

Town of Ulysses
Zoning Steering Committee of Ulysses
Meeting Minutes
Thursday, May 24, 2018

Call to Order: 7:03 pm

Present: Chair Liz Thomas and Committee members Diane Hillmann, Rebecca Schneider, Rod Hawkes, Roxanne Marino, Steve Morreale, Michael Boggs, and John Gates; CJ Randall and David West of Randall + West.

Not Present: Sue Ritter

Public in Attendance: John Wertis, Bob Howarth

Agenda Review, Minutes Review: (5/3/18)

Ms. Thomas MADE the MOTION to accept the minutes for the May 3, 2018 ZUSC meeting and Mr. Hawkes SECONDED the MOTION. The motion passed unanimously.

Ms. Thomas then added Reports from Committees to the agenda.

Privilege of the Floor: Mr. Howarth spoke to what is allowed and/or encouraged in an agricultural zone. He noted that he would like to see the building of slaughterhouses discouraged in the town of Ulysses. After a few comments from Committee members on the slaughter of animals raised on small farms, the meeting continued.

Mr. Wertis, Planning Board representative to ZUSC, stated that the process the Committee is following to get feedback and represent their respective committees is broken and needs to be fixed. There were no further comments from the public.

Ms. Thomas reported that all changes – including new purpose statements, design guidelines and a new map – made at the last Committee meeting had been sent to the Town Board; she noted that Ms. Randall attended the Town Board meeting to present the updated documents. Ms. Marino requested Ms. Thomas send all updated versions to ZUSC members. Ms. Thomas said she will post them on the web.

Ms. Thomas also reported that the Town is finishing up the process of interviewing for a new environmental planner and may have a candidate within a few weeks.

Ms. Thomas gave a short overview of what needed to be accomplished at the meeting: make a decision regarding subdivision of four- to 10-acre lots, finalize language regarding accessory dwelling units (Ms. Thomas reminded everyone that this Committee had previously voted to allow only one residential unit on a parcel, reduced from the current 2), complete changes in the agricultural and rural zoning, and land subdivision section of the zoning.

Discussion then turned to subdividing lots of four to ten acres. Ms. Thomas asked if allowing for one subdivision on a 4-10 acre lot seems reasonable. Mr. Morreale provided details on changes. He said that allowing for only one subdivision will help the town meet its primary consideration – to preserve agricultural and open space, and the subdivision policy can take the place of the 80/20 rule. Mr. Morreale also noted that there are not that many four to ten-acre lots in the AR district.

Ms. Thomas then MADE the MOTION to allow one subdivision on lots of four to 10 acres and Mr. Morreale SECONDED the MOTION. Discussion continued.

Ms. Schneider reported Planning Board member Ms. Olson's concern that the 80/20 strategy may not work the way it is intended to, and that it may lead to more sprawl. It could lead to – not stop – development along one long road. Ms. Schneider added that any efforts to affect zoning will be stymied by the fact that no one has a way of saying let's put a cluster here and build a road for it.

In response, Ms. Thomas noted that the Town is allowing for roads that do not have to meet standard road requirements and providing bonuses if a development meets higher energy code requirements. In addition, if someone has a larger piece of land suitable for a cluster subdivision that met the Town's comprehensive plan, that person can apply to the Town Board for a development district.

Discussion continued on the challenges of controlling development. Ms. Thomas stated that much of what appears to look like sprawl on the current and proposed zoning map is due to the location of the water district running up to and past Jacksonville. Ms. Hillmann mentioned extensions to the water district, which may be less costly for truly compact clusters. Ms. Thomas agreed but cited a recent request to the Village of Trumansburg to extend its water line was shot down for being too expensive.

Mr. Morreale said he agreed with Ms. Olson's feedback, but added that the zoning does not discourage along-the-road development, which Ms. Marino and Ms. Schneider echoed. Ms. Thomas replied that if the Town has the resources it can offer incentives to not develop along a road. Ms. Marino stated her belief that creative configuring of flag lots is a good way to discourage along-the-road development. Ms. Randall noted that flag-lot standards remain in the zoning language.

Ms. Hillmann supported the idea of home- and land-owners contributing to the cost of building roads where they want to live. She added that it is a way for a community without a lot of money to shape its environs. Ms. Schneider agreed, noting a recent Planning Board decision that requires the owners of lake houses to build a turnaround for fire trucks.

Ms. Thomas said that developments with substandard roads are allowed but requires everyone to go through the planning process, which includes an okay from the Fire Department regarding emergency vehicle access. Ms. Randall noted that one of the changes added to design process includes new requirements for providing for access; she also said an added section addresses issues such as road maintenance, liability and high occupancy areas.

Ms. Schneider expressed her excitement that that now a property owner can cluster development on 20% of their property, and requested feedback from Mr. Gates. Now farmers will be allowed to put more houses on their land and get more value from land, said Ms. Schneider. Does that mean farmers may be more supportive of the changes?

No, said Mr. Gates, and explained that the farm community feels that the 80/20 rule equals taking away development rights and not purchasing those rights. Mr. Gates went on to say that he believes the 80/20 rule goes beyond the scope of zoning. Zoning is to shape how land is used – through setbacks or frontage requirements, he said; the 80/20 rule simply takes 80% of the land off the market.

Mr. West commented that the 80/20 rule is not that different from the coverage requirements the Town already has in place. For example, Mr. West said, at present a landowner can only have buildings covering 5% of his/her lot, not 50 or 80%. He said that the new 80/20 rule will add to what an owner can do and may result in some landowners being able to build more than could have built along the road.

Mr. Gates stated that regardless, farmers are very independent and see the rule as taking away 80% of their land.

Ms. Thomas reminded the group that the MOTION to allow one subdivision on lots of four to 10 acres was still on the table and, after a few more minutes of conversation, called the vote; Mr. Morreale requested the motion be amended to include “a maximum of one subdivision.”

The motion was amended to allow a maximum of one subdivision on lots of four to 10 acres

The vote was as follows:

Diane Hillmann:	Aye
Rebecca Schneider:	Aye
Rod Hawkes:	Aye
Roxanne Marino:	Aye
Steve Morreale:	Aye
Liz Thomas:	Aye
Michael Boggs:	Aye
John Gates:	Nay

Discussion then turned to the rules about allowing second dwellings on a property. Ms. Thomas said the changes were proposed with the aim of helping residents who use a second dwelling to pay the mortgage or taxes. Changes include a new definition of what were called elder cottages – now accessory dwelling units--deleting unit-removal requirements, and including specifications for size and appearance. Questions about a dwelling vs. a residence and how new zoning would apply to duplexes were answered (see attachment) by Ms. Randall and Mr. West.

Ms. Thomas MADE the MOTION to delete the definition of *elder cottage* and add the term *accessory dwelling unit* to zoning language and Mr. Hawkes SECONDED the MOTION.

Discussion continued. Ms. Schneider asked if new zoning is meant to target accessory buildings not being built to code. Yes, replied Ms. Thomas; she clarified that elder cottages are not required to meet State-wide energy codes. Also, Ms. Thomas said that elder cottages do not need to meet setback requirements. Discussion continued on whether the primary dwelling to an accessory dwelling is allowed to be a duplex or restricted to a single-family residence, with most members coming down on the side of limiting the primary dwelling to one unit, not two.

Ms. Thomas MADE the MOTION and Mr. Morreale SECONDED the MOTION to delete the definition of elder cottage as a use in any section and to add accessory dwelling unit and its definition as presented by Ms. Randall at the May 24th ZUSC meeting and in the May 18 draft of the design standards.

The motion passed unanimously.

Ms. Thomas added that she did read comments from Ms. Olson and Mr. Ferrari on the land subdivision regulations regarding a historic preservation resource inventory and acknowledged that, for the moment, the Town Board will need to address this issue at a later date.

Discussion then turned to changes to agricultural/rural district zoning. Ms. Marino moved to strike language allowing for any animal processing in the ag zones. Mr. Boggs questioned what a small farmer with goats would be allowed to do. Ms. Thomas answered that the language could include a limit on the

square footage for processing, allowing for animal processing on a small scale, but not on the slaughter-house scale. She suggested a minimum of 2,000 sq. feet.

Ms. Marino made the MADE the MOTION to limit the square footage of a structure for an animal processing unit, to be determined after research by Mr. Boggs and Mr. Gates into what is reasonable. Mr. Morreale SECONDED the MOTION.

The motion passed unanimously.

Ms. Thomas then asked if the Committee is ready to put forth a motion to pass the Ag/Rural Zoning changes on to the Town Board. Mr. Morreale asked about density bonuses and Ms. Thomas replied the possibility of bonuses are written into new language.

Ms. Thomas MADE the MOTION TO Resolve that the ZUSC accepts the language agreed upon on May 24, 2018 for the Ag/Rural Zone and passes the documentation to the Ulysses Town Board for review and possible adoption. Ms. Marino SECONDED the MOTION.

The vote was as follows:

Ms. Hillmann:	Aye
Ms. Schneider:	Aye
Mr. Hawkes:	Aye
Ms. Marino:	Aye
Mr. Morreale:	Aye
Ms. Thomas:	Aye
Mr. Boggs:	Aye
Mr. Gates:	Nay

Motion passed.

Moving onto changes in subdivision zoning, Ms. Thomas asked Ms. Randall to give a short overview of what will change. Ms. Randall stated that the proposed changes “beef up” current regulations and include guidance to the Planning Board as to what new development should look like, language on special situations like a subdivision straddling municipal boundaries, and a definition for conservation easements. A major change is a new requirement that anyone applying for a subdivision permit to submit a plan showing how the lots could be clustered as well as their plan without clustering. Ms. Randall noted that before, the applicant could choose between creating a cluster plan or a two-acre-lot plan, now the Planning Board will decide which submission they prefer.

She said that the proposed changes also include more detail on what the town is looking for in a cluster subdivision, such as using a natural resource analysis, including details on wetlands, historic stone walls,

and tree removal, to name a few. Finally, applicants can be granted a bonus subdivision for different efforts including allowing public access, like a trail connector. A total density bonus cannot exceed 25%.

In the ensuing discussion, Ms. Randall explained how specific parts of the new language answered concerns raised by Committee members. A property owner can receive a bonus subdivision if he/she makes the effort to meet the Town's cluster development goals. Requiring all subdivision proposals include to a resources inventory; mandating that all development, including roads, happen on the 20% developable part of a parcel, **not** requiring clusters be contiguous, are all ways to encourage the kind of clusters that the Town wants.

Ms. Randall explained that the last step of each proposal is for the Planning Board to be involved in the drawing of lot lines – another way to insure clusters meet the Town's zoning goals. She added that the language is written to avoid any cluster development being a taking.

Ms. Thomas reviewed changes made by the Planning Board's Mr. Ferrari and Ms. Olson, which including adding language about rare and/or endangered species. As discussion wrapped up, Ms. Thomas suggested the Committee make a resolution to pass the changes on to the Town Board. She then reminded Committee members that there is still time to submit comments, which she would then pass on to the Town Board for them to address.

Resolution for Subdivision Approval

Ms. Thomas MADE the MOTION and Mr. Hawkes SECONDED the MOTION to resolve the ZUSC accepts the language agreed upon on May 24, 2018 for the land subdivision regulations and passes the document on to the Ulysses Town Board for review and possible adoption.

Ms. Schneider suggested – and Ms. Thomas added – the following: guarantees that any comment provided by the ZUSC in the intervening two week will be included for consideration.

The vote was as follows:

Diane Hillmann:	Aye
Rebecca Schneider:	Aye
Rod Hawkes:	Aye
John Gates:	Aye
Roxane Marino:	Abstained
Steve Morreale:	Abstained
Michael Boggs:	Abstained

Motion passed.

The next two ZUSC meetings will take place June 7th and 28th.

Ms. Schneider said she had nothing to add to Mr. Ferrari's and Ms. Olson's comments. Ms. Hillmann noted she may have something to report on Jacksonville at the June 7th meeting. Mr. Gates had nothing to report at this time.

Mr. Gates MADE the MOTION to adjourn and Mr. Morreale SECONDED the MOTION. Meeting adjourned at 9:30 p.m.

Respectfully submitted by Maria C. Barry, June 8, 2018