

## ULYSSES TOWN BOARD:

I will not be able to connect via ZOOM or telephone to tomorrow's Public Information Meeting regarding code amendments to the LS and CZ Zones. As you are aware, I spoke at several Board meetings last Fall when the entire Zoning code was being redeveloped. In December, 2019, I specifically addressed the Board to demonstrate the absurdity of the highly restrictive 2000 square foot maximum footprint clause for new residences in both zones. Please consider the following comments regarding the proposed code amendment.

The proposed amendment increases this footprint maximum to 3500 SF. , Given all the environmental protection clauses that are included in the LS and CZ District codes, the proposed footprint limit is unnecessarily restrictive. I support the 5% parcel size/footprint formula that is in the code for the LS and CZ zones. However, the proposed 3500 SF maximum footprint cap for both zones has no basis and is inconsistent with other provisions of the code as explained below.

The minimum lot size for the LS zone is 2 acres for lakefront parcels and 5 acres for LS non-lakefront parcels. The minimum parcel size is 5 acres throughout the CZ zone. The vast majority of acreage and parcels in the Town of Ulysses are within the newly created A/R zone. The minimum new residential parcel size within that zone is 2 acres. The maximum residential footprint size within that zone is 5000 SF.

There is absolutely no justification to have the maximum footprint in the LS and CZ zones different than what is the standard for the rest of the Town. You have the 5% formula that is the first protective standard in the LS and CZ zones that governs residential footprint size. This, in itself, provides an environmental safeguard in both zones for buildings on small, non-compliant parcels. With regard to larger LS lakefront/non-lakefront and CZ parcels, there is significant additional zoning language regarding Unique Natural Areas, erodible soils, steep slopes, rock outcrops, stormwater management, stream setbacks and site plan review that provide further environmental protection. **If a property owner has a compliant parcel within either the LS or CZ zone, and they can meet all the above listed zoning restrictions, there is no defensible rationale that should restrict them to a lower, 3500 SF max footprint, compared to the 5000 SF max footprint that is permitted in the majority of the Town's acreage.**

In summary, the 5% formula and the numerous conservation clauses in the LS and CZ zones are more than adequate to provide environmental protections for new residential construction within the LS and CZ zones. To impose a maximum footprint cap (3500 SF) on LS and CZ parcels that is lower than the A/R zone allowable footprint (5000 SF) is punitive. It is simply an arbitrary and indefensible over regulation. Owners of

larger parcels within the LS and CZ zones, that can meet all of the environmental protection zoning standards, should not be penalized and disadvantaged compared to A/R zone residents. The LS and CZ 5% parcel size/footprint formula is appropriate as the initial environmental protection standard for residential buildings within those zones. To be equitable and consistent, the maximum footprint needs to be established at 5000 SF for those larger parcels that meet all the other environmental criteria.

Thank you for your consideration of my comments.

Peter Houghton, P.E

To the Ulysses Town Board

Recent construction along the shore of Cayuga Lake raises concern about the enforcement of regulations in the Town of Ulysses that protect water quality and the beauty of the lake shore area. The fragile hillsides and numerous creeks and streams are highly susceptible to erosion and siltation from normal runoff, especially during flooding events. The undersigned encourage the Town Board to enact and enforce legislation that protects the lands and waters in the lake shore area. We ask the board to increase oversight of construction projects to ensure that tree removal and all setbacks comply with zoning. We also request that the town distribute educational materials to residents in the lakeshore zone outlining the environmental requirements of the zone such as setbacks, excavation restrictions, and information about tree removal. We are opposed to the proposed increases in the footprint of buildings in the lakeshore zone.

Photos of specific projects of concern are included below. Can information about these projects be provided, specifically

- Were the projects permitted by current zoning?
- Did the project require a variance from the zoning?
- Was the project in violation of any laws (New York State or Town of Ulysses) and if so, was the project required to remediate, or was the owner fined? Were stop work orders issued?
- Are there plans to update Town of Ulysses laws or educate the lakeshore landowners to ensure these types of projects will not be allowed in the future?
- Many of these properties have cleared trees well in excess of existing regulations. Can you explain how this is being enforced?
- Are the setbacks from the lake and streams in compliance?
- Did all projects comply with excavation restrictions?

Recently constructed buildings of concern are in the photos below:



Excessive clearcutting that did not appear to be necessary preceded construction of both these houses.



Is this house in accordance with the rules about setbacks to property lines and creeks, and what is the size of footprint of the house?



This site had extensive excavation grading and filling. Was the plan for this project submitted to the zoning officer?

Thank you for your consideration of this important topic,

- Judy Abrams
- Ken Zeserson
- Dan Clement
- John Dennis
- Sherman Kelly
- Jonathan Culler
- Andrew Yale



**Excerpts from current zoning 212-48:**

**(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 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.

**(2)** 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.

**(3)** 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.

**(4) 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.** Soil and sediment control.

(1) 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 § **212-124B**.

(2) 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.

(3) 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.

(4) Roads and driveways should follow existing contours to the extent practicable to minimize erosion from cuts and fills.

**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 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.

Hello and first, thank you for the opportunity to hear perspectives on the proposed change to Zoning Law that would increase building footprint to 3,500 sq ft.

I have done additional thinking about this issue and share several points:

1. You heard many residents, property owners living in the affected zones, object to the change. I did not express to support increasing the foot print. A very quick survey of homes for sale in the Town, it looks like homes on that list are between 900-2100 **total** square feet. I conclude from this that standards in the area are around 2,000 total square feet.
2. I appreciate the fact that the total footprint may not exceed 5% of land use, which is a protection UNTIL the end of the part of the land. I agree this is an important potential outcome to consider. And another reason to support the current regulation.
3. One speaker argued that in-law apartments or accommodations for family and friends are a part of the current footprint. However, the foot print size does **not limit** the square footage of the structure. I do think this is a good option.
4. To those who said, "People want Luxury" or those who want more, the option is to build up.
5. I applaud the comment that was made: "Design considerations have more impact than foot prints." In the current regulation, allow the 2,000 sq ft footprint size to stand.

finally, I am in favor of standards that reduce runoff and erosion.

As an owner of property in the Lakeshore Zone,

Susan E Perkins

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