

## **Caroline Town Board Meeting of May 9, 2018**

The Town Board Agenda meeting held on May 9, 2018 at the Caroline Town Hall was called to order at 7:05 p.m. by Supervisor Mark Witmer.

### **Attendance:**

Mark Witmer, Supervisor  
John Fracchia, Councilmember  
Irene Weiser, Councilmember  
Calvin Snow, Councilmember  
Megan Barber, Councilmember

### **Recording**

**Secretary:** Becky Jordan, Deputy Town Clerk

**Also present:** 5 people of the public attended

### **Public Hearing**

Open public hearing on revised Subdivision Law 7:07

Applicability, guidelines, subdivision law adopted 18 years ago, one goal to improve consistency between the two made 14 years apart and new energy, 3 public meetings held last fall.

Pete Hoyt: It has been said that this only applies to big projects so if a guy wants to stick a trailer on a lot will this affect him? No

Do guidelines have to be followed? No, they are not regulations but should be considered as recommendations.

As a citizen I have concern about people having to spend additional money in following these guidelines.

Frank Proto: Is it the intention of the Board to vote on this this evening? No

Ellen Harrison Comments on revisions to Subdivision and Site Plan laws

5/6/18

I am glad to be joining the Review board in time to provide some comments. I have tried to consider the 3 relevant laws (Subdivision, Site Plan and Stormwater), but I am sure I have missed things and mistaken things! If the Town Board is interested in implementing/addressing my suggestions, I'd be happy to work further on refining these thoughts.

#### **1. Stream setbacks**

Maintaining and enhancing the quality of our surface water requires the protection of stream belts and riparian vegetation since paving and disturbance to the stream sides impairs water quality . It does not appear that our streams are adequately protected either in the proposed laws or in the Stormwater law.

The proposed Subdivision Law recommends establishing buffers along streams and watercourses (see Sec. 302, A (4) "recommended construction methods"). I don't believe that a definition is provided in any of the

laws for buffer, stream, watercourse or surface waters. Such definitions would need to specify whether ephemeral streams are included as well as the width of a buffer.

Surface waters are mentioned in mapping existing conditions (Sec. 805, (4) which thus also calls for a definition.

While the Town Stormwater Law mentions that disturbance proposed within 50 feet of a stream (unclear from where the 50 foot is measured. Is it the centerline of the stream? The stream bank at bankfull stage?) requires submission of a brief plan to Stormwater Management Officer. The law does not prohibit disturbance. It has been suggested to me that development in the 100-year flood plain is prohibited, but I did not see that provision in the Stormwater law. In addition, I don't think that the 100-year flood is mapped along small streams so they would not be so protected.

Related to streambelt protection are questions concerning "source waters". The Stormwater Law has this definition "Source Water Assessment Area -An area around a water source (groundwater or surface water or both), delineated by New York State Department of Health, which supplies public water for 25 or more people for at least 60 days per year, or for 5 or more individual service connections." However, the Stormwater law requires that "(I) If the land disturbance activity is located within a designated source water assessment area for a public drinking water supply, description of the impacts to the wellhead and inner zones (or recharge areas)" which implies it is only groundwater and wells that being considered.

If it is any water contributing to public water supplies, then all of the town that is in the 6 Mile Creek watershed would be included. I have not located the map that the

Stormwater law references. I have spoken with County Environmental Health and await their reply about the mapped area(s) in Caroline.

The Town of Ithaca has a comprehensive and well thought-out law addressing streambelts (<https://www.ecode360.com/16064379?highlight=stream,streams#16064379>). Perhaps some of the concepts in that law could be included in updates to Caroline laws. While developing such a comprehensive law would be beyond the scope of current revisions and might be a future project, the proposed local subdivision and site plan laws could be improved with definitions and some other mentions of streambelt protection.

2. Water Supply - quantity. This has been discussed as a potential concern in our town.

The proposed Site Plan law says "The proposed Development shall have a supply of water adequate for the proposed uses without unreasonably adversely affecting the availability of groundwater for other properties." The question is how to make that assessment.

I have talked with both DEC and County Health. Neither entity defines what is adequate quantity, nor do they have any minimum flow requirements. The Building Code has a table showing the Maximum flow for each type of item (like a sink or toilet), but nothing that deals with minimum supply for a home or building. Since storage can compensate for low well yields, there is really no way to set necessary minimum.

Determining whether other properties may be impacted requires monitoring during pump testing of the new well. Doing such tests in unconsolidated aquifers that are not confined is relatively straight-forward with the installation of test wells that are monitored during a pump test. I discussed with DEC how such a determination could be made when the well is in a bedrock aquifer. There is no way to install and use test

wells. Monitoring of “nearby” bedrock wells is the way it could be done. This requires the permission of those well owners.

There is no clear delineation of the distance from the proposed well that might be impacted since it depends on the particular fracture(s) from which the water is being pumped. The current draft Subdivision Law only requires wells with 200 feet to be identified. This is not nearly far enough. Identifying on a map wells with one thousand feet would be more reasonable if proposed development would require water to serve more than a handful of single-family homes. I suggest requiring that the applicant identify and map wells out to 1000 feet and that the applicant make an offer to monitor those wells, using qualified personnel with the results of those tests provided to the Board.

### 3. Sidewalks and bike lanes.

We should be forward-looking as development in Caroline increases, with the possibility that sidewalks and bike lanes may be needed.

In general considerations, the proposed laws mention pedestrian safety and convenience. However, in the list of specific things to consider (ie Site Plan Law section 3.20 e. III) these modes of transportation are not mentioned. Sidewalks and bike lanes should be included in that list. Since roads are laid out at the stage of Subdivision Review, the possibility that sidewalks and bike lanes be required should be addressed early in the process in that law.

Pedestrian and bicycle improvements are listed in the required estimate of site improvement costs (Sec 804, (3)), and should be called out more specifically in development of the plans.

Site Plan Guidelines #12 - add sidewalks and bike lanes.

### 4. Solar

Large solar development should require site plan review and approval.

### 5. Air Quality

This section of the Site plan Law could be strengthened by requiring that copies of any data sent to the DEC be sent as well to the town.

### 6. Sound

Setting a maximum decibel level at a property line could provide the town a tool to deal with noise problems.

### 7. Other

#### Section 4.034

Archeologic sites should be included in mapping existing conditions and also in the criteria that the Boards will consider.

Water and sewerage services should be included on the map of the proposed development (Subdiv law section 803, (5))

#### Section 4.044 Public Hearing

Why not have 10-day notice to the public since there must be a least 10 days notice to the applicant?

Close public hearing on revised Subdivision Law 7:20

Open public hearing on Site Plan Review Law 7:21

Don Barber: The design guidelines are not part of the local law

Frank Proto: page 1 intent and purpose: land development...mitigated...found this theme in various places in the document

2.010 Modifications on land use, item A: commercial use...Does a building or use of 10k square feet or more exempt the user/individual? If you disturb an acre or more you would be subject to site plan review. 2.010 are not exemptions but rather subject to site plan review. Item 0, #iii outdoor land. Page 4 definitions, item k development, clarification between definition and scenarios subject to site plan review law. Item V Driveways and parking lots. Adequacy of traffic control. Brought forth multiple items of suggested additions.

Close public hearing on proposed site plan review Law 8:24

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### **Privilege of the Floor**

Kathryn Goldberg-Forrest proposed the Board to address the South Hill Recreation Way Extension. There is Ithaca College documentary about the trail reengaged her thoughts on the topic. The trail was the single most engaging topic of the town. Would like to know what the status is. The town has asked the attorney for the town to ask property owners for additional information which is forthcoming. County is awaiting a license agreement with NYSEG.

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### **Reports**

#### **Mark Witmer, Town Supervisor – *Supervisor's Notes:***

- Planning Board
  - Planning Board met with Don Barber to learn about process of generating first Comprehensive Plan and asked for input from town board members on “deliverables” and timeline. Joan Jerkowich from Tompkins County Planning Department has been invited to the May 10 Planning Board meeting to provide input on process for Comprehensive Plan updates.
- Energy Independent Caroline
  - Cornell Environmental Psychology class conducted pilot LED distributions and surveys on Saturday, April 21. Students will present their findings second week of May.

- Submitted Town Hall EV-Charging Station to NYSERDA as 5th High-impact Action Item under the Clean Energy Communities Program.
- Watershed Committee
  - Committee review and final edits of Caroline’s Stormwater Protection Plan. Kristen Hychka is providing extensive review and editing.
  - Buffalo Road Creek Stream Stabilization II - quarterly report submitted to DHSES. Project to begin later this month. Barry Goodrich will oversee construction.
  - Submitted 2018 MS4 Report to T.C. Soil & Water. Kevin McMahon and Cindy Whittaker provided key data.
  - Superintendent Whittaker and I attended Watershed Summit on April 19 in Seneca Falls, an initiative of the Cayuga Lake Watershed Intermunicipal Organization. Central NY Regional Planning, NYSDOS, NYSDEC, highway and municipal personnel were present. Discussion of funding and projects. Lots of focus on management of stormwater runoff from drain tile and ditches and how to streamline project development and funding.
- Consulted with Clm. Fracchia on current building improvement initiatives.
  - At John’s suggestion, met with Angel Hinickle of TC Soil & Water to assess town hall grounds for Midline Road Park-N-Ride and best practices for water management. Angel suggested John Anderson PE for developing a project plan and he is willing to help.
  - Taitem Engineering working on RFP for Town Hall heating/cooling and Sunnybrook providing estimate for re-siding and wrapping.
- Met with Terry Carroll on developing Greenhouse Gas and Natural Resource Inventories for Caroline. Obtained energy use data for 2017 for town accounts. Supt. Whittaker will be providing gasoline and diesel numbers. Terry will be sending a short “Employee Commute Survey” for all of us to fill out. This will help us develop Climate Action Planning. These inventories are also Climate Smart Community actions.
- Request for town to host a Gateway for The Things Network (router port and location).
- Consulted with Joshua Shapiro, Special Counsel for Town and Village Courts, about recent court inspection. He recommended waiting for guidance from the report to follow. Office of Court Administration will then work with us for a solution, including funding.
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**Marilou Harrington-Lawson, Town Clerk – No Updates**

**County Representative Report** – Dan Kline, County Representative – Harford Road (the northern piece, near route 38), Flat Iron Road (all), Boiceville Road(all) and White Church Road (all) will all be chip sealed by County Highway soon. Work may start as early as the end of this week. There will not be any road closures as a result of this work.

I was asked about why the County doesn’t put a guide rail near Lynn Abbott’s house on the curve on White Church Road. The answer is that County Highway does plan to put a guide rail there. It’s on the list.

I was also asked about the box culvert on the curve on Caroline Depot Road. Same answer: it’s on the list.

I was asked about the Caroline Highway Department being able to bring roadside debris to the County’s waste transfer station for free. I am still trying to get clarification on this question, but it sounds like they don’t have the money to allow municipalities to do this for free anymore. If I get more of an answer than that, I will let you know.

At the Board of Assessment Review in Caroline on Monday, we had 2 people come in to challenge their assessments. We, the local board, are only permitted to make recommendations, which we forward to the County Board of Assessment Review for their decision.

As usual, let me know if there is anything I can do for you.

**Cindy Whittaker, Highway Superintendent** – No updates

**Irene Weiser, Town Board** – No Updates

**Cal Snow, Town Board** – No Updates

**Megan Barber, Town Board** – No Updates

## **Resolutions**

### **Resolution XX of 2018 Highway Fund Abstract**

A motion was made by Mark Witmer and Seconded by Irene Weiser to approve payment for the Highway Fund voucher numbers 78 through 95 for \$33,391.09

Adopted Witmer: Aye; Fracchia: Aye; Barber: Aye; Weiser: Aye; Snow: Aye

### **Resolution XX of 2018 General Fund Abstract**

A motion was made by Mark Witmer and seconded by Irene Weiser to approve payment for the General Fund voucher numbers 122 through 148 for \$14,825.71

Adopted Witmer: Aye; Fracchia: Aye; Barber: Aye; Weiser: Aye; Snow: Aye

### **Resolution XX of 2018 Streetlight Fund Abstract**

A motion was made by Mark Witmer and seconded by Irene Weiser to approve payment for the Streetlight Fund voucher number 8 through 9 for \$628.39

Adopted Witmer: Aye; Fracchia: Aye; Barber: Aye; Weiser: Aye; Snow: Aye

### **Resolution XX of 2018**

#### **Minutes of the Business Meetings held February 14, 2018 and March 14, 2018. Minutes of the Agenda Meeting held May 1, 2018:**

A motion was made by Mark Witmer and seconded Irene Weiser to accept the minutes of the Business Meetings and Agenda meeting as submitted by Town Clerk, Marilou Harrington-Lawson and Deputy Town Clerk, Jessica Townsend.

Motion by: Mark Witmer

Seconded by: Irene Weiser

Adopted Witmer: Aye; Fracchia; Aye; Barber: Aye; Weiser: Aye; Snow: Aye

**Resolution XX of 2018**

Resolution to ratify the Tentative Agreement on terms for renewal of the Collective Bargaining Agreement with the Highway Unit

Motion by: Mark Witmer

Seconded by: Irene Weiser

Adopted Witmer: Aye; Fracchia; Aye; Barber: Aye; Weiser: Aye; Snow: Aye

**----Adjourn----**

A motion made by Mr. Witmer, seconded by John Fracchia to adjourn at 9:53PM

Respectfully Submitted,

Becky Jordan, Deputy Town Clerk