

Meeting Minutes
Ad Hoc Zoning Committee
Town of Ulysses

March 28, 2013

Approved 4/11/13

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

Public: Mario Del Rosso, Jim Proctor, Ally Proctor, Don Smith, Mairead O'Sullivan, Art Landi, Gail Flannery, Lawrence McCann, Cheryl Chalmers, Liz Thomas

Mr. Hawkes called the meeting to order at 7:02 PM.

Mr. Hawkes asked if there were any additions to the agenda: Ms. Kiley suggested an order change so that the review of the resident survey is first.

Meeting minutes from March 14 – there were no changes, all members voted to approve the minutes.

RESIDENT SURVEY

Don Smith (who does market research for a living) presented information from a 2007 survey of residents conducted by Mary Shelley (Town of Ulysses lakeshore property owner). In summary, 91% of the respondents said there is a need to regulate docks and waterside development. There is also valuable information on dock length, depth of water at the end of the dock, dock area, boat hoists, the importance of a grandfather clause, water rights and other subjects.

At the request of the ad hoc committee, Mr. Smith prepared a comparison of the Town of Ulysses 9/12/12 proposed lakeshore zoning. These regulations are complex and not easy to concisely summarize. Mr. Smith felt that ULA's critiques, with minor exceptions, are not fact-based and/or are not relevant. Mr. Smith conducted a survey of lakeshore property owners to secure their recommendations on dock and buoy regulations. Since the Town does not have an email list, he sent the on-line survey to the mailing list of both the WSHA and the ULA (public information). He received responses from 34 properties, 19.2% of the total population of 177 lakeshore properties. The ULA response rate was 23.4% and the "other" response rate was 17.7%. These are relatively high survey response rates. There is only one response/property. To maximize the number of people taking the survey, Mr. Smith promised that names would be kept confidential.

Mr. Smith shared the following points of special interest:

1. 79.4% of the respondents believe the Army Corps of Engineers regulations are too permissive. The confidence interval is 12.3% at 95% confidence. All of those that do not think Army Corps of Engineers regulations are too permissive were from the ULA mailing list.
2. The property owners' input on docks, hoists and buoys are very informative.

3. A high 88% of respondents want defined water rights based on an extension of their property line.
4. A high percentage of respondents are interested in public water (74%), natural gas (71%) and public sewer (62%).

The survey is still available online at <http://www.surveymonkey.com/s/dock>

Ms. Schneider said that the survey supports that docks 40-50 feet long is reasonable. Mr. Wilson added that lakeshore residents have been building responsibly to get what they need for safety and function. He walked from his house to Taughannock and saw that the two longest docks were by Flat Rock. One of the goals if the plan is to have zoning is to preserve the historic nature of the area. The existing docks are the historical fact of the moment. If those are all ok, we would want to make most of those compliant. Mr. Wilson suggested that docks should not extend out beyond the two closest neighbors, which would ensure all neighbors don't build out beyond that length, have equal access, and it deals with nonconformity issues.

Mr. Kerness said that there are 3 docks north of this property that are close to 100 feet long.

Mr. Hawkes was curious about the depth issue – at what point is 6 feet not enough? Most with sailboats on Cayuga Lake have keels 4-5 feet deep. He felt that people have already voted with their dock length.

Mr. Hawkes said that the conversation has been around not exceeding 100 feet of dock length and building to reach 6 feet in depth, but how much of the dock needs to have 6 feet of depth. Mr. Wilson responded that a boat only needs to reach the end of the dock.

Mr. Smith added that that survey results are what they are – there are a mix of answers but the data confirm that 25% would prefer that docks go out to 6 feet in depth. Mr. Smith added that when he researched regulations on other lakes, the concern with dock length and depth is that they did not want to discourage sailboats; he did not hear any concerns for diving safety.

Ms. Kiley presented the information gathered for dock length. She used the Tompkins County Natural Resource Inventory and its measuring tool, as well as information on the County Assessment records, and Bing maps. The results for 152 docks are as follows:

<i>Dock Length (Ft)</i>	<i>No. of Docks</i>
0-20	2
21-30	9
31-40	30
41-50	41
51-60	35
61-70	14
71-80	8

81-90	6
91-100	6
>100	1

Ms. Kiley noted that if dock length regulations were at 60 feet, then 77% of docks would be compliant and if at 70 feet, 86% would be compliant.

Ms. Schneider said that the committee has a nice suite of information to review, including 2 surveys at different times, regulations from other lakes and agencies, and existing conditions that show that 50-60 feet length is consistent with other regulations. The information does not support the need for 100 ft long docks, and Ms. Schneider is not comfortable with the recommendation to allow the length to be based on what is next to you.

Mr. Hawkes asked how many properties do not already have a dock, and Mr. Wilson responded that there are maybe 3 properties without docks but the lakeshore is pretty much built out. Mr. Wilson repeated his comment from last meeting that the Girl Scout Camp is not going to be sold for development any time soon. Mr. Wilson was concerned about what happens if a flood destroys a dock – can it be rebuilt if the original dock did not meet the length requirements? Ms. Kiley responded that the existing nonconforming clauses cover uses and buildings but do not adequately address other structures. Edits will be made to make sure docks are incorporated.

The committee discussed the level or elevation that would be used for the 6 ft water depth. Mr. Wilson was concerned that when water levels dropped in the fall, there would not be sufficient depth, but Ms. Kiley noted that if there are no boats with keels more than 5 feet deep, then the water drop would not be a problem. The water depth should be linked to the NYS DEC Mean High Water Elevation, which is 383.5 feet above mean sea level (using the 1929 National Geodetic Vertical Datum).

After continued discussion on 50, 60, or 70 feet for dock length, the committee came to a consensus on the following:

Dock length maximum of 60 feet or up to 100 feet in length in order to reach a water depth of 6 feet. Measurements based on NYS DEC Mean High Water Elevation of 383.5 feet above mean sea level using the 1929 National Geodetic Vertical Datum.

These parameters will be incorporated into the draft zoning language for next meeting, and Ms. Kiley will draft options for other lake structure dimensions.

Driveways/Parking

Mr. Hawkes provided a handout that will be discusses at the next meeting.

NEXT MEETING:

The next two meeting dates are April 11 and April 25 at 7:00 PM. The discussion will cover lake structures and driveways and parking areas.

The meeting was adjourned at 8:30 PM.

Minutes submitted by Darby Kiley.