

## SPECIAL TOWN BOARD MEETING

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Town of Ulysses

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March 6, 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, John Hertzler, Richard Goldman, Michael Boggs (arrived 4:08pm)

Deputy Town Clerk- Sarah Koski

Environmental Planner- John Zepko

#### OTHERS PRESENT:

Jean Houghton

Peter Houghton

Mario and Jeanne DelRosso

Roxanne Marino

Ann Filley

### **CALL TO ORDER:**

Ms. Thomas called the meeting to order at 4pm.

Ms. Thomas shared that Town Attorney, Khandi Sokoni, is currently reviewing the draft zoning and should be done within a week. The next step is for the Town Board to document their justifications for the zoning updates. In reviewing documents created by zoning consultants Randall and West as well as the Comprehensive Plan and Ag and Farmland protection plan, Ms. Thomas identified many instances that these documents called for the preservation of natural beauty and rural character, which is that the new zoning aims to do. Ms. Thomas cited survey results from both the Comprehensive Plan appendix and the Ag and Farmland Protection Plan appendix which showed a high interest in protecting farmland, keeping green and open spaces, and protecting streams and groundwater among other similar goals. Ms. Thomas feels that these survey responses, along with the other guiding documents provide a solid basis for the current proposed zoning update. There have been numerous opportunities for public involvement in the zoning update process, including thirteen outreach meetings, numerous email newsletter messages, and many public Town Board meetings.

### **Discussion of Zoning Comments**

The board discussed the following comments that were received for the 2/18/19 comment period deadline. This is a continuation of a discussion of the comments started at the 2/26/19 regular Town

Board Meeting. Ms. Zahler announced that this was a working meeting of the Town Board, and as such, there would be no privilege of the floor.

Key to abbreviations used below:

CP= Comprehensive Plan

CSAC = Conservation and Sustainability Advisory Council

CAFO = Confined Animal Feeding Operations

AFPP= Ag and Farmland Protection Plan

CZ= Conservation Zone

TB= Town Board

CITIZEN CONCERN/COMMENT	TOWN BOARD RESPONSE
Comments from NYS Dept. of Ag on 2017 version of zoning about "reasonableness" of zoning.	Not sure these are relevant with updated versions of zoning but will send final version to NYS Dept. of Ag for review and comments.
CAFO and animal waste suggested language changes (from CSAC)	TB - discuss with both CSAC and Gates/Ochs NYS Ag and DEC may both have comments on these areas
Land preservation is of primary importance. Stabilizes ag land base and saves land for the future.	70/30 method of land preservation will help this in the future. For smaller farms, such as 30 acres, the proposed zoning allows 4 subdivisions, each subdivision allows up to three dwelling units (primary building could be a duplex, plus an accessory dwelling unit) for a total of up to 12 dwelling units. For a 50 acre farm, a total of 7 subdivisions would be allowed with up to 21 dwelling units. For a 70 acre farm, a total of 10 subdivisions would be allowed with up to 30 dwelling units. Ms. Thomas noted that there were no comments received regarding dwelling units. Mr. Hertzler asked if land preservation also includes detoxification of farmland from years of pesticide application. Ms. Thomas replied that is outside the purview of zoning. Ms. Zahler added that there may be funds through Soil and Water Conservation Districts to help.
Minimize development in areas without municipal water since well water is unreliable in many parts of the town or too expensive to bring in new water districts.	70/30 method of land preservation will help this in the future. NYS Ag and Markets does not want municipal water brought into ag districts, so it's doubtful there would be permission granted to extend municipal water lines into ag areas.
Supports filing nutrient management plans with the Town Clerk.	This is in the current draft zoning. Residents could then put in a FOIL request to learn about these nutrient management plans. Ms. Zahler had been concerned that there may be legal challenges to this move but has been assured by the CSAC that filing nutrient management plans with the Town Clerk is legal and allowable.
Supports cluster housing	Current draft zoning allows this.
make mechanism for tracking subdivision rights clear and easy to understand	Zoning officer has ideas on how this can be done administratively.

CITIZEN CONCERN/COMMENT	TOWN BOARD RESPONSE
Develop fact sheets to explain what can be done in various zones	The TB feels that these fact sheets would be very helpful for residents but Mr. Zepko feels that creating these fact sheets will need to include many disclaimers since zoning is so nuanced and will vary from parcel to parcel. There are no "short answers" to allowed uses in each zone. Mr. Zepko will look further into this idea.
70/30 gives land-owners flexibility on how their land is developed.	This is a reason the TB moved away from a division method of subdivision; 70/30 allows more flexibility on how the land is development
Discourage development along roads	Ms. Zahler reminded the board that cluster development as well as flag lots would address this concern. Mr. Goldman brought up the cluster subdivision bonuses - Ms. Thomas replied that the TB decided to table cluster bonuses as they did not add in sufficient incentives with the 70/30 method of subdivision.
CAFO and animal waste concerns and documentation	TB is working on increasing the setbacks to animal waste ponds to protect water quality. Ms. Zahler asked if the draft zoning would be sent to the DEC for comment. Mr. Zepko replied that notifying the DEC would not be required but the TB could send the document and request comment. Ms. Thomas noted that some studies show 80% of nutrients from runoff that enters the lake comes from Ag., and that's why the TB is concerned with protecting water quality through animal waste regulation. Ms. Thomas does feel that most farmers do an excellent job of managing manure. Ms. Zahler also mentioned septic systems along the lake as being another source of nutrients, so it's worth involving the Health Department.
Generally opposed due to taking of property rights	All zoning curtails some property rights. Mr. Zepko reminded the board that zoning also controls development, ensures the orderly development of the town and preserves the environment.
Opposed to limits on subdivision because will negatively affect retirement	Most properties can subdivide many times still. This zoning will mostly affect the next generation of land owners/farmers. Ms. Zahler asked if residents could opt of the county ag district but still remain in the Town's Ag Zone? Mr. Zepko replied yes. Mr. Zepko explained that the county has an 8 year cycle of reviewing the ag district.
Encouraging the preservation of land, also encourages conventional ag with its pesticides and fertilizers. Would prefer preservation of open space or residential development.	70/30 preserves both land and open space while allowing 30% of the town to be developed. The smaller ag subdivisions will eventually encourage either smaller farms or open space over time. Mr. Zepko spoke with this commenter and the commenter felt that the draft zoning encouraged large scale commercial farms and not smaller scale "homestead" farmers.
zone to preserve the rural way of life	Zoning affects land use, so not sure how the rural way of living could be incorporated into zoning. Mr. Zepko feels that in general the draft zoning does preserve a rural way of life in that it limits residential development and preserves farm land. Ms. Zahler is not sure if there is a way to encourage small farms or large farms though zoning. Mr. Zepko replied that the current draft zoning would preserve a base amount of farmland for farm use, either big or small, by discouraging residential development.
remove constraint on number of accessory structures allowed to encourage sustainable living	TB - revisit? <a href="#">This is only limited in the A/R zone.</a> Mr. Zepko reminded the board that the current draft of the zoning does not reflect what the TB has discussed and agreed on for accessory structures. The TB will make sure the final draft that is presented to the public will incorporate the correct version.
Allow rental cabins. Lodge limits 1 overnight guest/15 acres is too limiting (6 people/night)	Updated version allows 8 guestrooms/lodge located on at least 15 acres of land.
wants cabins on 2 acres of land not fit for ag.	The existing definition of Group Campground should work. Mr. Zepko disagreed; that a campground would not be an accessory use for a primary residence. The land would need to be subdivided to accomplish this scenario.

CITIZEN CONCERN/COMMENT	TOWN BOARD RESPONSE
<p>Concerned over preservation methods, Does not like design guidelines (unspecific)</p>	<p>This commenter mentioned he is supporting a neighbor who is farmer. Mr. Zepko asked how the TB feels about the design guidelines. Ms. Thomas replied that there are many design guidelines to respond to. Mr. Hertzler replied that he likes the idea of designing a place to look a certain way but it's difficult to do in America. Mr. Goldman is concerned about forcing parking behind or on the side of a building might be very expensive for business owners. Ms. Thomas responded that the idea of parking behind a building came from the comprehensive plan surveys where respondents preferred images that did not include parking in front of buildings. Ms. Thomas reminded Mr. Goldman that this regulation was geared towards large businesses that would be able to afford the added expense. Mr. Zepko reminded the board that these are design guidelines, not design standards, so there will be some flexibility when the planning board reviews a project. Mr. Goldman asked if since existing businesses are grandfathered in, aren't these design guidelines moot? Mr. Zepko replied that as these businesses change hands, the guidelines will apply.</p>
<p>Loves land, soil-wants to keep farming, but wants relatives to be able to live there. Used the /15 example on a 20 acre parcel to say only 1 subdivision allowed</p>	<p>Under 70/30, the 20 acre parcel allows 3 subdivisions, not one.</p>
<p>Concern over loss of property value. Although down-zoning has been used as a land use control tool to prevent land conversion and retain open space, its impact on land values, and thus its political viability is not clear. Existing studies find mixed impacts on land values, which make new down-zoning policies difficult to pass.</p>	<p>Farmland values are high in Ulysses. Would reduced value help with taxes? If farmland values decline, would more small farmers would be able to buy land? Ms. Zahler would like to better understand the potential impact on land values. She has heard from farmers that their loan potential is based on development potential. Since the new zoning will limit development, loan potential will also be limited. Mr. Hertzler would like to propose exempting current landowners from the proposed subdivision regulations. Mr. Zepko responded that this would be logistically difficult for the Town to administer. Mr. Zepko is also concerned that this would not treat people equally under the law. Ms. Thomas reminded Mr. Hertzler that the board has adjusted the method of subdivision to allow development rights into the future for several generations. She also reminded the board that since the board has started the zoning update process, there have been some subdivisions – that there has been a “grace period” for those who are concerned about subdividing under the current zoning law. Ms. Thomas will check with the town attorney on the legality of Mr. Hertzler’s proposal. Mr. Goldman mentioned another option may be to put a timeline on the adoption of the zoning – that it would take effect in x number of years. Ms. Zahler suggested building in some development threshold trigger for the new zoning to go into effect.</p>
<p>20,000 sq ft building too restrictive</p>	<p>Based on the largest building currently in Ulysses. No limit in Ag/Rural on how many of these buildings are allowed on a parcel. Ms. Zahler feels that Ag and Markets may challenge this proposal. Mr. Zepko asked the TB their reasoning behind this restriction. Ms. Thomas replied that limiting the square feet is the only mechanism the TB has to limiting large CAFO’s.</p>
<p>CAFO regulations may reduce ag land values by limiting potential buyers</p>	<p>TB consider: do you want to encourage small farming. IF land values drop, Lower land values may allow newer farmers to enter the business. Mr. Zepko urged the board to be careful not to encourage one type of farming over another.</p>
<p>70/30 too restrictive, prefer selling development rights.</p>	<p>Addressed in earlier responses.</p>
<p>Ag committee has been ignored</p>	<p>Ag comments have been heard. Many people are giving input into the zoning besides ag, all with different concerns. This is a group effort.</p>

CITIZEN CONCERN/COMMENT	TOWN BOARD RESPONSE
supports 80/20 Sprawl is a future problem to be addressed now	70/30 is a compromise that tries to take into account many opinions.
Supports Waterburg as a separate hamlet.	Changed back to a hamlet in the current draft.
supports land preservation	Thank you
Concern over area on Perry City between Jville and Halsey being now zoned A/R changed from R2	Not on the water line, already fully developed, no benefit to increase density in this area.
1500ft2 for accessory dwelling is too small	in A/R, the primary building can have 2 dwelling units plus an accessory dwelling unit = 3 dwelling units/lot--more than ZUSC recommended.
supports preserving farmland while protecting existing residential properties.	70/30 is a compromise that attempts to preserve land over time and separate residences from farms.
Supports Waterburg as a separate hamlet.	Changed back to a hamlet in the current draft.
supports 80/20 requests change back to 80/20	70/30 is a compromise that tries to take into account many opinions.
opposed to land preservation method	A general comment from an anonymous commenter.
Have design standards in each section to make more clear	While it's understood that the zoning is difficult to follow, Inserting the design standards in each section would be onerous and possibly more confusing

Ms. Zahler is concerned about those currently zoned R2 who will now be in the Ag/Rural zone who would need more road frontage to subdivide as compared to the current zoning. Ms. Thomas reminded Ms. Zahler that no comments have been received about this particular issue. Many respondents to the Ag survey noted that they were not interested in selling their land because they want to maintain privacy.

Next steps:

The Town Board will follow up on comments, incorporate Town Board recommendations into a new draft, updated draft will be reviewed by the town attorney, then set lead agency and notify other agencies. The County needs a one month review period. Ms. Zahler reminded the board of her request to break the zoning update into two sections – the AR zone/subdivision separate from the

rest of the zoning update. Ms. Thomas replied that board would have to consider the logistics of going forward with that plan.

**ADJOURN:**

Mr. Goldman moved to adjourn the meeting at 6:03pm, seconded by Mr. Hertzler.

*Respectfully submitted by Sarah Koski on 3/12/19.*