

## TOWN BOARD MEETING

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Town of Ulysses

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February 26, 2019

Audio of the minutes are available on the website at [ulysses.ny.us](http://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- Nancy Zahler, Michael Boggs, John Hertzler

Town Clerk- Carissa Parlato

Bookkeeper- Nina Thompson

Environmental Planner- John Zepko

#### ABSENT:

Board member- Richard Goldman

#### OTHERS PRESENT:

Anne Koreman (arrived at 7:09pm)

### **CALL TO ORDER:**

Ms. Thomas called the meeting to order at 7pm.

### **APPROVAL OF MEETING AGENDA**

#### **RESOLUTION 2019-57: APPROVAL OF MEETING AGENDA**

BE IT RESOLVED that the Ulysses Town Board approve the agenda for February 26, 2019 with the deletion of the approval of the laundry contract; and the additions of approving a new member to Salo Habitat Committee and a budget modification.

Moved: Ms. Thomas

Seconded: Mr. Boggs

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

Vote: 4-0

Date Adopted: 2/26/19

### **PRIVILEGE OF THE FLOOR:**

*(none)*

## **REPORTS FROM REPRESENTATIVES:**

*(none)*

## **GENERAL ANNOUNCEMENTS:**

Ms. Thomas shared the following:

- Ms. Thomas & Mr. Boggs attended a presentation on the bridge grant yesterday. Ms. Thomas said there is no clear policy on how the local match will be split between town & county. A decision on which consultant to hire will probably be made by the end of the week.
- Ms. Thomas suggests giving Ms. Zahler & Mr. Boggs the authority to make a decision on the EMS billing hardship application.

Ms. Zahler shared the following:

- A community input session for the Jacksonville Park will take place on Saturday.
- She has received revenue reports for 2018 from Medex. This will help determine EMS usage by the CARS program.

## **REPORTS FROM REPRESENTATIVES:**

Ms. Koreman arrived at this time and shared the following:

- Early voting has been adopted by NYS and will be in effect for the general election this year (and for primaries next year). The state may allocate money but it will not be sufficient for staff and supplies to make this happen. The county will need to figure out how to fund this.
- A program for those threatened with homelessness is being developed.
- The county is seeking a mental health coordinator and veterans referral coordinator.
- A new Youth Services director was hired.
- Park grants will open on March 4.
- Affordable housing grants are open.
- The Alcohol & Drug Council will open a new facility near the mall and a new a detox center in future.
- The sheriff's department recently detained an individual and contacted ICE (US Immigration and Customs Enforcement). The county legislature passed a resolution opposing this practice in the past but has learned that they cannot mandate it.
- Sales tax was down a bit this quarter.
- Ms. Koreman responded to Mr Hertzler's inquiry from the last meeting regarding the forest issue.
- This Thursday the county will host a presentation on combatting a climate of hate.

Mr. Boggs shared additional voting from the AOT conference that he recently attended- election primaries will now happen on 4<sup>th</sup> Tuesday in June.

He also raised concerns about a recent water hook up where the water main was shut off.

Ms. Zahler stated that she attended the Ag summit today and shared brochures on web soil surveys.

**OLD BUSINESS:**

**Discussion of Zoning Comments**

Ms. Thomas compiled a document containing comments (received for the February 18, 2019 comment period deadline) and town board responses and the board discussed further.

Key to abbreviations used below:

CP= *Comprehensive Plan*

AFPP= *Ag and Farmland Protection Plan*

CZ= *Conservation Zone*

CITIZEN CONCERN/COMMENT	TOWN BOARD RESPONSE
<ul style="list-style-type: none"> <li>* need rationale for proposed changes</li> <li>* no rationale for conservation zone map change</li> </ul>	<ul style="list-style-type: none"> <li>* CP and AFPP are the rationale for zoning along with other planning documents. Ms. Thomas noted the environmental overlay in the CP matches the proposed expansion of the Conservation Zone.</li> <li>* Outreach goes far beyond what is required and process has been much longer than need be.</li> <li>* Conservation zone matches environmental protection area on CP map</li> <li>* Mr. Boggs also noted Rule #3 of the CP.</li> </ul>
<ul style="list-style-type: none"> <li>* Conservation zone will reduce land value</li> <li>* Rationale for Conservation Zone expansion</li> <li>* R1 and R2 zones changed without rationale and restricts subdivision and extra housing units</li> </ul>	<ul style="list-style-type: none"> <li>* Example of recent large lot subdivisions on Dubois Road shows land value may increase in proposed conservation zone. Ms. Thomas said that land on Dubois Rd. recently sold for \$13K/acre. Ms. Zahler notes that the conversion from farmland to residential makes land increase in value, which is why some landowners are concerned about the proposed limits on those conversions in the future</li> <li>* Approximately 50 tributaries run into Cayuga along lake in Ulysses. Conservation Zone feeds into tributaries.</li> <li>*Ms. Zahler noted that an alternative way to address concerns about protecting tributaries would be through riparian buffer initiatives like the not-yet developed pilot project funded in the Town’s 2019 budget.</li> <li>* A portion of the R1 District is now A/R and follow nodal development practices called out in the CP and Rt 96 corridor study. Parts of R1 remaining as R is also along municipal water line where development can be more dense. Previous R1/R2 properties were spread throughout ag lands without logical reasoning.</li> <li>* Number of units allowed in A/R is a duplex plus accessory building of not more than 1500 sq ft of floor area. Ms. Zahler suggested allowing triplexes or duplexes to provide more affordable housing and supplemental rental income for farmers. If triplexes are allowed, the Town should mandate owner-occupancy to prevent problems related to absentee landlords. Mr. Zepko noted that the town cannot mandate this.</li> </ul>
<p>New park land is unexplained</p>	<p>New areas have been added that are existing recreational areas: the existing golf course, the Habitat recreation area, and Jacksonville Park.</p>
<p>Hinging post in R zone isn’t logical</p>	<p>This area is already densely and completely developed.</p>
<p>Keep Waterburg separate</p>	<p>Reverted Waterburg back to previous area of the hamlet zone with some changes to the lot size and setbacks.</p>
<p>Remove the word “Town-wide” from purpose statement describing excellent soils in A/R zone</p>	<p>Removed "town-wide" as Cail recommended previously but against the recommendation in the AFPP</p>
<p>Does not feel there is development pressure to justify zoning restrictions</p>	<p>Controversy remains depending on what numbers are reviewed and the time period. Zoning is looking into the future. Likely none of the zoning changes will affect development rates for many years. Ms. Thomas noted that the law may not be realized for one or two generations of farmers.</p>
<p>Time schedule is rushed</p>	<p>Work on the update began in 2015 and according to the Town Planners working with the town, has taken far longer than normal.</p>

ZUSC committee was too small. Voices of stakeholders not heard.	ZUSC created the first draft and all committees were invited to comment. ZUSC was expanded in January 2018 to include representation from all committees (5) after the first draft was released. Ag committee remained opposed to all changes and did not offer a viable alternative to preserve farmland.
Ag committee should be responsible for ag zoning	Ag practices affect many residents within the area as well as water quality. All residents have a right to be involved in zoning process for all zones.
Development pressure does not justify	Zoning will primarily affect land preservation far into the future. The zoning change looks into the future.
(A general protest)	No specific recommendation or complaint to address. Ms. Zahler believes that the protest was specific to the limits set on building sites.
5000 sq ft limit is too small	Commenter may not have realized the 5000sq ft limit is for the footprint, not the overall floor area. Mr. Boggs and Ms. Zahler indicated that some buildings may need bigger footprints. Mr. Zepko stated that this is specific to a non-agricultural building. <b>The board agreed to come back to this issue.</b>
Accessory buildings limited to 2 per parcel in A/R	Ms. Thomas suggests changing the draft to remove the limitation of 2 accessory buildings in the A/R zone since there is no such restriction in other zones. Other board members agreed.
Have design standards in each section to make it more clear	Ms. Thomas acknowledged that this is an issue but would be difficult logistically to include the entire design standards in each section, but there are some clarifications that can be made to help.
A conflict in Section 212-142	Ms. Thomas noted there may be an inconsistency and needs to be changed. The board agreed with Mr. Zepko's suggestion that the attorney should look this over.
No specific recommendations or comments other than that the ag community has been ignored.	Ag has largely not given specific comments to the most recent changes, but is generally opposed. Specific comments have been considered by the enlarged ZUSC as well as the TB.
*Unfair to treat SE and SW parts of town the same i.e. both in ag zone *Ag land is not being lost to development	*The zone follows state and county ag district lines. Ms. Zahler noted that the pressures of the east and west sides of Route 96 are different. Ms. Thomas said that Ms. Schneider wants to look at this more closely in the future, focusing on soil types. * Ms. Thomas noted that the Comp Plan and AFPP call out for open space & farmland preservation measures to be put in place and that zoning is for the future, not for now. Ms. Zahler asked Mr. Zepko what the effects of this zoning will be on current vs. future owners. Mr. Zepko replied that the board will need to decide if the update is meeting the goals of their Planning Documents: agriculture and open space preservation and whether the impacts outweigh the benefits. Mr. Hertzler questioned whether a grandfather clause can be added to make the zoning apply to future landowners rather than current. *There is conflicting data on land lost to development in ag areas. * Land developed in woods and brushland within ag zone are reducing open space as well as ag land. The CP and AFPP call for preserving both.
CZ is not in the grant and should not be changed	Many parts of the zoning are being changed beyond the original grant funded requirements. Making additional changes is allowed and logical since the process for zoning changes is very time consuming. The town has contributed funds outside of the grant too.
CZ should be a separate zone	The CP calls out special protections for the CZ and Environ Protection Area. The map change addresses the CP recommendation. Ms. Zahler added that since it was only a map change it may have been easy for people to miss.
CZ extension is not necessary	CZ expansion is intended to protect Cayuga Lake water quality by reducing ag runoff.
Opposed to "bedroom community" the zoning will create.	Zoning is not encouraging a bedroom community. Encourages land preservation over residential development. The board is not clear how the zoning will create a bedroom community. Ms. Zahler suggested that use of the term "cluster development" may lead people to believe that the Town is encouraging large housing developments, which it is not. The section just outlines rules for more compact developments that are designed to protect farm and open land.

Will raise taxes on farmers	State caps taxes on active ag land. The zoning will not affect taxes farmers pay as long as the land stays in farming. Farmer taxes are capped at between 20-40% of what owners of non-ag land are taxed
Committee should be more representational	Committee included PB, BZA, CSAC, Jacksonville, and Ag.
Diminished property value	Assessment values property at current use, not as potential developmental use. Land value should stay the same until subdivided. Some references show land value increasing, some show decreasing.
Opposes 70/30 rule	This commenter has a 50 acre farm, so would be able to develop 7 lots.
Land use study not done	Used survey results from CP, Rt 96 study and AFPP. Some land use GIS was done. Ms. Zahler added that some people wanted more updated information. Mr. Zepko noted that some people wanted a different methodology used to make determinations.
Development pressure does not justify zoning changes	Pressure is high enough for many residents to be concerned. CP calls out land preservation as does AFPP and Rt 96 Corridor Study. Reductions in development are not likely to be seen for many years since 30% of the land will remain available for development.
development has not happened in ag zone and loss of active farm land has been minimal under current zoning	The Tioga study does not consider the entire new A/R zone when studying development. Some development not considered was in the R1 zone which will now be in A/R. Tioga study says little active farmland has been lost to development, but to brushland and scrub instead. We expect this will continue under the 70/30 allowance as farmers develop their least productive lands (i.e. woods and scrub).
Limit of single family dwelling per lot	Lots are not limited to single family. Allowed are 2-family primary building along with an accessory dwelling unit of not more than 1500 sq ft.
Concern about limitation on signs	Limitations are based on existing signage requirements that have been clarified. Some new sign requirements are added. Not sure which part is objectionable. Signs for farmstands and rural groceries <i>are</i> allowed.
Restrictions to agriculture	The main restriction to ag is regarding CAFOs which are of course allowed but the town would like some oversight in siting aspects of CAFOs such as the manure storage lagoons. Ag Commerce has been expanded as well as to include nursery operations, wineries/cideries/breweries and more.
Opposes restrictions to parking and lighting	Parking requirements have been changed to reduce the number of parking spaces required. In some zones, parking is required in the back of a business. Nothing will change for existing situations. Parking in back or on side in hamlet center. Lighting requirements adhere to Dark Sky guidelines.
Limit to outdoor display for ag commerce	Ag Commerce definition has been expanded to allow much bigger ag businesses in the A/R Zone. Concern over large-scale machinery on display resulted in the smaller outdoor display area. Ms. Zahler recommends that large scale displays be permitted in the OTMU zone. Ms. Thomas also suggested this be considered for other business areas.
Small farms are not allowed because of subdivision limits	Ag subdivisions are exempt from subdivision limits and can be combined with a residential subdivision. 15 residential lots could go on a 100-acre farm. Each lot could have 3 residences. The commenter's 40-acre farm could have 6 subdivisions with 3 residences on each lot for a total of 18 units.
Comments from NYS Dept of Ag on 2017 version of zoning about "reasonableness" of zoning.	Not sure these are relevant since an old version of the zoning was submitted to the NYS Dept of Ag to review. Updated versions of zoning will be sent to NYS Dept of Ag for review and comments.
OTMU splits parcels into 2 different zones on the map.	The board discussed how some parcels are split into various zones and whether to change that.
OTMU does not allow residential even though there are residences in zone	The board looked at the map to determine how many parcels are available in the area and what the best uses could be.
Wants all his properties to be in OTMU.	The board decided to take this up at another time as a potential zoning map change.

Ms. Thomas distributed potential zoning language from Ms. Marino on CAFOs.

**NEW BUSINESS:**

**SUPPORT FOR GRANT APPLICATION TO IMPROVE JACKSONVILLE PARK**

Ms. Zahler and Mr. Zepko discussed whether an environmental review would be necessary for this project. Mr. Zepko responded that he could approve this as a Type 2 environmental action as follows:

“Under 617.5.c.9 of the NY Env. Conservation Law the construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls is a Type II action under SEQR. No further environmental review is required.”

**RESOLUTION 2019-58: SUPPORT FOR GRANT APPLICATION TO IMPROVE JACKSONVILLE PARK**

**Whereas**, the Town of Ulysses supports the Jacksonville Community Park located at 3037 Swamp College Road in the hamlet of Jacksonville, New York through a Memorandum of Understanding between the Town and the owner of the park, Jacksonville Community Association (JCA); and

**Whereas**, the Town of Ulysses desires to collaborate with the JCA to improve the park with a proposed project to design, build, and install an outdoor restroom at the park with siting assistance from the Spring 2019 Cornell University Design Connect Project which will encourage and facilitate wider community use of the park; and

**Resolved** that the Ulysses Town Board supports and authorizes the submission of a 100% reimbursable grant application for up to \$5,000 to the Tompkins County Towns and Villages Parks and Trails Grant after the grant cycle opens on March 4, 2019 to support the Jacksonville Park restroom facility as outlined in the attached concept paper (see appendix) and be it further

**Resolved** that if the grant application is successful, the Ulysses Town Board authorizes the Town Supervisor to execute the contract with Tompkins County to implement the project.

Moved: Ms. Zahler

Seconded: Ms. Thomas

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

Vote: 4-0

Date Adopted: 2/26/19

**SUPPORT FOR A JOINT COMMUNITY RECREATION RESERVE**

**RESOLUTION 2019-59: SUPPORT FOR A JOINT COMMUNITY RECREATION RESERVE**

**WHEREAS** the Town of Ulysses has been working for several years with the Trumansburg Community Recreation Board (TCRec) in conjunction with the Village of Trumansburg, and the

Trumansburg Central School District (called the 4-Boards) to develop a more robust recreation program for the area; and

**WHEREAS** TCRec has hosted outreach events to determine the gaps and needs to improve recreational opportunities in the area; and

**WHEREAS** the goals of TCRec and the 4-boards is to look into: additional fields for sports; a swimming pool; an associated community center; and supports the recommendation of the Trumansburg/Ulysses Youth Commission to create an expanded position of Recreation Director to actively coordinate recreational activities in the area; and

**WHEREAS** the 4-Boards continues to search for grant funding to achieve these goals, but much of the funding requires a funding match; and

**WHEREAS** after discussion, the 4-Boards and TCRec recommends the best option for building a funding reserve is to accept the offer of the Trumansburg Central School District to act as the fiduciary to hold reserve funding collected from municipalities and TCRec; and

**WHEREAS** the Trumansburg Central School District intends to put the topic of creating this reserve on the school budget ballot in 2019,

**Therefore be it**

**RESOLVED** that the Town of Ulysses supports creating a restricted reserve (with guidelines for depositing and withdrawing funds), held by the Trumansburg Central School District for the purposes building funds to achieve the goals of the Trumansburg Community Recreation Board and the 4-Boards of improving recreational options for the health and well-being of local residents.

Moved: Ms. Thomas                      Seconded: Ms. Zahler

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

Vote: 3-1

Date Adopted: 2/26/19

**MONTHLY BUSINESS:**  
**BUDGET MODIFICATIONS**

**RESOLUTION 2019-60: BUDGET MODIFICATIONS**

WHEREAS the Ulysses Town Board wishes to fund the Justice Clerk Special Projects account for the 2019 fiscal year,

NOW THEREFORE, BE IT

RESOLVED that the Ulysses Town Board authorizes the payment of Special Projects hours to the Town Justice Clerk at the hourly rate of \$21.26 per hour up to a maximum of \$3,000.00 in 2019, and further

RESOLVED, that the Ulysses Town Board approves the following budget modification to cover those payments:

A1110.121	Justice - PS Special Projects	INCREASE	\$3,000.00
<i>To fund Justice Clerk Special Projects for 2019</i>			
A1990.4	Contingency	DECREASE	\$3,000.00
<i>\$12,000.00 would remain in the A Fund Contingency account</i>			

Moved: Ms. Thomas                      Seconded: Ms. Zahler

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

Vote: 4-0  
 Date Adopted: 2/26/19

**APPROVAL OF SALO HABITAT ADVISORY COMMITTEE MEMBER**

**RESOLUTION 2019-61: APPROVAL OF SALO HABITAT ADVISORY COMMITTEE MEMBER**

Whereas, the Salo Habitat Advisory Committee was created in Resolution 2018-161 to include representation from two neighbors and

Whereas, on September 25, 2018 in Resolution 2018-167 the Town Board appointed an initial group of members including one neighbor and

Whereas, in response to a Town letter to neighbors inviting feedback on the Habitat, Kira Lallas of Kentucky Avenue who owns adjoining property, has expressed interest in joining the Advisory Committee, now therefore be it

Resolved, on recommendation of the Salo Advisory Committee, the Ulysses Town Board appoints Kira Lallas to the Salo Advisory Committee for a term ending December 31, 2019.

Moved: Ms. Thomas                      Seconded: Mr. Boggs

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

Vote: 4-0

Date Adopted: 2/26/19

**AUTHORIZATION TO APPROVE EMS FINANCIAL ASSISTANCE APPLICATION**

**RESOLUTION 2019-62: AUTHORIZATION TO APPROVE EMS FINANCIAL ASSISTANCE APPLICATION**

RESOLVED that the Ulysses Town Board gives temporary authority to EMS liaisons Nancy Zahler & Michael Boggs to make a determination on financial assistance for a request for assistance before then.

Moved: Ms. Thomas

Seconded: Mr. Boggs

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

Vote: 4-0

Date Adopted: 2/26/19

**APPROVAL OF MINUTES**

**RESOLUTION 2019-63: APPROVAL OF MINUTES**

RESOLVED that the Ulysses Town Board approves the minutes from the special EMS/fire meeting on 2/11/19 and the Town Board meeting on 2/12/19, and

RESOLVED that the Ulysses Town Board rescinds the previously approved minutes of the 1/25/19 meeting and approves the amended minutes of the 1/25/19 meeting minutes to include the appointment of Morris Klein to the Planning Board.

Moved: Ms. Thomas

Seconded: Mr. Boggs

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

Vote: 4-0

Date Adopted: 2/26/19

**ADJOURN:**

Ms. Thomas moved to adjourn the meeting at 9:48pm, seconded by Mr. Hertzler.

*Respectfully submitted by Carissa Parlato on 3/8/19.*

## **APPENDIX:**

### **Concept Paper for 2019 Ulysses Submission to Tompkins County Parks and Trails Grant**

**Project** to be submitted March 2019: **Public Restroom at Jacksonville Community Park**

**Purpose of the Park & Trails Grant:** To improve publicly owned, managed, or supported parks or trails

**Background:** The Jacksonville Community Association (JCA) owns a ten acre park located at 3037 Swamp College Road in the hamlet of Jacksonville. To achieve the goals of the Town's Comprehensive Plan and the County's Rt. 96 Corridor Study recommendations, in 2017 the Town of Ulysses entered into a Memorandum of Understanding with the Jacksonville Community Association to collaborate on improvements to the park.

In 2018, the Town and JCA were selected as a project of Cornell University's Design Connect. Cornell students will develop a Park Improvement Plan which will include recommendations for landscaping, site and facility improvements, and signage to help residents and visitors find the park on foot, or via bikes, public transit and/or private vehicles.

A public restroom was identified by the JCA Board of Directors as a priority to attract more individuals and groups to the park. The Town of Ulysses invited the JCA to develop a project for submission to the County's Park and Trails Initiative.

**Purpose of the Town of Ulysses/ Jacksonville Community Association Grant Application:** To expand and enhance the amenities of the Jacksonville Community Park for the individuals and groups that use the trails, fields, and pavilion by adding a handicapped accessible, solar powered public restroom.

**Description:** To fit the rural character of the community, an 8x12 wooden split gable-roofed restroom and storage shed has been designed for the park. It will be board-and-batten exterior with rough-sawn locally harvested hemlock studs with a metal roof. The ADA compliant building will be anchored to a concrete pad with footers for stability.

There will be no running water or septic system. A plastic or concrete vault holding tank and toilet that meet Health Department and Town Building Code specifications will be sited in an area that works with the new park design and meets health and safety requirements. The toilet will be properly vented and an upper level window will provide light and passive solar heat. Plans are being made to arrange for annual or periodic septic removal. A solar-powered fan will reduce odors between pump outs and appropriate security measures will be installed.

The building is being designed to accommodate larger solar panels in the future to power small lights and a fan. An attached storage shed will house restroom and park maintenance equipment and supplies.

**Grant Request:** \$5,000

**Estimated Costs: Equipment:** ~\$1,500 toilet & holding tank; **Excavation, site prep and pad:** \$1,250; **Building materials:** \$ 2,250 (lumber: \$600; sheathing: 300; siding \$200; roofing: \$1,000; solar fan \$150)

**Fees for permits & ADA hardware:** ~ \$400 paid by JCA. The design was donated by Cameron Neuhoff. He and JCA Pres. Pete Angie will oversee the project, site preparation & supervise the volunteer building crew.

**Project Timeline:**

March: Secure permits from Health Dept/Town & Solicit bids for site preparation and holding tank

April: Park Improvement Plan developed by CU; possible sites are tested for health and safety/  
Annual Park Cleanup day will include Park Improvement Plan & construction volunteer recruitment

May: Materials ordered, designs finalized & excavation, installation of tank & site preparation/pad

June: Community build by volunteers to coincide with JCA fund raiser

September: JCA Annual Picnic will celebrate restroom and other phase I park improvements