

Town of Ulysses Planning Board

Re: public hearing on Kearl site proposal May 5<sup>th</sup> 2026

We are writing to share our concerns about Mr. Ken Kearl's most recent proposed site plan. Mr. Kearl has been a good neighbor who has put a lot of effort into keeping our road in good condition. The concerns we have are not personal but legal and environmental in nature.

My family has owned and managed this area of the lakeshore since the late 1800's. We have always felt responsible for being good stewards of the lakeshore for 4 generations and feel it is important to keep it beautiful, natural and viable past our lifetime for others to enjoy.

Mr. Kearl's proposed revised site plan is not just minor but describes plans for a huge alteration of the bank area on a slope. Considering that the zoning code 212- 48 D ( 3) prohibits excavation, grading, and limits removal or addition of fill to 10 cy, what Mr. Kearl proposes to do is a variance from the zoning code and not a simple amendment. The things he is asking for now were never approved on previous site plans.

Mr. Kearl needs to prove undo hardship by not being able to alter the bank with the extensive excavation, grading and fill that he wants. In addition, this huge degree of bank alteration will change the character of the neighborhood. No other neighbors have numerous stone walls, riprap or gabions on their property as he is proposing- in fact there are none. These large structures are not natural to the lakeshore area.

All neighbors with houses on top of the bank have one access to the beach (stairs) and not two as he is proposing - both stairs and a gravel path. An entrance to the beach might be necessary if he needs to access the beach but he does not need both a stairway and a gravel path, unnecessarily tearing up the bank. Previous planning board members questioned the need for two beach entrances. ( Minutes- March 19, 2024)

Although Mr. Kearl has presented mitigations for soil erosion and a storm water plan- these are not foolproof and in the long term can wear and leach nutrients and cause run-off as they age. Better not to disturb the bank in the first place and instead to plant native vegetation with roots that will hold the soil and not present any environmental impact.

In summary Mr. Kearl's proposed alterations to his landscape represent a variance to the lakeshore zoning code on slopes. The Board needs to carefully consider the questionably legal precedent it will set by allowing Mr. Kearl to bypass the lakeshore zoning code and allow him to alter his property the way he wants. At the very least this will change the character of the neighborhood by littering his land with stone structures that are not in

keeping with the natural beauty of the lakeshore. More importantly it represents an environmental risk despite all the mitigations he has come up with.

If he didn't significantly alter the bank he would not need the stonework he wants. He needs to prove undo hardship and that it will not alter the character of the neighborhood before his proposal can be approved.

We will be attending the Zoom meeting on May 5<sup>th</sup> and hope to get answers about our zoning and environmental concerns.

Leslie and Ted Webser

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