

**TOWN OF ULYSSES
STEERING COMMITTEE ON ZONING UPDATES
MEETING MINUTES
Monday, 9/26/2016**

Approved: October 6, 2016

Call to Order: 7:01 p.m.

Present: Chair Nancy Zahler, committee members Rod Hawkes, Darby Kiley, Sue Ritter, Liz Thomas, and George Tselekis.

Public in Attendance: Roxanne Marino and Sue Poelvoorde of the Sustainability Advisory Committee, and John Wertis.

Agenda Review; Minutes Review (8/15/16 and 9/8/16)

Ms. Zahler proposed ending the meeting at 8:45 p.m. sharp. Between tonight and next week, the intent is to complete a version of the Ag zoning document and allow other participating committees to weigh in and provide feedback, she said.

Mr. Hawkes MADE the MOTION to accept the August 15, 2016 meeting minutes, and Ms. Kiley SECONDED the MOTION. The motion was unanimously carried, 6-0.

Mr. Hawkes MADE the MOTION to accept the September 8, 2016 meeting minutes, and Ms. Kiley SECONDED the MOTION. The motion was unanimously carried.

Privilege of the Floor: Mr. Wertis said he is present at the evening meeting as a resident and not a member of any group. He has read through the zoning draft, noting its detail and complexity. He said he is not entirely convinced that changing the zoning in the A1 zone will preserve farmland any better than the current zoning, which he feels has not resulted in the consumption of farmland at a devastating rate. He circulated example parcel maps and noted the current zoning allows him to recoup his capital investment on his property while the proposed zoning does not. He also questioned who would be financing agricultural easements. Ms. Zahler said she appreciated Mr. Wertis's feedback in reminding the Committee that there are different ways landowners use their land. As for ag easements, the Committee is likely to discuss it later in the evening.

Mr. Poelvoorde told Committee members that the Sustainability Advisory Board has yet to fully review the working Ag zoning document since they are currently reviewing the Town's solar ordinance. Ms. Zahler said the Sustainability Advisory Board is currently mapping out potential areas of solar development based on locations of major connections on the solar grid. Ms. Marino requested a Privilege of the Floor segment at the end of Committee meetings, to which Ms. Zahler proposed and the Committee reached a consensus to add a second Privilege of the Floor at 8:40 p.m. Mr. Wertis said the Ag Advisory Committee would have information for Steering Committee members at its next meeting.

At this time, the Committee continued its review of the Ag zoning document. The “Right to Farm” section was discussed, specifically the intended purpose of the clause within Town zoning, since State Ag and Markets law protects area farmers. Asked to explain what purpose it serves locally, Mr. Wertis said the Right to Farm provision in Town zoning primarily serves as a statement of support. He urged the Committee to retain the provision. Ms. Thomas said most all farmers in Ulysses do a great job, but there have been a few instances in the last couple of years in which farming activity has resulted in complaints. In those cases, there does not appear to be much the Town can do since Ag and Markets’ Right to Farm law protects ag activity. Mr. Tselekis felt the Town’s Right to Farm law extends protections to non-farmers who may have some kind of ag activity on their property. He said members could add language that limits the Town’s Right to Farm law to only those farms defined as such by State Ag and Markets. Ms. Kiley supported retaining the Town’s Right to Farm and said State Ag and Markets would not defend – using Mr. Tselekis’s example – a resident with a rooster on their property.

Mr. Hawkes said the Committee is acting on ag activity as it is currently, but they cannot be sure of how ag operations will change in the future. Perhaps it is possible to produce at least \$10,000 in sales from ag activity – which would meet the State Ag and Market’s definition of a commercial farm – on a single acre of land. He advised to be mindful of the potential for intensive farming in smaller areas. Mr. Tselekis reiterated his concern that the Town could be extending protections to farms that are not commercially viable. He suggested adding zoning language, such as “this clause applies to commercially viable farms as defined by Ag and Markets Law”. Ms. Zahler said the Committee does not want to undermine State regulations, only to clarify language. The Committee may want additional language, she said. Ultimately, the Committee did not take any formal action on adding language to the Right to Farm section.

The Steering Committee moved on to the Permitted Uses section. Ms. Kiley informed Committee members that orchards and vineyards were initially included under Permitted Uses but were removed by consultants, likely since both fall under Ag and Markets’ definition of ag use. She proposed moving Lawn and Landscaping under section 212-27, “Uses allowed under site plan review”, and said Lawn and Landscaping may need a definition. The Committee reached a consensus in favor of Ms. Kiley’s request.

Ms. Thomas said she felt uncomfortable with several ag uses being considered as “Permitted Uses”, particularly Agriculture Commerce, like slaughterhouses, Ag Recreational and Education Events and Animal Waste Storage Facilities. All need oversight and should be moved under “Uses allowed under site plan review,” she said. Mr. Wertis added Agriculture Commerce was originally for farmers to conduct machine repair and sell materials like tires. After a discussion, the Committee reached a consensus to move from “Permitted Uses” items C “Agricultural commerce...” and E “Animal Waste Storage Facility” to Section 212-27 “Uses allowed by site plan approval.” Committee members also reached a consensus to move item H “Flag Lots...” under section 212-29 “Lot Area and Yard Requirements.”

The Committee then moved on to Section 212-26 “Permitted Accessory Uses”, where they discussed whether or not item B “Business Directional Signs...” could be placed under the Sign Regulations section and reached consensus to change item G to “Group Adult Care.” The

Committee briefly discussed section 212-27 “Uses allowed by site plan review” but ultimately did not propose any changes.

In section 212-28, “Uses allowed by special permit”, Committee members reached a consensus on the following items: to keep Animal Processing structures in the section rather than move it to 212-27 “Uses allowed by site plan approval”; remove the word “higher” from “higher education” in item I, though members discussed whether to replace “public and private schools” with “public and private educational institutions” and whether the Town can deny dormitories; and remove “...upon approval of the Town Board” from item K “Golf courses...”

The Committee then discussed section 212-29, “Lot Area and Yard Requirements.” Ms. Thomas questioned whether or not a maximum lot size is needed. As Ms. Kiley noted, committee members had previously reached consensus to have a 2-acre maximum lot size on fragment parcels. For the next meeting, Ms. Kiley said she would strengthen definitions discussed during the meeting. Mr. Hawkes asked if the Committee planned to address the Ag Advisory Committee’s memo. Ms. Thomas felt it premature since they have yet to approve a draft. The Steering Committee should first agree on a draft and then release it to the appropriate committees and residents for comments. Mr. Tselekis asked if the Committee should be considering the Ag memo first, since it is such a radically different approach, to which Ms. Poelvoorde responded that the Sustainability Advisory Committee would also want their proposal considered. Ms. Zahler felt the Steering Committee should entertain alternative proposals to what is ultimately adopted. She said she does not agree with the presumption that a draft, once completed, is on the fast-track to adoption.

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

Meeting adjourned at 8:48 p.m.

Respectfully submitted by Louis A. DiPietro II on October 5, 2016.