

**TOWN OF ULYSSES
ZONING UPDATES STEERING COMMITTEE
MEETING MINUTES
Thursday, 12/07/2017**

Approved: January 18, 2018

Call to Order: 7:01 p.m.

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: Mary Tutton, Helen McLallen, Dan Clement, John Czamanske, James Brown, Barbara Hotchkiss, Jack Katz, John Wertis, Anne Koreman, Sue Poelvoorde, Roxanne Marino, Bob Howarth, Silas Conroy, Chaw Chang, and Jeff Brown.

Agenda Review; Minutes Review (11/16/2017)

Ms. Thomas MADE the MOTION to accept the amended November 16, 2017 meeting minutes, and Mr. Hawkes SECONDED the MOTION. The motion was unanimously carried.

Privilege of the Floor

Ms. Thomas gave an overview of the ongoing zoning updates and noted the Comprehensive Plan identified both the agriculture and hamlet zones as areas to address. Further, the Ag and Farmland Protection Plan expresses a charge to preserve farmland. ZUSC hopes to finish up the updates in the next couple of months. Comments on the updates will be taken until January 11 [Note: later changed to 1/25] before the update is sent along to the full Town Board, who will vote to pass it into law. A structure was laid out for the Privilege of the Floor segment, with the initial portion for comments followed by questions.

Mr. Wertis read a prepared statement – included in full with other written comments as part of supplementary documents to these minutes – arguing that regularly cited building permit information is incorrect; Randall + West has often said there are about 10 building permits for new homes every year. However, about four or five of those are for homes within the ag zone. He requests ZUSC and consultants to get the facts.

Mr. Clement also read a prepared statement. Owner of two sizable Dubois Road lots, he said he purchased the properties as investments and, in the 20 years he has owned them, he has leased some of the land to farmers. He had the properties appraised, and it was determined their best use was for building lots. The proposed zoning will reduce the value of the land significantly. Restricting his 36-acre parcel to only two lots is substantial and a major loss of money. If the Town wants to restrict development, they should reimburse landowners for the lost land value.

Ms. Tutton said she and her husband sold acreage because he can no longer farm the land and is in poor health. They do not have a retirement and are relying on selling the property. It is cutting us down if this goes through, she said, and it is upsetting.

An owner of two farm parcels and a store in Jacksonville, Jim Brown said he is very upset about the proposal for Jacksonville, which he feels will not bring any businesses to the hamlet. If anything, the new zoning measures will keep potential businesses and residents away because it would be too expensive to afford. Is there anybody on the Committee that has a business or farmland in the Town of Ulysses? You have nothing to lose, and we do, he said, adding that his retirement is in his properties. His produce market is probably the second largest taxed parcel in the Hamlet, and because it is a steel building, you find it offensive. I take great offense to that, he said.

Mr. Chang read a statement. There has not been enough time to determine the impact of this zoning change, he said, and disagreed with ZUSC's statement that it has made a good faith effort to hear from community members; no one from the public is permitted to speak except during Privilege of the Floor. How much power and control should the Town exact to achieve its zoning goals? ZUSC claims as much as legally possible, he said, but Ag and Markets disagrees. This law doesn't reflect Town values.

Mr. Howarth owns 93 acres of farmland and served on the Town's Ag and Farmland Protection Plan (AFPP) Committee. At the time the AFPP was being drawn up, the committee did not know for certain how much farmland was actually owned by farmers. Anywhere from 40 percent to 67 percent of Town farmland was owned by non-farmers. Those non-farmers are an important voice for the community to hear. People own farmland for any number of reasons, but Mr. Howarth believes in climate change and preserving what he feels are the best soils in the world. He wants to preserve his land for ag use while also preserving open space and viewsheds. The plans put forward are good but not strong enough. Specifically, he calls for a greater road frontage minimum requirement, as high as 700 feet. The current 400 feet is a good compromise, but a minimum 200 feet of road frontage is bad and he argues strongly against it.

Jeff Brown objected to some of the parameters within the Hamlet center. With all of these new restrictions, he does not see why any business would want to move to the Hamlet. Only big box stores and franchise chains with deep pockets can comply with the proposed standards.

Ms. McLellan owns farmland in Town and rents it for ag use. She sees the proposal as more of an effort to preserve open space rather than supporting the ag community. Her land is ancestral and it would be a great sadness if she were forced to sell it if there were no farmers to work it. We need to have more accommodations for farmers and landowners than this current proposal has. She has great sympathy for those who are relying on their land for retirement.

Ms. Marino urged ZUSC to look more into Purchase of Development Rights. There have been a lot of assumptions made about the potential loss of land value, and it would be a good idea to get some data on PDRs and determine if loss of value is a viable concern. Mr. Chang said he wholeheartedly agreed. The Ag Committee is doing just that, working with a real estate professional to review sales of lots between 2-5 acre, 5-15 acre and 15 acre and above. He feels

he is doing a lot of the work ZUSC should be doing and is not allowed to say anything about it. In response to Mr. Brown, Mr. West said ZUSC has heard from the Jacksonville community about the quality of development they would like to have in the Hamlet. In response to concerns about loss of land value, consultants have taken time to review other municipalities and connect with appraisers and real estate professionals. What consultants have heard is that most of the value in Ulysses farmland is in its farming potential, not development potential. The Town is being smart in addressing and setting limits on development before a tipping point is reached. As for the Hamlet design guidelines, the purpose is to give the Planning Board the power to review large proposals and have standards to help determine if a project does or does not fit the vision for the Hamlet. The community has that tool to lean on when they do not want some kind of development. These design guidelines would not apply retroactively to existing businesses.

Ms. Thomas asked some specific audience members which parts of the zoning are concerns – is it the number of allowable subdivisions, lot maximums? Jim Brown said he has a 13-acre parcel on Route 96 with 700 feet of road frontage. An interested buyer wants to put three houses on the property. How would I sell it? He asked. Ms. Kiley said flag lots would make that possible, under current zoning – one lot on the road, and two flag lots off of it. Does that mean a 7.5 acre plot has zero subdivisions under the proposed zoning? Mr. Chang asked. It does. That means if I have 4 to 7.5 acres of land, he said, the Town has made that undevelopable. Someone he knows is planning to subdivide 6 acres for a member of their family, and retain the land for farming. Proposed zoning makes that impossible. Ms. Kiley said a situation like Mr. Chang described would be best reviewed by the Board of Zoning Appeals. Her hope would be that the BZA would see the family in question is not taking land out of farming.

Mr. Clement said he has a 38-acre parcel, best suited for development. Are you saying that property values would not be greatly reduced under the proposed zoning? Mr. West said it is hard to say. He would be surprised if values were significantly reduced.

Mr. Howarth asked the following questions: Is ZUSC considering whether we need to make all of the Town into an Ag District? What is the process for keeping track of the number of subdivisions, and how confident is the Town with the tracking process? First, Mr. West said subdivision limits would reset every 25 years. In regard to tracking, he said it used to be difficult but GIS has made it much easier. Ms. Kiley would track the subdivisions. She noted Dubois Road is designated as an environmentally protected area in the Town Comprehensive Plan and though many lots have been sold there, water quantity and quality are major concerns. That area is not sustainable for housing density. Ms. Thomas noted installing a new water district is expensive; it will be costly just to bring 20 houses on Falls Road onto the Village's new water line. Also, the State objects to the Town running additional water mains into ag areas, because they do not want the Town carving up its farm land.

Mr. Cszmanske is a retired municipal planner and lives on Dubois Road. He had several questions, including how ZUSC arrived at the 15 divisor, whether or not the County Planning Department has reviewed the zoning proposal and the track record of communities that have taken a similar approach to zoning. Mr. West said the 15 divisor was not originally suggested but came after much back and forth between committees and community members. Ten was the

original divisor, he said. Ms. Randall cited the towns of Seneca and Pittsford as two communities that ZUSC and consultants reviewed as part of the zoning rewrite.

Mr. Wertis said density-based averaging would actually reduce the value of farmland. The model for this approach is Lancaster Country, Pa., which has a large Amish population and a robust Purchase of Development Rights (PDR) program, neither of which the Town has. Mr. West said the density-based averaging strategy is done before development pressure. How did you determine that, currently, the development values here are not as high as ag land value? Mr. Chang asked. If you have not examined it, you are making an assumption. Mr. West cited the trend of 10 housing starts in the Town each year, four or five of which take place in the Ag District.

Mr. Howarth, of the BZA, said his Board does its best to keep the intent of Town zoning. However, the BZA needs guidance – is ZUSC putting a priority on farmland, open space or are they coequal? Mr. West said the primary goal is preserving farmland, and open space is secondary.

Mr. Wertis asked if ZUSC planned to have similar meetings between now and when the proposed zoning is passed on to the Town Board. He said there are lots of intelligent people who have clearly found the document overwhelming. It seems ZUSC should be reaching out to the public more, he said. A member of the audience commended the Committee for its transparency and holding comment periods with the public.

Ms. Marino offered a question on subdivision tracking: what if a property does not have any more subdivisions left, but the owners divide and sell it anyway? What is to stop the property owner once the property is transferred? Ms. Kiley said any sale needs the County Assessment's stamp of approval. The property sale would be kicked back to the Town at the County level.

Will simple subdivisions require site plan review under the Planning Board? Mr. Wertis asked. Ms. Kiley said no.

Ms. Marino said this evening's meeting was helpful. She urged ZUSC to clarify in the proposal zoning's Purpose that the priority is to preserve ag land more so than open space. She reminded those in attendance that the guiding documents on this zoning process – the Town Comprehensive Plan and the Ag and Farmland Protection Plan – were reviewed by residents, the County and State Ag and Markets. There has been a long history and a strong reasoning for zoning rewrites, and trade-offs will have to be made if you want to achieve them. Acknowledging that ZUSC is deep into the process, she encouraged a working group of stakeholders to work together on the document.

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

Meeting adjourned at 9:02 p.m.

Respectfully submitted by Louis A. DiPietro II on January 11, 2018.