

**TOWN OF ULYSSES
STEERING COMMITTEE FOR ZONING UPDATES
MEETING MINUTES
Monday, 12/19/2016**

Approved: January 5, 2017

Call to Order: 7:03 p.m.

Present: Chair Nancy Zahler, and committee members Rod Hawkes, Darby Kiley, Liz Thomas, and George Tselekis; Town Attorney Mariette Geldenhuys, and CJ Randall of Randall + West.

Absent: Sue Ritter

Public in Attendance: Kryss Cail and John Wertis of the Agricultural Advisory Committee, and Roxanne Marino of the Sustainability Advisory Committee.

Agenda Review; Minutes Review (12/1/2016)

Ms. Zahler noted two additional items to possibly address during the evening's meeting – the name of the combined Agricultural and R1 zones, and the best process for receiving feedback from advisory committees on zoning updates.

Mr. Hawkes MADE the MOTION to accept the December 1, 2016 meeting minutes, and Ms. Thomas SECONDED the MOTION. The motion was unanimously accepted, 5-0.

At this time, Ms. Geldenhuys walked through several legal questions she had previously received from the Committee. On the question of whether or not a deed restriction associated with the zoning updates could be lifted if the zoning were changed in the future, Ms. Geldenhuys answered yes. She could help craft language to make lifting a deed restriction possible in the future, such as "For so long as the requirement for this restriction is part of Town zoning law..." This concept of a deed restriction is not uncommon, and, in the event zoning is changed in the future, the language could simply be taken out, she said. Speaking as a real estate attorney, Ms. Geldenhuys said having the deed restriction filed with the County Clerk's office makes the information about potential development clear and accessible. Whenever a property is sold, the deed restriction would be part of an official record, making the information discoverable at the point of sale. Responding to a follow-up question from Mr. Tselekis, she said a deed restriction has both an informational and enforcement value because the property buyer would know what could or could not be done prior to purchase. Without a deed restriction, the Town would be expecting potential buyers to wade through zoning law to know what is allowable and prohibited, and most buyers do not check at that level of detail, she said.

The second question posed to Ms. Geldenhuys involved whether or not the owner of a parent parcel could allocate subdivision rights to fragmented lots. Allocating subdivision rights to fragmented lots does not appear to have any legal problems associated with it, she said. The larger concern is determining how to properly track who does and who does not have subdivision

rights. She suggested including language within a town resolution at the time of subdivision. This language would identify the parent lot and outline which parcels have subdivision rights. Reallocating subdivision rights could be fairly simple, with the applicants applying to the Town zoning office.

Ms. Zahler asked if having limited subdivisions and deed restrictions would make it more difficult to get state purchase of development rights. Ms. Geldenhuys said she did not see why limited subdivisions and deed restrictions would make it more difficult.

Ms. Geldenhuys offered to help review the Ag portion of the zoning updates. It was also suggested to forward the zoning draft onto County Planning and Scott Doyle in particular. Ms. Geldenhuys concluded her portion of the night's agenda at 7:40 p.m., and the Committee opted to discuss a few unaddressed matters, namely what becomes of a subdivided 20-acre lot after 25 years. Mr. Tseleki offered language to include within the Ag zoning document, stating that, after 25 years, a fragmented lot of at least 20 acres shall become a parent lot with subdivision rights. Ms. Randall offered to craft language on this subject.

Ms. Thomas asked about the differences between ag commerce and ag-related commerce. To her, the only difference between the two is one requires access to an active farm while the other does not. There is nothing that would prevent a large-equipment dealership from operating on a small farm. Ms. Randall said the intention was to expand ag-related commerce in as many areas of Town as possible. Ms. Randall said it is ultimately the Committee's decision to amend language in the zoning draft. After a short discussion, Ms. Randall offered to write a second, alternate definition of ag-related commerce. She said certain uses could be subject to site plan review, giving the Town more oversight. Side yard setbacks for residential structures were also discussed.

Lastly on the subject of the Ag zoning document, the Committee briefly discussed possible names for the combined Agriculture and R1 zones. Ms. Kiley said she has given a lot of thought to this and would prefer to have a zone name that differentiates the Town district from the State-certified Ag district. "Rural zone" is a possibility.

At this time, the Committee reached a consensus to proceed with the proposed Ag zoning draft, advising Ms. Randall and Ms. Kiley to work through the document with Ms. Geldenhuys and finalize language related to subdivisions.

At 8:15 p.m., Ms. Randall circulated copies of conceptual zoning maps that outlined boundaries of the hamlet corridor in the Hamlet of Jacksonville. Roughly 30 minutes was dedicated to discussing the draft maps and offering ideas on what areas should or should not be included within the inner and outer corridor regions. Ms. Zahler stated she would like to see the Jacksonville Park formally rezoned as a park to protect it from development. Among other topics of consideration from the Committee included extending the boundaries of the Hamlet center, incorporating areas east of Jacksonville Road, density of development, and water-line access.

Ms. Randall circulated to the Committee revisions to the Randall + West draft memo, which outlines the intent of the draft zoning updates in Jacksonville. This latest memo reflects changes offered by the Committee at its December 1, 2016 meeting.

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

Meeting adjourned at 9:00 p.m.

Respectfully submitted by Louis A. DiPietro II on December 21, 2016.