

**TOWN OF ULYSSES  
STEERING COMMITTEE FOR ZONING UPDATES  
MEETING MINUTES  
Thursday, 09/21/2017**

**Approved: October 5, 2017**

**Call to Order:** 7:00 p.m.

**Present:** Chair Liz Thomas, and Committee members Michael Boggs, Rod Hawkes, Darby Kiley and Sue Ritter; stakeholder liaisons Chaw Chang, Bob Howarth, Roxanne Marino, and Rebecca Schneider; David West of Randall + West.

**Public in Attendance:** Krysa Cail, Anne Koreman, Nancy Zahler, Tom Myers, and Greg Reynolds.

**Agenda Review; Minutes Review (09/18/2017)**

Ms. Thomas MADE the MOTION to accept the September 18, 2017 meeting minutes, and Mr. Hawkes SECONDED the MOTION. The motion was unanimously carried, 4-0.

Ms. Ritter arrived at 7:02 p.m.

Following introductions among Committee members and stakeholders, privilege of the floor was held.

**Privilege of the Floor:** Ms. Cail said she has also been involved with various Town boards and committees, having served on the Planning Board for nine years, the Comprehensive Plan committee in the early 1990s and on the Lakeshore Committee. While Ulysses is a small town, we do have the same people serving in the same roles for decades. She urged more diversity among Town leadership.

**Ag/rural zoning discussion**

Ms. Thomas said the subdivision section seems to be the major difficulty for the Steering Committee, so that will be a priority this evening. The Committee seeks areas of agreement and of strong disagreement and hopes to find some middle ground among all participating stakeholders. Our aim is to come up with a document everyone can live with. The ultimate goal will be to preserve farmland and open space, be legally defensible, adhere to the Comprehensive Plan and still maintain some flexibility for landowners while considering the residential/agriculture interaction. Ms. Thomas then provided a brief overview of the Steering Committee's current proposal, which includes 1-acre minimum lot size, 150-foot minimum road frontage, and 10 – or perhaps 15 – as the dividing number to determine number of allowable subdivisions per parcel. While the BZA has proposed an alternate model for determining number of subdivisions, Ms. Thomas said the Town Attorney was not comfortable with it. Private roads

are also being considered. Ultimately, the Town Board will review the Committee's draft before it is released to the public.

There is the issue of determining what constitutes a small and large farm, Ms. Marino said. Mr. Chang said the current trend is more niche farming, with further consolidation of larger farms. That has been the trend for the last 15 years and will continue. People are starting farms that are very small; Mr. Chang started on a 1-acre farm and evolved. That is why flexibility is so important to the agricultural community. Farming will continue to keep changing and become more diverse; it is difficult to predict what would be considered a small- or large-sized farm. When you restrict number of subdivisions on a parent lot, it could create issues. For example, if a dairy farmer wants to pass on the operations to their family members, who then subdivide the land into smaller farming operations, that process would be constrained. Mr. Chang said he and a group of small farmers purchased a large parent lot with the intent of subdividing it among them. That process would have been constrained under the Committee's proposal. The agricultural community does not feel restricting development rights is the correct strategy. The development problem has been misidentified; that is why the Agriculture Committee suggests site plan review as a tool to limit large tracts of farmland from being developed for housing. Any land action that takes acreage out of active farmland would be up for site plan review. People are moving out to the country and buying farmland, but not farming it. That is the main reason why farmland is lost.

But how does site plan review restrict the number of subdivided lots? Ms. Thomas asked. It will not, Mr. Chang said. The Ag Committee feels multiple subdivisions of parent lots are not happening in Town, he said. To date, no one has shown data to prove it. Under the Ag Committee' plan for site plan review, if, for example, a property owner purchases a house on 20 acres, they would have to show their intent to retain agricultural production in order to get site plan approval. That would provide flexibility, since it does not restrict development rights and would slow down and deter farmland development. The acreage threshold for such a site-plan review would have to be discussed.

Citing the Town's Agriculture and Farmland Protection Plan (AFPP), Mr. Howarth said the Town does not know how much of its land is owned by farmers. There are two estimates: at least 40 percent or as much as 65 percent of farmland is owned by non-farmers. We are dealing with a large community of people who are not farmers, and that needs to be part of the process, he said. Mr. Chang said there has been a significant increase in the amount of farmer-owned farmland since the AFPP was released. There have been bidding wars for three farms in the area; the price of local farmland has doubled. In that same Plan, a survey of rural landowners was conducted and most of them said they wanted to keep their land in ag use.

Ms. Thomas said Town Attorney Mariette Geldenhuys believes the BZA's 80% permanent set-aside for subdivision could be considered a taking. In his work researching gas drilling and fracking, Mr. Howarth said he does not believe the plan to be a taking.

Returning to site plan review, Mr. Chang said most people do not wish to go through site plan review and would be compelled to find a farmer to farm the land. Ms. Marino readdressed development patterns in the Town, saying Randall + West showed time-lapsed aerial photos of

the Town that highlighted how much residential development has taken place over the years. If there are data that say otherwise, she would like to see it. Where she lives, Ms. Marino has seen many lots that are no longer in ag production; there is an observable pattern of development that needs to be addressed, and the Town cannot assume that property owners will do the right thing in retaining farmland for ag use. Ms. Schneider echoed Ms. Marino's comments for having a firm strategy to preserve farmland, rather than simply "encouraging" or "urging" property owners to do smaller subdivisions, and limit incremental development along the roadway. She likes the idea of site plan review with good, careful criteria. Breweries are factories, she added, and generate pollution.

Mr. West made two points: the Town sees about 10 new homes per year, which amounts to 4,000 square feet of lost road frontage annually. Reducing the minimum road frontage to 150 feet from 400 feet means less roadside land being carved up for development. Secondly, addressing private roads, he reminded committee heads that installing roads has a significant environmental impact. The tradeoff for less visual impact is more environmental impact.

Mr. Howarth agreed with Ms. Schneider in supporting private roads, and said the BZA has expressed strong support of private roads and retaining both 2-acre minimum lot sizes and 400 feet of minimum road frontage. It is not just visual; farms in close proximity to neighboring homes pose a major health concern with regard to drinking wells and air quality. Buffers are necessary. He said Cornell University plans to up its student body size from 17,000 to 24,000, and he would not be surprised if that triggered development of multi-house units in towns like Ulysses.

Ms. Marino said zoning should not be based on hope or urging property owners to do the right thing. She disagreed with Mr. West's suggestion that reduced minimum road frontage would be an effective strategy, since narrower lots mean further encroachment on the agricultural parcels behind residential lots, thus exacerbating the conflict between farmers and residents. There are health concerns to consider too. On private roads, she said she agrees with the idea to incorporate private roads on the least agriculturally viable areas.

Mr. Chang noted that it seemed all committees would like to see more land-use data. Minor and major subdivision parameters have helped to control development. He again refuted claims that the Town is experiencing development in the way Ms. Marino described. He said he was surprised when he first saw the Committee's proposal and the designation of the "Ag/Rural" zone – combining both residential and ag use – considering that the Ag and Farmland Protection Plan referred to much of this zone as the Town's "Ag Core". Site plan review is a planning tool, but it does not prohibit development. Most farmers are in agreement: they do not want any of their development rights taken away from them. For the Steering Committee to consider more stringent development restrictions, they need to have land-use studies and data to show that residential development is occurring at the pace they claim it is. Our concern, as farmers and as members of the Ag Committee, is not how much subdividing is taking place but rather how it is happening, he said. Large lots and sometimes entire parcels are taken out of ag production or subdivided in a way that makes it difficult to farm.

How much extra work would there be for a site plan review of a certain sized parcel? Ms. Thomas asked. Ms. Kiley said a subdivision proposal goes through a subdivision review already, but the Town could add more criteria, similar to how projects go through site plan review in the Lakeshore District and for flag lots. However, how would the Planning Board convince the applicant to not site a home in a particular location?

A discussion ensued on figures associated with zoning rewrites, like the divisor number to determine number of allowable subdivisions, minimum lot sizes and minimum road frontage. Ms. Marino said the Conservation and Sustainability Advisory Committee (CSAC) agrees with the 2-acre minimum lot size and is okay with 200 feet of minimum road frontage. As for the divisor, CSAC favored a sliding scale model where 10 is the divisor for smaller acreage and 20 for larger parcels, like 50 acres or more. Mr. Chang said farmers typically subdivide off the smallest allowable parcel size for cash or to provide housing. He advised against requiring clusters and/or private roads. Buffers were discussed, with Mr. Hawkes asking if there were research to support buffers of a certain size. Mr. Chang said he needs a 50-foot buffer strip between his house and farm field in order to abide by organic farming certification. Requiring larger buffers for everything just takes more land out of farming. Ms. Schneider outlined the Planning Board's recommendations: they have concerns with 1-acre minimum lot sizes and favor clustering; 1-acre minimum lot sizes are too small unless they are clustered; to help prevent erosion, there should be mandated tree plantings for subdivisions.

Is 200 feet of minimum road frontage something consultants should explore? Mr. West asked. Ms. Marino said CSAC would be okay with it, while Mr. Howarth said the BZA felt more attention should be given to its plan. Mr. Chang felt 200 feet would save more farmland and added that perhaps 1-acre minimum lot sizes could be permitted but require site plan review. Again, he stated farmers subdivide to provide housing to family or friends and do so with the least impact on farmland. He would prefer to see the minimum lot size as small as possible.

Ms. Thomas asked committee heads what they thought of the divisor options of 10, 15 or sliding scale. Mr. Chang felt there is not a single number, thus the Ag Committee's stance to maintain flexibility. There are a lot of unique lots in Town, and a divisor of 10 or 15 would limit farmers' ability to efficiently subdivide with minimal impact to farmland. Mr. Hawkes suggested the Committee craft a list of questions that data, if available, would inform. Mr. West did so: how many major and minor subdivisions have taken place since the last zoning rewrite? How was the parent parcel of each divided? Where on the parcel did the subdivision take place? Where have building permits been issued? How much farmland has been lost to residential development? Mr. Chang also requested a resource inventory and how that has changed since the last zoning rewrite. Since the Ag and Farmland Protection Plan was crafted, some 1,000 Town acres have been put back into farm production, he said.

### **Privilege of the Floor**

Mr. Reynolds asked the committees to consider the economic aspects of rezoning and to look for ways to help out farmers beyond preserving views and open space. Ms. Zahler felt perhaps there could be smaller zones with slightly different purposes, all while adhering to the goals of the Comprehensive Plan. Ms. Cail said the Ag Committee believes the most serious threat to the

Town is active farmland going out of ag and reverting to forest. She recommended committees read David Kay's publications on farm/neighbor conflict. Ms. Koreman said she has spoken to most Town farmers, and most of them echo Mr. Chang's feelings. Mr. Myers said he does not see a lot of subdivisions in Town; new houses are largely driven by Health Department requirements for septic systems.

The Committee arranged to meet again on October 5 to further discuss the Ag/Rural zoning document.

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

Meeting adjourned at 9:19 p.m.

Respectfully submitted by Louis A. DiPietro II on October 3, 2017.