

Ad Hoc Zoning Committee

Town of Ulysses
Meeting Minutes

January 29, 2013

Approved 2/28/13

Attendees: Rod Hawkes, Darby Kiley, Rebecca Schneider, Don Smith, Don Wilson

Public: Nancy Cool, Dave Kerness, Kevin Romer, Ken Zeserson

The meeting was called to order at 7:00 PM. Don Wilson introduced himself to the committee – he is the fifth generation of Wilson’s, who used to own about three-fourths of a mile of lakeshore, but lots were sold off over the years. Mr. Wilson said that water levels need to be considered as part of the dock length discussion. He has a Unique Natural Area (UNA) on his property and thinks it is good to use the UNA designation for criteria for site plan review. He has a portion of his land in a conservation easement but there are other properties that could be protected.

Don Smith introduced a table that he created for summarizing the existing regulations for docks and other in-lake structures. For docks, the DEC is not a factor, except as related to excavation and fill in navigable waters. The US Army Corps of Engineers (USACE) allows for a dock up to 100 feet with 50 ft extensions (“L” or “T”) at the end for a total square footage of 1200 sq ft. The NYS Office of General Services (OGS) suggests that towns develop regulations. Mr. Smith’s conclusion is that the existing regulations are really complex and complicated, and there are conflicts, especially with moorings. The OGS developed a complaint procedure for neighbors.

Prior to the meeting, Mr. Smith distributed a 2007 survey of lakeshore residents. Mr. Wilson asked for some clarification. Mr. Smith responded that the responses were 32 residents in Ulysses.

Mr. Wilson provided the following example, a new home was built and needed a retaining wall; the owner applies to the State for a permit; the State didn’t like the retaining wall because it went too far into the lake; the State dealt with the contractor because the wall was not being built in accordance with the plan. There is a procedure and it works and has teeth, because the contractor could lose its state contract. Mr. Wilson asked if the town would have the same enforcement power. Mr. Wilson also asked if the town will be considering regulations on retaining walls, adding that the State says that you cannot put in cribbing that would restrict the water flow.

Mr. Wilson said that he admires how engineers think about how things work, so it makes sense to defer to the USACE for permitting. Lake water depth is an important issue because of safety. Mr. Wilson said that the water depth should be sufficient to dive off the end of a dock, and boat owners need to be able to land a sailboat at the dock. The dock length does not need to be longer than what is needed to reach 6 ft of water depth, but that cannot always be reached because of the geology along the lakeshore. Flat Rock is a table of limestone from Willow Creek to Taughannock, and there are two problems – you can’t

drive a pile driver more than 2 feet deep, and the distance is far to reach 6 ft of water depth. Mr. Wilson thought a dock would need to be at least 80 ft long to reach 6 ft water depth.

Ms. Schneider asked if we could set an upper limit around 100 ft but require something shorter/more reasonable if the water depth was sufficient. Mr. Hawkes asked how we determine length and depth. Mr. Wilson asked if we want to get into the role of enforcement. Mr. Hawkes added that there are only a few dock builders, and we could make sure that they understand any regulations.

Mr. Smith said that when the proposed zoning was drafted, the committee suggested a water depth of 6 ft, which is deeper than any other municipality with dock regulations. People dive off of the sides anyway. If landowners want something different because of constraints, they can apply for a variance.

Ms. Schneider asked if there is any bathymetry data for the lake. Ms. Kiley is not aware of any detailed maps, but will email the Cayuga Lake rule curve to all members. Mr. Wilson added that any new regulations will apply to future development because all of his neighbors have already built docks. The town needs to deal with grandfathering issues and how the Girl Scout Camp is developed.

Mr. Hawkes asked if the language could state that as long as the dock is long enough to reach 6 ft water depth – that is what Mr. Wilson is proposing, but Ms. Schneider does not like that. Mr. Wilson suggested that the USACE number of 100 ft; or permit to 6 ft but not further and not exceed 100 ft.

Mr. Smith added that you cannot make any length dock safe because people dive off the sides, and he is uncomfortable with 100 ft length. He added that when the Town of Ithaca was discussing this same topic, they considered the use of the lake by other constituents, such as boaters in kayaks and canoes.

COMMITTEE CHAIR:

Ms. Kiley nominated Mr. Hawkes to be the chair of the committee, Ms. Schneider seconded, and all members voted in favor.

NEXT MEETING:

The next meeting will be held on February 28 at 7:00 PM and the discussion topics will be lot size and stream setback.

The meeting was adjourned at 8:45 PM.

Minutes submitted by Darby Kiley.