



Department of Planning & Sustainability

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March 18, 2024

Mark Witmer, Supervisor
Town of Caroline
PO Box 136, 260 Slaterville Rd.
Slaterville Springs, NY 14881

Re: Review Pursuant to §239 -l, -m and -n of New York State General Municipal Law

Proposed Action: Local Law to Adopt a Town of Caroline Zoning Law

Dear Mr. Witmer:

This letter acknowledges your referral of the proposed action identified above for review by the Tompkins County Department of Planning and Sustainability pursuant to §239 -l, -m and -n of the New York State General Municipal Law.

While we have determined the proposed action will have no significant county-wide or inter-community impact, we have the following comments on the proposed action based on materials submitted on March 7, 2024.

Comments

- Thank you for addressing the floodplain concern we raised in our February 1, 2024 letter.
- Also, as stated in our letter dated February 1, 2024:

We understand that this is the first zoning local law being considered for adoption in the Town and, as such, the protections included in the law are greater than current practice. However, the proposed law does not meet the minimum thresholds we have identified for the protection of water quality, which are maintaining a 100-foot minimum buffer along all perennial streams and a 50-foot minimum buffer along all intermittent streams.

Therefore, the Town should be aware that any development proposals located on properties subject to NYS General Municipal Law §239 -l, -m and -n that are submitted to the County for review, and do not comply with those minimum standards, are likely to result in recommended modifications to move any newly proposed structures or impervious surfaces out of those minimum buffer areas. Not complying with those recommendations would require a majority plus one of all members of the decision-making body to override.

The Town could, if it wishes, align its draft zoning local law with these standards by amending Section 5.3 G (2) to require a 100-foot minimum buffer on all perennial streams and a 50-foot minimum buffer on all intermittent streams within the Town.

We see in the current draft ordinance that the Town has added to the relevant section of the zoning law the following statement “Any development proposal subject to New York State General Municipal Law Section 239 -l, -m and -n will be evaluated by the county relative to the county’s minimum requirements for riparian buffers of 100 feet from all perennial Streams and

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50 feet for all intermittent streams.” For the sake of clarity, we suggest amending that language as follows:

“Any town action subject to referral to Tompkins County under New York State General Municipal Law Section 239 -l, -m and -n may be evaluated by the county for potential impacts on water quality, as well as other criteria as outlined in the state law.”

We look forward to receiving notification on the final action taken by your municipality within 30 days of decision, as required by State law.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine Borgella". The signature is fluid and cursive, with a large initial "K" and a stylized "B".

Katherine Borgella, AICP
Commissioner of Planning and Sustainability