

**TOWN OF ULYSSES
ZONING UPDATES STEERING COMMITTEE
FINAL MINUTES
Thursday, 03/22/2018**

Approved: May 3, 2018

Call to Order: 7:00 p.m.

Present: Chair Liz Thomas, and Committee members Michael Boggs, John Gates, Rod Hawkes, Darby Kiley, Diane Hillmann, Roxanne Marino, Sue Ritter, Bob Howarth, and Rebecca Schneider.

Public in Attendance: Greg Reynolds, Steve Morreale, John Wertis, and John and Linda Liddle.

Agenda Review; Minutes Review (03/01/2018)

Ms. Thomas MADE the MOTION to accept the amended March 1, 2018 meeting minutes, and Mr. Hawkes SECONDED the MOTION. The motion was unanimously carried, 10-0.

Privilege of the Floor

Mr. Wertis reminded ZUSC that retaining the current zoning remains an option. The Ag Committee has stated the current zoning of A1 and R1 zones is adequate. He also said there needs to be more time for each stakeholder group to offer their comments in time for ZUSC's monthly meetings. Given the timing of each stakeholder group's meetings, it is difficult to address concerns before ZUSC has moved onto other topics.

Draft Zoning Map

Ms. Thomas gave an overview of the zoning work, including the scope of the NYSERDA grant. ZUSC needs to come to a consensus on what method or system it will use to preserve ag land and open space because the Town Board must soon vote on a proposal. There are many factors to consider, including rights of farmers, the rights of farmers and rural residents, affects on natural resources, and whether the system adheres to goals outlined in the Comprehensive Plan and Ag and Farmland Protection Plan. She suggested ZUSC members give their individual thoughts on the system options tonight and postpone discussion on Jacksonville.

Addressing the zoning map, Mr. Howarth said there needs to be clarification that contiguous lots owned by the same owner are not considered a single parcel. ZUSC members noted this for future consideration.

Mr. Morreale gave a presentation using GIS maps to show how land could be developed under certain zoning parameters, like 200 feet vs. 400 feet minimum road frontage. Mr. Wertis

commended the visualizations and noted much of the data being presented is in the Ag and Farmland Protection Plan, which, he added, should not be underutilized.

A/R – Agricultural/Rural Zone: clarification of subdivision for ag/rural; road frontage widths, acreage maximum and minimum, allowing two 2-family residences on a lot

Ms. Marino said she and Mr. Howarth further explored the 80/20 proposal put forward by the BZA. Under the plan, at the time of first subdivision, 20 percent of a given parcel could be developed however the landowner wants, while the remaining 80 percent would be prohibited from being developed for housing. Ms. Marino and Mr. Howarth outlined their memo, with Ms. Marino noting that consideration was given to a scenario put forward previously by Mr. Boggs, who questioned how development rights would be allocated if a 100-acre lot were divided in half. Having met last night, the Board of Zoning Appeals unanimously endorsed the 80/20 concept.

According to Ms. Thomas, Town Attorney Mariette Geldenhuys has said a property owner, under the 80/20 concept, can divvy up development rights to subdivided parcels however they want. Ms. Schneider said it is imperative that this concept, including information regarding stream setbacks and buffers from septic systems, be communicated to potential sellers and buyers. Buyers have to know what they are getting and what the restrictions are. Most people in the slope overlay district do not have a clue what can and cannot be built on, she said. Ms. Thomas noted that the Town of Ithaca put together a summary brochure that explains what their zoning is. Something similar has been on the Town of Ulysses's to-do list for a while. Once new zoning is passed, it would be a good idea to reach out to realtors.

Responding to a question about the 80/20 concept from Mr. Gates, Ms. Marino said the seller would ultimately decide how development rights are divided among fragment parcel(s).

ZUSC members then offered their individual comments on the 80/20 plan. Ms. Marino said 80/20 offers more flexibility, but she would not support it without a 2-acre minimum lot size and 400-foot minimum road frontage. Mr. Boggs likes the plan, 2-acre minimums, 400 feet of minimum road frontage and prefers to cap the number of homes per lot to one. He is on the fence regarding the 25-year reset. Ms. Schneider likes the 80/20 idea, 2-acre minimums and 400 feet of frontage, but noted several areas of concerns like flag lots, number of homes per lot, tracking development rights across parent and fragmented parcels, and mapping. What is the difference between an overlay district and a new zone? she asked. Ms. Kiley said the Town's Lakeshore and Conservation zones are underlying zones with overlays for steep slopes and unique natural areas (UNAs). Any development proposal in an overlay goes through site plan review, and all underlying rules of the zone still apply in the overlay areas. Ms. Schneider cautioned that what the Town allows will happen; unless there are "should" and "must" written into the law, overlays are not protective enough. Ms. Ritter mentioned the Town of Ithaca's critical environmental areas (CEAs), which are their own zone and which have more stringent standards than an overlay.

Continuing with the round table, Mr. Gates said the Ag Committee does not see justification for any changes in current zoning, and there is no evidence of extensive development pressure in the Town.

Both Mr. Hawkes and Ms. Thomas support the 80/20 concept, while Mr. Hillman abstained from offering an opinion on the matter. Ms. Ritter said she is still considering option 1, with 15 as the dividing number to determine number of subdivisions, and is concerned with doing away with maximum lot sizes and having 200 feet of road frontage. She also questioned the legality of the 80/20 plan. Perhaps the Town Board could consider a hybrid approach if the 80/20 concept is not viewed favorably. She also expressed concerns with tracking the development rights across parent and fragment parcels. Ms. Kiley said she has warmed to the 80/20 plan and characterized tracking subdivision rights as an important exercise for the Town. Developing a spreadsheet to track subdivisions will be imperative.

A question from Mr. Wertis regarding permissible uses on ag properties sparked a broader discussion. Ms. Schneider said the question of which uses are allowed on the 80-percent preserved land will be key. Certain uses, like microbreweries – which she said are polluting – are not desirable for prime soils. Breweries were briefly discussed before the topic turned to dwellings per lot and setbacks, specifically whether a 50- or 75-foot frontyard setback was favorable. Several ZUSC members expressed their preference for a 50-foot frontyard setback, and some preferred one principle dwelling per lot as opposed to two. As for the 25-year reset of subdivision eligibility, a majority of ZUSC members were against it, with Ms. Thomas and Mr. Gates in favor.

Resolution Recommending a System to Help Preserve Farmland and Open Space in the Future in the Town of Ulysses

Ms. Thomas MADE the MOTION to approve the resolution, with option 2 as the preferred system, and Mr. Howarth SECONDED the MOTION as follows:

1. Whereas the following foundational documents instruct the town to preserve farmland and open space: the Ulysses Comprehensive Plan (2009), the Ulysses Agriculture and Farmland Protection Plan (2013), the Tompkins County Comprehensive Plan (2015), and the Tompkins County (2015), and NYS Ag and Markets section 25AA §300 Declaration of legislative findings and intent; and
2. Whereas, In November 2017, the Zoning Update Steering Committee (ZUSC) released a draft of the A/R-Agricultural/Rural Zone to help preserve farmland and open space using techniques that included limitations on subdivision of parcels, a maximum lot size, and other revisions to the existing A1-Agricultural District; and
3. Whereas, at a ZUSC meeting on 1/18/18 where two representatives from each of the following committees was invited to join in discussions with ZUSC: Planning Board, Board of Zoning Appeals, Conservation and Sustainability Committee, and Agricultural Committee, and where 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/rural zone, and the majority of the group was in favor of reducing residential development; and

4. Whereas, on January 18, 2018, the ZUSC passed a resolution inviting one representative from these groups to participate and vote at future ZUSC meetings; and

5. Whereas, the expanded ZUSC was presented with the compiled public comments received on the draft through January 25, 2018, to review and consider during the deliberations; and

6. Whereas, the expanded ZUSC discussed and reviewed the ag/rural zoning at subsequent meetings on 2/8/18, 2/22/18, and 3/1/18;

NOW THEREFORE BE IT RESOLVED that the Zoning Update Steering Committee recommends the following technique be used by the Town of Ulysses in the Ag/Rural zoning to preserve farmland and open space.

That the expanded ZUSC recommends the following lot dimensions and subdivision limitations for the Town Board's review

1. A limit of 20% of the total parent parcel acreage may be developed in future subdivisions for residential or non-agricultural use

2. Newly created lots shall have the following dimensions
- a. Minimum of 2 acres (no maximum lot size)
 - b. Minimum lot width at the front lot line of 400 feet
 - c. Minimum lot depth of 200 feet
 - d. Lot coverage of 5%

3. The zoning shall include provisions for cluster subdivisions with density bonuses (which allow for more residences than traditional cluster).

FURTHER RESOLVED that while zoning is the focus of the current steering committee effort, the expanded Zoning Update Steering Committee recommends that the Town Board pursue options for establishing a purchase of development rights program and agricultural lands and open space.

The vote was 9-1 in favor of the resolution, with Mr. Gates casting the lone dissenting vote.

Result: Resolution passes

Ms. Schneider said she still needed to discuss some of the above parameters with the Planning Board. If there are serious concerns, she will bring them to ZUSC.

Mr. Wertis said the evening's agenda did not mention a vote; ZUSC is recording votes on the zoning proposal even as some stakeholder groups have yet to meet to discuss this. He said he

appreciated Ms. Schneider's reservations on some of the matters being voted on. Ms. Thomas said the vote does not mean an end to the discussion; ZUSC must vote on a draft to bring to the Town Board for review.

Mr. Howarth MADE the MOTION to establish a 75-foot frontyard setback in the Ag/Rural Zone, and Mr. Boggs SECONDED the MOTION. The motion failed, 4-6; voting in favor were Mr. Boggs, Ms. Schneider, Mr. Hawkes, and Mr. Howarth.

Ms. Ritter MADE the MOTION to establish a 50-foot frontyard setback in the Ag/Rural Zone, and Mr. Gates SECONDED the MOTION. The motion carried, 6-4; voting in favor were Ms. Kiley, Ms. Marino, Mr. Gates, Ms. Thomas, Ms. Hillman, and Ms. Ritter.

Mr. Boggs MADE the MOTION to limit one principal dwelling per lot in the Ag/Rural Zone, and Mr. Howarth SECONDED the MOTION. The motion carried, 9-1, with Mr. Gates casting the lone dissenting vote.

How design standards apply to new agricultural uses (signs, parking, loading docks)

Ms. Thomas gave a brief overview of some of the complaints received on the design guidelines. She suggested ZUSC tackle design guidelines at its next meeting on April 4. If anyone has issues with areas within the design standards, share them ahead of the next meeting, she said.

What about permissible uses? Ms. Schneider asked. Ms. Thomas advised Ms. Schneider to bring any concerns to ZUSC's next meeting. Speaking to the group, Ms. Thomas said some decisions have been made tonight, but that does not mean you cannot go back to your respective committees and bring ZUSC more ideas. The zoning draft is still in shaping mode.

A question that still remains, Mr. Morreale said, is how many people would actually be affected by zoning changes. There are some 2,030 parcels in the Town of Ulysses (excluding the Village); 700 parcels are in the A1 Zone; of those, roughly 210 are more than 10 acres, and several individuals own multiple parcels. He suggested that those ultimately affected are minimal compared to the majority of Town residents.

Privilege of the Floor

Mr. Reynolds said it seemed some ZUSC members would like to preserve farms as conservation areas and not active farmland. Mr. Wertis referenced a case study in the American Farmland Trust in which the Town of Ithaca's model for farmland preservation received criticism from local farmers. However, Ms. Ritter said she reviewed the Town of Ithaca process and found that its ag committee was supportive of the proposal but did not get everything it wanted into the law. She is not sure where the case study got its material regarding criticism, since minutes from the Town of Ithaca's ag committee do not reflect it.

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

Meeting adjourned at 9:10 p.m.

Respectfully submitted by Louis A. DiPietro II on April 10, 2018.