

TOWN BOARD MEETING

Town of Ulysses

March 27, 2018

Audio of the minutes are available on the website at ulysses.ny.us.

The meeting was held at the Ulysses Town Hall at 10 Elm Street, Trumansburg.

Notice of Town Board meetings are posted on the town's website and clerk's board.

ATTENDANCE:

TOWN OFFICIALS PRESENT:

Supervisor- Liz Thomas

Board members- Michael Boggs, Rich Goldman, Nancy Zahler, John Hertzler

Town Clerk- Carissa Parlato

Bookkeeper- Nina Thompson

Environmental Planner- Darby Kiley

OTHERS PRESENT:

Krys Cail, Tom Myers, Anne Koreman, Roxanne Marino, John Wertis, Terry Carroll, Skye Hart, Amelia Visnauskas

CALL TO ORDER:

Ms. Thomas called the meeting to order at 7 p.m.

NATURAL RESOURCE & GREENHOUSE GAS INVENTORIES

Mr. Carroll, Ms. Hart and Ms. Visnauskas shared highlights from a power point presentation of the Natural Resource & Greenhouse Gas Inventories that they completed for the town, noting that the inventories can be used as a tool for planning and should be updated from time to time. Completion of these items will help the town achieve the Climate Smart Communities certification.

APPROVAL OF MEETING AGENDA

RESOLUTION 2018-85: APPROVAL OF MEETING AGENDA

BE IT RESOLVED that the Ulysses Town Board approve the agenda for March 27, 2018 with the deletion of the stormwater item, and addition of an executive session for collective bargaining.

Moved: Ms. Thomas

Seconded: Mr. Boggs

Ms. Thomas aye

Ms. Zahler aye

Mr. Hertzler aye

Mr. Boggs aye

Mr. Goldman aye

Vote: 5-0

Date Adopted: 3/27/18

PRIVILEGE OF THE FLOOR:

Mr. Wertis shared that the Ag Committee and other farmers are not in favor of the zoning update options and would prefer to keep the current zoning.

Mr. Myers wanted to make sure that the board received his submitted comment regarding the proposed Development District 8.

Ms. Cail read a portion of her statement (*see full statement in appendix*).

REPORT FROM REPRESENTATIVE:

Ms. Koreman, our County Legislator, shared the following-

- Has been working on the LEAD program (incarceration alternative)
- Asked NYS to allow the county to collect more sales tax from online retailers
- Feb sales tax was up 5% from last year
- Will be increasing the food scrap collections program
- Will support the NYS proposal for plastic bag ban and to charge for paper bags

OLD BUSINESS:

MOORE'S MARINE/DEVELOPMENT DISTRICT 8

The board discussed the current proposed changes to Development District 8 zoning law, and focused on the following sections of the zoning law, §212-118:

- new buildings
- boat sales
- number of boats in storage lot
- hours of operation
- fence
- lighted signs
- storage of oil/lubricants

RESOLUTION 2018-86: MOORE'S MARINE DEVELOPMENT DISTRICT 8– Direction for the Planning Board:

BE IT RESOLVED that the Ulysses Town Board requests that the Planning Board review the proposed changes to Development District 8- Moore's Marine, with focus on the following:

- Put limit on boat sales, such as number of boats sold per year, only used boat sales.
- No mechanical sounds associated with boat repair shall emanate from the property except from 8am-8pm, Monday-Saturday
- Parking and storage areas shown on the site plan may need to be adjusted to accommodate visual screening
- Reducing the waste lubricant and oils storage to 300 gallons
- Reducing hours of sign illumination
- Requiring a stockade fence on shared property boundaries of 3060 Dubois Rd

Moved: Ms. Thomas

Seconded: Mr. Boggs

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler abstain
Mr. Boggs aye
Mr. Goldman aye

Vote: 4-0

Date Adopted: 3/27/18

NEW BUSINESS:

SPECIAL EVENT PERMIT LOCAL LAW

RESOLUTION 2018-87: INTRODUCING LOCAL LAW NO. ____ OF 2018 TO AMEND CHAPTER 142 OF THE CODE OF THE TOWN OF ULYSSES PERTAINING TO SPECIAL EVENTS AND SCHEDULING A PUBLIC HEARING.

WHEREAS, the Town Board seeks to amend Chapter 142 of the Code pertaining to special events; and

WHEREAS, Municipal Home Rule Law (“MHRL”) §20(4) requires introduction of a proposed local law by a Town Board member at a Town Board meeting, and a public hearing is required pursuant to MHRL §20(5);

NOW, THEREFORE, BE IT

RESOLVED that proposed Local Law no. ____ is introduced to the Town Board by Ms. Thomas; and it is further

RESOLVED that a public hearing on the proposed local law shall take place on Tuesday, April 10 at 7 p.m. at the Town Hall, 10 Elm Street, Trumansburg, NY 14886, and that notice of the public hearing shall be published at least five days in advance thereof.

Moved: Ms. Thomas Seconded: Mr. Boggs

Ms. Thomas aye
Ms. Zahler aye
Mr. Hertzler aye
Mr. Boggs aye
Mr. Goldman aye

Vote: 5-0

Date Adopted: 3/27/18

GENERAL ANNOUNCEMENTS FROM STAFF AND BOARD MEMBERS:

Ms. Thomas shared the following:

- Route 89 residents have requested that the board move forward with exploring a water district in that area
- Watershed summit is scheduled for April
- A flood mapping workshop for FEMA will be held

- The Randall & West contract for the zoning update will be exceeded

Ms. Zahler shared the following:

- Thanked Darby for her time working with the town
- The Jacksonville Community Association memorandum of understanding with the town is complete
Worked with Nina on personnel language clarifications
- Will be on partial medical leave for 5 wks and work remotely

PRIVILEGE OF THE FLOOR:

Ms. Marino offered to assist with sustainability related issues as Darby transitions out.

MONTHLY BUSINESS

APPROVAL OF MINUTES

RESOLUTION 2018-88: APPROVAL OF MINUTES- 3/13 Public Hearing and Regular meeting

BE IT RESOLVED that the Ulysses Town Board approve the minutes of 3/13 for both the public hearing and the regular meeting.

Moved: Ms. Thomas Seconded: Ms. Zahler

Ms. Thomas	aye
Ms. Zahler	aye
Mr. Hertzler	aye
Mr. Boggs	aye
Mr. Goldman	aye

Vote: 5-0

Date Adopted: 3/27/18

EXECUTIVE SESSION:

Ms. Zahler moved to go into Executive Session at 9:48pm for the purpose of discussing collective bargaining. This was seconded by Mr. Goldman and passed unanimously.

Mr. Goldman moved to end Executive Session at 10:10pm, seconded by Mr. Hertzler and passed unanimously.

ADJOURN:

Mr. Goldman moved to adjourn the meeting at 10:10pm; seconded by Ms. Zahler.

APPENDIX:

Written comments from Ms. Cail:

Thank you for continuing to accept input from neighbors of the area proposed for zoning law change near Development District 8, as it is difficult to respond quickly, as we were unaware that there were zoning law changes under consideration that were not going through the ZUSC process.

The Purpose of Development District 8 is very clear, as originally defined, and as is still, currently, the law:

Development District No. 8: Moore's Outboard Sales and Service (formerly Development District No. 19, created July 18, 1991).

(1) Allowed uses. The purposes for which the district may be used are as follows:

(a) Sales and service of small marine motors and accessories.

At the time that this Development District was put into law, it was understood to be a shop for the sale and service of outboard motors. As the name of the business, the name of the development district, and the explicit and simple intent stated under allowed uses makes clear, the land use and activity that was envisioned as lawful at this location was one thing: the sales and service of small marine motors and accessories.

The effort to conform the land use law to the current unlawful use is not, from the perspective of close neighbors, an appropriate way to consider possibly changing the name of the district, or its purpose for being, to something different.

The original intent of the development district was to allow for a small, similar to home-based business to make use of an agricultural building that was not in current use for agriculture. The building was uniquely suited to small engine repair, as it had had been used for that purpose, and working on tractors, in the past. As is the case with the other Development Districts, very specific limits on the activities were put in place to protect the surrounding residential and agricultural area. In particular, the work on the outboard motors would take place primarily inside of the building, shielding nearby residents from noise, odors and visual disturbance. It was understood that motors would need to be mounted and dismounted from boats when worked on, so, the presence of a few (limited in number specifically by law) boats on the premises was allowed, but was clearly an ancillary activity intended to make possible the purpose of the business and the Development District.

Outdoor boat storage and sales is a land use that arguably could be added to most tax parcels in Ulysses, allowing for financial gain from those activities for the landowner. However, we do not allow those activities throughout most of the town, pursuant to our Zoning Law and, in general, residents comply with the zoning and don't establish boat sales and storage lots on their land. There are, currently, some areas in which this activity is allowable, and taking place, such as next to Kinney Drug on Rt. 96, and at Howl Studios on Rt. 96 (next door to Regional Access and behind the soon-to-be self-storage facility). As there is boat storage available at both these appropriately-zoned locations in the Town, it seems that, if DD-8 were changed to include boat storage and sales, the newly-proposed definition of purpose and allowable uses for Development District 8 would become out of sync with the expressed Purpose of the Development Districts chapter itself:

§ 212-116

Purpose.

The purpose of the Development District is to give flexibility to this chapter in order to accommodate such developments which would be beneficial to the community but which are not now permitted in any established zoning district. These developments must not be contrary to the Ulysses Comprehensive Plan or this chapter.

Since this additional proposed development (adding boat storage and sales) IS allowed, and is competitively offered, at two (or possibly more) other locations in the Town, that does not comport with "...are not now permitted in any established zoning district."

Additionally, it is feasible that allowing this land use/activity in a lower-cost location (tax rates and rents are higher in commercially-zoned areas on the main highway) might result in price competition with those businesses which are in compliance with our zoning laws, and paying the higher rent/taxes required for staying in compliance with our zoning laws. This would not be a problem if there were more than enough boats in need of storage (or sale), but, it is likely, given that the adjoining townships do not have zoning laws, and it is very inexpensive to make land available for the storage of boats, that there are more places available to park a boat for the winter than there are boats that require storage.

To test this thought, I contacted Howl Studios by phone, and spoke with Rudy Nunez. He indicated that he has had boats stored there in the past, and would be very happy to store more boats. He said he could really use the income. Additionally, the location of a self-storage facility directly next door would be very convenient for boaters, in terms of being able to store items that may be used on the boat in-season, such as inflatable boats for reaching shore, life vests, fishing gear, kitchenette equipment, etc. Howl is easy to find, and located only about a 3-minute drive from the outboard motor repair shop.

I also looked at the Ulysses Comprehensive Plan, to determine whether or not the outdoor storage and sales of boats (or cars or campers, as these are very similar land uses) is envisioned as a use in the neighborhood. The Comp Plan map shows everything along DuBois Rd. on the East side as in an Environmental Protection Area, with a Conservation Area immediately down-hill. Please look at the following, below, which is the explanation of the appropriate uses, according to the Comp Plan, of land in this area, and consider whether "outdoor storage and sales of boats (and/or cars or campers, as they are all fairly similar uses)" fits the bill. If there is to be an option for DuBois Rd. landowners to add this (boat sales and storage) to the land uses in our area, please explain why it is that folks who don't obey the zoning rules are favored in the selection of a place to locate these activities. If it is not an appropriate activity in this area, please explain why it is a hardship for the petitioners to simply drive the boats the three-minute drive to the area appropriately zoned, where land is available for this purpose. Remembering, of course, that it is not within the scope of zoning laws to judge which local entrepreneur "should" receive the income from this activity, only where it is appropriate to locate the land use.

ENVIRONMENTAL PROTECTION AREA The land within the Environmental Protection Area in the Town includes agricultural, rural residential, and forested land uses, intermixed with steep slope, headwater stream, and wetland natural features. This land use designation is intended to ensure that future development in this area is congruent with the natural character and surroundings. While the Environmental Protection Area may not require the same level of protection as the Conservation Area, measures must be taken to ensure that future development does not harm or negatively impact natural resources.

A portion of the Environmental Protection Area is a transitional area between the very steep slopes of the Conservation Area and the less steeply sloped land bordering Willow Creek and Dubois Roads to the east. The Environmental Protection Area also includes three identified Tompkins County Environmental Management Council Unique Natural Areas: Hart Woods in the western part of the Town and two New York State regulated wetlands located in the south and southwest of the Town. Within the Environmental Protection Area, steep slopes, creeks, wetlands, farmlands, and forested lands should be preserved. Development should only be allowed when it is determined after careful review that there will be no negative impacts on the surrounding environmentally sensitive features. Appropriate criteria and guidelines for protection of the different land uses in this area need to be incorporated into the Town's Zoning Law to ensure that future development in this area does not degrade the sensitive environmental features and resources within this land use designation. Examples of land uses allowable in this area should be low-density residential, small-scale ecotourism and agricultural activities of the current scale practiced in the area and that incorporate best management land use practices, and other low impact uses.

Respectfully submitted by Carissa Parlato on 4/3/18.