

### Caroline Town Board Meeting Minutes of November 1, 2023

The Town Board Agenda Meeting was held hybrid beginning at 7:07 p.m. and was hosted by Town Supervisor Mark Witmer

**Attendance:**

Supervisor Mark Witmer  
Councilmember Cal Snow  
Councilmember Tim Murray  
Councilmember Kate Kelley-Mackenzie  
Councilmember Michele Brown

**Also Present:**

County Legislature Rep., Dan Klein

**Recording Secretary:**

Jessie Townsend, Town Clerk

**Public Attendance:** \_\_ in-person, 4 via zoom

Supr. Witmer opened with the Pledge to the Flag.

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**Privilege-of-the-Floor**

*Bill Podulka* – Responded to some recommended changes that were provided by the Ag Committee Planner in connection with the draft zoning law. He advocated keeping the following provisions: ASPR for CAFOs; to allow subsidizing existing under-sized (non-conforming) lots at one time; and requiring mapping of the critical habitat areas suitable for or containing endangered or threatened species.

*Becky Dewitt* – Spoke in favor of the draft zoning plan. Thanked the Board for their dedicated work and service to the community.

*Katherine Goldberg* – Recommended the removal of Section 5.2.B.1.a. (pg. 65) of the draft zoning law. Finds the language of this paragraph to be subjective, unnecessary, and unenforceable.

*Chris Larkin* – Has been teaching a mindfulness program at the Brooktondale Community Center. Asked the Board to consider passing a resolution in support of this program. The Board requested that he provide them with additional detailed information to better understand what the program is and then identify if/how they can offer support.

*Robin Cisne* – Disagrees with those that are criticizing the cost of writing a zoning law.

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**Committee Reports**

**Supr. Witmer** – Has put the Battery Energy Storage System Law on hold to review more information. Will follow up on this at a future meeting. The Ekroos Rd Streambank Stabilization Project has been completed.

**Cm. Kelley-Mackenzie** – Hunts Engineering will be submitting a proposal to the County for a broadband buildout in parts of Caroline. Attended a training hosted by the Association of Towns on Land Use Planning with several members of the Review Board.

**Dan Klein, County Legislator Report** – Tompkins County set the 2024 Preliminary Budget at a 2% increase. Awaiting Broadband proposals, more information to follow.

**Budget Workshop #2**

Town Court – Supr. Witmer briefly summarized the proposals provided by the Justices. Judge Reinbolt was present and made requests for the following: soundproof tiles to eliminate noise in the Court Offices; a ramp to the Bench; and Bailiff Services during every Court session. Discussion of ways to remedy the requests and further discussion surrounding the metric used for setting Public Officials wages.

Supr. Witmer proposed the following Budget changes:

- A1111.4 Court Contractual – from \$5,000 to \$6,000 (+ \$1,000)
- DA5110.4 Road Repair – from \$135,000 to \$189,000 (+ \$54,000)
- DA5110.41 Fuel – \$75,000 to \$65,000 (- \$10,000)
- Non-Union Employees Wages – 2% to 3.2% (+1.2%)

Caroline Fire Districts budget proposals

- Speedsville Fire Contract – 18% increase
- Brooktondale Fire Contract – 0% increase (remained flat)
- Slaterville Fire (Not Contracted with Town/non-taxable) – 22.6% increase

**Resolution of 2023. Approval of changes to the 2024 Tentative Budget**

Motion by: Witmer      Seconded: Kelley-Mackenzie

Resolved, the Caroline Town Board hereby agrees to the modifications as set forth above.

**Motion carried.**

**Ayes: Witmer, Snow, Murray, Kelley-Mackenzie, Brown**

**Nays: None**

**Resolution of 2023. Adopt the 2024 Preliminary Budget**

Motion by: Witmer      Seconded: Brown

Whereas, the Caroline Town Board has completed review of the 2024 Tentative Budget and approved modification; therefore be it

Resolved, the Caroline Town Board hereby adopts the 2024 Preliminary Budget; and further be it

Resolved, the Caroline Town Board sets Public Hearings on the 2024 Preliminary Budgets for Town, Fire District, and Streetlight Districts for November 15 beginning at 7 pm at the Caroline Town Hall to hear comments. The Supervisor’s presentation of the Preliminary Budgets will precede the Public Hearings.

**Motion carried.**

**Ayes: Witmer, Snow, Murray, Kelley-Mackenzie, Brown**

**Nays: None**

**Review and Discussion of draft Zoning Law**

Recommendations given by the town’s Ag Committee Planner, George Frantz, have been examined by both the town Zoning Planner, Nan Stolzenberg, and Attorney, Guy Krogh. The Board began reviewing all of the collective comments and made many modifications to the draft law (notated in red ink below).

**Resolution of 2023. Approval of changes to the Draft Zoning Law**

Motion by: Witmer      Seconded: Murray

The Caroline Town Board hereby agrees to the following changes to the draft zoning law by Consent Agenda:

- (p. 10) **Applicant** – The Applicant is any Person, corporation, or other legal entity applying for a building permit, Site Plan Review, Special Use Permit, subdivision approval, or variance from, or reinterpretation

of, this zoning law, and such term also includes the Person seeking certificates of occupancy, variances, or zoning amendment.

(p. 10) **Auction House** – A structure operated as a business enterprise at which items or property are offered for sale to a bidder or bidders.

(p. 14) **Commercial Recreation Facility, Indoor** – An indoor place designed and equipped for the conduct of sports and similar recreational activities, which are available to people of all ages, and which are conducted and utilized as a business or not-for-profit. A health club, indoor tennis, exercise rooms, handball, ball courts, and similar uses are forms of a commercial recreational facility, indoor. See also Commercial Recreation Facility, Outdoor.

**\*Commercial Horse Boarding Operation**– means an agricultural enterprise, consisting of at least seven acres and boarding at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this definition be construed to include operations whose primary on site function is horse racing. Notwithstanding any other provision of AML 25-aa, a commercial horse boarding operation that is proposed or in its first or second year of operation may qualify as a farm operation if it is an agricultural enterprise, consisting of at least seven acres, and boarding at least ten horses, regardless of ownership, by the end of the first year of operation.

In Use Table: P in Ag/Rural; SPR in all other Districts.

(p. 15) **Conservation Easement** – A legal agreement in the form of an easement, covenant, restriction or other interest in real property created under and subject to the provisions of Article 49, Title 3, of the New York State Environmental Conservation Law, which limits or restricts the development, management or use of such real property for the purpose of preserving or maintaining the scenic, agricultural, historic, recreational, archeological, architectural or natural condition, character, significance or amenities of the property. (removed “in perpetuity”)

(p. 18) **Farm Market** – A location or permanent structure used for the seasonal or year-round retail selling of farm products either grown on site or grown at other farm operations in the area. Other non-farm products may also be sold. (See also, Farm Stand) (edited)

**\*Farm Stand** – A use of a structure including small Buildings, carts, tents, canopies, wagons or stands for the display and sale of farm products.

(p. 19) delete **Fuel Station, gasoline**. (redundant)

**\*Greenhouse** – A Building or structure designed in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale. A Greenhouse facility may have a Nursery as part of their operation.

**\*Industrial Cottage Manufacturing** – A manufacturing, construction or service enterprise owned and operated by a resident of the principal dwelling on a lot, but which is not engaged in retail sales with established hours of operation, or services on the premises, and which does not employ more than 10 persons on site not residing on the property

In Use Table: SPR in Ag/Rural; SUP in all other Districts.

(p. 22) **Junk, Scrap or Salvage Yard** – An area of land with or without Buildings used for or occupied by the storage, keeping, or abandonment of junk, including scrap metals or other scrap, used or salvaged building materials, or the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof. The deposit on a lot of two or more old or secondhand motor vehicles no longer intended or in condition for legal use on the public highways shall be deemed to make the lot a 'junk car yard' pursuant to New York State General Municipal Law 136. A scrap yard is also a facility or area for storing, selling, dismantling, shredding, compressing, or salvaging scrap materials. A salvage yard includes the storing, dismantling, compressing or salvaging of any junk motor vehicles. (~~deleted “ferrous metal” scrap materials~~).

(p. 23) **Mine, Moderate Size** – A mine that removes between 250 cubic yards and 750 cubic yards of earth material in twelve (12) consecutive months. (~~delete previous language here~~)

**\*Nursery** –A nursery is a location for the growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, and fertilizers, as well as garden tools and accessory products to the general public or for wholesale. Nursery facilities may have greenhouses as part of their operation.

(p. 28) **Short-term Rental** – The use of land for: (a) rental for payment of a portion of a Dwelling Unit, entire Dwelling Unit, Accessory Apartment, portion of an Accessory Apartment, free-standing accessory dwelling, or portion of a free-standing accessory dwelling for a period of 30 consecutive days or less, where the owner of the property may or may not be present for a portion or the entirety of the rental. This definition does not apply to an ongoing month-to-month rental of a dwelling or premises by a land-owner-landlord to the same tenant(s) where the tenant'(s) occupancy of the rented premises is ongoing on a month-to-month basis and the tenant(s) are not transient (~~long-term rental~~). (edited to recognize Long-term Rentals)

p. 28) **Site** – Any tract, block, or parcel of land separated from other parcels or tracts by ownership or title, by description, by natural barriers or geologic or geographic features. (~~strike..., “or by metes and bounds”~~).

(p. 31) **Townhouse** – A row of three **or more attached** Single Family Dwelling Units, in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

**Table 1. Schedule of Uses:**

(p. 43) Concentrated Animal Feed Operations: **ASPR in Ag/Rural; X in all other districts.**

(p. 49) Telecommunications Towers: **cite LL 1 of 1998 for entire row.**

(p. 59) 4.5.D.5 and 6. Add appropriate notice period (5 days) for public hearing.

(p. 61) 5.1.A. No land or Building shall hereafter be used, occupied, erected, moved or altered unless in conformity with the regulations specified for the district in which it is located, **or as permitted by variance**, except as allowed in Article IX for lawful lots, buildings, structures, or uses of premises existing at the time of enactment of this Local Law.

(p. 62) 5.1.C.2.e. Whenever an Agricultural Data Statement is part of an application to the Town of Caroline, the Town **may** refer the application to the County Planning Board **as may be** required by Sections 239-m and 239-n of the NYS General Municipal Law.

(p. 64) 5.1.2.F. Change of Use. Any Change of Use, occupancy of land, Buildings, structures, or other improvements on land defined in this Zoning Law to a use or occupancy that requires site plan or special use approval shall obtain the appropriate Review Board approval(s) before being undertaken. Any expansion of such use or occupancy that is 25% or greater than the existing square footage of the structure or use shall also require the appropriate Review Board approval(s) before being undertaken.

(p. 65) delete 5.2.B.1.a. in entirety: ~~Retain and reuse existing old farm roads and country lanes rather than constructing new roads or driveways to the maximum extent practical. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls. (This is not appropriate where reuse of a road would require widening in a manner that destroys trees or stone walls.)~~

(p. 65) 5.2.B.1.j. [move this section to 5.2.A. Developmental Standards for the Ag/Rural District]- All major subdivisions and commercial development, except for home occupations, in the Ag/Rural District shall provide for an agricultural Buffer between itself and an adjacent Agricultural Operation that may be present. Buffers may be effective to reduce the exposure of non-farm uses to odors, noise, and other potential nuisances associated with the Agricultural Operation and to protect the Agricultural Operation from potential complaints related to same. **Buffers shall meet the following Standards:**

1. Buffers may consist of vegetative screening, woodlands, vegetated berms, or natural topographic features.
2. It is the responsibility of the non-farm applicant, subject to approval by the Review Board, to provide an effective Buffer **to the Agricultural Operation.**
3. When a Buffer is present, no residential structure or residential Accessory Structures shall be placed within it.
4. Areas designated as agricultural Buffers may be included in any required open space designation for a Conservation Subdivision.
5. Buffers should:
  - a. maintain topographic features such as hills that substantially screen and separate the farm and non-farm use.
  - b. Ensure for the passage of wildlife when fencing is required.

(p. 66) 5.2.C.3. The Review Board may require sidewalks to be installed when there can be a connection to an existing pedestrian **walkway (for example, sidewalks, trails, recreational pathways).**

(p. 73). 5.3.4. Delete:

**The Review Board may require additional data to demonstrate that the proposed activity will not result in any of the following impacts:**

- a. **Alteration of Aquifer capacities.**
- b. **Reduction of flood-carrying capacities of watercourses or increased hazards associated with flooding.**
- c. **Deterioration of water quality or impairment of best usage of waters.**
- d. **Alteration of water retention capabilities; increase in siltation of surface water bodies and adjacent areas.**
- e. **Significant Disturbance to fish and wildlife populations and natural plant communities.**
- f. **Impairment of any natural function of a Wetland or its adjacent Buffer area.**
- g. **Alteration of the flow pattern of a watercourse area.**
- h. **Increase in the velocity of surface water runoff.**

(p. 74). 6.1.A. These **Supplementary** Standards are in addition to, **and do not replace**, all requirements of the New York State Uniform Fire Prevention and Building Code. (revised to clarify).

(p. 77) 6.2.7.B.3. amend to **unreasonable** glare.

(p. 77) 6.2.7.E. The maximum size for any permanent Sign shall be 32 square feet **in total area of one side**.

(p. 78) 6.2.11.B. Add “or **equivalent**”

(p. 88) 6.5.15.D.5. **When the subdivision is proposed within a New York State Certified Agricultural District or within 500’ of such district**, Building Setbacks from cropland or pastureland shall be one hundred (100) feet. The Setback from barnyards housing livestock shall be three hundred (300) feet.

(p. 94) K.1. Change “**Site plan**” to “**subdivision plat**”

(p. 97) L.2. strike, “**and if unpaid, shall become a tax lien on such property.**”

(p. 99) 7.2.A. Add, “, **which shall be repealed.**”

(p. 101) 7.4.A.3. Water Quality. The following Standards are **intended to avoid and mitigate negative impacts on the quality of water in the Town from new Development**. Water quality is also addressed in these regulations, in part, through sections dealing with erosion and sediment control and stormwater runoff.

(p. 107) 7.5.C. Waiver of Submission Requirements: As part of Sketch Plan submission, **upon request from the Applicant or at discretion of the Review Board, the requirement for particular information may be waived by the Review Board.**

(p. 109) 7.6.3. Delete the following: h, k

**(p.109) 7.6.4. Delete the following: o, q, u, w.**

(p. 113) 7.7.9. **Change expiration of SPR Approval from 18 to 36 months.**

(p. 114) 7.7.11.A. No certificate of occupancy shall be issued until all **required** improvements shown on the site plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed.

(p. 114) 7.8.A. Purposes. The purpose of this sub-section is to set forth those conditions and circumstances under which the requirements of this Local Law may be modified or waived by the Review Board. Waivers shall be explicitly requested by the Applicant in writing, and expressly granted only by the Review Board. In granting waivers, the Review Board may, in its sole discretion, incorporate such reasonable conditions as will, in its judgment, substantially secure the objectives of the requirements so waived. Any waivers granted by the Review Board shall be the minimum waiver necessary to allow the requested flexibility by the Applicant. The Review Board must state, in writing, its grounds for electing to waive the requirement(s), cite whatever evidence that the Review Board relied upon in making the determination, and file such statement along with the site plan application and supporting documents. ~~In all cases, no waiver shall be granted unless the Review Board finds and records in its minutes that: i) granting the waiver would be keeping with the intent and spirit of this Local Law and is in the best interests of the community; ii) there is no known, potential, or anticipated material adverse effect upon the character, appearance, or welfare of any adjacent neighborhood or the environment; iii) there are special circumstances involved in the particular case; iv) denying the waiver would result in undue hardship, provided that such hardship has not been self-imposed; and v) the waiver, if granted, would be the minimum necessary degree of variation from the requirements of this Local Law.~~

(p. 113) 7.7.9. Add, “**unless applied for and received an extension from the Review Board.**”

(p. 118) 7.9.D.8. Extension of Time. The time period in which the Review Board must render its decision on the abbreviated site plan may be extended only upon mutual consent of the Applicant and the Review Board. ~~Failure of the Review Board to act within the one meeting time period specified or other time frame agreed upon between the Applicant and Board, shall constitute Review Board approval of the abbreviated site plan as submitted or last amended, and shall be deemed automatic approval. An Applicant’s failure to follow through within the specified time period on submitting application requirements shall not be considered a failure of the Review Board and thus shall not be deemed automatic approval.~~

(p. 120) 8.3.B. “Code Enforcement Officer” replaced with “Zoning Officer” here and throughout, where appropriate.

(p. 122) 8.4. Special Use Permits will expire if the Applicant fails to obtain a building permit or fails to comply with the conditions of the Special Use Permit **within 36 months of** approval unless other provisions are set forth by the Review Board in connection with its approval. A Special Use Permit will expire if the special use or uses cease for more than **36 months** for any reason. If a use subject to an approved Special Use Permit had been in continual operation but has since lapsed in operation for more than three years between Review Board approval and re-initiation of such use, the Review Board shall require a review of such use prior to reinstatement to ensure that all original conditions of the Special Use Permit are still valid. In either case, the Review Board may, after review, reinstate, reinstate with conditions, or **deny** such lapsed use. After lapse or expiration, an updated site plan and approval from the Review Board shall be required. Such review process shall be initiated through application to and initial action by the **Code-Zoning Officer**.

(p. 123) 8.9.C. **Remove #4, #5, and #6.**

(p. 124) 8.9.~~B~~.D. ...and enforced **by the Zoning Officer.**

(p. 125) 9.1.A. add comma after continued:....Local Law may be continued, even though the lot,...

(p. 125) 9.1.B. Any separately deeded lot in existence prior to the adoption date of this Local Law, or of any subsequent amendment to this Local Law, and whose area and/or depth are less than the specified minimum density or lot requirements of this Local Law for the district, may be considered as complying with all minimum lot requirements, shall be allowed to have one principal structure and one accessory structure, and no variance shall be required to develop such lot provided that all applicable laws and regulations related to setbacks, potable water and sewage disposal facilities as required by the Town of Caroline, Tompkins County Division of Environmental Health, New York State Department of Health, and/or the New York State Department of Environmental Conservation are satisfied.

(p. 125) 9.1.C. In any district where residences are permitted, such undersized Non-Conforming Lots may be used for not more than one Single-Family dwelling **and one accessory structure.** (subsequent language retained)

(p. 127) Article X Enforcement and Administration. Change Code Enforcement Officer to Zoning Officer throughout, except where specific to enforcement of NYS Code.

(p. 127) 10.A. Cite Local Law 1 of 2023 (Code Enforcement Law and Regulations).

(p. 128) 10.C. Change “shall” to “may.” Complaints. The **Zoning Code-Enforcement** Officer **may** review and investigate complaints that allege or assert the existence of conditions or activities that fail to comply with this Zoning Law. The process for responding to a complaint **may** include any of the following

steps the ~~Zoning Code Enforcement~~ Officer may deem to be appropriate:

(p. 129) 10. D. Recordkeeping. ~~All records shall be public records open for public inspection during normal business hours, except for records exempted from disclosure under the New York State Public Officers Law (Freedom of Information Law) or documents which are protected by attorney-client privilege.~~ All records maintained by the ~~Zoning Code Enforcement~~ Officer shall be kept in an organized manner calculated to allow easy and efficient review by Town officials or the public. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation. The ~~Zoning Officer Code Enforcement Officer~~ shall periodically check all reports and plans to ensure that appropriate action, if needed, is taken.

The ~~Zoning Code Enforcement~~ Officer shall keep permanent official records of all transactions and activities that he/she conducts and those conducted by members of his/her office, including records of:

1. All applications received, reviewed and approved or denied;
2. All plans, specifications and construction documents approved;
3. All zoning permits, temporary certificates, stop work orders, and operating permits, ~~and certificates of use~~ issued;
4. All inspections and tests, ~~including all third party inspections and tests,~~ required and performed;
5. ~~All statements and reports issued and a master list of all reports to be received;~~
- E. All complaints received;
- F. All investigations conducted;
- G. All other features and activities specified in or contemplated by this Section of the Zoning Law; and
- H. All fees charged and collected.

(p. 128) 10.C. Change “shall” to “may”

(p. 128) 10.K. Change language to cite NYS Executive Law 267-c (review with Nan and Guy to cite appropriate parts of Executive Law Article 18).

(p. 131) 10.L.2. Prior to commencing any use on any property ~~for which a permit or approval is required under this law,~~ the...

(p. 131) 10.L.3. For new ~~construction requiring sewage treatment and~~ without public sanitary sewers, no building permit shall be issued...

(p. 132) 11. Reader’s Aid: delete: ~~The ZBA is also authorized to make interpretations of the Law.~~

(p. 132) A. Purpose. A Zoning Board of Appeals shall be maintained and operated in accordance with Article 16 of the New York State Town Law, Sections 267, 267-a and 267-b. The Zoning Board of Appeals shall have all of the authority, jurisdiction and duties granted to such Boards by Sections 267, 267-a, 267-b and any other applicable State law, and shall fulfill its duties in accordance with those grants of authority and in accordance with Article XI of this Zoning Law.



(p. 132) 11.B.2. ...revise with: **is unable to act, is not present, is recused, or is deemed to have a conflict of interest**

(p. 134) 11.H.2. delete final clause: **and those records shall be public records open to inspection at reasonable times and upon reasonable notice.**

(p. 137) XI.J.1. replace **“ordinance or local law” with “zoning law.”**

(p. 141) XII.D.5. DELETE (leave authority for zoning review solely with the ZBA).

(p. 142) XII.K.4. Remove default approval. 4. Failure to Act. All time periods prescribed for Review Board action on a preliminary or final plat, Special Use Permit, or site plan approval are specifically intended to provide the Review Board and the public adequate time for review and to minimize delays in the processing of such applications. Such time periods may be extended only by mutual consent of the owner and the Review Board. ~~If the Review Board fails to take action on a preliminary plat, final plat, Special Use Permit, or site plan within the time prescribed after completion of all requirements under the state environmental quality review act, or within such extended period as may have been established by the mutual consent of the owner and the Review Board, such application shall be deemed granted approval.~~ The certificate of the Town Clerk as to the date of submission of the application and the date when such application is deemed complete for review and the failure of the Review Board to take action within the prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval as required.

**Motion carried.**  
**Ayes: Witmer, Snow, Murray, Kelley-Mackenzie, Brown**  
**Nays: None**

**Resolution of 2023. Approve Contract with Ace Security Cameras for Video Security System**

Motion by: Witmer      Seconded: Murray

Whereas, the Town has received quotes for two proposals for video security at the Old Town Hall and Town Office Building; and

Whereas, Ace Security’s proposal is most economical, providing four weeks of storage capacity; therefore be it

Resolved, the Caroline Town Board hereby authorizes the Supervisor to approve Ace Security’s proposal for installation of video monitoring of the Old Town Hall and Town Office Building front entryways and parking lot for \$6,325.

**Motion carried.**  
**Ayes: Witmer, Snow, Murray, Kelley-Mackenzie, Brown**  
**Nays: None**

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**Agenda Items for November Business Meeting**

Public Hearing on the 2024 Preliminary Budget  
Continue discussion on the draft zoning law

A Motion to adjourn the meeting was made by Supr. Witmer and seconded by Clm. Snow and carried unanimously at 9:25PM.

---Meeting Adjourned---

Respectfully Submitted,  
**Jessie Townsend**