

Ad Hoc Zoning Committee

Town of Ulysses  
Meeting Minutes

February 28, 2013

*Approved 3/14/13*

Attendees: Peter Fry, Rod Hawkes (chairperson), Darby Kiley, Rebecca Schneider, Don Smith, Don Wilson

Public: Lawrence McCann, Liz Thomas

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

Liz Thomas mentioned a recent session at Association of Towns regarding zoning, zoning changes and how increased nonconformity could lead to more variance requests. The session advised that it is good to have new zoning match existing conditions.

Mr. Hawkes asked to add to an item to the agenda: he received correspondence from Heinz Riederer and that will be discussed last on the agenda.

**STREAM SETBACK**

Ms. Schneider shared her first cut on research regarding stream setbacks. She stated that the reasons for focusing on streamside protection was common knowledge, but a list could be developed for important streamside functions (including roots prevent erosion, vegetation shades streams, vegetation filters nutrients). Relevant issues that she researched include (1) permanent only or intermittent/seasonal streams as well; (2) uniform code or variable regulation depending on conditions; (3) how wide a buffer width should be required, and (4) what type of activities should be allowed/prohibited.

Based on initial analysis of several New York regulations and information in other states, Ms. Schneider found that regulations include setbacks to intermittent streams as well as permanent ones; that the buffer width expands for larger streams; that most have a zone with no buildings allowed and a zone where some clearing is allowed; that all have definitions sections, which will be necessary for defining streambank, channel, etc. Across the board, she found that regulations specify a 100-foot buffer. The USDA set a rule-of-thumb with three zones, and state that 100 feet is necessary for nitrate uptake. The Town of Ancram adjusts the buffer width based on slope steepness; others adjust based on drainage area. In Vermont, most of the 64 towns have some form of stream protection with buffer widths averaging 86 feet – the largest is 400 feet and smallest is 10 feet.

Ms. Schneider asked what the committee members needed as more information. Mr. Hawkes noted that the information was all for streams and not lakeshores. Stream setback was the assignment because Cayuga Lake and the other Finger Lakes are very different from other types of lakes in the state and country.

Mr. Smith noted a commonality that there was no difference made between permanent and impermanent streams, and that 100-foot buffer is the most common.

Mr. Wilson added that 100-foot buffers along the lakeshore would take out all buildable property. He provided a review by Peter Houghton regarding proposed stream standards (see attached). Mr. Wilson stated that he was not necessarily supporting Mr. Houghton's conclusions.

Ms. Schneider reiterated that these are special areas with steep slopes. Stream setbacks are already part of the existing town zoning. The Town is a regulated MS4, responsible for sediment coming into the lake and could be fined if sediment is excessive. Ms. Schneider showed pictures of gully creation in Ethiopia where the forests had been cleared.

Mr. Wilson added there are Unique Natural Areas (UNA) designated along the lakeshore and we could apply stricter guidelines to those areas. Erosion issues will be compounded if hemlocks die off from wooly adelgid.

#### **LOT SIZE**

Ms. Kiley introduced research on lot sizes. Based on initial calculations, excluding the State Parks, Girl Scout Camp, and Ithaca Yacht Club, with the current 2-acre lot size zoning, six lots could be subdivided for 6 new lots. With the proposed 1-acre lakeshore and 5-acre non-lakeshore zoning, 12 lots could be subdivided to create 14 new lots. For the next meeting, Ms. Kiley will show more details on these lot subdivisions.

Mr. Smith recalled that there had been concerns about the Girl Scout Camp developing. Ms. Kiley pointed out that the proposed zoning would not allow for Major subdivisions, so any lot would not be able to create more than three lots. An alternative would be to keep the Girl Scout camp designated as Park/Recreation. Ms. Kiley will look into what that language and suggest any changes that might be necessary. Mr. Wilson added that the GS camp is an important resource for camps at the Cayuga Nature Center.

#### **DOCKS**

Mr. Wilson said that at the last meeting the committee discussed lake depth chart mapping for assessing water depth. He pointed out on the USGS quad maps that in the Town of Ithaca, the lines are close together, showing a steep drop-off, and in northern Ulysses, the lines are not so tight because of Flat Rock. Ulysses should not just adopt regulations based on what Ithaca did, we should use water depth. Six feet is somewhat arbitrary but is likely to be sufficient depth for kids diving and sailboats landing. Mr. Wilson measured his dock, which is 60 feet long but about 10 feet setback, so about 70 feet would be needed from the high water line. Mr. Wilson's opinion is that the dock length should be as short as possible to reach 6 feet water depth, but not longer than X feet. Safety should be a factor. Most property owners already have docks and to the length that they want them.

Ms. Schneider stated that at the last meeting a lot of time was spent discussing depth as a criterion for dock length. Based on the comparison chart by Mr. Smith, dock lengths in other Finger Lake communities range from 40-75 feet and use 3-5 feet water depth.

Mr. Smith said that when he was assigned the task of researching docks, the committee wanted to know about regulations in other communities, and what types of regulations the current landowners are looking for. He wishes the town had a mailing list, but it doesn't, so he used the Westshore Homeowners Association and Ulysses Lake Association email list. He is not ready to present the results tonight, but will do so next time. Ms. Schneider said that the information could be very valuable and looks forward to reviewing it.

Ms. Kiley will look at aerial photos to see if existing dock length can be measured.

**NEXT MEETING:**

The next meetings will be held on March 14 and March 28 at 7:00 PM. The discussion will be continued on lot size and stream setback; the resident survey and "driveways and parking areas" will also be discussed.

The meeting was adjourned at 8:48 PM.

Minutes submitted by Darby Kiley.