

**TOWN OF ULYSSES
ZONING UPDATES STEERING COMMITTEE
MEETING MINUTES
Thursday, 01/18/2018**

Approved: February 8, 2018

Call to Order: 7:00 p.m.

Present: Chair Liz Thomas, and Committee members Michael Boggs, Rod Hawkes, Darby Kiley, Sue Ritter; David West of Randall + West; Roxanne Marino of the Conservation and Sustainability Advisory Committee (CSAC); Bob Howarth and Steve Morreale of the Board of Zoning Appeals; David Blake, Rebecca Schneider and John Wertis of the Planning Board; and Chaw Chang and Mark Ochs of the Agriculture Committee.

Public in Attendance: Rich Goldman, Ann Filley, Linda Liddle, and Sara Worden.

Agenda Review; Minutes Review (12/7/2017; 1/4/2018)

Ms. Thomas MADE the MOTION to accept the December 7, 2017, and the January 4, 2018 meeting minutes, and Mr. Boggs SECONDED the MOTION. The motion was unanimously carried, 4-0.

After introductions, Ms. Thomas said the comment deadline for the ZUSC draft proposal is January 25. Both CJ Randall and Mr. West are working on expanding summaries for the draft sections.

At this time, Ms. Thomas offered the following resolution, saying that ZUSC feels it is time to hear equally from other committees.

Ms. Thomas MADE the MOTION to approve the resolution, and Mr. Boggs SECONDED the MOTION as follows:

WHEREAS the Town of Ulysses Zoning Update Steering Committee feels that the input from the Agriculture Committee, the Planning Board, the Board of Zoning Appeals, the Conservation and Sustainability Advisory Committee, and the Jacksonville Community Association is important to the process of finalizing a draft of proposed changes to the Ulysses zoning law.

Therefore, be it

RESOLVED that the Town of Ulysses Zoning Update Steering Committee (ZUSC) invites the chair/president, or a member appointed by the chair, of each of the following groups as their representative at subsequent ZUSC meetings:

- Board of Zoning Appeals

- Planning Board
- Agriculture Committee
- Conservation and Sustainability Advisory Committee
- Jacksonville Community Association

RESOLVED that ZUSC recognizes each of these representatives as full members who may join in discussions, and votes, equal to any other member of ZUSC.

The vote was as follows:

Ms. Thomas	AYE
Mr. Boggs	AYE
Mr. Hawkes	AYE
Ms. Kiley	AYE

Result: Resolution passes

ZUSC's next meeting is February 8, Ms. Thomas said.

Zoning Discussion

Ms. Thomas said there is no looming deadline for ZUSC to send the zoning draft to the Town Board. Town reserves can cover costs associated with the zoning rewrites until the grant funding is released. As to the document, she said zoning is a set of compromises; there are elements we like and dislike. She referenced opposition to the lakeshore zoning effort, and noted that some lakeshore property owners who were staunchly opposed to it came to appreciate the rewritten zone after neighbors proposed building various structures. The Town Comprehensive Plan, Route 96 Corridor Study, and the Ag and Farmland Protection Plan all point to open space as a key community feature. Analysis within those same documents points to zoning as a tool to protect farmland and open space.

She laid out the structure of the meeting, and stakeholders took turns identifying key areas of concern. The top five key concerns – picked by a vote of all participating stakeholders – would help guide the ensuing discussion. Each stakeholder group offered two or three concerns. Some of them included (presenter noted in parenthesis): 4-acre maximum lot size (Mr. Ochs of the Ag Committee); maintain 400 feet minimum road frontage (Mr. Morreale of the BZA); misinformation or lack of accurate data used by the consultants and ZUSC (Mr. Blake of the Planning Board); opposes the one-size-fits-all approach of the Ag/Rural Zone (Ms. Schneider of the Planning Board); lack of clarity concerning regulations (Ms. Marino of the CSAC); the new regulations and design guidelines are seen by farmers as unfriendly (Mr. Chang of the Ag Committee).

Ms. Ritter arrived at 7:18 p.m.

Once key concerns were laid out, each stakeholder then voted on their top five. The questions and concerns receiving the most votes included:

1. Should the Town reduce development potential?
2. Should the Town have more zones than just the Ag/Rural zone?
3. Protecting the public health and safety of the community is top priority?

Though the group picked five topics, members were only able to get through the three above topics.

Should the Town reduce development potential?

Mr. Howarth said it is clear the Town has steadily lost some agricultural land and open space; the Ag and Farmland Protection Plan states as much. The big concern moving forward is the expansion of residential encroachment. The BZA believes it makes sense to encourage density where there is adequate water – like at the edge of Trumansburg Village and the Jacksonville Hamlet – and reduce residential potential as much as possible in the ag land. The BZA favored 15 as a divisor for subdivisions, with a small tweak, he said.

Mr. Chang said it is important to look at the data, which is unclear. What the Ag Committee has done is map out every certificate of occupancy issued between 2001 to 2017. They found that the amount of farmland lost to development is low; there were 25 certificates of occupancy that resulted in the loss of 150 acres of farmland from 2007 through 2017, but 94 acres went back into farmland. Active farmland is actually increasing. We question the need for development restrictions, he said.

Mr. Wertis questioned whether reducing development potential was really the focus of the conversation, or is it suburbia that we are trying to prevent? Also, zoning revisions do not garner much attention from the community or the press, and it seems people are unaware such a revision is taking place. Something should be done to reach out to the community about these zoning rewrites.

While supporting the need for data, Mr. Morreale said the Town needs to look forward, and recent data is not predictive of future development. We need to consider what could be. He said he is in favor of reducing development in ag areas and using clusters as a way of limiting expansive development along the roadway.

Ms. Schneider shifted the conversation from density to land quality. Soil can be permanently contaminated, so much so that farming is not an option, she said. There needs to be controls in place to ensure that the Town's prime soils are protected from contamination; they are a key resource. We may need to really restrict certain activities – engine work, for instance – on prime soils. Reducing development potential is important; so is seeing to the health of the soils.

Do we need to focus on small residential development, or solely large subdivisions? Mr. West asked.

Ms. Marino said the Town does not have large subdivisions, but does have residential development dotting the landscape. Within CSAC, members thought the Town is setting up conflict between residential property owners and farmers by allowing houses to line ag fields.

She noted Ms. Ritter's point on Town water issues, she said. CSAC favors forming an ag protection zone that is more restrictive.

Mr. Ochs said he does not see a problem with limiting development, unless agriculture at some point is no longer viable. With deed restrictions in place, the Town makes it more difficult for the farmer to attain more land. If a farmer wants to buy 100 more acres, they rely on the equity from their current land to borrow in order to pay for more acreage. A loan officer he spoke with said they do not value ag land the same if there is a deed restriction on it. The Town does have great soils, Mr. Ochs said. However, the danger is being stuck with a 12-acre non-producing chunk of acreage that would be best for housing and sitting on it for 25 years until you are allowed to develop it.

A straw poll was taken to gauge whether the group was in agreement that the zoning document should help reduce the amount of residential development in the ag zone. The majority of the group was in favor of reducing residential development, with Mr. Chang, Mr. Ochs and Mr. Wertis objecting. Mr. Wertis raised the issue of reducing land values by way of limiting development potential. In a subsequent straw poll, the three voted to remain discussing the topic of reducing residential development, but the majority opted to move on.

Should the Town have more zones than just the Ag/Rural zone?

If you believe there should be more zones, Mr. West began, what would they look like, and how would they be different – larger lots, more restrictions, less restrictions?

Ms. Schneider favored a reduced number of accessory uses. No air strips, for example. Certain uses should be restricted on prime soils. Also, groundwater recharge zones are worth developing, she said.

Mr. Morreale said he is not for taking R1 and having it conform to a larger lot size, and he is strongly opposed to allowing smaller lot sizes in the A1. He reiterated the BZA's charge to retain the Town's 2-acre minimum lot size, 400 feet of minimum road frontage, and 15 as the divisor for subdivisions. Mr. Howarth said two zones would be preferable and supported Ms. Schneider's statement on protecting groundwater.

Ms. Ritter said she is open to the idea of condensing some of the area identified as ag while increasing the Conservation Zone and the R2. Ms. Marino supported this idea, saying the Town should increase the areas in the R2, Conservation Zone, and the southeast corridor, rather than have a mish-mash of residential and agricultural zoning.

Mr. Chang would like to see more data if defining Town areas for ag or residential use. Is the land value different in other areas of the Town based on the development pressure in that particular area? ZUSC should be considering how it is restricting the value of a property owner's development potential; that is not to be taken lightly. There is little data on this, he said. Would the Town examine where there has been residential development and then allow further development where there is demand? Mr. West said. Maybe, Mr. Chang said. Mr. Wertis agreed with Ms. Ritter's thoughts concerning revisiting the topic of the southeast area and Mr. Chang's

statement on the need for data. Decisions to alter zones should be based on real estate data, he said.

Mr. Hawkes returned the conversation to the draft zoning map. A straw poll was taken on the question of: Should the Town add more zones to the modified map, specifically in the Ag/Rural Zone? The group was unanimously in favor.

What would the differences be in those new zones? Mr. West asked, adding that it seems preserving environmental resources and restricting certain uses are key criteria.

Mr. Ochs said the Ag Committee and the Ag and Farmland Protection Plan Committee both liked 200 feet minimum road frontage because it helped maintain access to fields for farming. There are cases where 400 feet of frontage saves land and other cases where it makes it harder to farm. When limiting acreage and subdivisions, and then adding a road frontage minimum, you could greatly reduce development potential. The 200 feet minimum road frontage requirement is actually friendlier to the farmer.

Mr. Howarth said he is in favor of 400 feet minimum road frontage. One thing to consider: where there is a lot of development pressure, maybe use some divisor instead of 15. Perhaps for larger areas, the BZA's 80/20 conservation/development split would be best. The R1 Zone could have fewer restrictions, with perhaps 5 as a divisor for subdivisions.

Ms. Thomas noted that the main difference between the Ag and R1 zones would be the total number of allowable subdivisions within the Ag Zone. Adding a minimum road frontage requirement on top of limited subdivisions acts like a double restriction. Why not favor a 1-acre minimum lot size and 200 feet minimum road frontage in the Ag Zone?

That makes sense, Mr. Wertis said, but it is difficult to build on 1 acre of land out in the country. A 2-acre minimum makes a lot of sense.

Ms. Schneider agreed the map needs more parts. She noted another type of overlay: viewsheds. Currently, Tompkins County identifies eight Town areas with prime views, and current Town zoning may not protect those. An overlay map could identify those areas, rank them and the Town could then possibly do purchase of development rights (PDRs) in those areas.

There are still opportunities for certain kinds of farming in denser residential areas, Mr. Chang noted. He has farmed a 10-acre parcel with a house in front of it. The Ag Committee has proposed using site plan review for large acre lots to ensure correct house siting and better drainage. Restricting development areas for farm uses may not be the best idea. People want large acre lots to build on, like 5 or 12-acre lots. But they can still farm them.

The BZA is totally against a 1-acre minimum lot size, Mr. Morreale said. There are health issues associated with being in close proximity to farm areas. Also, 200 feet of minimum road frontage means more houses dotting the roadways. A 2-acre minimum is the way to go.

Mr. Wertis summarized some of the suggestions put forth: identify valuable soils, and subdivisions of roadside lots located on valuable soil should be under site plan review. Those are standards that would give the Planning Board the power to restrict development in certain areas, which might necessitate the need for transfer of development rights (TDRs). That would be fair. The Town of Covert did something similar in their zoning, which prohibits landowners from blocking access to farm fields by way of road frontage.

With the restriction on the number of lots in the Ag Zone, Mr. West said, do we need to have further limits imposed by a 400-foot road frontage minimum? Say we use 15 as the divisor, Ms. Thomas added, should the Ag Zone have 200 or 400 feet minimum road frontage?

Mr. Wertis stressed that each property is different. Some lots designated as having prime soils may not be amendable to farming (it could be a wooded area, for instance). He reiterated Ms. Schneider's suggestion: the Town needs a system to clarify the best farmland and put restrictions on that.

On the subject of 200 feet minimum road frontage, Mr. Morreale cautioned that under current zoning, two houses are allowable on every residential property.

A straw poll was taken on the question of whether ZUSC should proceed with altering the map and retaining a 400-foot road frontage requirement. A majority of seven – Mr. Morreale, Mr. Howarth, Mr. Boggs, Mr. Wertis, Ms. Schneider, Mr. Hawkes and Ms. Marino – voted in favor. Five voted for 200 ft of road frontage.

Protecting the public health and safety of the community is top priority?

Ms. Marino said the discussion should begin with CAFOs, which should remain under special permitting. CAFO size and location, added Ms. Schneider, need to be discussed. It was agreed among group members to dedicate 10 minutes to the discussion of CAFOs.

Mr. Boggs took the issue further, saying the Town should regulate manure piles and even kennels. His reasoning was that any house construction needs approval of the Health Department regarding sewage. However, a two-horse farm will produce more manure than any family. In response, Mr. Chang referenced the state's position that views any regulation on manure management within an ag district to be considered unreasonable. Further, restricting CAFOs by special permit is unreasonable. Whether or not a Town is legally allowed to exercise restrictions against CAFOs will be decided by the courts, not the Town. He noted Tompkins County Soil and Water and said the vast majority of farmers are enrolled in smart, responsible manure management programs. Mr. Howarth felt the health risks associated with living near a farm, and CAFOs especially, are real. Towns have the legal right do more than what the state mandates. The Environmental Protection Agency has recognized that its previous regulations on CAFOs and manure management were not adequate and are currently rewriting them. State DEC says farmers should use Cornell's nutrient management guidelines. In his recent State of the State, Governor Cuomo deemed algae blooms – like those in Cayuga Lake – are now a state

emergency. The consensus is those blooms are tied to nutrient input mostly from ag sources, Mr. Howarth said.

Who within the Town of Ulysses decides on the regulations on CAFOs? asked Mr. Ochs. What will the guidelines be, who determines them, and how would those standards differ from those in neighboring counties?

Ms. Marino said CAFOs have been under special permit within the Town for 12 years, and the Town has yet to be sued. Ulysses had overwhelming support for a fracking ban and instituted one, despite begin told repeatedly that the Town would be sued.

The Town has the right to restrict CAFOs if you can demonstrate health risks and pollution with facts and figures, Mr. Wertis added.

Should we keep CAFOs within special permit? Mr. West asked.

Mr. Chang said the Ag Committee does not want to be involved in any peer review process of CAFOs under special permit.

Taking a straw poll on the question, the majority was in agreement CAFOs should remain under special permit. Mr. Ochs and Mr. Chang opposed.

Ms. Thomas reiterated that the straw polls are not official votes.

Future meetings were briefly discussed. Mr. Chang said there is no way he can attend two ZUSC per month on top of the Ag Committee.

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

Meeting adjourned at 9:16 p.m.

Respectfully submitted by Louis A. DiPietro II on January 29, 2018.