in and out of the Woods. Culling is an extreme alternative and dangerous, he said.

Mr. Morreale advised that the BZA is hearing a proposal to raise the height of the existing fence, not to hear arguments for or against the fence. Ms. Thompson asked for specifics, considering some of the existing poles are already maxed out height-wise.

Mr. Pritts said the posts along Cemetery Road are 6 feet tall; the 8 feet height would be used everywhere else. Some of the metal posts would be replaced with wooden posts. The estimated cost for the additional fence is anywhere from \$5,000 to \$25,000, with the \$25,000 estimate accounting for 8 feet of fencing around the entire perimeter of the woods, including the Cemetery Road side.

Mr. Hillman visited the Woods that day and saw visitors with a dog; they did not clean up after the dog. On other matters, he does not see any reason to move the entrance, and said the use of black locust posts would have looked better than the pesticide-treated wood. If replacing the metal posts along Cemetery Road, perhaps PRI would consider something other than pesticide-treated wood. Is there any data regarding regeneration in Smith Woods? he asked.

Mr. Pritts said several institutions – TC3, Penn State, and Cornell – have been collecting data. A year ago, 130 biologists did a biological inventory of the Woods, and another inventory will take place in five or 10 years. He reported the trillium population was more vibrant this spring than in previous springs, and maple seedlings are healthy.

Ms. Thompson requested a more complete proposal, including the type of posts to be used and sample fencing. Mr. Morreale agreed. A sign or two on the fence to explain how and why the fence protects the Woods would be a nice addition, too, Mr. Howarth added.

Options for fence materials were suggested as part of a general discussion about the project.

It was agreed among the BZA to keep the public hearing open and table the discussion until the BZA reviews a complete proposal.

Mr. Morreale MADE the MOTION to table the discussion, and Ms. Thompson SECONDED the MOTION. The motion was unanimously approved.

Meeting Minutes (11/21/2018; 01/16/2019)

Mr. Hillman MADE the MOTION to accept the November 21, 2018 meeting minutes, and Mr. Howarth SECONDED the MOTION. The motion was carried, 3-0, with Mr. Morreale and Ms. Thompson abstaining from the vote.

Mr. Morreale MADE the MOTION to accept the January 16, 2019 meeting minutes, and Ms. Thompson SECONDED the MOTION. The motion was carried, 4-0, with Mr. Howarth abstaining from the vote.

In other Board matters, Mr. Howarth reported the Town Supervisor has stressed how important it is that the BZA find an alternate member. He would like to invite both Town Supervisor Liz Thomas and Town Board Liaison Rich Goldman to a BZA meeting to discuss two matters – how to identify potential BZA alternates, and to request the BZA be kept abreast of updates related to the ongoing town zoning rewrites. As to board alternates, Mr. Zepko thought perhaps the BZA should ask Town Counsel what the best practice is for alternates and whether or not the alternates should be involved with BZA deliberations.

Mr. Tyler MADE the MOTION to invite one or both Town Board representatives to discuss the BZA's requests, and Ms. Thompson SECONDED the MOTION. The motion was unanimously carried.

Mr. Morreale MADE the MOTION to adjourn the meeting, and Mr. Hillman SECONDED the MOTION. The motion carried unanimously.

Meeting adjourned at 7:58 p.m.

Respectfully submitted by Louis A. DiPietro II on March 10, 2019.