

**TOWN OF ULYSSES**  
**STEERING COMMITTEE FOR ZONING UPDATES**  
**MEETING MINUTES**  
Monday, August 15, 2016  
7:00 p.m.

**Approved: September 26, 2016**

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

**Public in Attendance:** Sue Poelvoorde and Roxanne Marino of the Ulysses Sustainability Advisory Board.

**Agenda Review; Minutes Review (8/4/16)**

Ms. Zahler said an alternative approach to subdivisions and the definition of lodge are additional items for review during the ongoing zoning discussion.

Ms. Thomas suggested to include for discussion additional representation from other Town Committees.

Mr. Hawkes MADE the MOTION to accept the August 4, 2016 meeting minutes, and Ms. Thomas SECONDED the MOTION. The minutes were unanimously accepted, 6-0.

**Privilege of the Floor:** No one addressed the Committee at this time.

**Representation from Other Town Committees**

Ms. Thomas, who sits in on the Town's Ag Committee, said there have been a number of questions about the zoning updates from both the Ag Committee and the Sustainability Advisory Board. She suggested adding a non-voting liaison from each of those boards – and eventually from a group representing Jacksonville Community members – to sit in on the Committee's discussions. It might be helpful for the Committee to hear what the groups are discussing in terms of zoning updates and for single liaisons to relay information back to their respective boards. Mr. Hawkes agreed. Ms. Thomas also suggested the invite be extended to the Town's Planning Board and Board of Zoning Appeals.

After a brief discussion, Ms. Thomas MADE the MOTION requesting committees affected by zoning updates to appoint a non-voting liaison to attend Steering Committee meetings and participate as appropriate. Mr. Tselekis SECONDED the MOTION. The resolution was unanimously passed.

Ms. Zahler said she would send an email to the chairs of the Town's Ag and Sustainability advisory committees, Planning Board, Board of Zoning Appeals, and Jacksonville Community Association, inviting them to appoint a liaison to attend Committee meetings.

## **Zoning Draft Discussion**

Ms. Zahler said a slightly alternative approach to subdivisions and corresponding standards has been proposed for the Committee's consideration. It fills some of the holes that were not addressed in guidelines for small, pre-existing lots.

Ms. Kiley said this alternative approach began as a conversation between her and Ms. Poelvoorde. Parameters outlined in a table, which was circulated to Committee members, reflect an effort to better categorize parcel sizes through acre ranges and determine what is and is not a nonconforming lot. It is a different way to think about various categories of lot sizes, she said.

Mr. Tselekis asked for further clarification regarding the alternative approach. In response, Ms. Poelvoorde said she was confused after reading the proposed zoning draft, particularly the tentative 20-acre minimum, which would create many nonconforming lots. How can you subdivide a nonconforming lot? she asked. She said she began looking through the subdivision section and noticed a gap – there were guidelines for 2 acres and under and for 10 acres and above, but nothing for 2+ up to 10 acres. Instead, she proposed that any lot under 4.99 acres would be prohibited from subdivisions; 5 to 20- acre lots would have their own guidelines and likewise for 21 acres and above.

Mr. Tselekis said he was not questioning the merits but process: the Committee has been working on a draft, and now there is a new proposal. He would like to see a similarly streamlined table for the previous proposal, he said, adding our arguments for why we are changing the proposal should be on the record. The Committee may choose not to discuss this alternate proposal, Ms. Zahler said, but it does raise questions that the previous draft did not fully address, particularly what to do with existing lots.

Referencing corresponding maps for the alternate proposal, Ms. Thomas said she would be uncomfortable in prohibiting subdivisions on parcels under 5 acres. Mr. Hawkes agreed, adding that it would be smart to allow property owners to subdivide parcels at 2 acres because the lots are already small and clustered.

In regard to non-conforming lots, Ms. Randall said consultants had considered this subject because it could mean more Town review from the Planning Board and BZA. The way zoning is currently written, non-conforming lots cannot expand unless they get variances, she said.

A conversation ensued regarding non-conforming lots, uses, and the topic of two residences on a single lot. Ms. Kiley said the Town fields many requests from citizens who would like to build a second house on a single parcel. The Town could allow second homes on single parcels of at least 4 acres, she said.

Ms. Ritter referenced zoning law from Lancaster County, Pennsylvania, which includes acre ranges and lot types – farm lot and residential lot, for instance – for subdivisions.

Responding to a question from Mr. Tselekis, Ms. Poelvoorde said there would be no nonconforming lots under her proposal.

Ms. Zahler brought up the 0.5-acre minimum for residential use that is being proposed under the consultant's draft. She said she is concerned about health department regulations. Shared septic may make 0.5-acre residential lots feasible, but she suggested cost would be a problem. Ms. Poelvoorde added the 0.5-acre minimum could also create a situation where potential buyers assume septic is feasible, only to find out after purchasing a 0.5-acre lot that it requires an engineered septic system at \$40,000. Her idea eliminates the potential for such situations.

Ms. Kiley asked which lot sizes should or should not be allowed to be subdivided. Ms. Ritter cited the Pennsylvania zoning document, which allows one subdivision on parcels of 3 to 25 acres in size. Mr. Hawkes cautioned to be mindful of what farming could be in the future. It is easy to think and plan according to what agriculture is today; the Committee needs to be more liberal with what size lots could be agricultural lots, he said. Ms. Randall suggested amending existing lots to single family houses and all agricultural uses.

At this time, the Committee began fleshing out lot-size ranges and the number of allowable subdivisions for each range. Tentative parameters were established as such: for parcels less than 10 acres in size, one subdivision is allowed, and the minimum lot size for the fragment lot is 1 acre; for 10 to 20 acre parcels, two subdivisions are permitted, and the minimum lot size for the fragment lot(s) is 1 acre; for parcels 20 acres and more, one subdivision is allowed per 10 acres, the minimum lot size for fragment lot(s) is 1 acre, the maximum lot size for fragment lot(s) is 2 acres but could be increased beyond 2 acres with a resource analysis approved by the Planning Board. For the conservation subdivision option, the minimum parent lot size would be at least 20 acres and the maximum fragment lot size would be 0.5 acres.

Asked why such a small maximum fragment lot size for the conservation subdivision option, Ms. Randall said the trend in housing is moving toward a "netzero" concept, with smaller, more efficient homes on small lots. She referenced a Danby housing development that has 23 units with shared septic, with each unit on no more than a 0.5 acre lot. Referencing the Committee's new parameters, she cautioned that by allowing, for instance, a 50 acre parcel to subdivide up to five times, you're creating a situation that is the worst of both worlds: development that is not quite suburban sprawl, but not agricultural either.

Mr. Tselekis asked if special considerations would be given to a property owner who is subdividing their land for agricultural use, not for housing development. He felt a property owner who is subdividing their land for farming use should retain their parent rights to subdivide again. For example, a 40-acre lot is subdivided into 2 20-acre lots, both to be used for farming. May those 2 20-acre lots be subdivided again, he asked? This question guided further discussion, with Committee members weighing various hypothetical scenarios.

Ms. Marino said to be mindful of road frontage, which is stressed in the Town's Comprehensive Plan and Ag and Farmland Protection Plan.

Based on the Committee's discussions, Ms. Zahler requested updating parameters on the chart circulated at the beginning of the meeting. Then, the Committee and consultants can follow up with zoning language. Ms. Randall said the hope is to have a cleaned-up version of the zoning draft ready for review in two weeks. She will provide a 10-acre map for Committee members.

Committee members agreed to meet on Thursday, September 8 and Monday, September 26.

Ms. Zahler MADE the MOTION to adjourn the meeting, and Ms. Kiley SECONDED the MOTION. The motion was unanimously approved.

Meeting adjourned at 9:25 p.m.

Respectfully submitted by Louis A. DiPietro II on August 19, 2016.