Approved: February 6, 2018

Present: Chair David Blake, and board members Rebecca Schneider, John Wertis and Sara Worden; alternate Benjamin LeWalter; Town Board Liaison Rich Goldman.

Town Planner Darby Kiley attended via conference call. Mr. LeWalter was named a voting member in place of David Tyler, who has resigned from the Board.

Public in Attendance: none

Call to order: 7:14 p.m.

Agenda Review; Minutes Review (12/19/17; 01/02/18)

Mr. Wertis MADE the MOTION to accept the December 19, 2017 meeting minutes, and Ms. Schneider SECONDED the MOTION. The motion was unanimously carried, 5-0.

Ms. Schneider MADE the MOTION to accept the January 2, 2018 meeting minutes, and Mr. Wertis SECONDED the MOTION. The motion was unanimously carried.

Privilege of the Floor: No one addressed the Board at this time.

Draft Zoning Discussion

Ms. Schneider explained her comments on the zoning proposal that were circulated to Board members prior to the meeting. She said she is looking for feedback on her comments, though, as written, they are not representative of the entire Planning Board and not what the Zoning Updates Steering Committee is looking for come Thursday. However, she feels the ZUSC zoning process has gone down a wrong path. She understands the appeal in attempting a one-size-fits-all zoning regulation for 80 percent of the land in Town, but it does not make sense. Consultants and ZUSC have keyed in only some of the benefits associated with farmland, supporting local farmers and open space, but there are many. For instance, open space helps protect groundwater, while natural corridors like the Black Diamond Trail promote ecotourism. You cannot distill all of these numerous benefits and resources under a single “Ag/Rural” regulation; these resources require different safeguarding goals and thus different strategies to meet those goals. This one-size-fits-all approach would not protect many benefits and would lead to degradation. Certain allowable accessory uses in the Ag Zone are potentially polluting. She also noted health risks associated with CAFOs. Zoning is just one tool, but there are many others for land use planning, for instance, preserving viewsheds are much different concerns than, say, increased density of homes along a stretch of road. Conservation easements would be a strong tool to preserve them.
Mr. Goldman noted that the Planning Board offered some feedback at the previous comment period, though Ms. Schneider’s concerns are much more comprehensive. What has changed for the Planning Board since that first comment period? Mr. Wertis cited information. Ms. Kiley said the Planning Board reviewed the first draft last February and had until May to comment on it. Ms. Schneider said some of her concerns were noted previously, but ZUSC has proceeded with its current strategy anyway. She believes the intent is good, but this has not been the most transparent process. Mr. Blake added that experts have been relying on slanted data, using it how they wanted. We felt then as we do now that it is inappropriate to rely on such data, he said, adding as this zoning draft has developed, it has become more apparent there has been a lack of input from some citizens. Mr. Wertis suggested ZUSC postpone any zoning recommendations to the Town Board for three months. During that time, perhaps Ms. Schneider’s proposal might get a foothold. The Town will run out of money for the consultants, Mr. Goldman said, so somebody will have to do the work. Ms. Kiley said the Town completed its Lakeshore and Conservation zones themselves, without any consultants, and it was a difficult and long process. It was decided then that any future zoning updates would include consultants. She said the Town has used up the grant funding, and the Town Board recently approved an additional $7,000 for the consultants, specifically on work related to summaries, a compiling of comments and frequently asked questions and on crafting the next draft. NYSEPODA is currently reviewing the ZUSC draft. If the Town does not get reimbursed for the work, how would the $40,000 get covered? If the Town rejects the draft, asked Mr. Wertis, do they not get reimbursed? Ms. Kiley was not sure. The state holds back 10 percent of the total grant award until the full project is completed. If we do not finish, the Town will be out 10 percent of the grant, she said.

Thus far the Town has received roughly 35 comments, with several from the Ag Committee, Ms. Kiley said.

Prime soils, viewsheds, groundwater recharge areas – these are topics that need to be discussed, Ms. Schneider said. Perhaps overlays are an option. She suggested beginning with prime and subprime soils and using them as criteria for how to separate Town resources (ag land, open space, viewsheds, etc.) and strategies to address each of them. Mr. Wertis is concerned with the comment deadline and again suggested ZUSC take a 3-month postponement on zoning recommendations to the Town Board so as to give the public ample time to review best strategies.

At this time, Planning Board members began crafting their collective concerns in preparation for the upcoming ZUSC stakeholder meeting. A delay in zoning recommendations was considered, but a specific length of time was ultimately left out of the Planning Board’s statement. Instead, the statement calls for a general postponement or slowdown. Ms. Kiley said ZUSC does not know how long it will take to turn something over to the Town Board; in effect, ZUSC has no deadline as it is.

Ms. Schneider MADE the MOTION to approve the following Planning Board list of concerns, and Ms. Worden SECONDED the MOTION as follows:
1. We would like to put a postponement or slow down on the process of developing a single ag/rural zone regulation and reconsider whether it's the appropriate solution for doing what we want to do for approximately 80 percent of the Town. We appreciate the Town has worked proactively to protect key resources and features of the Town and understand the appeal of having a single regulation for an entire area for efficiency and simplicity. However, the currently designated Agriculture (A1) and Rural (R1) zones represent more than three-quarters of total land area, and it’s not reasonable to assume that one regulation is appropriate to cover all the area. In fact, the proposed zoning actually takes rich diversity of values and benefits that we obtained from ag/rural area and grouped them into one category deserving of protection. We would argue these benefits translate to different goals with individual strategies to ensure their protection. A preliminary list of resources include (1) Farmland protection and prime soils (2) Encouraging farming operations as overlapping goal with soils themselves (3) Protection of open space of valuable viewsheds (4) Protection of open space for trails for tourist and wildlife to use as corridors (5) Protection of open space for water resource benefit and for water recharge areas.

2. The Planning Board is concerned with the quality and accuracy of reference data. We’re concerned that the data being used for the decision, including the type of data, its accuracy, and sources of information have not been adequately reviewed.

3. Step back and enlarge the ZUSC to include more members, so as to have a better cross-section of representation of the various interests of the Ulysses community.

The vote was as follows:

- Mr. Blake  AYE
- Mr. LeWalter  AYE
- Ms. Schneider  AYE
- Mr. Wertis  AYE
- Ms. Worden  AYE

**Result:** Motion passes

Mr. Wertis had a question about the procedure for minutes when those minutes include a resolution intended for a specific board or committee. He suggested any resolution be extracted from the minutes – even if the minutes are not yet finalized – and sent to the appropriate entity.

Mr. Blake MADE the MOTION to adjourn, and Mr. Wertis SECONDED the MOTION. The motion was unanimously carried.

Meeting adjourned at 8:42 p.m.