

**TOWN OF ULYSSES
STEERING COMMITTEE ON ZONING UPDATES
MEETING MINUTES
Thursday, 9/8/2016**

Approved: September 26, 2016

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

Public in Attendance: Roxanne Marino of the Sustainability Advisory Committee, Benjamin LeWalter of the Town Planning Board, Phil Antweiler of the Jacksonville Community Association, Krysl Cail of the Ag Committee, and John Wertis.

Agenda Review; Minutes Review (8/15/16)

At this time, Steering Committee members and liaisons introduced themselves. Ms. Zahler requested an additional agenda item to discuss project background.

Ms. Zahler MADE the MOTION to add an agenda item to review Committee work thus far, and Ms. Kiley SECONDED the MOTION. The motion was unanimously carried, 6-0.

The Steering Committee reached a consensus to postpone the vote on the August 15, 2016 meeting minutes so as to allow more time for appropriate review.

Privilege of the Floor: John Wertis read the following statement:

“To the Ulysses Zoning Revision Steering Committee:

“I am not here as a member of any organized association, board or committee. I am here as an old land-owning farmer contemplating retirement. Moreover, I am here because I had a phone conversation early this morning with Mr. Fred Hudson, farmland appraiser, for the Farm Credit organization of Homer, N.Y. The conversation with him confirmed several financial realities that I have been trying to draw to the attention of the Ulysses Town planners and managers for the past five years. Changing from the current zoning based on simple minimum area and road frontage for residential development in the A1 Zone to a density/averaging approach that puts a mathematical cap on the number of residential units that can be developed – regardless of the land topography, forestation, stone out-crop, wet spots, or presence of small irregular shaped fields too small for farming on any parcel under consideration – may in many instances reduce the number of lots a farmer could sell and still not remove from use any viable, productive farmland.

“Therefore, if I do not sub-divide my property now, I may discover that the land on which I have paid taxes on regularly for over 50 years – the land that has produced some part of my annual income over that time period; the land that has been my money in the bank for my retirement – has been diminished by the new zoning laws.

“Moreover, being a person that does believe in the preservation of open space, which my farm has provided for the citizens of the Town of Ulysses for all those years, if I make application to the New York State Purchase of Development Rights program, I may discover that the value of the development rights I am giving up will be less with the density averaging zoning in place than were it to be calculated by the present zoning. Thus, you are creating a disincentive for the voluntary preservation of farmland open space.

“Whether any of the above is associated with an illegal taking of property without compensation remains to be seen. In any case, the density averaging approach certainly tightens the zoning screws and feels like my property rights are being violated.

“A final note: I believe it is incumbent upon this Steering Committee to invite representatives from agricultural lending institutions and private lending institutions to explore these issues further and to explore the effect of the proposed zoning changes to a farmer’s application for loans for operating expenses using land as collateral.

“Thank you for your time and attention,

John Wertis senior.”

Mr. Hawkes asked Mr. Wertis if he felt the current zoning was adequate. I think so, Mr. Wertis said. He thought the general consensus from the Ag Community, of which he is a member, is that the current zoning is okay and does not diminish farm land at any great rate.

Ms. Cail encouraged the Steering Committee to read a recently released agricultural report issued by Tompkins County planners. Specifically, there are a number of important opportunities presented by recent state-level changes, including changes in the rules governing when you can serve alcohol, which bodes well for local farm breweries and cideries. Additionally, the Black Diamond Trail reaching its completion poses an economic benefit. If exploring zoning updates, it would be important to review this report, she said.

Ms. Zahler reviewed the Committee’s work thus far. The Committee and its consultants are currently in the process of crafting a pre-draft of ideas that will guide a draft to release to stakeholders. At that point, the Committee will take feedback and suggestions before preparing a final draft for public release. Public information meetings will be planned. June 2017 is the end date for the Town’s grant for work relating to zoning updates.

For the next 30 minutes, Ms. Randall and Mr. West reviewed major proposed changes in the Town’s zoning language. Among the areas of proposed language changes: a more robust zoning purpose; permitted uses; several new definitions; lot area and yard requirements; and new parameters for subdivisions, particularly permitting smaller residential lots. Currently zoning allows for a 2-acre minimum lot.

Mr. West said it may make sense for the Committee to meet without consultants and continue its review. It is now the Committee’s job to deliberate the consultants’ parameters. There is concern

the Town will run out of grant funding, considering consultants still have the Hamlet of Jacksonville to consider for zoning updates. Mr. West said consultants are relying on the Steering Committee to determine if the proposed changes represent the values outlined in the Town Comprehensive Plan and evaluate the political potential for adopting these policies.

At this time, each stakeholder offered their questions, thoughts and opinions on the zoning update process.

Mr. Antweiler said the proposed changes seem like a fairly significant shift in approach to agricultural land. To consider: Of the subdivisions approved over the last 10 years in the Town, how many would have been prohibited if the new regulations were in effect? That would give some perspective of the magnitude of the changes, he said. Secondly, there are certain Hamlet edge areas with development potential that overlap with agricultural or rural R1 districts. What are the best ways to bridge those edge areas? He asked.

Mr. LeWalter noted concerns that could surface when more density is allowed in agricultural areas. He asked if there were any provisions to mitigate the potential for ag-residential conflicts, specifically in areas like drainage run-off. Ms. Randall said the potential for such concerns guided past deliberations concerning yard setbacks in agricultural areas. Mr. West added that balancing the interaction between agriculture and residential is an ongoing issue consultants are trying to address.

Ms. Cail said she sent a memo on behalf of the Ag Committee to each member of the Steering Committee. The topic of farm-neighbor relations is usually discussed in terms of how it affects residences; little attention is given to ag, she said. For instance, why would a church be allowed in an ag area? Ms. Randall said towns cannot exclude places of worship. Ms. Cail continued, saying if the intent is to segregate farming to one part of Town, that is fine, so long as other ancillary uses are shifted to areas of density, like the Hamlet. Any uses that bring additional traffic to ag areas are potentially problematic, she said. There have been conversations of an apparent agenda to do density averaging, whether or not farmers want it, she said. Additionally, it has been stated that farmers want to sell off lots. That is not true, she said. It is much more subtle than that – if you needed money, you could pawn your wedding ring, she said. That does not mean you desire to get rid of the ring, only that you need the money. Similarly, farmers use the value of their land to borrow money in order to get through the season, she said. When that value is diminished, a farmer's capacity to access capital is also greatly diminished. She asked Mr. Hawkes if he knew how many major subdivisions the Town has had in the last 25 years. He did not know, but Ms. Kiley said – to Mr. Antweiler's earlier point – that not many previous subdivisions would have been affected had the proposed zoning updates been in place. Ms. Cail expressed concern about spending money that raises taxes, planning for things that are just not happening. Members of the Ag Committee are seeing individual buildings being constructed; they are not seeing major development interest.

Ms. Marino said there are concerns regarding chopping up road frontage and how that will be addressed. She also pointed out that Ulysses has the highest percentage of farm land not owned by farmers.

Ms. Cail requested other Town committees receive copies of the Ag Committee memo.

Ms. Zahler noted that thresholds for subdivisions, how those subdivisions should happen in the future, minimums and maximums, and setbacks are major themes the Committee continues to address. There is uncertainty whether or not the Town draws interest for development, she added.

Addressing clusters, Ms. Randall said clusters ask people to think a lot harder about how they plan to develop. She, along with Mr. West, thought the idea of clustering would be welcomed, but it is okay if the Committee opts to scrap it. Mr. West said that while the Ag Committee appears to disapprove of on any reduction in the unit yield of parcels, the Town's Comprehensive Plan states the community wants to prevent 2-acre parcels. The Comprehensive Plan reflects community support for some reduction in unit potential, he said. He said they allowed for smaller subdivisions because it is easier for farmers who own a large amount of land to subdivide and sell off what they wish.

A discussion ensued among Steering Committee members as they addressed specific parameters of the consultants' pre-draft zoning measures, like whether or not to have a maximum lot size on subdivided parcels. Mr. Tselekis pointed to instances where a maximum allowable lot size on a fragmented lot would seem unnecessary, like on wooded lots or lots that are too small to farm. Added Ms. Thomas, zoning may not have to be as strict on maximum lot size if it already restricts the number of subdivisions. Perhaps there could be a maximum lot size of a single acre, added Ms. Cail.

Ms. Thomas offered a scenario of a farmer owning a large piece of land and wanting to subdivide it five times. Would the property owner submit an application for subdivision for each time? Mr. West said yes, but there are incentives to subdividing those five parcels in a single project, rather than doing so incrementally. Ms. Ritter said this type of zoning often has maximum lot sizes. She would support having maximum lot sizes for subdivided parcels. Anything beyond the maximum would need a variance. Mr. Tselekis liked the idea of a lot size minimum but not a maximum. Further discussion ensued regarding lot size requirements. A minimum lot size of .5 acre was readdressed, but Ms. Randall reminded the Committee it was removed to avoid any conflict with land-buyers who may discover after purchasing a .5 acre lot that an expensive, engineered septic system may be required.

Ms. Zahler referenced a map that includes Town parcels broken down by size – 10 acres and under; between 10 and 20 acres; and 20 acres or more. She suggested weighing preliminary zoning parameters against the map to determine how many subdivisions there might be. Maximum lot size on subdivided parcels is still a matter to be decided, she said.

Mr. Hawkes asked if the Steering Committee would be addressing the Ag Committee's memo. He said he likes the Ag Committee's proposal because it is simple, whereas the proposed chart of zoning parameters is not. The Ag Committee has proposed having smaller lot maximums than those of the Steering Committee. To a certain degree, the rationale for no maximums is a good one, he said. Market forces are at work here that we have not seen, and there is almost a self-limiting factor of what a property owner could sell off, he said. Ms. Cail added that the market

for large homes in rural areas is more likely to gobble up land within the Town. You stop that by prohibiting large lots. Mr. West said reducing the number of subdivided units on acreage will not diminish land value. Furthermore, if the market changes and the Town has reduced its minimum lot size to 1 acre, the Town would essentially be doubling the development potential. Ms. Kiley added that she spoke with Mr. Hudson – a contact Mr. Wertis referenced in his statement – and he said borrowing power is not reduced if limits are placed on subdivisions.

Ms. Zahler said she is not averse to reviewing the Ag Committee memo in depth at the Steering Committee's next meeting. Ms. Thomas noted the Committee was nearly to the end of its review of the ag zoning draft. It seems unfair to devote time to the Ag Committee's response before any of the other committees have seen the draft. Ms. Ritter agreed; it is an awkward time to be getting comments, she said. Mr. Hawkes said the Ag Committee was formed for a reason, and they have issued a proposal. The Committee has a responsibility to consider it, he said, though he agreed with Ms. Thomas to allow all participating committees to weigh in at the appropriate time.

At this time, the Committee and its consultants discussed timeline and next steps. A consensus was reached to further discuss the pre-draft Ag zoning document at the Committee's next meeting on September 26, with the intent to proceed from that meeting with a preliminary draft to circulate to participating stakeholders. After stakeholders have weighed in, the Committee would hold a public information session on the Ag preliminary draft. Consultants felt having two separate information sessions – one for the Ag piece; and another for the Jacksonville Hamlet – would be preferable. Ms. Randall said they would have a pre-draft of the Ag document cleaned up and sent to the Steering Committee by September 12. That would give the Committee two weeks to review the pre-draft before its September 26 meeting. From that meeting, the Committee would share a preliminary draft with all committees and stakeholders and dedicate its Wednesday, October 26 meeting to gathering feedback from them. Steering Committee members and consultants planned to discuss the Jacksonville Hamlet portion of zoning updates at the October 6 meeting. Early November was discussed as a possible time to hold a public information session on the ag portion.

Ms. Thomas noted that while there are liaisons from advisory committees, there is no committee that represents residential homeowners living in ag areas.

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

Meeting adjourned at 9:16 p.m.

Respectfully submitted by Louis A. DiPietro II on September 16, 2016.