



-DRAFT-

ULYSSES TOWN BOARD

RESOLUTIONS for May 12, 2020

4

5 Section 6a ++++++

6 **RESOLUTION # OF 2020: Approval of Draft Zoning Amendment on Development in Lakeshore and**
7 **Conservation Zones and Scheduling of Public Information Meeting**

8 *WHEREAS, the Town Board of the Town of Ulysses (Town Board) enacted Local Law No. 3 of 2019 on December 10, 2019,*
9 *which law was filed with the New York State Secretary of State on December 16, 2019, which local law repealed in its*
10 *entirety the Town of Ulysses Zoning Law adopted by Local Law No. 3 of 2013, amended from time to time, and codified*
11 *as Chapter 212 of the Laws of the Town of Ulysses, and in its place adopted a new zoning law, and*

12
13 *WHEREAS, when adopting the Zoning Law on December 10, 2019 by Resolution 2019-211 several members of the Town*
14 *Board wanted to re-visit the law in 2020 based on feedback from the Public Hearing held November 12, 2019 and*

15
16 *WHEREAS, the Town Board wished to consider alternative strategies that balance property rights with our environmental*
17 *stewardship when protecting steep slopes and Unique Natural Areas in the Lakeshore and Conservation zone rather than*
18 *a zone-wide limit of 2000sq ft footprint and*

19
20 *WHEREAS, the Ulysses Town Planning Board transmitted their recommendations including proposed changes to the*
21 *current zoning along with their rationale to the Town Board on April 28, 2020 through Planning Board Resolution*
22 *Numbers 1 of 2020 and 2 of 2020, and*

23
24 *WHEREAS, the Ulysses Town Board wishes to seek feedback from those affected by the proposed amendments to the*
25 *Zoning Law, as well as from the public in general, now therefore be it*

26
27 *RESOLVED, that the Town Board adopts the following draft for review and discussion by the public to inform the final*
28 *wording of the amendment that will be subject to Environmental reviews, Review by Tompkins County Planning*
29 *Department, neighboring municipalities and public hearing*
30

31 Article VIII

32 LS — Lakeshore Zone

33 § 212-42 Purpose.

34 A. The purposes of the Lakeshore Zone are:

- 35 (1) To protect the fragile environment of the lakeshore, that area east of State Route 89 to the
- 36 center line of Cayuga Lake, in accordance with the Town of Ulysses Comprehensive Plan (2009);
- 37 (2) To provide a regulatory framework through which development can occur with minimal
- 38 environmental impact; and

1 (3) To develop design standards for houses and accessory buildings that create a harmonious effect
2 for the natural environment and the residents.

3 B. In particular, the following are important aspects or considerations for the Lakeshore Zone:

4 (1) Among the important natural and ecological features of the Lakeshore Zone are steep slopes,
5 mature forests, fragile cliffs, tributaries, and seasonal streams feeding into Cayuga Lake.

6 (2) In recognition of their natural and ecological significance, several areas of the Lakeshore Zone
7 have been designated as unique natural areas by the Tompkins County Environmental
8 Management Council.

9 (3) The Town has designated a slope overlay area, which recognizes six soil types that when
10 disturbed are significantly erodible and unstable based on their characteristics and slope
11 steepness (see Article IV, Terminology).

12 C. Nothing in these regulations is intended to require or permit activities which contravene any laws,
13 rules, or regulations or permits of the United States or New York State, or any agency thereof, nor are
14 any of the provisions intended to supersede any requirements for obtaining any permits or approvals
15 required by the United States or New York State, or any agency thereof.

16 § 212-43 Permitted uses.

17 A. Only the following buildings or uses are permitted in this district, and site plan approval, pursuant to the
18 provisions of Article III, § 212-19, is required in unique natural areas and slope overlay areas:

19 (1) Single-family residences and their accessory buildings.

20 (2) Two-family residences and their accessory buildings.

21 (3) Any municipal or public utility purpose necessary to the maintenance of utility services except that
22 substations and similar structures shall be subject to the same setback requirements that apply to
23 residences.

24 § 212-44 Permitted accessory uses.

25 A. The following are permitted accessory uses, which are customarily incidental to the permitted uses listed
26 above in § 212-43:

27 (1) Accessory buildings, as defined in Article IV and subject to provisions of Article XXIV, § 212-167:
28 *Accessory Buildings*.

29 (2) Accessory Dwelling Unit, subject to the provisions of Article XX, § 212-128.

30 (3) Elder Cottage, subject to the provisions of Article XX, § 212-139.5.

31 (4) Open-sided elevators/lifts.

1 (5) Temporary buildings, as defined in Article IV.

2 (6) Minor solar collection system subject to the provisions of Article XX, § 212-139.1. [Added 11-24-2015
3 by L.L. No. 3-2015]

4 B. Site plan approval, pursuant to the provisions of Article III, § 212-19, is required in unique natural areas
5 and slope overlay areas for the permitted accessory uses listed in this section.

6 C. Permitted accessory uses without site plan approval. Such uses as are customarily incidental to the
7 permitted uses listed above in this article, § 212-43.

8 (1) Signs as regulated under Article XX, § 212-122

9 (2) Home occupations, where no more than one person residing off the premises is employed.

10 § 212-45 Uses permitted by site plan approval.

11 The following uses are allowed upon approval of a site plan by the Planning Board and subject to the design
12 standards set forth in relevant sections of Article XX:

13 A. Adult care, family.

14 B. Farm Operation.

15 C. Bed-and-breakfast operations where such is part of the residence.

16 D. Child care, family.

17 E. Professional offices where:

18 1) Such office is part of the residence property; and

19 2) No more than three persons residing off the premises are employed on site.

20 § 212-46 Uses allowed by special permit.

21 The following uses are allowed upon approval of a special permit pursuant to Article III, § 212-18, subject to
22 the design standards set forth in relevant sections of Article XX and site plan review by the Planning Board:

23 A. Fire stations or other public buildings necessary to the protection of or servicing of a neighborhood.

24 B. Restaurants.

25 C. Public or nonprofit owned boat launching site, swimming beach, picnic area.

26 D. Public or nonprofit owned park or playground, including accessory buildings and improvements.

27 § 212-47 Lot area and yard requirements.

28 A. Number of principal buildings per lot: two single-family residences or one two-family residence.

- 1 B. Minimum lot area shall be two acres for lake front lots and five acres for non-lake front lots.
- 2 C. Minimum lot width at the mean high-water elevation (MHWE) shall be 250 feet and minimum lot
3 width at the road frontage shall be 250 feet for all non-flag lots.
- 4 D. Minimum lot depth shall be 250 feet for lakeshore lots and 450 feet for non-lakeshore lots.
- 5 E. Minimum setback, front and rear, shall be 50 feet from the highway right-of-way, and 50 feet where
6 the lot abuts the lake; the MHWE shall be used for setback measurement. Docks, boat hoists, and boat
7 ramps are permitted within the setback area.
- 8 F. Minimum side yard setbacks shall be 15 feet, except for a corner lot fronting on two public streets,
9 where the minimum yard setback for the side yard to the street or road shall be 25 feet.
- 10 G. Maximum building height for the principal dwelling shall be 32 feet above average grade measured at
11 the building perimeter.
- 12 H. Maximum lot coverage for all building footprints shall be 5% of the lot area. For lots with single-family
13 and two-family residences, lot coverage calculations do not include driveways, walkways, or parking
14 areas.
- 15 I. Streams and wetlands are required to have a protective setback as defined in § 212-124.
- 16 J. No parking areas shall be constructed within 50 feet of the MHWE.
- 17 K. Flag lots shall meet minimum lake frontage (250 feet) and lot area (two acre) requirements. Lot area
18 excludes the pole. The pole shall connect to the road, not the lake. Non-lakeshore flag lots shall meet
19 minimum lot area (five acres) excluding the pole. See Article XX, Design Standards, § 212-130.
- 20 L. The above notwithstanding, in the case of a lot with frontage on the lake, accessory uses such as pump
21 houses, docks, boat ramps and boat hoists typically associated with water-oriented recreational
22 pursuits are permitted within the front yard setback area fronting on the lake; provided, however, that
23 they are located outside of the required side yard setback areas and conform to the regulations or
24 permits of the United States or New York State.
- 25 M. For the purposes of cluster development on a lakeshore lot, one dwelling unit will be allowed per 150
26 feet of lake frontage.

Lot Area and Yard Requirements Summary

Requirement	Lakeshore	Non-lakeshore
Lot coverage, maximum (percent)	5	5

Lot Area and Yard Requirements Summary

Requirement	Lakeshore	Non-lakeshore
Building height, maximum (feet)	32	32
Lot area, minimum (acres)	2	5
Lakeshore frontage, minimum (feet)	250	Not applicable
Lot width at road frontage, minimum (feet)	250	250
Lot depth, minimum (feet)	250	450
Setback from lakeshore, minimum, measured from MHWE (feet)	50	Not applicable
Setback from road or rear property line (feet)	50	50
Side yard setback, minimum (feet)	15	15
Structure or parking area or road setback from perennial/intermittent stream, minimum (not in unique natural area or steep slope overlay (feet)	50	50
Structure or parking area or road setback from any perennial/intermittent streams, or Federal wetland edge in unique natural area and steep slope overlay areas, minimum (feet).	75	75
Structure or parking area or road setback from any State wetland	100	100

Lot Area and Yard Requirements Summary

Requirement

Lakeshore

Non-lakeshore

edge.

Structure or parking area or road setback from any Federally or locally designated wetland edge.

50 – 100 (see §212-48 below)

50-100 (see §212-48 below)

1 N. Maximum footprint of a building shall be 3,500 square feet, except Accessory Dwelling Units pursuant to
2 Article XX, §212-128.

3 § 212-48 Design standards.

4 In the event of any conflict between the provisions of this § 212-48 and other provisions of this chapter, the
5 provisions of this section shall prevail.

6 A. Streams.

7 (1) Perennial and intermittent streams are, and wetlands may become, prominent features of the
8 Lakeshore Zone and the condition of these water bodies directly affects the health of Cayuga Lake
9 and the various creatures that depend on the water for sustenance. As such, it is the intent of these
10 Lakeshore Zone regulations to ensure the continued preservation and health of these many Cayuga
11 Lake tributaries for current and future generations.

12 (2) For the purposes of this section, the area of a wetland is defined by both state and federal
13 governing regulations. Buffer areas apply to federally protected wetlands greater than 0.1 acre.

14 (3) Requirements.

15 (a) To the extent possible, perennial and intermittent streams shall be protected from sediment,
16 effluent, sewage, and driveway runoff.

17 (b) Diverting or altering the course of perennial or intermittent streams shall be prohibited,
18 except where a NYSDEC permit is obtained in advance of starting work.

19 (c) Unless otherwise authorized by the Planning Board or state or federal agency, no disturbance
20 as listed previously in this section shall be located within 100 feet of any NY State regulated
21 wetland or 50 feet from a Federally or locally regulated wetland.

22 (d) During the site plan approval process where there is evidence of a wetland, the Planning
23 Board may require a wetland delineation study to determine potential impacts of
24 development on said wetland.

25 (4) Recommendations.

- 1 (a) Plowing of salt laden snow from driveways into streams should be avoided.
- 2 (b) The proximity of docks to mouths of tributaries should consider natural variation in stream
3 boundary location so as to not interfere with stream flow over time.
- 4 (c) Stream bank vegetation should be encouraged to minimize erosion. Where necessary, stream
5 banks should be replanted with native species.
- 6 (d) Flow of water in Cayuga Lake tributaries should not be impeded by human-made structures in
7 or spanning streams.

8 B. Vegetation and landscape.

- 9 (1) The intent of the Town of Ulysses is to preserve and encourage vegetation, especially
10 noninvasive trees and shrubs, in the Lakeshore Zone in order to prevent erosion, sedimentation
11 of the lake and streams, and maintain the rural, scenic nature of the Town. The intent of this
12 section is to encourage landowners in this district to preserve and encourage vegetation for the
13 benefit of current and future residents of the Town.
- 14 (2) The intent of the Town of Ulysses is to preserve the natural features of the Lakeshore Zone and,
15 as such, to allow development that uses mechanisms that minimize disruption of the current
16 ecological balance. The Zoning Officer and Planning Board shall review all development with the
17 following guidelines when reviewing a site plan for approval.
- 18 (3) Requirements. Tree removal, except clear-cutting, is allowed in the Lakeshore Zone outside of
19 unique natural areas or slope overlay areas. Tree removal is allowed in the Lakeshore Zone in
20 the unique natural areas or slope overlay areas according to the following terms and conditions:
 - 21 (a) Without Town approval: a tree or trees whose location and conditions combine to make it a
22 threat to human life or property.
 - 23 (b) With the approval of the Zoning Officer and the possession of a valid building permit: those
24 trees that are in the footprint of a construction site, septic system, parking areas, and the
25 driveway access.
 - 26 (c) Clear-cutting of forest stands for any use other than necessary minimal clearing for the
27 requirements of a building project is prohibited.
 - 28 (d) In unique natural areas or slope overlay areas, a woodland management plan shall be filed
29 with and approved by the Zoning Officer and/or the Town's consulting forester for multiple
30 trees removed for the landowner's firewood or lumber use, and for forest management and
31 forest improvement. A woodland management plan shall be prepared by a professional
32 forester with Society of American Foresters certification or by a cooperating consulting
33 forester with the New York State Department of Environmental Conservation.
- 34 (4) Recommendations.

- 1 (a) In areas outside of unique natural areas and slope overlay areas, a woodland management
2 plan is recommended when removing multiple trees for the landowner's firewood or lumber
3 use and for forest management and forest improvement.
- 4 (b) Existing noninvasive vegetation should be maintained to the extent practicable to minimize
5 runoff.
- 6 (c) Buffer areas proximal to water bodies are to be promoted using noninvasive plants to protect
7 water resources.
- 8 (d) Removal of trees for the purpose of expanding a view is discouraged.
- 9 (e) Removal of trees for the purpose of expanding sunlight exposure is discouraged.
- 10 (f) Native plants should be encouraged, especially shrubs and trees that produce edible fruit and
11 nuts for wildlife.
- 12 (g) Removal of invasive plants (garlic mustard, swallowwort, barberry, honeysuckle, buckthorn,
13 multiflora rose, Russian olive and Norway maple, etc.) is encouraged so long as this effort
14 does not contribute to significant soil disturbance or erosion.
- 15 (h) Wildlife habitats, biological corridors, contiguous forests, and open space linkages should be
16 encouraged and preserved.
- 17 (i) Dead trees that do not pose a threat to life, property or a healthy forest should be left to
18 provide wildlife habitat for both birds and animals.
- 19 (j) New development should not compromise scenic views, in particular viewing points from
20 adjacent roads and trails.
- 21 (k) Regrading should blend in with the natural contours and undulations of the land.
- 22 (l) Buildings proposed to be located within significant viewing areas should be screened and
23 landscaped to minimize their intrusion on the character of the area.
- 24 (m) Building design should harmonize with the natural setting.
- 25 (n) Building materials should harmonize with their natural setting and be compatible with
26 neighboring land uses.

27 **C. Stormwater**

- 28 1. In Unique Natural Areas and/or Steep Slope Overlay areas that are subject to site plan review, the following
29 standards apply:
- 30
- 31 2. Any alteration of the hydrology of the site shall be minimized and/or mitigated so as to
32 minimize the impact on water quality, peak discharge, groundwater recharge, and

1 drainage patterns. To the extent possible, the quantity, quality, and timing of
 2 stormwater runoff during and after development shall not be substantially altered from
 3 pre-development conditions. The recommended technical standards for the design of
 4 post-construction structures are detailed in the "New York State Stormwater
 5 Management Design Manual," as revised. In reviewing the adequacy of an applicant's stormwater management
 6 plans, the Planning Board may seek recommendations from a licensed engineer selected by the Town and paid
 7 for by the applicant.

- 8
- 9 3. Priority should be given to maintaining natural drainage systems, including perennial
 10 and intermittent streams, swales and drainage ditches.
- 11
- 12 4. Drainage of stormwater shall not cause erosion, siltation, contribute to slope failures, pollute groundwater or
 13 cause damage to or flooding of adjacent or downstream properties.
- 14
- 15 5. The Planning Board may require the developer or property owner to submit the following:
- 16
- 17 a) Stormwater Pollution Prevention Plan (SWPPP), prepared by a NYS licensed engineer or other qualified
 18 professional . The contents of the SWPPP and qualifications of qualified professionals are specified in the
 19 New York State Department of Environmental Conservation SPDES General Permit for Stormwater
 20 Discharges from Construction Activity.
- 21
- 22 b) A statement of the proposed stormwater management objectives.
- 23
- 24 c) A description of the proposed structural and vegetative stormwater measures
 25 that will be utilized to ensure that the quantity, temporal distribution and quality of
 26 stormwater runoff during and after development are not substantially altered from
 27 pre-development conditions. This will include appropriate plans, design data,
 28 calculations, and other information.
- 29
- 30 d) A maintenance plan, which describes the type and frequency of maintenance
 31 required by the stormwater management facilities utilized and the arrangements
 32 that will be made to ensure long-term maintenance of these facilities. Operation,
 33 maintenance, and any necessary repairs are the responsibility of the property
 34 owner or his/her designee. Storm water management facilities shall have
 35 adequate easements to permit the Town to inspect and, if necessary,
 36 to take corrective action should the owner fail to properly maintain the system. If
 37 corrective action by the Town is required, incurred costs are the responsibility of the property owner.
- 38
- 39 e) A flood hazard analysis for any development located within or adjacent to the
 40 designated floodplain.
- 41

42 D. Soil and sediment control.

- 43 (1) The goals for erosion and sediment control are (1) to minimize the opportunity for soil to be
 44 moved by wind, precipitation and runoff and (2) to contain sediment that does move close to
 45 its place of origin and thus prevent it from reaching a water body or damaging other lands. In

1 order to ensure that the land will be developed with a minimum amount of soil erosion and to
2 protect the natural character of on-site and off-site water bodies, the Planning Board shall
3 require the developer to follow certain erosion control practices. The standards for erosion and
4 sediment control are as follows:

- 5
- 6 (2) A structure or parking area shall have a minimum setback to perennial and intermittent
7 streams of 50 feet or 75 feet if within a Unique Natural Area or Steep Slope Overlay, as
8 measured from the top edge of the slope rising from the bank of the stream. See § 212-124.B.
- 9 (3) On sites within the slope overlay area or unique natural area, there shall be no excavation,
10 grading or filling without the submission to the Zoning Officer of an excavation, fill, and grading
11 permit. Excavation, grading or filling of more than 10 cubic yards is subject to site plan approval.
12 The Planning Board may seek recommendations from the Town Engineer, and the associated
13 cost shall be paid for by the applicant. This provision is not applicable to projects with a valid
14 permit from a county, state, or federal agency; nor is it applicable to any projects with current
15 site plan approval.
- 16 (4) In addition to the requirements of this article, any construction, grading, or other activities
17 shall be conducted in accordance with any federal, state, or other local law or requirement
18 pertaining to such activity, including, but not limited to, any requirements of the New York
19 State Department of Environmental Conservation and the United States Army Corps of
20 Engineers.
- 21 (5) Roads and driveways should follow existing contours to the extent practicable to minimize
22 erosion from cuts and fills.
- 23 (6) In Unique Natural Areas and/or Steep Slope Overlay areas that are subject to site plan review,
24 the following standards apply:
- 25
- 26 a. The Planning Board may require the developer to submit an erosion and sediment control plan,
27 the contents of which are specified in the New York State Department of Environmental
28 Conservation SPDES General Permit for Stormwater Discharges from Construction Activity.
- 29
- 30 b. Erosion and sediment control practices shall be consistent with requirements of the New York
31 State Department of Environmental Conservation SPDES General Permit for Stormwater
32 Discharges from Construction Activity. A permit is generally required for construction activities
33 that disturb one or more acre of land.
- 34
- 35 c. The recommended technical standards for erosion and sedimentation control are detailed in
36 the “New York Standards and Specifications for Erosion and Sediment Control” published by the
37 Empire State Chapter of the Soil and Water Conservation Society, as revised.
- 38
- 39 d. The development plan should be consistent with the topography, soils, and other physical
40 characteristics of the site so as to minimize the erosion potential and avoid disturbance of
41 environmentally sensitive areas.
- 42

- e. Existing vegetation on the project site should be retained and protected as much as possible to minimize soil loss from the project site. (This will also minimize erosion and sediment control costs.)
- f. Erosion and sediment control measures should be constructed prior to beginning any land disturbances. All runoff from disturbed areas should be directed to the sediment control devices. These devices should not be removed until the disturbed land areas are stabilized.
- g. The timing and sequence of construction activities shall expose the smallest practical area of land at any one time during the development. Temporary vegetation and/or mulching should be used to protect critical areas. Permanent vegetation shall be established as soon as practicable. Construction will not be considered complete until all disturbed areas are successfully seeded or stabilized with erosion control materials.

E. 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.

§ 212-49 Limitations on subdivision of parent tracts.

Any tract or parcel of land in common contiguous ownership at the time of the creation of this zone on December 17, 2013, subject to other normally applicable subdivision laws and regulations, may be subdivided to create up to and not more than three lots.

CZ — Conservation Zone

§ 212-50 Purpose.

A. The purposes of the Conservation Zone are:

- (1) To preserve the outstanding natural features in the Town of Ulysses in accordance with the Town of Ulysses Comprehensive Plan (2009);
- (2) To provide a regulatory framework through which development can occur with minimal environmental impact;
- (3) To preserve existing areas of contiguous open space, prevent destruction of natural areas, preserve existing and potential agricultural land, and promote mechanisms that protect these areas, such as enlarged stream buffer areas, conservation easements, and deed restrictions when considering any future land development; and
- (4) To preserve the scenic beauty of the area to promote tourism as an important benefit to the Town of Ulysses.

B. In particular, the following are important aspects or considerations for the Conservation Zone:

- (1) Among the natural values and ecological importance of this area are the mature forest, plant and wildlife habitat, numerous streams, and natural character. The Conservation Zone contains large areas of steep slopes, wetlands, and highly erodible soil, where any future development may have an adverse environmental impact on both the land and Cayuga Lake.
- (2) In recognition of its natural and ecological significance, several large areas of the Conservation Zone have been designated as unique natural areas by the Tompkins County Environmental Management Council.
- (3) The Town has designated a slope overlay area, which recognizes six soil types that when disturbed are significantly erodible and unstable based on their characteristics and slope steepness (see Article IV, Terminology).

C. Nothing in these regulations is intended to require or permit activities which contravene any laws, rules, or regulations or permits of the United States or New York State, or any agency thereof, nor are any of the provisions intended to supersede any requirements for obtaining any permits or approvals required by the United States or New York State, or any agency thereof.

§ 212-51 Permitted uses.

A. Only the following buildings or uses are permitted in this district, and site plan approval, pursuant to the provisions of Article III, § 212-19, is required in unique natural areas and slope overlay areas:

- (1) Farm Operation.
- (2) Single-family residences and their accessory buildings.

- 1 (3) Two-family residences and their accessory buildings.
- 2 (4) Two unattached single-family residences and their accessory buildings where there is a
- 3 minimum lot size of 10 acres.
- 4 (5) Any municipal or public utility necessary to the maintenance of utility services except that
- 5 substations and similar structures shall be subject to the same setback requirements that apply
- 6 to residences.
- 7 (6) Major solar collection system subject to the provisions of Article XX, § 212-139.2. [Added 11-24-
- 8 2015 by L.L. No. 3-2015]

9 § 212-52 Permitted accessory uses.

10 A. Only the following are permitted accessory uses, which are customarily incidental to the permitted

11 uses listed above in § 212-58:

- 12 (1) Accessory buildings, as defined in Article IV and subject to the provisions of Article XXIV, § 212-
- 13 167: *Accessory Building*.
- 14 (2) Accessory Dwelling Unit, subject to the provision of Article XX, § 212-128.
- 15 (3) Adult care, family.
- 16 (4) Bed-and-breakfast establishments.
- 17 (5) Child care, family.
- 18 (6) Elder cottage, subject to the provisions of Article XX, § 212-139.5.
- 19 (7) Professional offices where such office is part of the residence property and no more than three
- 20 persons residing off the premises are employed on site.
- 21 (8) Roadside stands, subject to the provisions of Article XX, § 212-135.
- 22 (9) Temporary building, as defined in Article IV.
- 23 (10) Minor solar collection system subject to the provisions of Article XX, § 212-139.1.
- 24 [Added 11-24-2015 by L.L. No. 3-2015]

25 B. Site plan approval, pursuant to the provisions of Article III, § 212-19, is required in unique natural

26 areas and slope overlay areas for the permitted accessory uses listed in this section.

27 C. Permitted accessory uses without site plan approval. Such uses as are customarily incidental to the

28 permitted uses listed above in this Article X, § 212-51.

- 29 (1) Signs as regulated under Article XX, § 212-122

(2) Home occupation where no more than one person residing off the premises is employed.

§ 212-53 Uses allowed by special permit.

The following uses are allowed upon approval pursuant to Article III, § 212-18, subject to the design standards in the Conservation Zone and site plan review by the Planning Board:

- A. Museums and nature centers.
- B. Public and private community parks, regional parks and preserves.
- C. Residential care/assisted living.
- D. Restaurants.
- E. Bicycle/ski rental business.

§ 212-54 Lot area and yard requirements.

- A. There shall be no more than two principal buildings on any lot in the Conservation Zone where the lot size is less than 10 acres. Principal buildings shall be no less than 30 feet apart. No elder cottage or Accessory Dwelling Unit may be placed on a lot with two existing principal buildings.
- B. Minimum lot area for one principal building shall be five acres.
- C. Minimum lot width at front lot line shall be 400 feet.
- D. Minimum lot depth shall be 450 feet.
- E. Minimum front yard setback shall be 75 feet.
- F. Minimum side yard setback shall be 50 feet.
- G. Minimum rear yard setback 50 feet.
- H. Maximum building height shall be 32 feet above average grade measured at the building perimeter or as determined by the Planning Board when slope exceeds 15%. It is within the discretion of the Planning Board whether or not to allow any building on slopes greater than 25%.
- I. The maximum footprint of a building shall be 3500 square feet except Accessory Dwelling Units which are limited to 1,200 square feet floor area (§ 212-128).
- J. Driveways and parking areas may be considered a building as part of the lot coverage requirements at the discretion of the Planning Board.
- K. Flag lots are permitted, subject to the standards set forth in Article XX, § 212-130.
- L. Accessory buildings shall not occupy the front yard, except for roadside stands (subject to provisions of Article XX, § 212-135), and a garage may be attached to the front of a house.

1 M. Maximum lot coverage by permanent structures shall be 5% of the lot area.

2 § 212-55 Design standards.

3 In the event of any conflict between the provisions of this § 212-55 and other provisions of this chapter, the
4 provisions of this section shall prevail.

5 A. Stream and wetland setbacks.

6 (1) Perennial and intermittent streams and wetlands are prominent features of the Conservation
7 Zone, and the condition of these water bodies directly affects the health of Cayuga Lake and
8 the fauna that depend on the water for sustenance. As such, it is the intent of these
9 Conservation Zone regulations to ensure the continued preservation and health of these many
10 Cayuga Lake water resources for current and future generations. (See§ 212-124 Standards for
11 buffer areas).

12 (2) For the purposes of this section, wetlands are defined by both state, federal and local
13 governing regulations. Buffer areas apply to federal and locally protected wetlands greater
14 than 0.1 acre and all state wetlands.

15 (3) No buildings, structures, paved areas, or storage of construction equipment or machinery shall
16 be located within the following buffer areas: 50 linear feet of the bank of any perennial or
17 intermittent stream and 100 feet of any wetland. These buffer areas may be increased by up to
18 50% should the Planning Board determine that such an increase is necessary to protect water
19 quality or to minimize the impacts of erosion and sedimentation.

20 (4) During the site plan approval process where there is evidence of a wetland, the Planning Board
21 may require a wetland delineation study to determine the exact boundaries and to evaluate
22 potential impacts of development on said wetland.

23 B. Vegetation and landscape.

24 (1) The intent of the Town of Ulysses is to preserve and encourage vegetation, especially noninvasive
25 trees and shrubs, in the Conservation Zone in order to prevent erosion, sedimentation of the lake
26 and streams, and maintain the rural, scenic nature of the Town.

27 (2) The intent of this section is to encourage landowners in this district to preserve and encourage
28 vegetation for the benefit of current and future residents of the Town.

29 (3) The intent of the Town of Ulysses is to preserve the natural features of the Conservation Zone
30 and, as such, to allow development that uses mechanisms that minimize disruption of the current
31 ecological balance. The Zoning Officer and Planning Board shall review all development with the
32 following guidelines when reviewing a site plan for approval.

33 (4) Requirements. Tree removal, except clear-cutting, is allowed in the Conservation Zone outside of
34 unique natural areas or slope overlay areas. Tree removal is allowed in the Conservation Zone in
35 the unique natural areas or slope overlay areas according to the following terms and conditions:

- 1 (a) Without Town approval: a tree or trees whose location and conditions combine to make it a
2 threat to human life or property.
- 3 (b) With the approval of the Zoning Officer and the possession of a valid building permit: those
4 trees that are in the footprint of a construction site, septic system, parking areas, and the
5 driveway access.
- 6 (c) Clear-cutting of forest stands for any use other than necessary minimal clearing for the
7 requirements of a building project is prohibited.
- 8 (d) In unique natural areas or slope overlay areas, a woodland management plan shall be filed with
9 and approved by the Zoning Officer and/or the Town's consulting forester for multiple trees
10 removed for the landowner's firewood or lumber use, and for forest management and forest
11 improvement. A woodland management plan shall be prepared by a professional forester with
12 Society of American Foresters certification or by a cooperating consulting forester with the
13 New York State Department of Environmental Conservation.

14 (5) Recommendations.

- 15 (a) In areas outside of unique natural areas and slope overlay areas, a woodland management plan
16 is recommended when removing multiple trees for the landowner's firewood or lumber use
17 and for forest management and forest improvement.
- 18 (b) Existing noninvasive vegetation should be maintained to the extent practicable to minimize
19 runoff.
- 20 (c) Buffer areas proximal to water bodies are to be promoted using noninvasive native plants to
21 protect water resources.
- 22 (d) Retain existing stone walls.
- 23 (e) Removal of trees for the purpose of expanding a view is discouraged.
- 24 (f) Removal of trees for the purpose of expanding sunlight exposure is discouraged.
- 25 (g) Native plants should be encouraged, especially shrubs and trees that produce edible fruit and
26 nuts for wildlife.
- 27 (h) Removal of invasive plants (garlic mustard, swallowwort, barberry, honeysuckle, buckthorn,
28 multiflora rose, Russian olive and Norway maple, etc.) is encouraged so long as this effort does
29 not contribute to significant soil disturbance or erosion.
- 30 (i) Wildlife habitats, biological corridors, contiguous forests, and open space linkages should be
31 encouraged and preserved.
- 32 (j) Dead trees that do not pose a threat to life, property, or a healthy forest should be left to

1 provide wildlife habitat for both birds and animals.

2 (k) New development should not compromise scenic views, in particular viewing points from
3 adjacent roads and trails.

4 (l) Regrading should blend in with the natural contours and undulations of the land.

5 (m) Siting of buildings should be below ridgelines or hilltops.

6 (n) Where possible, buildings and structures should be located on the edges of open fields to
7 minimize visual impacts.

8 (o) Buildings proposed to be located within significant viewing areas should be screened and
9 landscaped to minimize their intrusion on the character of the area.

10 (p) Building design should harmonize with the natural setting.

11 (q) Building materials should harmonize with their natural setting and be compatible with
12 neighboring land uses.

13 C . Stormwater

- 14 1. In Unique Natural Areas and/or Steep Slope Overlay areas that are subject to site plan review, the following
15 standards apply:
- 16
- 17 2. Any alteration of the hydrology of the site shall be minimized and/or mitigated so as to
18 minimize the impact on water quality, peak discharge, groundwater recharge, and
19 drainage patterns. To the extent possible, the quantity, quality, and timing of
20 stormwater runoff during and after development shall not be substantially altered from
21 pre-development conditions. The recommended technical standards for the design of
22 post-construction structures are detailed in the "New York State Stormwater
23 Management Design Manual," as revised. In reviewing the adequacy of an applicant's stormwater management
24 plans, the Planning Board may seek recommendations from a licensed engineer selected by the Town and paid
25 for by the applicant.
- 26
- 27 3. Priority should be given to maintaining natural drainage systems, including perennial
28 and intermittent streams, swales and drainage ditches.
- 29
- 30 4. Drainage of stormwater shall not cause erosion, siltation, contribute to slope failures, pollute groundwater or
31 cause damage to or flooding of adjacent or downstream properties.
- 32
- 33 5. The Planning Board may require the developer or property owner to submit the following:
- 34
- 35 f) Stormwater Pollution Prevention Plan (SWPPP), prepared by a NYS licensed engineer or other qualified
36 professional . The contents of the SWPPP and qualifications of qualified professionals are specified in the
37 New York State Department of Environmental Conservation SPDES General Permit for Stormwater
38 Discharges from Construction Activity.
- 39

- 1 g) A statement of the proposed stormwater management objectives.
2
3 h) A description of the proposed structural and vegetative stormwater measures
4 that will be utilized to ensure that the quantity, temporal distribution and quality of
5 stormwater runoff during and after development are not substantially altered from
6 pre-development conditions. This will include appropriate plans, design data,
7 calculations, and other information.
8
9 i) A maintenance plan, which describes the type and frequency of maintenance
10 required by the stormwater management facilities utilized and the arrangements
11 that will be made to ensure long-term maintenance of these facilities. Operation,
12 maintenance, and any necessary repairs are the responsibility of the property
13 owner or his/her designee. Storm water management facilities shall have
14 adequate easements to permit the Town to inspect and, if necessary,
15 to take corrective action should the owner fail to properly maintain the system. If
16 corrective action by the Town is required, incurred costs are the responsibility of the property owner.
17
18 j) A flood hazard analysis for any development located within or adjacent to the
19 designated floodplain.
20

21 D. Soil and sediment control.

- 22 (1) The goals for erosion and sediment control are (1) to minimize the opportunity for soil to be
23 moved by wind, precipitation and runoff and (2) to contain sediment that does move close to
24 its place of origin and thus prevent it from reaching a water body or damaging other lands. In
25 order to ensure that the land will be developed with a minimum amount of soil erosion and to
26 protect the natural character of on-site and off-site water bodies, the Planning Board shall
27 require the developer to follow certain erosion control practices.
28 (2) A structure or parking area shall have a minimum setback to perennial and intermittent
29 streams of 50 feet or 75 feet if within a Unique Natural Area or Steep Slope Overlay, as
30 measured from the top edge of the slope rising from the bank of the stream. See § 212-124.B.
31 (3) On sites within the slope overlay area or unique natural area, there shall be no excavation,
32 grading or filling without the submission to the Zoning Officer of an excavation, fill, and grading
33 permit. Excavation, grading or filling of more than 10 cubic yards is subject to site plan approval.
34 The Planning Board may seek recommendations from the Town Engineer, and the associated
35 cost shall be paid for by the applicant. This provision is not applicable to projects with a valid
36 permit from a county, state, or federal agency; nor is it applicable to any projects with current
37 site plan approval.
38 (4) In addition to the requirements of this article, any construction, grading, or other activities
39 shall be conducted in accordance with any federal, state, or other local law or requirement
40 pertaining to such activity, including, but not limited to, any requirements of the New York
41 State Department of Environmental Conservation and the United States Army Corps of
42 Engineers.
43 (5) Roads and driveways should follow existing contours to the extent practicable to minimize
44 erosion from cuts and fills.

1 (6) In Unique Natural Areas and/or Steep Slope Overlay areas that are subject to site plan review,
2 the following standards apply:

- 3
- 4 a. The Planning Board may require the developer to submit an erosion and sediment control plan,
5 the contents of which are specified in the New York State Department of Environmental
6 Conservation SPDES General Permit for Stormwater Discharges from Construction Activity.
- 7
- 8 b. Erosion and sediment control practices shall be consistent with requirements of the New York
9 State Department of Environmental Conservation SPDES General Permit for Stormwater
10 Discharges from Construction Activity. A permit is generally required for construction activities
11 that disturb one or more acre of land.
- 12
- 13 c. The recommended technical standards for erosion and sedimentation control are detailed in
14 the “New York Standards and Specifications for Erosion and Sediment Control” published by the
15 Empire State Chapter of the Soil and Water Conservation Society, as revised.
- 16
- 17 d. The development plan should be consistent with the topography, soils, and other physical
18 characteristics of the site so as to minimize the erosion potential and avoid disturbance of
19 environmentally sensitive areas.
- 20
- 21 e. Existing vegetation on the project site should be retained and protected as much as possible to
22 minimize soil loss from the project site. (This will also minimize erosion and sediment control
23 costs.)
- 24
- 25 f. Erosion and sediment control measures should be constructed prior to beginning any land
26 disturbances. All runoff from disturbed areas should be directed to the sediment control
27 devices. These devices should not be removed until the disturbed land areas are stabilized.
- 28
- 29 g. The timing and sequence of construction activities shall expose the smallest practical area of
30 land at any one time during the development. Temporary vegetation and/or mulching should
31 be used to protect critical areas. Permanent vegetation shall be established as soon as
32 practicable. Construction will not be considered complete until all disturbed areas are
33 successfully seeded or stabilized with erosion control materials.

34 D. Driveways and parking.

35 (1) Requirements.

- 36 (a) For new impervious surfaces proposed for driveways, parking areas, or walkways in unique
37 natural areas or slope overlay areas, site plan review procedures shall be followed, and the
38 Planning Board may seek recommendations from a licensed engineer selected by the Town and
39 paid for by the applicant.
- 40 (b) For safety purposes, parking areas shall be designed and built to avoid the necessity for drivers
41 to back their vehicles onto roads.

42 (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.

E. Limitations on subdivision of parent tracts.

- (1) Any tract or parcel of land in common contiguous ownership at the time of the creation of this zone on December 17, 2013, subject to other normally applicable subdivision laws and regulations, may be subdivided to create up to and not more than 3 lots.

RESOLVED, that a Public Information Meeting be convened on _____ at ___pm via videoconference for the purpose of presenting the proposed changes and responding to questions and comments about the proposed amendment and further

RESOLVED, that following the Public Information Meeting and completion the steps legally required to prepare for enactment of a local law, the Town Board is intending to schedule a Public Hearing for _____ at _____pm by videoconference with an option for call in or written comments.

Section 6b ++++++

RESOLUTION # ___ OF 2020 Appointment of Alternate to the Ulysses Planning Board

WHEREAS, the Ulysses Town Planning Board has two one-year positions for non-voting alternates who are permitted to participate in the deliberations of the Planning Board and may be authorized by the Planning Board chair to vote to enable the Planning Board to establish a quorum and

WHEREAS, three excellent candidates applied to serve as Planning Board alternates and two have been interviewed and recommended by the Chair of the Planning Board, the Town Board Liaison to the Planning Board, the Planner and the Supervisor, now therefore be it

RESOLVED, that the Ulysses Town Board appoints _____ as Alternate to the Planning Board for the balance of the one-year terms ending December 31, 2020 and further

RESOLUTION # ___ OF 2020 Appointment of Alternate to the Ulysses Planning Board

WHEREAS, the Ulysses Town Planning Board has two one-year positions for non-voting alternates who are permitted to participate in the deliberations of the Planning Board and may be authorized by the Planning Board chair to vote to enable the Planning Board to establish a quorum and

1 WHEREAS, three excellent candidates applied to serve as Planning Board alternates and two have been interviewed and
2 recommended by the Chair of the Planning Board, the Town Board Liaison to the Planning Board, the Planner and the
3 Supervisor, now therefore be it
4

5 RESOLVED, that the Ulysses Town Board appoints _____ as Alternate to the Planning Board for the
6 balance of the one-year terms ending December 31, 2020 and further
7

8 Section 7a ++++++

9 RESOLUTION # ____ of 2020: APPROVAL OF A MEMORANDUM OF UNDERSTANDING RE: CODE ENFORCEMENT

10 WHEREAS, Tom Myers will be concluding his service with the Town of Ulysses as Code Enforcement Officer on May 15,
11 2020 and

12 WHEREAS, the Town of Ulysses needs to assure code enforcement services continue while we finalize our search for a
13 new Code Enforcement Officer and

14 WHEREAS, the Town of Ithaca is willing to provide 10-15 hours/week of a code enforcement officer’s time to follow
15 through on open projects and issue new permits as allowed by New York State, now therefore be it

16 RESOLVED, that the Ulysses Town Board authorizes the Town Supervisor to execute a Memorandum of Understanding
17 with the Town of Ithaca which permits the Town of Ulysses to purchase up to 15 hours/week at an hourly rate of \$32.98
18 with no additional cost for pro-rated fringe benefits for the time period beginning Monday, May 18, 2020 through June
19 12, 2020 if needed and acceptable to the Town of Ithaca and further

20 RESOLVED, that the payment for hourly services rendered shall be paid from Code Enforcement contractual expenses
21 B.3620.4 and further

22 RESOLVED, that the Town of Ulysses enter into a contract for professional services with Tom Myers for up to 15 hours at
23 a rate of \$____/hour for time spent assisting the Town of Ithaca Code Enforcement Officer to transition the current and
24 future projects and further

25 RESOLVED, that the Town of Ulysses wishes to extend our sincere appreciation for the service and good humor Tom has
26 offered to the Town of Ulysses during his tenure.

27 Section 7b ++++++

28 RESOLUTION # ____ OF 2020: AUTHORIZATION TO CONSIDER REQUEST FROM A RESIDENT OF WATER DISTRICT #3
29 TO BECOME AN OUT OF DISTRICT USER.

30 WHEREAS, as resident on Colegrove Road has expressed interest in joining Water District #3 as an out of
31 district user and

32 WHEREAS, if all conditions can be met, addition of an out of district user at the user’s cost benefits both the
33 new user and the water district by increasing the volume of water used, now therefore be it

34 RESOLVED, that the Town Supervisor, Town Clerk, and Water Department are hereby authorized by the Ulysses
35 Town Board to work with the Town of Ithaca for approval to add a user and with the resident to prepare an out
36 of district user agreement to be voted on by the Town Board, on behalf of the water district.

1 Section 7c+++++

2 **RESOLUTION # ____ OF 2020: ESTABLISHING STANDARD WORK HOURS for POSITIONS for NEW YORK STATE AND**
3 **LOCAL RETIREMENT**

4 *WHEREAS, the New York State and Local Retirement System requires a municipality to establish standard work days for*
5 *specific titles eligible for retirement credit, now therefore be it*

6 *RESOLVED, that the Town of Ulysses hereby established the following standard work days for these titles and will report*
7 *the officials to the New York State and Local Retirement based on their record of activities:*

8 *Highway Superintendent Standard Work Day: 8 hours*

9 *Town Councilperson Standard Work Day: 6 hours*

10 Section 7d +++++

11 **RESOLUTION # ____ OF 2020: APPRECIATION FOR JASON FULTON, RETIRING FIRE CHIEF**

12 *WHEREAS, On May 7, 2020 Jason Fulton stepped down from his position Chief of the Trumansburg Fire Department after*
13 *16 years is, and*

14 *WHEREAS, during his tenure, he provided energetic leadership to a regional volunteer department including the Town of*
15 *Ulysses and*

16 *WHEREAS, Chief Fulton extended his professional commitment to public safety and fire fighting by improving the training*
17 *offered to the members of the Fire Company and*

18 *WHEREAS, Chief Fulton actively and successfully recruited new members to grow and sustain our active Fire Company,*
19 *now therefore be it*

20 *RESOLVED, that the Town of Ulysses extend our deep appreciation to Chief Jason Fulton for his leadership and service in*
21 *protecting the residents of Ulysses, Trumansburg and our surrounding communities.*

22

23 **RESOLUTION # ____ OF 2020: APPROVAL OF MINUTES**

24 *RESOLVED that the Ulysses Town Board approves the minutes from the Regular Town Board meeting held 4/28/20 and*
25 *the Special Town Board meeting held May 8, 2020 to discuss matters relating to the promotion, demotion or*
26 *performance of specific individuals.*

27 Section 10 +++++

28 **RESOLUTION # ____ OF 2020: Approval of Budget Modifications- Available at the meeting**

29 *RESOLVED that the Ulysses Town Board approves the proposed Budget Modifications, amending the 2020 Town*
30 *Budget.*

31 Section 11 +++++

32 **RESOLUTION # ____ OF 2020: Approval of claims**

33 *RESOLVED that the Ulysses Town Board approves (Michelle)*