

**TOWN OF ULYSSES
STEERING COMMITTEE FOR ZONING UPDATES
MEETING MINUTES
Thursday, 04/07/2016
7:00 p.m.**

Approved: 5/5/16

Present: Chair Nancy Zahler, Rod Hawkes, Darby Kiley, Sue Ritter, Liz Thomas, George Tselekis; CJ Randall and David West of Randall + West

Call to Order: 7:00 p.m.

Agenda Review; Minutes Review (3/3/16)

Ms. Zahler requested the Committee discuss the scheduling of a meeting with the Jacksonville focus group. Also, action on the meeting minutes from March 3, 2016 was postponed until the Committee's next month since members did not receive them.

Ms. Kiley informed the Committee that the focus group meeting with Ag landowners is scheduled from 5 to 6:30 p.m. Thursday, April 14, at Ulysses Town Hall. Posters and mailers promoting the event have been released. Ms. Randall said it would be helpful to hear from the Committee on what it envisions for the Ag meeting. Mr. West said the presentation would inform Ag community members of some of the material from the previous kickoff, with the exception of Jacksonville-related material. The plan is to expand more on the techniques covered in the Ag plan, to inform or remind of past zoning efforts, and ideas related to Ag-area planning. Following the presentation, there could be a conversation, brain-writing exercise or a question-and-answer session. It makes sense to have the meeting be less formal and more of conversation, he said.

On the subject of the brain-writing exercise, Mr. Hawkes suggested providing more guidance to ensure community comments are more definitive. He found some of the comments from the previous session were so neutral that he was not sure whether it was a positive or negative comment. Ms. Zahler felt it would be best to get down to specifics sooner. She also recounted a previous interview with a potential member of the Ag committee, who expressed some of the challenges in selling off parcels of Ag land.

After a short conversation, the Committee and consultants agreed to work through a document of Committee priorities to better inform questions to ask of the Ag group. Committee members addressed each bullet point, agreeing or disagreeing with the statements.

Steering Committee Priorities

- Point 1 "Purpose and intent statements for agricultural zoning should be updated to reflect the desired land development within these areas as primarily agricultural."

Mr. Tseleki asked if the statement discourages other uses besides Ag, seeing as though practically all of the Town is within the Ag zone. Mr. West recognized his point, saying consultants could better define areas within the Ag zone that should be preserved primarily for Ag uses. Ms. Randall said they would work to expand the statement.

- Point 2 “Bulk and use standards should be compatible with the intent of the proposed agricultural priority future land use area.”

Ms. Ritter suggested, and the Committee reached a consensus, to substitute “Bulk and use standards” with “zoning standards”.

- Point 3 “Existing minimum lot sizes ranging .73 acres to 2 acres are generally too small for protection of agricultural uses.”

Ms. Randall said the intent of this statement is to highlight other options for smaller lots. Parcels could be zoned for agriculture, but it may be appropriate for something different. Mr. West said the current zoning’s minimum 2-acre lot size is quite large for a single residence. The lot minimum does not protect farmland; you need another tool, he said. Ms. Zahler noted the Town appears to have, in a sense, put all of its Ag land into one basket, a practice that warrants zoning that recognizes prime land for production and more flexibility for poor Ag land. Ms. Ritter suggested referencing the state’s soils of importance map. The Committee chose to move on from this point.

- Point 4 “Residential development should be allowed on the existing Ag zoned lots that are too small to farm, such as flag lots.”

The Committee reached consensus agreement with this statement.

- Point 5 “Agricultural district should have a larger minimum lot size.”

Mr. Tseleki felt there are multiple ways to protect farm but larger minimum lot sizes cannot be the only way. Ms. Randall suggested other strategies be paired with this statement. Mr. West said 20 acres is the number for preserving farmland, and Ms. Randall advised to be mindful of unintended consequences of middle-range minimum lot size numbers. A 7-acre minimum in Woodstock resulted in large mansions being built on large parcels.

- Point 6 “Allow two acre lot size by right but allow one acre lots if the development conforms to design standards.”

Ms. Ritter felt this statement does not address anything; the status quo would continue. Mr. Tseleki recounted a recent project brought before the Town BZA that requested a road-frontage variance for a home built on a wooded parcel. Without the variance, the applicants would have had to tack on agricultural land to meet the road frontage requirement. With this statement, he continued, you could have a smaller lot on nonprime farmland.

At this time, consultants were asked to explain the concept of density averaging. Mr. West said, under current zoning, a 10-acre plot could be subdivided into five 2-acre lots. Density averaging would allow for the desired density but provide more flexibility as to where the development would be located, he said. It is not the same as cluster development, which has more design parameters. Ms. Thomas said she strongly agreed with this approach. A strategy, Ms. Randall said, could be to offer additional, smaller lot subdivisions if the parcels were to be developed into affordable housing.

The conversation then turned to utilities and roads. Ms. Kiley noted that the Town recognizes a single, four-lot subdivision as a major subdivision, but what if multiple, single lots are subdivided over a period of several years to avoid the designation of a major subdivision? There is no timeline within Town zoning that prevents a landowner from slowly subdividing off lots 2-acres at a time. On the subject of roads, typically the developer builds a road to a housing development, Ms. Ritter said, but the Town could lead construction of a road if it is to be a major corridor. Mr. West said it is rare you get enough development that it is worth it to the Town to build a road.

- Point 7 “Town zoning should align with county agricultural districts and rules.”

Mr. West explained this statement to mean the Town should have an Ag zone that follows the County Ag district, which is an area where farms have extra rights. After a brief discussion, the Committee reached consensus agreement on this statement.

- Point 8 “Town zoning should restrict non-agricultural uses in County Ag Districts”

The Committee reached consensus agreement on this statement. Mr. Tseleki later returned the Committee to this statement, saying if you restrict non-ag uses in County Ag Districts, you are effectively limiting development since much of the Town is designated with the County Ag district. Ms. Randall said consultants would work through and fine-tune this statement.

- Point 9 “Agritourism, ag recreation, on-farm processing, sales, and other ag-related commercial uses should be allowed, including direct marketing opportunities, roadside stands, wine tastings, u-pick operations, wineries and breweries with tours, tasting, and retail operations, corn mazes, ‘glamping’, etc.”

A discussion ensued regarding whether or not some activities – like camping or farm-to-table restaurants – are considered ag use. Ms. Ritter felt the broader the range of ag-related uses, the more revenue options for farmers. Mr. Tseleki agreed to this statement within reason. On the topic of farm-to-table restaurants, Ms. Randall said they could be more restrictive about certain aspects, like no parking lots, drive-thrus, or formula restaurants, for instance. Weddings and other celebrations on farms were also discussed, and Ms. Zahler said the Town’s noise ordinance might need revising.

- Point 10 “Outside of the Hamlet Zones, small lot minor subdivisions should not be allowed.”

Ms. Kiley said she wants to agree with this statement, but it is not realistic given the direction the Town has been going recently. Ms. Thomas noted that the Hamlet Water District could use more users. Referencing participants' involvement in the previous kickoff event, Ms. Zahler said by having no small lot minor subdivisions, some growth in the Hamlet might not be possible.

After more discussion, the Committee reached a consensus to remove this statement from the list.

- Point 11 “Agricultural district should use density averaging to allow smaller lot residential development while preserving farm and open space without substantially reducing total development potential for owners.”

Ms. Zahler felt density averaging might be worth discussing at the Ag focus group. Forming questions around this topic to pose to farmers might be beneficial. The option of density averaging is a good one, Mr. West said, adding that there are essentially three options: require big lots; density averaging, which allows the Town flexibility to decide where it wants development but caps the number of units allowed; and cluster development, which focuses on how your development happens and may preserve open space. However, he noted, cluster development has more upfront costs.

- Point 12 “Commercial composting should be allowed by right as principal or accessory use.”

Ms. Ritter said there should be delineation between private and commercial composting. Cayuga Composting was mentioned as a use that does not fall anywhere within Town guidelines. Ms. Randall suggested clarifying the definition of commercial composting. Ms. Kiley said Cayuga Composting is considered a cottage industry, which is not accurate but, Ms. Zahler added, was the most practical definition the Town had. Mr. West said composting could be allowed as a use in the Ag area, if the community values composting and is willing to accept living near a facility. If it is to be considered industrial use, then it would need Town approval, for instance, he said. Mr. Randall suggested exploring what New York Ag and Markets says about larger-scale compost operations.

- Point 13 “Cluster development should be incentivized or required for subdivision outside of the Hamlet zones.”

The Committee reached consensus agreement on this statement. Randall + West said they would continue to explore this option.

- Point 14 “Roadside residential development outside of hamlet zones should be discouraged”

The Committee reached consensus agreement on this statement.

- Point 15 “Site Plan Review applicants should be required to identify and locate critical farmland or prime agricultural soils in relation to their projects during the application process.”

Mr. Tselekis asked if this is a process the Town could carry out, to which Ms. Kiley said the Town could review maps or the project's architect or engineer would pull the information together. She said under the current zoning only commercial projects require Site Plan Review in ag areas.

The Committee reached consensus agreement on this statement.

- Point 16 "Livestock should be prohibited from entering water bodies."

The Committee reached consensus agreement on this statement.

Responding to a question from Mr. Tselekis, Ms. Kiley said financial assistance is available to farmers to erect fences to keep livestock out of streams. She suggested expanding language within the stream setback law to include provisions regarding animals and streams. Ms. Zahler noted a suggestion from local farmer and Planning Board member John Wertis, who would like to see a buffer strip along roads to prevent fertilizer from entering ditches.

Ms. Randall mentioned available funds for fences through Ag Environmental Management.

- Point 17 "Prime Farmland should be preserved."

The Committee reached consensus agreement on this statement.

- Point 18 "A limited amount of cluster and road-frontage development should be allowed in the Agricultural Priority Area of the Future Land Use Plan."

The Committee reached consensus agreement on this statement.

- Point 19 "Enhance land use policy to better protect farmland including all steps suggested in Ag Plan for changes to Subdivision review."

The Committee failed to reach a consensus on this statement.

- Point 20 "Clarify regulations pertaining to hobby farms."

The Committee reached a consensus that this statement needed clarification, specifically the definition of hobby farms.

- Point 21 "Clarify respective regulations for roadside stands and farm stands."

Similarly, the Committee reached a consensus that this statement needed clarification.

- Point 22 "Apply all feasible restrictions on animal waste storage facilities (CAFOs) to the extent allowed by NYS Ag and Markets."

The Committee reached consensus agreement on this statement.

Ms. Kiley said CAFOs are under tight regulations, whereas non-CAFOs not regulated by DEC. As of now, CAFOs would have to attain a special permit in the Town. A brief discussion ensued regarding methane generators and whether or not such facilities would be a good thing for the Town.

- Point 23 “Work with Darby to develop a mechanism for tracking subdivisions over time if a density-based or fixed-area ratio approach is used.”

The Committee reached consensus agreement on this statement.

Mr. West noted the Town would not want to do density-based development without this piece.

Ag Focus Group meeting

Ms. Zahler suggested Mr. West outline the three big management approaches: larger lots, density-based averaging, and cluster development. Transfer of development rights and the purchase of development rights should be discussed, too, Ms. Thomas said. To be made clear, Ms. Randall said: Zoning has its role but it is not a panacea. A short discussion ensued regarding materials to hand out during the meeting. Ms. Randall suggested a broadsheet with a brief overview of the meeting, maps, and possibly some resources on Ag Environmental Management. The consultants agreed to circulate its presentation to Committee members prior to the meeting.

Meeting with Jacksonville stakeholders

After a discussion, Monday, June 6, was pitched for a meeting with Jacksonville Community Association members. The meeting would coincide with a Jacksonville community picnic held on Sunday, June 5.

Ms. Thomas MADE the MOTION to adjourn the meeting, and Mr. Hawkes SECONDED the MOTION. The motion carried unanimously.

Meeting adjourned at 9:13 p.m.

Respectfully submitted by Louis A. DiPietro II on April 8, 2016