

***Draft – not yet approved* PUBLIC HEARING**

**LL1 of 2020: A LOCAL LAW AMENDING THE TOWN OF ULYSSES ZONING LAW REGARDING
LAKESHORE AND CONSERVATION ZONES**

Town of Ulysses

August 11, 2020

Audio of the minutes are available on the website at ulysses.ny.us.

The meeting was held via videoconference on the Zoom platform.

Notice of Public Hearings are posted on the Town's website and Clerk's board and noticed by Legal Ad in the Ithaca Journal.

ATTENDANCE:

TOWN OFFICIALS PRESENT:

Supervisor- Nancy Zahler

Board members- Richard Goldman, Marc Devokaitis, Katelin Olson, Michael Boggs

Deputy Town Clerk- Sarah Koski

Second Deputy Supervisor- Michelle Wright

Attorney for the Town- Khandikile Mvunga Sokoni

Environmental Planner- John Zepko

OTHERS PRESENT:

Linda Liddle (Planning Board Chair), Edward Webster, Lawrence McCann, Peter Houghton, Mary Bouchard

Ms Zahler stated the following: Welcome everyone to democracy pandemic style. We are glad to have you joining us by computer or by phone. On August 5, 2020, the Governor issued Executive Order 202.55 which further extended the Open Meetings Law suspension contained in Executive Order 202.28. Therefore, the Town Board is able to convene this meeting and public hearing by virtual means.

OPENING THE HEARING

Rich Goldman moved to open the public hearing at 6:33 pm, seconded by Mr. Boggs and passed unanimously.

Ms. Zahler introduced herself and stated the following:

The purpose of tonight's Public Hearing is to receive comments on the proposed Local Law to amend the Zoning Law regarding the Lakeshore and Conservation Zones is officially open.

After a few opening comments and an overview of the proposed changes, the members of the Town Board will listen to any and all comments on the proposed changes without responding.

A formal public hearing is not a question and answer session and Town Board members are asked not to respond to individual comments. After the hearing ends, and the Town Board begins, we will

discuss all comments received and we may choose to take action on the local law tonight or we can delay action to a future meeting.

So why is the Town Board considering amendments to the new zoning law we just passed?

Back in November 2019, when the Town Board held a public hearing on the zoning update that repealed and replaced the entire zoning code, we heard from a number of residents from the Lakeshore and Conservation zones objecting to our process and opposing the change that instituted a 2000 sq. ft. footprint limit for any new buildings in the Lakeshore and Conservation zones.

When the zoning law was approved in December of 2019, several town board members expressed a commitment to revisit that provision in 2020.

On February 11, 2020, the Town Board charged the Planning Board with reviewing those changes with an eye toward creating a better balance between the development rights of property owners and the Town's stewardship responsibilities for the fragile environment along the lakeshore and conservation zones.

On April 28th the Planning Board made recommendations to the Town Board after carefully reviewing the zoning, the current development patterns and the protections in the steep slopes and unique natural areas.

On May 26th the Town Board reviewed the recommendations and endorsed them and scheduled a Public Information Meeting. Since residents of the LS/C zones had expressed concern about not being aware of the 2000 sq ft limitation at the time of the zoning update, the Town took extra steps to directly send post cards to all residents inviting them to the Public Information and we made several announcements on our list serve and one notice in the Free Press.

On June 16th we held an informal Public Info Meeting to explain the changes, answer questions and receive comments. We had a number of members of the community attending, many of whom made comments, and we received comments in writing before and after the meeting.

On June 23rd, we reviewed all of the comments from the Public Information Meeting. We also reviewed other relevant sections of the zoning and decided that to provide clear guidance to homeowners and members of the planning board and BZA, we needed to add a definition of BUILDING FOOTPRINT. We asked our planner John Zepko to draft that for our July 14th meeting.

Also during the June 23rd meeting when we were clarifying what would be allowable under the proposed changes, we realized that when we made changes in the 2019 zoning to add a new category of allowable housing: accessory dwelling units with a total usable floor area of 1200 sq ft to all zones, we also reduced the number of primary residences from 2 to 1. However, that reduction from 2 to 1 primary residence was NOT made in the Lake Shore (LS) and Conservation (C) zones. Since the Town Board believed the intention in the new zoning was to offer accessory dwelling units in lieu of a second residence, the Town Board asked our Planner John Zepko to make the changes in LS and C zones to be consistent with the rest of the town.

On June 23rd in accordance with SEQRA we also designated the Town Board to be the lead agency responsible for completing the environmental assessment required for a zoning change.

On July 10th we published the proposed amendment with all changes on our website.

On July 14th we discussed all of the proposed changes and scheduled this public hearing for August 11th.

We also, as required by law published a notice of public hearing in the Ithaca Journal on July 16th and we asked the Tompkins County Planning Department to conduct a review of the proposed changes in conformance with GML Section 239. We also served notice with copies of the full draft law to surrounding municipalities on July 20th and to the NYS DEC, NYS Parks and Recreation and to the Department of Agriculture and Markets inviting their feedback.

We also publicized this public hearing on our website and invited written comments from the public who could not or chose not to attend via zoom or telephone tonight.

Town Planner John Zepko then shared a Lake Shore and Conservation zoning map, which makes up the eastern portion of the town and borders Cayuga Lake. The Lakeshore has 211 parcels and the Conservation zone has 135 parcels that are affected by the proposed zoning. The town is considering increasing the maximum allowable building footprint from 2000 square feet to 3500 square feet in these zones. In addition, the town crafted a definition of a building footprint that allows the town to clearly determine what a “building footprint” means. In addition, the zoning change would reduce the number of principal buildings from 2 to 1 which is consistent with the rest of the town. Additionally in these areas, unique natural areas and steep slope areas will require a site plan review since they are environmentally sensitive. Because these areas are environmentally sensitive, and the town is proposing increasing the allowable square foot print, the town is trying to balance rights of property owners with environmental conservation. Performance standards have been created for site plan review that can allow the planning board to require a storm water pollution prevention plan and/or erosion and sediment control plan and set standards for those plans. These performance standards will ensure that natural water drainage patterns will be preserved after development. In the Lake Shore zone, there are 26 properties that are not yet developed and there are 44 parcels in the Conservation zone. There are not many parcels open for development in these zones, but there are properties that are being re-developed as houses and cottages are being renovated.

Ms. Zahler thanked Mr. Zepko for his overview of the zoning changes. Ms. Zahler then asked members of the Town Board to hold any additional comments about the process or the proposed changes until after the board hears from the public.

To be able to hear from all those who wish to comment on the proposed changes, Ms. Zahler asked those participating via zoom to use the “raise hand” feature.

PUBLIC COMMENTS:

Peter Houghton: Taugahnock Blvd. Mr. Houghton’s comments were not about the substance of the change as he has already sent several comments to the Town Board and has spoken at previous

meetings. Mr. Houghton addressed Mr. Boggs, Mr. Goldman, and Ms. Zahler: Mr. Houghton noted that there was a push in the fall of 2019 to finish the updated zoning that was started in 2017. The residential footprint issues in the lakeshore and conservation zones were wrapped into the zoning that was adopted in December of 2019. The three board members who are still on the board when the zoning was adopted promised that they would revisit the footprint issue of the zoning. While the final outcome of the residential footprint is not what Mr. Houghton has advocated for, he feels it is an improvement over what was passed in the 2019 zoning update. Mr. Houghton wanted to acknowledge and thank the members for following through with their promise.

Ms. Zahler pointed out that Mr. Houghton had provided the board and the town planner with important information and data throughout the process and thanked him for his engagement. Mr. Boggs also thanked Mr. Houghton for his ongoing input.

Ms. Zahler then asked twice if there were any others present who wanted to make a comment for public record.

CLOSING THE HEARING:

Hearing no further comments, Ms. Olson made a motion to close the hearing at 6:58pm. This was seconded by Mr. Devokaitis and passed unanimously.

Respectfully submitted by Sarah Koski on 8/17/2020.