

**TOWN OF ULYSSES
ZONING UPDATES STEERING COMMITTEE
MEETING MINUTES
Thursday, 03/01/2018**

Approved: March 22, 2018

Call to Order: 7:01 p.m.

Present: Chair Liz Thomas, and Committee members Michael Boggs, John Gates, Rod Hawkes, Stephanie Heslop, Darby Kiley, Roxanne Marino, Steve Morreale, Sue Ritter, and John Wertis; CJ Randall and David West of Randall+West.

Public in Attendance: Bob Howarth, Greg Reynolds, John Liddle.

Agenda Review; Minutes Review (02/22/2018)

Ms. Thomas MADE the MOTION to accept the amended February 22, 2018 meeting minutes, and Mr. Hawkes SECONDED the MOTION. The motion was accepted, 8-1, with Mr. Wertis voting no and Mr. Boggs abstaining.

Privilege of the Floor

Mr. Howarth, who served on the Ag and Farmland Protection Plan (AFPP) Committee, said he believes Mr. Wertis is wrong in his view that the Plan does not reflect what the Committee put together. Both he and Mr. Wertis were appointed to the AFPP Committee in the Fall of 2009; Mr. Wertis was chair and Mr. Howarth was a member who kept careful notes. Bergmann Associates was hired by Doug Austic, and they did an excellent job. The Committee spent considerable time on the Plan, accepting some of Bergmann's suggestions and rejecting others. In March 2010, the Committee endorsed language pertaining to density zoning. In 2010 or 2011, the Plan was almost unanimously accepted, and language within it remained unchanged. Mr. Austic made the Committee aware in its first meeting that the Town Board was the advisory entity and had the right to change the Plan. However, the Town Board made minimal changes.

Mr. Reynolds said he attended the AFPP meeting when it was voted on. He urged those interested to listen to the audio recording from the meeting. He also said he is currently gathering data on the economics of zoning and will put it together for ZUSC's review.

General Updates

Ms. Thomas said the Excel spreadsheet that includes public comments is up on the Town website. She also spent time comparing the Ag and Farmland Protection Plan submitted by the AFPP Committee and the version that was ultimately passed by the Town Board, specifically section 4. There are edits for clarity and grammar, but from her viewpoint, Ms. Thomas felt the two versions were pretty much the same.

Mr. Wertis circulated the first installment of a short history of the AFPP that he compiled. Ms. Marino noted that there is already a full record of the process. She objects to the continual stream of one-sided accusations and said that if there is to be a review of the AFPP, then a subcommittee should lead it.

Discussion Items – draft zoning map, land preservation systems, how design standards apply to agricultural uses (signs, parking, loading docks)

Mr. Morreale gave a presentation of GIS maps and how they can be customized to project potential density on certain-sized lots. He felt ZUSC should visualize what it wants to accomplish, and then structure a zoning system to meet those goals. A general discussion ensued regarding density, open space, and possible protective measures to preserve both ag land and open space. Conversation then focused on possible systems, namely the 80/20 conservation/development proposal originally put forward by the Town Board of Zoning Appeals.

Mr. Howarth gave a brief overview of the 80/20 proposal: passed last April, the proposal would preserve 80 percent of a given lot at the time of first subdivision. The remaining 20 percent could be developed in whatever way the property owner would like. This approach would give the landowner more flexibility and is quite similar to the ZUSC's previous proposal that called for a divisor of 15 to determine the number of allowable subdivisions on a given lot. Continuing, Mr. Howarth said the details of lot size and frontage become critical when considering the 80/20 proposal; if the Town chose to do 150 or 200 feet minimum road frontage, the result would be strips of development along the roadway.

Ms. Thomas said the Ag Committee opposed the 80/20 proposal, but ZUSC does not have a good sense which parts the Ag group finds objectionable. Mr. Wertis felt the Ag Committee is still questioning the actual rate of land lost and favors the current zoning. Mr. Gates noted the Ag Committee's recommendation to use site plan review at the time of subdivision to limit development on ag land. However, Mr. West said site plan review would not be a good strategy, since most of Town ag land is not lost at the time of subdivision; it is lost when a house is built, and the new owner decides a year or two into living there that they do not want to continue leasing the land for ag use. House location on a parcel, which site plan review handles, is not the issue. The issue is the lot is subdivided in the first place. Ms. Randall added that site plan review addresses impacts of use – landscaping, parking, egress and safety, for instance – not the use itself, which in this case would be single family homes. The Town could limit single family homes in protected areas with environmental overlays and a sound rationale for them. To deny a home without such overlays is a stretch. She advised the Town to complete a natural resources inventory to inform environmental overlays, which would provide sound legal footing to deny single family homes from being developed on ag land.

Can you have site plan review on lots over 10 acres? Ms. Thomas asked. But why is that configuration not good for the community? Ms. Randall said. That is why the 80/20 is a tough sell because it is difficult to know what area of the 80 percent is most valuable, she said. Every subdivision would come before the Planning Board.

Mr. Morreale asked Mr. Gates which zoning proposal the Ag Committee favors. Mr. Gates said the Ag Committee favors the current zoning, believing there currently is not much development pressure. He also said the road frontage minimum of 400 feet could be lower too. Mr. Morreale reiterated the BZA's preference for the 80/20 proposal, 2-acre lot minimums, no lot maximums, and 400 feet minimum road frontage. The BZA's preference mirrors current zoning, with the exception of the 20-percent development piece, Ms. Marino noted.

Mr. West then reviewed a previous slide showing how one 218-acre parcel could be subdivided under the current zoning and the various zoning proposals. A general discussion ensued regarding questions of the 80/20 proposal. If a 100-acre parcel is subdivided and 80 acres is set aside, can the property owner then continue to subdivide the remaining 20 acre parcel? Ms. Kiley asked. Mr. Boggs posed his own question: What if I subdivide a 100-acre lot and then sell both the 80-acre and 20-acre lots? Can the next owner subdivide it? This spurred a discussion on maximum lot sizes. Mr. West said the Ag and Farmland Protection Plan specifically says the Town has to have a maximum lot size no matter how it handles density-based averaging. The desired outcome is not to have 18 acres, for example, carved up into 10 residential lots, he said. If you just limit the number of subdivisions, the Town will end up with large subdivisions.

Describing the Town of Ithaca's density-based averaging approach in the agricultural zone, Ms. Ritter said Ithaca has 2-acre maximum lot sizes for residential lots and uses 7 as the divisor. That will likely change to 10 as a divisor. It has worked out well.

Asked by Mr. Wertis why ZUSC went from the 10 divisor to 15, Ms. Thomas said 15 seemed a logical compromise between the 10 divisor and the BZA's 80/20 proposal.

Ms. Thomas mentioned zoning timelines, saying the Town Board has to pass something by September. A good target for ZUSC is to have something to the Town Board by April. Thus far, it seems the two options being considered are the 80/20 proposal and some version of the 15 divisor.

ZUSC opted to vote on which strategies it would like to further explore in future meetings.

Mr. Hawkes MADE the MOTION for ZUSC to further explore the 20-percent maximum developable strategy with no maximum lot size for residential use, and Mr. Wertis SECONDED the MOTION

The consideration is referred to as "column 1" of the "Zoning System" document.

Ms. Kiley offered a friendly amendment to also include for consideration ZUSC's previous Ag/Rural proposal, referred to as "column 3" in the "Zoning System" document. The friendly amendment was accepted.

The vote on the original motion was 9-1, with Mr. Wertis voting no.

Ms. Randall stressed if ZUSC is to further explore the 80/20 strategy, she has to have clear criteria for determining which 80 percent of the parcel is protected. Also, it is clearer with a divisor because with a percentage, the Town needs a basis each time an applicant comes in for a subdivision. The applicant needs to identify the 80 percent preservation piece, and the Town needs to track it.

There were differences of opinion about whether or not preserving 80 percent qualified as a set aside and whether it was actually legal.

Ms. Thomas urged ZUSC members to come prepared on March 22 to defend and vote on one proposal. ZUSC also meets on April 5.

For next time, questions to address: what does Town Counsel say about the 80/20 proposal, and what is the distinction between the 80/20 proposal and the divisor?

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

Meeting adjourned at 9:34 p.m.

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