

**TOWN OF ULYSSES  
ZONING UPDATES STEERING COMMITTEE  
MEETING MINUTES  
Thursday, 02/22/2018**

**Approved: March 1, 2018**

**Call to Order:** 7:03 p.m.

**Present:** Chair Liz Thomas, and Committee members Michael Boggs, John Gates, Rod Hawkes, Darby Kiley, Diane Hillmann, Roxanne Marino, Steve Morreale, Rebecca Schneider, and Sue Ritter; David West of Randall+West; CJ Randall attended via teleconference.

**Public in Attendance:** John Wertis, Greg Reynolds, John Liddle.

**Agenda Review; Minutes Review (02/08/2018)**

Ms. Thomas MADE the MOTION to accept the February 8, 2018 meeting minutes, and Ms. Schneider SECONDED the MOTION. The motion was unanimously accepted, 9-0.

Mr. Boggs arrived at 7:06 p.m.

**Privilege of the Floor**

Mr. Wertis said he had a phone conversation with the Cornell representative involved with the Ithaca Inlet Valley study, which included population data for the Town of Ulysses. That data was pulled from the American Community Survey, which, Mr. Wertis noted, says just 30 houses were built in the Town between 2005 and 2011. That represents an average of roughly four homes per year, a far cry from the housing numbers presented to the public by the consultants, he said. In response, Mr. West said the American Community Survey – which is used to get multiyear estimates and helps inform U.S. Census data – represents a small sampling applied broadly to the entire Town; it is not a great resource when analyzing Town data from year to year, he said. However, when reviewing building permits year to year, Mr. West said consultants saw a clear rise in the number of houses up to 2008, a drop-off during the recession, and then another rise.

Mr. Reynolds thanked the ZUSC for its efforts, but said it is important to ask, why are we doing this, and have we lost sight of the goals? Maybe there are unintended consequences of our efforts.

**Discussion of Public Comments**

Mr. West gave a roughly 30-minute long presentation breaking down why the Town has been proceeding with zoning rewrites and showing how proposed rewrites draw from directives outlined in the Town Comprehensive Plan and the Town's Ag and Farmland Protection Plan.

These proposed changes do not originate with consultants, but with these two plans, he said. Mr. West ran through several examples of recommendations pulled from the two plans that are now being incorporated into the new zoning law, like using a density-based or fixed-area ratio zoning approach and passing an ag land mitigation ordinance. Other recommendations, like passing a Right to Farm Law, were completed in the last several years.

Mr. West then transitioned into some of the 60+ public comments received on the zoning rewrites. Some of the major concerns regard the limit on the number of subdivisions, loss of property value and loss of income from selling development rights. For each concern, Mr. West gave a rationale as to why those zoning changes were being made, each time referencing one, or both, of the Town plans. Actions to preserve ag land and open space are being done because the people of Ulysses have identified both as important resources, he said.

Ms. Hillmann prompted a short discussion on the Waterburg Hamlet and existing housing in the Jacksonville Hamlet. Mr. West said ZUSC discussed whether or not to apply hamlet zoning to Waterburg, but the idea was ultimately opposed because there is not additional demand for development; it does not make sense to encourage subdivisions there, he said. Ms. Hillmann noted that in all the discussions of the Jacksonville Hamlet as a development area, there has been no explanation or inventory of existing, older housing and its value.

Ms. Kiley gave a general overview of the NYSERDA grant funding the Town's zoning work, saying that the 75/25 State-Town match was appealing, considering most grants are 50-50. Some public comments have suggested NYSERDA is pushing its own objectives, but Ms. Kiley said she has not felt that in any way. In fact, she has not received any input from NYSERDA at all; all zoning proposals are pulled out of Town plans. The grant application was submitted in 2014, and the first meeting of ZUSC was held in November 2015, with the first public outreach meeting held in February 2016 and other public meetings were held in April 2016, June 2016, March 2017, October 2017, and November 2017.

Other comments focused on the process, that ZUSC membership did not include any farmers and the Ag Committee was formed too late. Ms. Thomas met with Mr. Wertis and another ag community member in March 2014 to discuss the make-up of the Ag Committee, with the initial plan to have it consist of nine members. However, the Town did not receive nine applications for the available seats, and in September 2015, the Town Board passed a resolution for a five-member Ag Committee, Ms. Thomas said. It formed in early 2016. Explaining why some current ZUSC members were not involved in the past formal discussions, Ms. Thomas explained that the group was attempting to create the best draft with a smaller, more nimble core of six, then five, members.

Ms. Marino requested Ms. Kiley post the grant application to Dropbox in order for ZUSC members to review it.

Ms. Schneider felt Ms. Thomas's explanation was a revelation and a relief, particularly since deadlines concerning the NYSERDA grant were discussed at the community forum in November. It was not a case of exclusion on account of ZUSC, Ms. Schneider expressed, but

simply ZUSC forming the foundation or “straw man” of zoning rewrites to be honed and finalized.

Mr. Gates said the zoning rewrite process did not feel inclusive, and the Ag Committee felt there should be some farmer representation on ZUSC. Though Committee membership has expanded, it does feel like the 11<sup>th</sup> hour, he said. Ms. Marino also noted past ZUSC meetings where deadlines were discussed.

Moving on to concerns over Town housing data and analysis, Mr. West said ZUSC has data on Town housing starts, and consultants released a memo of places within ag areas where there have been subdivisions. Ag land is typically lost when the land is subdivided, and new houses are built on it, or land is subdivided, sold, and the new owner no longer allows farmers to lease the land for production. There is nothing in Town zoning that gives the Town the power to require a landowner to continue farming production forever. The Town could choose to save portions of the Town exclusively for farming, he said. ZUSC’s and consultants’ proposed zoning reduces the amount of housing development; that is our entry in controlling development in ag land, he said. The Town could choose to prohibit building any house on ag land, but the community does not want that, he said, adding that ZUSC needs to think about what will happen in the future. We want to look at what would be allowed in the future as development pressure increases or decreases, he said.

Concerning questions of whether the Town has eight or 10 housing starts per year, Mr. West said reviewing the time range makes a big difference: prior to 2008, the Town had more than 10 housing starts per year, then it dropped to basically zero during the recession, and then began to creep back up. Additionally, development is not focused on particular areas in Town but is spread out and added incrementally with each year. Mr. Morreale noted the BZA’s main recommendations to ZUSC are to minimize sprawl and encourage housing density and concentration in certain areas, like the Hamlet.

What is important for the Hamlet of Jacksonville is not the size of lots, Ms. Hillmann said, but rather how existing housing is used or reused. Over the last decade, Hamlet properties have been subdivided, and older houses have been converted into rentals owned by absentee landowners who do not maintain the properties. They become eyesores, she said, and blight follows. Ms. Schneider said she has been thinking more about protecting historical structures. The Planning Board recently passed a resolution supporting Mr. Wertis as he researches and completes an inventory of historic buildings in the Town. Is there a historic zone the Town could make? Mr. Morreale asked. Mr. West said you could have a historic district, but that is outside the scope of the current zoning work.

On the concern over loss of property values, Ms. Thomas said she and Ms. Marino previously met with County Assessor Jay Franklin to discuss whether or not this was a valid concern. The take-home message, according to Ms. Thomas, is that Mr. Franklin does not assess land based on its highest and best use, but rather its current use. Ms. Marino added Mr. Franklin said there is no hard and fast rule that translates zoning regulations to assessed value. County Assessment also does not consider anywhere in the Town as having significant development pressure, she said. Ms. Kiley said she spoke with four lending agencies several years ago to find out if limiting the

number of subdivisions impacted a farmer's ability to borrow. The four agencies said such zoning measures do not impact the ability to borrow. Instead, lenders base what they lend on the land's ag use not the development potential, she said.

Next, Mr. West showed a slide with sales data for recently sold Town acreage. The figures showed that sellers get more per acre for smaller lots than for larger lots. Mr. West also noted the contradictory substance of some of the comments: on one hand, some have said the Town has no development pressure; on the other, some landowners have argued zoning will reduce their land values, suggesting there is development pressure. ZUSC has to reconcile these two competing viewpoints.

Ms. Schneider thought Mr. West's presentation on the Ag Plan was cherry-picked in that it focused on housing- and development-related zoning efforts, but there are other important resources to consider as part of the rewrite, like supporting nature trails. Mr. West explored certain things in ag land, but she would have first identified important Town resources and then worked to ensure those resources were top priorities in the zoning update. Prime soils are one such priority. There are a few large contiguous areas of prime soils that are of state importance; let us identify those areas first and then draft regulations. She appreciated the presentation but felt it only reflected some Town goals. Ms. Randall said the Town could choose to add environmental protection overlays based on a Town natural resource inventory. Ms. Kiley said Cooperative Extensive is in the process of doing such an inventory in the Town.

Addressing other concerns, Mr. West said one common misconception is that the proposed maximum lot size would prohibit a property owner from building a house on an existing 4+ acre lot. That is not the case. There is nothing in the proposed zoning that would prevent a property owner from building a home on a lot that is larger than the 4-acre maximum lot size, Mr. West said.

### **Privilege of the Floor**

Mr. Wertis said the Ag and Farmland Protection Plan (AFPP), which Mr. West cited in his presentation, does not reflect what the AFPP Committee drafted back in 2010 and 2011. The version of the AFPP which Mr. West cited was approved by the Town Board in 2013. The charitable way to characterize the AFPP is as a fraud, he said. Mr. Reynolds claimed some farmers believed the AFPP was altered before the Town Board voted on it, which Ms. Marino strongly challenged. She was the Town Supervisor at the time, and there are archived documents to disprove Mr. Wertis' claims.

Mr. Liddle suggested the Town post the public comment spreadsheet in a central place where anyone can view it.

Mr. Reynolds requested anytime zoning is discussed with public officials be submitted in writing and signed.

Mr. Gates requested to see the notes from Ms. Thomas's and Ms. Marino's meeting with Mr. Franklin. Ms. Marino agreed, saying that she will first run her notes by Mr. Franklin to ensure

their accuracy, and then she will send them along to Ms. Thomas to distribution to the committee.

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

Meeting adjourned at 9:12 p.m.

Respectfully submitted by Louis A. DiPietro II on March 1, 2018.