

**TOWN OF ULYSSES  
ZONING UPDATES STEERING COMMITTEE  
COMMUNITY MEETING  
MEETING MINUTES  
Thursday, 11/30/2017  
6:30 p.m.**

**Approved: January 4, 2018**

**Present:** Chair Liz Thomas, and Committee members Michael Boggs, Rod Hawkes, Darby Kiley and Sue Ritter; CJ Randall and David West of Randall + West.

**Public in Attendance:** Ed Gates, Skip Bergen, Bob Weatherby, Tim Gatch, Rick Reynolds, Mark Ochs, Anne Koreman, Carolyn Kreisel, James Gatch, Krys Cail, Paula Horrigan, Thomas Pope, Anthony Hanson, Nick Robertson, Jerry Stevenson, Joel Podkaminer, Roxanne Marino, Peter Cooke, Bernie Cardina, Tim Cardina, David McLallen, Ben Darfler, Gunther Keil, Chaw Chang, Lucy Garrison, Bill Connor, Cheryl Thompson, Bob Howarth, Barbara Hotchkiss, Ed Snyder, Daryl Martin, Michael Bergen, Ed Gatch, John Wertis, Diane Hillmann, Brigid Beames, Stan Beames, Terry Clark, Kathy Klemperer, Peter Johnson, Scott Sears, Robert Oswald, Michelle Bamberger, Nancy Zahler, Don Ellis, Jim Bergen, Anne Filley, Bruce Austic, Jack Katz, Phil Switzer, Janet Hawkes.

Ms. Thomas provided an introduction to the ongoing zoning updates initiative, which the Zoning Updates Steering Committee (ZUSC) has worked on the last two years, with input from stakeholder groups and residents. As with any zoning effort, there are often competing visions and strategies, and ZUSC has worked to find a middle ground, she said. Comments on the latest draft will be taken until January 11, with ZUSC completing zoning work sometime in 2018 and referring it to the Town Board for formal consideration. Now is the time to offer your comments, she said.

At this time, Ms. Randall and Mr. West began their roughly 45-minute, introductory presentation. They highlighted guiding documents – including the Town Comprehensive Plan and the Ag and Farmland Protection Plan – and gave a general recap of project scope and timeline. The tentative plan is for ZUSC to present a final draft zoning document to the Town Board in February. For the Ag/Rural zone, the goal is to preserve ag land and open space; the Town sees about 10 new homes built every year, and some of those are cutting into farmland and open space. For the Hamlet of Jacksonville, the vision is for a denser center. Also part of the zoning initiative, an office/tech mixed-used zone is being developed in the vicinity of Krums Corners and Route 96. Both consultants then provided an overview of all proposed changes.

A resident asked about the rewrite process and whether community members had been engaged. Mr. West said a kick-off meeting was held with members of the public, and specific meetings were held with members of the ag community to get their feedback and suggestions on the document. Two meetings were held in Jacksonville in regard to the hamlet zoning rewrite, and

the ZUSC has had ongoing conversations with members of the Town Planning Board, BZA, Ag Committee and the Sustainability Advisory Committee (SAC).

Ms. Cail noted ZUSC did not include an Ag Committee member.

Breakout sessions began at approximately 7:30 p.m.

### **Breakout Session: Ag/Rural Zone**

A resident said New York is a right-to-farm state, with State Ag and Markets law to protect farmer rights. What have you done to ensure your zoning rules conform to State Ag and Market laws, particularly in regard to your proposal to require manure spreading records be made official to the Town? Mr. Howarth of the BZA said the proposal aligns with a federal order and simply makes it easier for members of the community to get information on local manure spreading. Ms. Randall said retaining the natural beauty and character of the community and protecting existing water resources are two guiding statements pulled from the Town Comprehensive Plan. Two proposed sections within the updated zoning lay out a straightforward process for CAFOs. There is no proposed prohibition on CAFOs, only that the design of such a facility should be considered by a peer review board so that the best design is put forward, she said. Are you saying a civil engineer's stamp of approval would not be valid? asked one resident. How would the peer review be compensated for such a service? Ms. Cail asked. If the Town's Ag committee was not up for it, then the County ag committee could stand in, Ms. Randall said. They are not interested in doing that work, Ms. Cail said.

A resident again asked if a peer review committee would supersede a licensed engineer. Ms. Randall said the proposal was just one option, but one that was approved by State Ag and Markets. Randall + West did similar zoning in regard to CAFOs in the Town of Catharine. A special permit would be needed for a CAFO, Ms. Randall said. Mr. Chang said Ag and Markets considers site plan reviews – not special permits – for CAFOs and manure spreading to be reasonable. There are unreasonable requests within this plan, and they have largely been ignored, he said. I think you are misreading the law, a resident said in response to Mr. Chang; Ag and Markets calls it unreasonable unless health is impacted, and health would be impacted with CAFOs and manure spreading. Ms. Marino said CAFOs have been required under special permit in Town for many years. Ag and Market reviews all zoning before the Town approves it.

Ms. Randall moved on to new criteria for subdivision review. Are there any stipulations about flag lots? one resident asked. Mr. Podkaminer also asked about flag lots and whether or not there is any guidance for the BZA. Mr. Howarth said it was a great point; as a member of the BZA, he said board members have poor guidance on what flag lots should and should not be. The BZA would welcome input from ZUSC on what they should be looking at. ZUSC did not talk too much about flag lots, Ms. Randall said.

Moving on, areas within zoning that are not changing include minimum lot size (2 acres), minimum lot depth (200 feet), and all existing allowed uses will continue to be allowed.

Mr. Podkaminer felt the proposal is failing on small farms because there is no diversity at four acres. You're missing a very important demographic. Not everyone needs 40 acres to farm; maybe they just want to buy six acres, he said. There was confusion from some audience members who asked whether they could or could not buy 10 acres of land for farming. Ms. Marino said anyone can buy 10 acres to farm; this proposal addresses the issue of buying up a 10-acre lot for the sole purpose of a residence. Ms. Randall stressed that on-farm housing is permitted no matter what. If you have a farm and want to live on-site, you can have a house. Ms. Cail asked what happens if a property owner buys 10 acres of farm land with the intention of building a house and farming the land, only to decide that they will not farm. What then? Then your 4-acre minimum is no longer a 4-acre minimum; it is a workaround, added a resident. It is unlikely someone would go through the process only to decide against farming the land, Ms. Randall said. No, it is not, said the resident.

Ms. Randall then reviewed allowable uses by site plan approval and special permit and yard and lot requirements. Mr. Wertis said density averaging, with a 15 divisor, appears to be the crux of the proposal, and that strategy has its origins with a planner who worked in Lancaster County, Pa., which has a large Amish population and has a very well-funded Purchase of Development Rights (PDR) program. Given that those two conditions do not exist here, Mr. Wertis said, would you still recommend density based averaging? PDR is a state program that purchases development rights from very prime farmlands, Ms. Randall said. Ulysses and Lansing are two in Tompkins County that tend to participate in PDRs. Mr. Wertis asked ZUSC to research where density based averaging has been used, whether it was an effective strategy and if conditions in the Town are amenable to PDR. Ms. Cail recounted previous statements from the Town Attorney, who said deed restrictions would be needed in order for this strategy to be defensible because it is so unusual to the region. Deed restrictions trump any land use laws. What happens if deed restrictions are placed on properties and the zoning changes in 10 years? Who is going to be responsible to pay lawyers to remove the deed restrictions?

Mr. Chang noted this process is occurring during the holiday season. He suggested February 11 to be the due date for public comments, rather than January 11, with the final draft presented in March.

The session ended at 8:25 p.m.

Respectfully submitted by Louis A. DiPietro II on December 13, 2017.

### **Breakout Session: Jacksonville**

#### **1<sup>st</sup> SESSION ATTENDANCE:**

#### **TOWN OFFICIALS PRESENT:**

Town Board/Zoning Update Committee member- Michael Boggs

Town Clerk- Carissa Parlato

#### **OTHERS PRESENT:**

David West (Consultant from Randall + West), Paula Horrigan, Beckie Cardina, Tim Cardina, Diane Hillmann, Ed Snyder, Stan Beames, Ben Darfler

2<sup>nd</sup> SESSION ATTENDANCE:

TOWN OFFICIALS PRESENT:

Town Board/Zoning Update Committee member- Michael Boggs

Town Board member- Nancy Zahler

Town Clerk- Carissa Parlato

Zoning Update Committee member- Rod Hawkes

OTHERS PRESENT:

David West (Consultant from Randall + West), Diane Hillmann, Anne Koreman, Carolyn Kreisel, Jamie Gatch

**SESSION 1:**

The session began at 7:30p.m.

Mr. West introduced the zoning map with proposed changes, focusing on the hamlet of Jacksonville.

He shared a Power Point presentation explaining the proposed zoning and referred to the Town's Comprehensive Plan as the guiding document for the updates. In keeping with the vision of the Comp Plan, the zoning update proposal includes adding a zone (called the Hamlet Neighborhood) to Jacksonville. He noted that according to the Comp Plan, Jacksonville is an area that makes sense for more development due to its existing infrastructure.

Mr. West presented a map depicting new houses from 1970 to the present. About 10 new homes per year have been added. With a community desire to preserve open space, zoning updates are needed to help control the sprawl.

He compared hamlets in surrounding towns to demonstrate that property values per square foot near hamlets are higher than surrounding properties.

He said that 80% of homebuyers desire living in compact and connected neighborhoods yet those neighborhoods makeup only 14% of US communities. Encouraging development where infrastructure already exists saves the town money.

Mr. West further explained that hamlet centers have specific traditional characteristics, including:

- specific building size and placement
- streetscape
- rhythm
- amenities

Also, community centers must be attractive so that people want to live/go there. The zoning must also allow for people to invest in their properties without having to go through too many variances, etc.

He showed regional examples of developments that had been identified by participants in prior meetings as desirable building styles.

Ms. Horrigan inquired whether sewer was planned for the hamlet. Mr. West replied in the negative.

He continued showing various building design examples, then noted that with the proposed law, the community will be able to give feedback on new development as part of the zoning process. He explained the draft zoning map, noting that the Hamlet Center zone is about ¼ mile from the center and the Hamlet Neighborhood is ½ mile. This is based on the average distance that people are willing to walk to services and transportation.

A resident shared their concern about the small lot sizes and ability to have septic systems. Mr. West answered that shared systems may be used. Mr. Boggs shared that the steering committee has shared this concern.

Mr. West pointed out the various colors on the draft map. He shared that the thinking behind the zone boundaries was to differentiate where you could put roads in to create neighborhoods or cluster development, and there was a desire for bigger lot sizes in the surrounding ag zone.

Attendees asked questions about why some parcels are proposed to be in the Hamlet Center zone rather than the Hamlet Neighborhood zone. Mr. West answered that the smaller lots sizes are in the center but that could be looked at further and the question is whether or not there is a desire for the lots to be developed.

Ms. Horrigan asked for clarification on what the Hamlet Center is (dark purple area on draft map).

Mr. West stated that most are smaller lots. A larger lot is included so that a denser development would be possible (such as a cottage development) where people could still walk to the Hamlet Center.

The group discussed the minimum half acre lot size in the Hamlet Center and how waste (septic) would be dealt with. Mr. West stated that the proposed zoning will make it a possibility for shared or other engineered septic systems.

A resident asked about sidewalk placement with regard to the state road right-of-way and setback.

Mr. West responded that the setback has been reduced to lay the foundation for creating more of a center feel.

Ms. Horrigan expressed concern about the lack of storm water management (no curbs) in the area because the road was designed to be a highway rather than a hamlet center. Ms. Hillmann said that there have been some improvements to this. Mr. West responded that zoning laws just create the opportunity for these things.

He further noted that under the current zoning law, most projects are subject to a special permit process, but the proposed plan will require a site plan review instead.

At this time Mr. West moved on to the Hamlet Center proposed design standards for site plan review.

Someone asked how property taxes will be affected if the proposed changes are passed. Mr. West responded that taxes won't change unless the buildings sell for higher prices.

Ms. Hillmann asked whether zoning can address the slumlords chopping up old houses and turning them into apartments. Mr. West responded that requiring more density gives the landlord the ability to make the structure be more of an asset to the community instead of a detriment.

Ms. Horrigan asked why form-based zoning that allows for more local decision-making was not considered. She fears that this type of zoning will make the hamlet look more like Ithaca and leave the design to the developers. Mr. West answered that the proposed law has a lot of form-based ideas but he has heard from the community that they would like to have input on projects and form-based would not allow this.

Ms. Horrigan stated that Jacksonville Road is an important gateway to Taughannock Park and the town should decide what its vision is for that gateway before it passes a new zoning law.

Mr. West stated that zoning provides the town with legal guidelines for approving or denying projects and the proposed laws are set up to include community feedback.

At this time the first session was closed, (8:24pm) but attendees continued to talk.

## **SESSION 2:**

Mr. West went through the Power Point again for the new attendees.

Ms. Hillmann asked if sidewalks can be added to the zoning plan. Mr. West responded that that is not in the purview of zoning. Mr. West responded that the NYS Department of Transportation widened many roads over the past 50 years to allow for highways. Now they are more interested in maintaining areas with specific character.

Mr. West continued with the presentation, noting that there are no significant changes to the zoning law. He further explained the proposed commercial design standards.

Attendees asked clarifying questions.

The session adjourned at 9:02pm.

*Respectfully submitted by Carissa Parlato on 12/15/17.*

**Breakout Session: Office and Technology Mixed Use (OTMU) and Design Standards Update**

Presenter: Darby Kiley, Town of Ulysses Planner  
Session Clerk: Sarah Koski, Ulysses Deputy Town Clerk

Also in attendance: Bill Connor, Lucy Garrison (Stick and Stone Farm), Brigid Beames (Namaste Montessori School), Mike Bergen (Bergen Farms), Rod Hawkes, Sue Ritter

Session One began at approximately 7:45pm in the Elementary School library.

Town Planner Darby Kiley introduced the Office and Technology Mixed Use (OTMU) area, which is clustered around Krums Corners and State Route 96. The OTMU will focus on Light Industrial, Research and Development along with some residential areas. Attendees who live and own businesses in the area identified their properties on the proposed zoning draft map. Ms. Kiley explained that while looking at the new zoning draft they made sure existing businesses were allowed to continue under the new zoning regulations.

Bill Connor asked for a definition of CAFO – Ms. Kiley responded that CAFO stands for *concentrated animal feeding operation*.

Brigid Beames noted that her current Montessori school would like to move part of the school (the elementary school) across the road and turn the current school into a middle school. She is concerned that more restrictive zoning might make that difficult.

Bill Connor asked that Ms. Kiley finish her overall presentation before specific questions were asked.

Ms. Kiley went over the design standards for large and small buildings and showed examples of desirable and undesirable building designs. These are part of a new zoning document called Commercial Design Guidelines. Undesirable designs have parking in the front of the building, large and bright signs, and low quality landscaping. Desirable designs have human scale elements, smaller signs with no internal lighting, parking on the side and rear of the building and areas for pedestrian space. Ms. Kiley showed images of these elements for reference.

New design standards include:

Strict sign requirements

Stream setbacks

Lighting standards to be dark sky compliant

Standards for animal waste storage facility standards

Standards for confined or concentrated animal feeding operations

Standards for parking design – left up to the developer based on design rather than building square footage

Questions and comments from residents:

Brigid Beames asked if the word “school” was now in the zoning as a permissible use. She did not see it under permitted uses. Ms. Kiley noted that “school” is listed under “use allowed with site plan approval.”

Ms. Beames asked about traffic control under the new zoning. She pointed out that there have been several traffic accidents on the front lawn of the school. Ms. Beames said they have tried to appeal to the State DOT for a school zone but the DOT will not create a school zone for a private school. Ms. Garrison and Ms. Beames discussed the low visibility that contributes too many accidents in the area. The area businesses and schools create pedestrians, bike commuters and bus commuters who are all at risk in a high traffic area.

Sue Ritter said sometimes the DOT invites Town officials to meetings when a project takes place within the Town, and the Town could relay these traffic concerns at the next DOT meeting.

Ms. Garrison feels that it would make more sense to list the types of uses/business that are not allowed instead of the uses that are allowed. Ms. Ritter pointed out that it’s much more difficult to list uses that would not be allowed as they are potentially unlimited – we cannot foresee all potential proposed businesses.

Ms. Beames asked if they would need to change their signs under the new zoning. Ms. Kiley clarified that existing signs will be allowed to remain in place – that these new standards are for new projects.

Mr. Bergen asked about the CAFO requirements. Mr. Bergen wondered about a CAFO that did not originate in the town. Ms. Kiley said that they would need provide a copy of their SPDES permit – this is a notification given to the Town that shows a farmer is going through the proper permitting process. Mr. Bergen said that his understanding is that local laws cannot be more restrictive than the Ag and Markets law. He noted that is a member of the Hector Town Board. Ms. Kiley stated that the Town only needs the SPDES notification.

Mr. Connor asked about large-scale residential development opportunities in the Town in light of the proposed Hamilton Square development in the Village of Trumansburg. Ms. Kiley noted that since there is no sewer service in the Town, large housing development is unlikely. If such development were created, they would need to create their own community waste water system. An example is a mobile home park with a shared septic system.

Ms. Beames said that none of her seventeen employees live in Ulysses since there are no affordable housing options for them. They commute from Burdett, Hector, etc. – outlying areas that are more affordable. Ms. Garrison said that only one of her employees lives in the Town for similar reasons.

Mr. Connor asked about wind and solar energy in the new zoning. Ms. Kiley said the Town recently passed a solar law that allows large scale solar farms in most areas of the Town. Large solar farms go through site plan review. Currently height limits will not allow wind energy in the Town. There have not been any proposed wind farms in Ulysses so this has not been a focus in the re-zoning effort.

Ms. Beames asked if there has been any interest in developing offices around this OTMU area – Ms. Kiley said there has not been. Ms. Garrison asked if there is not a demand for this development, then why write it into the zoning? Why not just write the new zoning to allow the current businesses?

Ms. Kiley noted that fiber optic is run along the corridor (Route 96), which is part of what drew ATC to the area. This might be a draw to other offices and businesses.

Ms. Garrison feels that to call something offensive or undesirable is arbitrary and opinion-based. Mr. Connor, saying he was playing the devil's advocate, said what about landowners who have to look at other properties that are eyesores? Ms. Garrison said property owners should be in charge of their own land, and if property owners want to control their views, they should buy the surrounding land. Mr. Connor shared an example of a gas station in Caroline with extremely bright lighting in comparison with the Byrne Dairy gas station in Trumansburg. Trumansburg zoning required recessed lighting and this small change for the developer made such a big impact – he feels that the Trumansburg zoning resulted in a building that was easier on the eyes and more respectful to neighbors.

Ms. Garrison feels that there is not enough opportunity for public input into the re-zoning process. She feels that all decisions are being made by a very small group. Ms. Kiley said the Town has tried to gather public input at many times, and public input will be accepted until January 11<sup>th</sup>.

Ms. Beames said she has appreciated all the public meetings. She has attended three and has enjoyed giving input.

Session ended at 8:12pm

Session Two started at 8:39pm. Chaw Chang and Krys Cail were new attendees. Ms. Garrison returned at 8:43. Joel Podkaminer also arrived at 8:43.

Mr. Chang is interested in the design standards, but before that, he asked about on-farm housing as a follow up from the Agriculture zoning meeting that he just attended. Is that the same as on-farm labor housing? Is an owner-operator considered on-farm labor? Ms. Cail thinks that on-farm labor housing is specifically for migrant laborers.

Ms. Cail noted that on small farms you're allowed an Ag. Exemption. There is a concern that small farms will lose their Ag. Exemption under the new zoning.

Ms. Kiley started the presentation by showing the current zoning map and its current allowed uses in the OTMU area around Krums Corners. Ms. Kiley pointed out that Mr. Chang and Ms. Garrison's property (Stick and Stone Farm) would remain under the current zoning designation.

Ms. Kiley stated that the Town is looking to encourage certain types of development (Light Industrial, Research and Development) in the Town, and this OTMU has been identified as the best area in the Town for this type of development.

Ms. Cail asked about landscaping while reviewing the Commercial Design Guidelines in regards to Large Buildings. Ms. Kiley said they would go over all the standards and afterward they could then dig in to specific definitions.

Mr. Podkaminer asked about ATC – does it have 200 feet of road frontage? Is it a flag lot? Mr. Podkaminer is concerned that a flag lot will be removed from the zoning and a business like ATC would not be allowed under the new zoning. Ms. Kiley said that a flag lot is not a use, it is a way to subdivide land and it will be moved to the correct area in the zoning law.

Ms. Kiley showed a photo of desirable agricultural character as one of the design standards. Ms. Cail feels that the photos show what is done in suburban affluent areas to create an agricultural feel, but it does not really show what agriculture looks like.

Mr. Chang asked if the design standards were only for the OTMU or for all areas of the Town? She said these were just for OTMU, that the hamlet of Jacksonville has its own design standards. Mr. Chang asked if the design standards affect agriculture. Mr. Kiley said they did not. Ms. Cail asked if existing designs were grandfathered in. Ms. Kiley said yes, that these design standards were for new development only.

Mr. Chang asked if all of these design standards are online, and Ms. Kiley said there are online.

Mr. Chang asked about sign size. He was concerned that 9 square feet is too small for signs to be seen by people driving by at 55 miles per hour. Ms. Cail said that Monika Roth has a presentation that shows a minimum sign size for farm stands and it is much larger than 9 square feet.

Ms. Cail said that for wineries along the wine trail, OPEN flags are put out when wineries are open. Ms. Cail said under the new zoning, these sorts of flags would not be allowed.

Mr. Podkaminer suggests re-wording the zoning law to allow for creativity.

Mr. Chang feels that there is a lot of control in the law, that it takes away trust between the Town and landowners.

Ms. Cail noted that if we lost lighted billboards at Perry City road, then we would need a street light there for safety.

Mr. Chang asked why trees will be required for parking lots – Ms. Kiley said they were for shade.

Ms. Garrison asked if people can come up with their own landscape plan – the new law says that plans need to be stamped by an architect. Mr. Chang thinks that this can be cost prohibitive.

Mr. Podkaminer is grateful for the opportunity to give feedback.

Mr. Chaw and Ms. Garrison feel that a business owner, or a farmer, or a Jacksonville resident should have been included on the committee to give feedback before the process got this far along.

Mr. Chaw says the changes to the law are so huge, he feels that the law should be broken up. It will take him a long time to read through the farming portion of the law alone, let alone the parking standards and everything else. He feels that to have so many people affected by these standards, it's too much for people to read over, take in and make comments.

Session ended at 9:18pm.

*Respectfully submitted by Sarah Koski on 12/7/2017*