

Town of Caroline
Zoning Law

DRAFT

November 2022

ARTICLE I	TITLE, ENACTING CLAUSE, SCOPE AND PURPOSES	5
Section 1.1	Enacting Clause	5
Section 1.2	Title and Scope	5
Section 1.3	Purposes	5
Section 1.4	Severability	6
Section 1.5	Reader’s Aid Boxes	6
ARTICLE II	DEFINITIONS	7
Section 2.1	Use and Interpretation of Words	7
Section 2.2	Definitions	7
ARTICLE III	DISTRICTS	33
Section 3.1	Official Zoning Maps, and Names and Purposes of Districts	33
Section 3.2	Interpretation of District Boundaries	35
Section 3.3	Zoning Map	36
ARTICLE IV	USES AND DIMENSIONS	38
Section 4.1	Permitted and Special Permitted Uses by District	38
Section 4.2	Dimension Requirements by District	45
Section 4.3	Calculating Density and Average Lot Sizes	48
Section 4.4	Monitoring Lot Splits	51
Section 4.5	Density Bonuses	51
ARTICLE V	DEVELOPMENT STANDARDS	55
Section 5.1	Regulations for all Districts	55
Section 5.2	Specific Standards and Guidelines by Zoning District	58
Section 5.3	Specific Standards for the Water Resources and Flooding Overlay District.	61
ARTICLE VI	SUPPLEMENTARY STANDARDS	65
Section 6.1	General Standards for Non-Residential and Business Building Design	65
Section 6.2	Design Standards for Business Uses	66
Section 6.2.1	Building Placement and Design	66
Section 6.2.2	Entrances	67
Section 6.2.3	Roofing	67
Section 6.2.4	Massing	67
Section 6.2.5	Fenestration	67
Section 6.2.6	Canopies	67
Section 6.2.7	Permanent Signage	68
Section 6.2.8	Parking	69
Section 6.2.9	Screening of Accessory Equipment	69

Draft as of November 2022

Section 6.2.10 Rooftop Equipment	70
Section 6.2.11 Lighting	70
Section 6.2.12 Landscaping	70
Section 6.2.13 Sustainable Transportation Infrastructure	71
Section 6.3 Trademarked Architecture and Formula Business Design.....	71
Section 6.4 Utilities.....	72
Section 6.5 Additional Standards for Specific Uses	72
Section 6.5.1 Home Occupations	72
Section 6.5.2 Accessory Dwellings and Uses	73
Section 6.5.3 Natural Gas and Petroleum exploration and extraction.	74
Section 6.5.4 Siting of Telecommunication Towers.	74
Section 6.5.5 Adult Uses.....	74
Section 6.5.6 Solar Siting.	74
Section 6.5.7 Batteries.	74
Section 6.5.8 Subdivision.	75
Section 6.5.9 Junk, Trash, Rubbish, Garbage, Reuse, Debris, and Discarded Materials.....	75
Section 6.5.10 Farm Worker Housing.....	75
Section 6.5.11 Car Wash.	75
Section 6.5.12 Lodging.	75
Section 6.5.13 Bed and Breakfast and Short-Term Rentals.....	75
Section 6.5.14 Multi-family Developments.....	76
Section 6.5.15 Conservation Subdivisions.....	78
ARTICLE VII SITE PLAN REVIEW	87
Section 7.1 Intent and Purposes	87
Section 7.2 Authorization to Review Board, Exemptions and Applicability	87
Section 7.3 Site Plan Considerations	88
Section 7.4 Specific Standards and Considerations.....	89
Section 7.5 Site Plan Review Process – General Procedures.....	95
Section 7.6 Site Plan Review Process – Site Plan Checklist	97
Section 7.7 Site Plan Review Process	99
Section 7.7.1 Review Board Review	99
Section 7.7.2 Town Board Review of Proposed Public Highway or Facility Dedication	100
Section 7.7.3 Public hearing.	100
Section 7.7.4 Referrals.	100
Section 7.7.5 SEQR.	101
Section 7.7.6 Review Board Decision.	101
Section 7.7.7 Extension of Time.	101
Section 7.7.8 Decisions.....	101
Section 7.7.9 Revocation of Site Plan Approval.	102
Section 7.7.10 Inactivity by Applicant on Site Plan During Review	102
Section 7.7.11 Performance Guaranties.....	102
Section 7.9 Waivers and Special Circumstances	103

Draft as of November 2022

Section 7.10 Abbreviated Site Plan Review.....	104
ARTICLE VIII SPECIAL USE PERMITS.....	107
Section 8.1 Authorization to grant or deny special uses.....	107
Section 8.2 Applications for special use.....	107
Section 8.3 Procedures.....	108
Section 8.4 Lapses and Expiration.....	110
Section 8.5 Renewal of Permit.....	110
Section 8.6 Existing violation.....	110
Section 8.7 Deemed to be conforming.....	111
Section 8.8 Expansion of special use.....	111
Section 8.9 Factors for consideration and Conditions.....	111
ARTICLE IX NON-CONFORMING USES AND STRUCTURES.....	112
Section 9.1 Nonconforming Buildings, Uses and Lots May Continue.....	112
Section 9.2 Discontinuance of Nonconforming Use.....	113
Section 9.3 Changes, Expansions, Alteration, Restoration.....	113
Section 9.4 Necessary Maintenance and Repairs.....	113
ARTICLE X ENFORCEMENT AND ADMINISTRATION.....	114
ARTICLE XI ZONING BOARD OF APPEALS.....	118
ARTICLE XII REVIEW BOARD.....	126
ARTICLE XIII AMENDMENTS.....	128
ARTICLE XIV EFFECTIVE DATE.....	129

ARTICLE I TITLE, ENACTING CLAUSE, SCOPE AND PURPOSES

Section 1.1 Enacting Clause

The Town Board of the Town of Caroline, Tompkins County, New York, acting under the authority of the Articles 2 and 3 of the New York State Municipal Home Rule Law and Chapter 62, Article 16 of the Town Law of the State of New York, and in conformance with a comprehensive plan adopted pursuant to Article 16, Section 272-a of the New York State Town Law, hereby adopts and enacts this Law as the Zoning Regulations of the Town of Caroline.

Section 1.2 Title and Scope

This Local Law shall be known as the “Town of Caroline Zoning Law” and is a law regulating the development, design, and use of structures and land in the Town of Caroline.

Section 1.3 Purposes

This Zoning Law is established to ensure that land development in the Town of Caroline occurs in harmony with surrounding uses and is consistent with the Town’s adopted Comprehensive Plan. Its purpose is to protect and promote the public health, safety, and general welfare of the Town. Further purposes are to guide the Town’s physical development so that it takes place in an orderly, efficient, safe, and economical manner which maintains and reflects the uniqueness and character of the Town as a rural community and a beautiful and desirable place in which to live. Such an environment is deemed essential to the maintenance and continued development of the economy of the Town and the general welfare of its inhabitants.

More specifically, the purposes of this Zoning Law are to:

- A. Conserve the Town’s natural resources and protect the Town’s environment from the effects of excessive and/or insensitive development.
 1. Protect the Town’s land, forest, air, and surface water resources.
 2. Safeguard the Town’s groundwater resources and their watersheds.
 3. Protect the Town’s environmentally sensitive areas to preserve ecological function, maintain open space and conserve natural habitats.
 4. Preserve areas of Prime Farmland and other Agricultural Resources.
 5. Preserve and protect significant scenic resources.
 6. Support sustainability, discourage reliance on fossil fuels, and encourage energy-efficient development.
 7. Support the adaptive reuse of buildings.
- B. Maintain the rural character of the Town as described in the Comprehensive Plan.
 - 1 Foster and preserve farming and other businesses and activities associated with agriculture.
 - 2 Encourage building design and site layout that blends with the rural residential and agricultural nature of the Town.

Draft as of November 2022

3. Support residential development that is concentrated within designated focus areas, supports community resilience, and is sited in harmony with the rural residential and agricultural nature of the Town.
 4. Preserve designated historic buildings and sites.
- C. Promote the Town as a vibrant and desirable community in which to live.
1. Avoid or minimize adverse impacts to neighboring parcels, public facilities, and community infrastructure when land development occurs.
 2. Encourage both existing and new business ventures that provide employment opportunities for Town residents.
 3. Support home occupations that are in keeping with the rural character of the Town.
 4. Encourage new development to include opportunities for outdoor recreation.
 5. Promote accessibility for all and enhance pedestrian ways and bikeways, particularly in hamlets.
 6. Encourage development that is livable for people of all ages.

Section 1.4 Severability

If any section or specific part or provision or standard of this Local Law or the application thereof to any person or circumstance shall be determined to be invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. If any land use district boundary that may exist in the future is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

Section 1.5 Reader's Aid Boxes

Appearing throughout this Law are text boxes entitled "Reader's Aid". The text within these boxes is not part of the zoning regulations nor are they intended to be. Instead, they are simply explanations intended to make it easier for readers to understand the law. In the event of any conflict between the meaning of the law and an explanation in the Reader's Aid box, the meaning of the law, not the Reader's Aid explanation, shall be applied. In the case that any provision of this Zoning Law is found to be ambiguous, in construing that provision, the text in the Reader's Aid box may be considered as some evidence of the intention of the drafters, but not to the exclusion of other statutory interpretation methods. Reader's aid boxes are identified in the text similar to the following example:

READER'S AID Boxes are added for additional explanation throughout this zoning law. These explanations are only an aid to interpreting the legal language of the law and are not to be interpreted as a zoning standard, regulation, or requirement.

ARTICLE II DEFINITIONS

READER'S AID: Definitions are a very important part of the Zoning Law. Comprehensive definitions help everyone understand the terms and conditions associated used in this Law. All parties should rely on this section for clarification during a project review.

Section 2.1 Use and Interpretation of Words

For the purpose of this Local Law, certain terms or words used herein shall be interpreted as follows:

A. Word usage.

- (1) The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- (2) The present tense includes the future tense; the singular number includes the plural, and the plural number includes the singular.
- (3) The word "shall" is mandatory; the word "may" is permissive.
- (4) The words "used or occupied" include the words "intended, designed or arranged to be used or occupied."

The word "lot" includes the words "plot" or "parcel."

Section 2.2 Definitions

Accessory Apartment – A secondary dwelling unit either attached to a single-family principal dwelling or located on the same lot and having an independent means of access for use as a complete, independent living facility with provisions in the accessory apartment for cooking, eating, sanitation, and sleeping. Such an apartment is a secondary and subordinate use to the principal dwelling. However, single-wide and double-wide manufactured homes may be considered an accessory apartment on a parcel, requiring no subdivision of that parcel, if all water and sewage requirements per Tompkins County are met.

Accessory Structure – A building or feature for use, occupancy or ornamentation, whether installed on, above, or below the surface of land or water detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

Accessory Use – A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Adaptive Reuse – The development of a new use for an existing, older building or for a building originally designed for a different purpose. When an existing building is changed, renovated or adapted from a prior use to a new use.

Adult Uses – The use of land, structures or location for an "adult entertainment business" or an "adult physical contact establishment" as defined in Local Law 2 of 1999 (Adult Use Law) including any use of land, structures or location which by the provisions of the Penal Law is required to restrict access to minors. It shall include adult entertainment businesses including adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult cabaret, adult drive-in theater, and adult physical

Draft as of November 2022

contact establishment as further defined in Local Law 2 of 1999 (Adult Use Law) or any amendments thereto.

Affordable Housing Unit – Dwelling units inhabited by households whose annual income is within 80% to 120% of the Tompkins County median income, with adjustments for household size, as defined and periodically updated by the US Department of Housing and Urban Development, and the annual rental cost does not exceed 30% of said income, or, for homeowners, the annual cost of the sum of the principal, interest, taxes, and insurance (PITI) and common charges, as applicable, does not exceed 30% of said income.

Affordable Lot – Parcels of land on which one or more of the Affordable Housing Units (as defined above) are or will be constructed.

Agricultural Data Statement – A statement identifying farm operations within an Agricultural District located within five hundred feet of the boundary of property upon which development is proposed, as provided in Agriculture and Markets Law § 305-b.

Agricultural District or Certified NYS Agricultural District – An agricultural district established by Tompkins County under the provisions of Agriculture and Markets Law Article 25-AA, Section 303.

Agricultural or Farm Operation – Shall mean and include: (i) any land, buildings, structures or equipment, whether upon contiguous parcels or otherwise, used in relation to the raising, production, preparation, processing, storage, marketing, distribution, delivery, or sale of agricultural products, such as crops (grains, seed, fruits, vegetables, nuts, sod, and similar agricultural goods), animal husbandry (including but not limited to horses, llamas, and alpacas and boarding of such animals), livestock and livestock products, poultry and poultry products, aquaculture, and dairy goods, horticultural and floricultural products including commercial plant nurseries or greenhouses, woodland products, bee keeping and apiary products, forest farming and management products and activities, and timber harvesting operations, in each case also including the management, preservation, preparation, or processing of such agricultural goods predominantly on Site; (ii) practices that allow land used for agricultural activity to lie fallow for a period not exceeding five consecutive years; and (iii) farm operations as defined and constructed pursuant to New York State Agriculture and Markets Law § 301 which are the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in subdivision thirteen of this Article 25-AA of the Agricultural Districts Law and "timber processing" as defined in subdivision fourteen of Article 25-AA. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

Agricultural Resources – Lands and soils with the potential for agricultural production, including Farmland of Statewide Importance, Prime Agricultural Soils, and Prime Agricultural Soils if Drained. Agricultural Resources include the soil, water, air, plant communities, watersheds, human resources, natural and physical attributes, and man-made developments, which together comprise the resources for production by the agricultural community.

Agricultural Structure – A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation

Draft as of November 2022

but used in the raising, growing or storage of agricultural products by a farmer engaged in a farming operation including but not limited to barns, sheds, poultry houses and other buildings and equipment on the premises used directly and solely for agricultural purposes.

Agri-Tourism – Activities conducted on a farm operation as defined by New York State Agriculture and Markets Law, and offered to the public, or to invited groups, for the sale of agricultural products, education, recreation or active involvement in the farm operation. An agri-tourism activity must be secondary to the primary farm use on a property. Agri-tourism activities may be conducted in an accessory building or structure. Agri-tourism activities may include but are not limited to on-farm Bed and Breakfasts, farm stay programs, u-pick operations, maple sugaring, corn mazes, and pumpkin patches.

All Weather Surface – Any roadway, driveway, alley or parking lot surface paved with crushed stone, asphalt, concrete, or other pervious or Impervious Surface material in a manner that will support the weight of anticipated vehicular traffic in all weather conditions and minimize the potential for ruts, potholes or pooling of water.

Applicant – The Applicant is any person, corporation, or other legal entity applying for a building permit, site plan review, special use permit, or subdivision approval, and such term also includes the person seeking certificates of occupancy, variances, or zoning amendment.

Aquifer— An underground collection of potentially drinkable water.

Ambient Noise Level -- The normal or existing level of noise from existing conditions or activities at a given location.

Artist Studio/Instructional Space – A place of work for an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, music, painting, sculpture, ceramics, and writing.

Auction House – A structure operated as a business enterprise at which items or property are offered for sale to the highest bidder.

Average Lot Size – The average size of all lots created from subdividing a parcel; mathematically, the lot size of the Existing Lot of Record divided by the number of parcels after subdivision. For zoning districts where a maximum density rather than minimum lot size is specified, the average lot size of all subdivisions created from any parcel that is in existence when a zoning law is adopted (i.e., Existing Lot of Record) must be larger than the minimum density specified for that district.

Bakery – An establishment where breads and baked goods are made or sold.

Bank – A financial institution licensed to receive deposits and make loans as well as provide other wealth management services.

Battery Energy Storage System – One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery, an electric motor vehicle, or any battery-based system small enough that it is not covered by the Uniform Code.

Draft as of November 2022

Battery Energy Storage System-Small – A Battery Energy Storage System having an aggregate Nameplate Capacity large enough to be covered by the Uniform Code but less than or equal to 600 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.

Battery Energy Storage System-Large – A Battery Energy Storage System having an aggregate Nameplate Capacity greater than 600 kWh or are comprised of more than one storage battery technology in a room or enclosed area.

Bed-And-Breakfast – A type of commercial short-term rental use in an owner occupied one-family dwelling, used for providing overnight accommodations to transients and a morning meal for compensation to not more than ten transient lodgers and containing no more than five bedrooms for such lodgers.

Best Management Practices (BMPs) – Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems. BMPs also include treatment practices, operating procedures and practices to control runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Bedroom – A private room planned and intended for sleeping, and separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom.

Brewery, Winery, Cidery or Distillery, Not Part of Farm Operation – The preparation, marketing and sales of beverages related to the processing, distillation, brewing and fermentation to produce beer, wine, hard or sweet cider or liquor that is not part of a farm operation and where the necessary crops, grains, grapes, or other fruits and ingredients used in the production of such beverages are not raised on site and are brought in from other locations. Such uses may also include wholesale or on-site retail sales including tasting operations. Uses that primarily serve food but also include breweries, wineries, or distilleries shall be considered a restaurant.

Buffer – Open spaces, landscaped areas, fences, walls, berms or any combination used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances. Buffers shall also be undeveloped part(s) of a property, or an entire property specifically intended to separate and thus minimize the effects of a land use activity (e.g., noise, dust, visibility, glare, etc.) on adjacent properties. A buffer shall also refer to the land on each side of a stream that is left vegetated to provide riparian corridor functions.

Building – Any structure which is affixed to the land, has one or more floors, walls and a roof for the shelter, support or enclosure of persons, animals, chattels or property of any kind.

Building Envelope – The space within which a structure and its supporting infrastructure is permitted to be built on a lot and that includes the building, driveway, and any lands disturbed for well and septic systems.

Building Footprint – The area of a building structure defined by the perimeter of the building not including driveways, parking lots, landscapes and other nonbuilding facilities and the area encompassed by a

Draft as of November 2022

building's outer wall at ground level including porches, balconies and building projections. Decks less than 30" above grade, cornices and overhangs shall not be included in a building footprint.

Building Energy Model – A computer model or simulation used to predict and analyze a building's energy use before construction. Often used to evaluate alternative HVAC, lighting, insulation and/or window configurations for a proposed high-performance building compared to a base building to optimize energy use or meet a specific code or performance standard.

Building Height – The vertical distance from the floor elevation of the lowest habitable space to the highest roof ridge or rooftop exclusive of steeples, chimneys, antennas and other roof projections. District building height regulations shall not apply to barns, grain elevators, silos, flagpoles, radio or television antennae, transmission towers or cables, spires, or cupolas, chimneys, elevator or stair bulkheads, parapets or railings, water tanks or cooling towers.

Camp Site – Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper for recreation, education, or vacation purposes.

Campground – A parcel of land upon which five or more campsites, including 'glamping' units and recreational vehicles are located, established, or maintained for seasonal (up to 180 days) occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes, but shall not include uses limited solely to the personal use of the owner. An area for the gathering, parking and use of land by a mobile home park shall not be construed to be a campground.

Camping Unit – Any tent, cabin, lean-to, or similar structure established or maintained and operated in a campground or day camp as temporary living quarters for recreation, education, or vacation purposes. Tents, trailers, cabins, lean-to's, recreational vehicles or other similar structures used for temporarily housing workers shall not be considered a camping unit and are not allowed. A tent, yurt, cabin or other structure advertised and used as a 'glamping' use shall be considered a camping unit.

Cannabis Dispensary – An establishment licensed by the State of New York for the retail sale of cannabis or cannabis products. Retail sale means to solicit or receive an order for, to keep or expose for sale, and to keep with intent to sell, made by any licensed person, whether principal, proprietor, agent, or employee, of any cannabis, cannabis product, cannabinoid hemp or hemp extract product to a cannabis consumer for any purpose other than resale.

Cannabis Lounge – An establishment licensed by the State of New York for the on-site consumption of cannabis.

Car and Motorized Sales/Rental/Lease – The use of any land or buildings for the display, sale, rental or lease of new or used automobiles, trucks, vans, trailers, boats or recreational vehicles, and including any vehicle preparation, warranty, or repair work conducted as an accessory use.

Car Wash – Any building or premises used for washing motor vehicles.

Change Of Use – The change of use or occupancy of land, or buildings, structures, or other improvements on land, from either residential, commercial or industrial to one of the other uses, or change in the nature, substance or intensity of the same use including, but not limited to, changes in use which require the issuance of a Certification of Occupancy pursuant to the New York State Building and Fire Code. Any use

Draft as of November 2022

that substantially differs from the previous use of a building or land. Chapter 3 (Use and Occupancy Classification) of the Building Code of New York State shall be used to define uses that are not specifically defined in this local law. Change of occupancy or change of ownership shall not be construed as a change of use.

Character, Community; Character, Hamlet; Character Rural – Describes the qualities and attributes of Caroline’s physical and visual landscape that embody the events, traditions and personalities of its past. Character describes the unique architectural variety, style and scale of land use in our community, including proportion, form, and architectural detail. However, the physical layout of the community, its landscape patterns, the pre-automobile network of roads, and other elements also contribute to character. Among these elements are active agricultural operations with low density residential development interspersed with denser population centers such as the hamlets, roads and windbreaks lined with old mature trees, stone walls, deep rural setbacks, and small/irregular field or pasture dimensions.

Caroline’s community character can also be defined as the patterns of land use and development:

- a. In which open space and natural landscapes are highly valued;
- b. In which clean air and dark skies are prized and protected;
- c. That fosters traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- d. Where farming and the role it plays in the community is recognized and valued, and where the community accepts the sights, sounds and smells of a working farm;
- e. That provides visual landscapes that are traditionally found in rural areas and communities;
- f. That are compatible with the use of the land by wildlife natural communities;
- g. That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

Character, Rural – The features and qualities of Caroline’s physical and natural landscape that were shaped by current and past economic activities such as agriculture, forestry and low-density residential uses and home occupations, interspersed with open, working agricultural landscapes and scenic views. In contrast to hamlets, where there are higher concentrations of population and structures, Caroline’s rural land is predominantly used for agriculture, woodlands, low density residential use, and home or farm-based occupations. Evidence of current and past agricultural activity is present, including but not limited to crop fields, hay fields, livestock pastures, corrals, orchards, farm buildings, stone walls, windbreaks, hedgerows, and woodlots. Farm equipment noise and farm smells are a daily fact of rural life.

Character, Hamlet – The features and qualities of areas of Caroline with higher densities of population and structures. Hamlet areas have a fairly well-defined border and buffer of undeveloped open spaces and agricultural lands and are located at key road crossings, near important civic structures such as places of worship, or are adjacent to historically important natural features like streams.

Draft as of November 2022

Caroline's hamlets have a diverse mix of lot sizes and architectural styles. Historic structures from various periods in the community's life are present.

Church or Religious Use – A structure or a place in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held.

Clerk of the Review Board – The Caroline Town Clerk.

Cold Storage Facility – A commercial establishment or structure, or portion thereof, where space is rented, hired or used for the storage or keeping of food in a refrigerated facility at or below the temperature of 45 degrees Fahrenheit.

Commercial Design Standards – A set of development requirements to be followed in site and/or building design and development of commercial structures and properties to help maintain the character of a community and prevent new commercial development from dramatically changing the physical and visual landscape of the community.

Commercial Kitchen – A fully equipped food preparation facility that provides kitchen space and that is rented out for shared use. A commercial kitchen is also known as a shared kitchen or kitchen incubator.

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 for financial benefit of the owner thereof. 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 Recreation Facility, Outdoor – A commercial use designed and equipped principally for the conduct of outdoor sports and leisure time activities, not limited to ball fields, tennis and racquet courts, swimming, bike trails, hiking, playing fields, batting cages, driving ranges, and similar outdoor activities conducted on a commercial or fee basis. It does include an outdoor recreational court or athletic field, nature and ecology recreation area, community garden, picnic area, etc.

Commercial Use – Any business use or activity providing consumer goods, services, or administrative functions, not including Industrial Light Manufacturing or Heavy Industrial Uses as defined in this local law. Examples of commercial uses include, but are not necessarily limited to, retail stores, shopping centers, hotels and motels, restaurants, bars or taverns, professional and administrative offices, gasoline and other fuel filling or service stations, banks, supermarkets, and other similar uses.

Common Birds in Steep Decline – Those species of birds occurring in the Town that are identified by Partners in Flight as of concern because their numbers are declining rapidly.

Common Plan – See Larger Common Plan.

Compatible – A use of land or building(s) that, in terms of development intensity, building coverage, design, dimensions, occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to the existing community character and traditional neighboring uses and which use does not significantly adversely affect community character and the quality of life and health, safety and welfare of persons in surrounding or nearby buildings or lands.

Draft as of November 2022

Complete Application – An application that has met all applicable requirements for the type of proposal being submitted.

Composting Facility – A facility designed to provide controlled aerobic decomposition of organic material to create a nutrient rich product called compost where common materials that are composted include food scraps, biosolids, yard trimmings, manure, animal bedding, animal mortalities, etc. and that are regulated by 6 NYCRR 361-3.2 (Composting Facilities).

Comprehensive Plan, Town of Caroline – A document that details the underlying purposes to regulate land uses for the benefit of the whole community based upon consideration of the community's issues and needs and applying a general policy to obtain a desired result and adopted pursuant to NYS Town Law 272-a.

Concentrated Animal Feed Operation (CAFO) – An animal feeding operation (farm operation) that meets certain animal size thresholds and that also confines those animals for 45 days or more in any 12-month period in an area that does not produce vegetation and that is permitted by New York State under Permit No. GP-0-16-001 pursuant to Article 17, Title 7 and Article 70 of the Environmental Conservation Law.

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 in perpetuity for the purpose of preserving or maintaining the scenic, agricultural, open historic, recreational, archeological, architectural or natural condition, character, significance or amenities of the property.

Conservation Subdivision – A residential subdivision where the number of dwelling units that would be yielded by a conventional subdivision plan are allowed to be placed on the parcel to be subdivided in a flexible manner, where lot sizes, road frontages, and other bulk dimensions are allowed to be relaxed and where a majority of the remaining land is left in its natural open space condition in perpetuity.

Consistent In Scale – Conveys the community value that the harmony of the visual landscape and activities of daily life in Caroline should be preserved and maintained. Scale is the relationship of a particular project or development, in terms of size, height, bulk, intensity, and aesthetics to its surroundings and the character of the community as a whole.

Convenience Store/Mini-Mart – A retail establishment selling primarily food products, household items, newspapers and magazines, candy, and beverages, and a limited amount of prepared foods for off-premises consumption. Convenience stores may also include the selling of fuel and fuel pumps/islands.

Corner Lot – A lot at the intersection of and that faces two principal streets where both sides shall be considered a front yard and any front yard setback as may be required for the district applied to both sides.

Critical Environmental Area (CEA) – As defined in State Environmental Quality Review Regulations § 617.14, and meaning: (i) any specific geographic area with identified or identifiable boundaries which possesses specific environmental characteristics as do or would warrant a CEA designation; and/or (ii) any such designated area recognized by the Town and/or NYS- DEC.

Draft as of November 2022

Critical Or Rare Habitat or Species – All species or habitats listed by New York State as endangered, threatened or of special concern, listed as rare by the New York State Natural Heritage Program (with codes G1, S1; G2, S2; or G3, S3), or on the New York State Natural Heritage Active Inventory List or Watch List.

Crops, Livestock and Livestock Products – Field crops, fruits, vegetables, horticultural and floricultural specialties, livestock and poultry and associated products including furs, maple sap, Christmas trees, aquaculture and woody biomass. Crops may also include grapes, hops, and grains used for beverages.

Customary Use – A use that is incidental and usually found associated with a principal use.

Dark Skies – The term given to the night sky that remains un-impacted by outdoor light pollution.

Dark Sky Compliant – A lighting fixture that complies with the “Five Principles for Responsible Outdoor Lighting” developed by the International Dark-Sky Association (IDA) and Illuminating Engineering Society of North America (IES), 2020 version or an updated version.

Day Care – Any program or facility licensed through NYCRR Part 413 (New York State Child Day Care Regulations). Child day care means care for a child on a regular basis provided away from the child’s residence for less than 24 hours per day by someone other than the parent, stepparent, guardian or relative.

Day Care, Home – A program caring for children for more than three hours per day per child in which child day care is provided in a home residence for three to six children.

Day Care Facility – A program or facility which is not a residence in which child day care is provided on a regular basis to more than six children for more than three hours per day per child for compensation or otherwise.

Density, Base– The number of residential units allowed per acre pursuant to Table 2 of Section 4.2 before any bonuses or adjustments are made.

Density Bonus – An applicant can receive an increase in the allowable density that a parcel can have if they supply something desired by the town, such as preserving open space, a scenic view, or other public amenities.

Density, Gross – The number of dwelling units calculated based on the total lot size.

Density, Residential – The number of residential units allowed per acre. It is not the same as minimum lot size. It also refers to the number of families, individuals, dwelling units, households, or housing structures per unit of land.

Design Standards – Design Standards are required standards that must be addressed by the Review Board and a project applicant during the Site Plan Review process.

Development – Any land use change, land use activity, or project that requires a building permit or will result in changes to the physical condition, appearance, intensity of use and/or type of use of the Site.

Disturbance – Any physical activity such as clearing, grubbing, grading, excavation, stockpiling, importing or movement of fill, paving, installation of utilities, and construction of buildings or structures, that result

Draft as of November 2022

in soil disturbance and/or removal of vegetation for development. Disturbance results in the modification of topography by cutting or filling, stripping of topsoil, and/or placing of physical structures or improvements thereon which results in surface runoff which requires collection or channeling; discharges through pipes, sanitary sewers, or other conveyances. Activities such as agriculture, lawn care, and home gardening are not considered a disturbance.

Drive-Through or Drive-In Facility – An establishment or facility that by design of physical facilities permits customers to receive a service or obtain a product (including food) while remaining in a motor vehicle on the premises. However, a drive-through does not include customer order pick up parking spots.

Dwelling, Multifamily – A residential building designed for or occupied by three or more families with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-Family – A building designed as a one-family residence and used or occupied, or intended to be used or occupied, as the home or residence of one or more persons maintaining a household. This shall include manufactured homes when affixed to a permanent foundation.

Dwelling, Two-Family – A detached building containing two dwelling units other than a mobile or manufactured home (on chassis), designed for and occupied by two families only.

Dwelling Unit – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation as defined in the Building Code of New York State § 310.2.

Economic Impact Assessment – An analysis that estimates potential changes in employment, including the number of temporary, part-time, full-time, permanent, and living-wage jobs, income, and levels of business activity in the Town associated with a Development, and potential impacts on the Town's budget and fiscal context as a result of the Development, including additional tax revenues and added costs of services. The analysis would assess how the proposed development would impact the surrounding community in terms of changes in access to essential goods and services for Town residents, changes in the value of properties close to the Site, and effects on the viability of nearby commercial establishments. The analysis would also assess how the Development would contribute to the economic sustainability of one or more of the three Centers designated in the Town's comprehensive plan.

Electric Vehicle Charging Station – An electric vehicle charging station, electric recharging point, charging point, charge point and EVSE (electric vehicle supply equipment) that supplies electric energy for the recharging of electric vehicles, such as plug-in electric vehicles, including electric cars, neighborhood electric vehicles and plug-in hybrids.

Enforcement Officer – The Town Code Enforcement Officer and/or such other Persons as designated as Enforcement Officers by resolution of the Town Board. The enforcement officer shall be responsible for the overall inspection of Site improvements and coordination with the Review Board and other officials and agencies, as appropriate.

EIS – An Environmental Impact Statement prepared in accordance with 6NYCRR Part 617, the State Environmental Quality Review Act.

Draft as of November 2022

Event Facility – A structure or premises where a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event and for which the property owner or its managers generally receive remuneration. Uses that are customarily accessory to a single-family residential use including private parties, gatherings, and similar activities that are not subject to a use agreement between a private individual or group and the homeowner and where the homeowner is not remunerated in any manner are not defined as an event facility and are not regulated under this section.

Existing Lot of Record – A legally existing lot at the time of adoption of this Local Law duly filed and recorded in the Tompkins County Clerk's office as either an individual parcel of land or part of an approved subdivision, in accordance with the Town's Subdivision Review Law and applicable provisions of Town Law.

Farm Brewery, Winery, Cidery, or Distillery – Any farm operation as defined in this Zoning Law and by AML 301-a (11) that grows apples, peaches, grapes, cherries, berries and other crops and that has on-farm production, preparation and marketing of such crops, grains, grapes and other fruits related to the processing, distillation, brewing and fermentation to produce beer, wine, hard or sweet cider or liquor. On-farm buildings and equipment needed to produce, store, distill, brew and/or ferment crops, grains, grapes, or other fruits as part of the farm operation shall also be considered part of a farm brewery, winery, cidery or distillery to the extent that the distilled or brewed product, cider and/or wine that is prepared is composed predominantly of crops, grain, hops, grapes or other fruits produced on the farm. On an annual basis, New York State Department of Agriculture and Markets considers such activities to be part of a farm operation when distilled or brewed products, cider and wine is composed of 51% or more on farm produced crops, grains, hops, grapes or other fruits. The on-farm marketing of distilled and brewed products, cider and wine, when the products are composed predominantly of on-farm produced crops shall also be considered part of the farm operation.

Farm Market – A location or structure larger than 400 square feet used for the seasonal or year-round retail selling of farm products in a permanent structure grown on site on a farm operation or from other farm operations in the area along with other non-farm products. (See also Stand, Farm)

Farmland – Land used in agricultural production, as defined in Subdivision 4 of § 301 of Article 25-AA of the State Agriculture and Markets Law.

Farm Stand – A temporary use of a structure including small buildings, carts, tents, canopies, wagons or stands for the display and sale of farm products, and not more than 400 square feet in size.

Farm Worker Housing – An accessory residential dwelling or other dwelling used to house hired farm workers on a parcel of land used as a farm operation. Single-wide and double-wide manufactured homes may be used as farm worker housing as per section 6.5.10 of this document.

Farmlands of Statewide Importance – Undeveloped, privately held lands so designated by the State of New York.

Draft as of November 2022

Flood Damage Prevention Local Law – The Flood Damage Prevention Law (Local Law 1 of 2021), entitled “A local law for Flood Damage Prevention as authorized by the New York State Constitution, Article IX, § 2, and Environmental Conservation Law, Article 36.”

Floodplain – Any land located within a Regulatory Floodway defined in the Flood Damage Prevention Local Law (Local Law 1 of 2021).

Food and Beverage – Any facility in which food or drink is prepared, served, and consumed, mostly within the principal building. This may include outdoor facilities and take-out services. It shall also include a tavern or bar, where alcoholic beverages are served, primarily by the drink, and where food may also be served or sold.

Food Processing (On-Farm) – A facility as part of a farm operation where farm products primarily grown or produced on the farm, as well as materials from outside resources necessary to produce a farm product, are processed into meat foods, or a facility where plants and plant products are processed into canned, frozen, or fresh food products. The activities which comprise ‘food processing’ under this definition shall include the processing of animals on-farm to the extent that those activities are allowed by applicable State and Federal regulations.

Formula Business – Any use, whether a principal or accessory use, that is required by contractual, franchise, or other legal arrangements to maintain, along with 10 or more other businesses in the US, the same primary business name, trademark or logo, and any of the following: standardized design, color scheme, décor, architecture, or signage on the interior or exterior of the building; standardized services or merchandise; or standardized employee uniforms. Formula businesses include, but are not limited to, restaurants, retail stores, fueling stations, banks, pharmacies, offices, salons, and lodging facilities. Formula businesses are regulated in this zoning law pursuant to Section 6.3.

Frontage – That part of a property bounded by either a public or private road.

Fuel Station – Any building, land area, or other premises, or portion thereof, used for the retail dispensing of vehicular fuels. This shall not include commercial facilities for the wholesale storage and dispensing of natural gas, propane, or fuel oil.

Fuel Station, Electric Vehicle Charging – A land area or facility that contains electric vehicle supply equipment that has as its primary purpose the transfer of electric energy to a battery in an electric vehicle for commercial purposes. This shall not include an electric vehicle charging station used for private use where charging equipment is privately owned and has restricted access to a dwelling or for designated audiences (such as designated employee parking).

Fuel Station, Gasoline – A fuel station for the retail dispensing of gasoline or diesel fuels.

Funeral Home – A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected with burials or cremation. This shall not include crematorium facilities.

Glare – Light entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

Government or Institutional Offices or Facilities – An office specifically related to local, state, county or federal government functions.

Draft as of November 2022

Greenhouse Gas (GHG) – A gas that absorbs and emits radiant energy within the thermal infrared range. GHGs cause the greenhouse effect on planets. Primary GHGs of concern in Earth’s atmosphere include carbon dioxide, methane, nitrous oxide, and ozone.

Greenhouse/Nursery – A building or structure designed in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale. 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.

Gross Floor Area – The combined square footage of all human habitable or usable space within any whole or partial enclosure or within any external walls, with each level or floor contributing separately to the total, and each structure also contributing separately to the total. Areas outside the external walls (e.g., balconies, decks, patios) are not considered part of Gross Floor Area.

Guideline – A recommendation.

Habitat – The place occupied by an organism, population, or community. It is the physical part of the environment in which an organism finds its home and includes the sum total of all the environmental conditions present in the specific place occupied by an organism.

Hamlet – The term “hamlet” does not have a legal definition under NYS law but is typically used to identify communities within Towns that do not have a separate government. Historically hamlets are centers of human habitation, and frequently, but not necessarily, contain a public building, a church, or one or more businesses.

Hazardous Materials – Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. It shall also include those materials as defined under or in relation to any past, present or future federal, State or local laws as ‘hazardous material’ including but not limited to lead based paint, hydrocarbons, asbestos, flammable materials, explosives, radioactive or nuclear substances, polychlorinated biphenyls, carcinogens, oil and other petroleum products, radon gas, urea formaldehyde, chemicals, gases, solvents, and other pollutants or contaminants.

Health/Medical Clinic/Laboratory – A building that contains establishments providing health care services or that provides support to the medical professionals and their patients such as medical or dental laboratories including blood banks and specimen collection.

Home Occupation, Major – A non-farm related business activity resulting in a product or service for financial gain, conducted wholly or partly within a dwelling unit or accessory structure as a non-residential use that is secondary and subordinate to the use of the dwelling for living purposes and which does not change the residential character of the dwelling unit or vicinity. The enterprise is conducted by an owner/operator who must reside on the premises or on an adjacent property; there is no limit on the number of persons employed in addition to the owner/operator and any other family participants in the home occupation who reside on the premises. A sign is likely to be present. Other exterior evidence of

Draft as of November 2022

this secondary use includes customers, clients, and other business associates entering the premises daily; storage of business products, waste, equipment, or vehicles is required regardless of the number of employees; and delivery truck visits or other traffic beyond that expected of a typical residence may occur. Businesses associated with agri-tourism, farm brewery/cidery/winery, farm operations, and farm stands are not considered home occupations.

Home Occupation, Minor – A non-farm related business activity resulting in a product or service for financial gain, conducted wholly or partly within a dwelling unit or accessory structure as a non-residential use that is secondary and subordinate to the use of the dwelling for living purposes and which does not change the residential character of the dwelling unit or vicinity. The enterprise is conducted by an owner/operator who must reside on the premises or an adjacent property and employs up to three full-time equivalent employees in addition to the owner/operator and any other family participants in the home occupation who reside on the premises. Exterior evidence of this secondary use, if present at all, is limited to a small sign or lawn plaque. Few customers, clients, or other business associates enter the premises daily. The business does not store business products, equipment or vehicles outside. The enterprise normally produces only household quantities and types of waste and does not involve delivery truck visits or other traffic beyond that expected of a typical residence. Businesses associated with agri-tourism, farm brewery/cidery/winery, farm operations, and farm stands are not considered home occupations.

Hunting Preserve and Shooting Club (Outdoor) – A hunting preserve is a wholly enclosed (fenced) land where the release and taking of game animals is allowed. All lands used for a hunting preserve must be one in accordance with State Environmental Conservation Law section §11-2111, §11-1903 (Shooting Preserves), NYCRR 6 NYCRR Part 153 Preserve License, 6 NYCRR Part 154 Domestic Waterfowl, and 6 NYCRR Part 175 Special License and Permits: Definitions and Uniform Procedures.

Hydric Soil – Soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part as defined in the Storm Water Management and Erosion and Sediment Control (Local Law No. 2 of 2007).

Impervious Surface – Any material or surface that substantially reduces or prevents the infiltration of water into the ground, including areas covered by buildings, roads and highways, driveways, parking lots, and sidewalks.

Industrial Light Manufacturing – Any non-retail Commercial Use or industrial operation that is not classified as an Industrial Use, Heavy generally including manufacturing or maintenance operations conducted wholly within one or more structures where: (i) any process is used to alter the nature, size, or shape of articles or raw materials, or where articles are assembled and such goods or services are consumed or used at another location; and (ii) the exterior appearance of the structures resemble office buildings; and (iii) the impacts of the use, such as noise, fumes, and vibrations, shall not exceed those typically associated with an office-type use; and (iv) the use is typically a non-significant polluting use, with no significant use of Hazardous Materials; and (v) such use has only light to moderate energy demands. By way of illustration, and not limitation, these may include indoor or outdoor warehousing and storage, smaller-scaled printing, publishing and bookbinding operations, research and development facilities utilizing office spaces, indoor scientific laboratories, woodshops, and small product assembly businesses.

Industrial Use, Heavy – Any non-retail Commercial Use or industrial operations engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembly of component parts, the creation of products, and the blending of materials such as oils, resins, solvents, or liquors, where such uses have measurably greater impacts than industrial light manufacturing uses in terms of traffic, noise, fumes, odors, and vibrations and are more likely to involve large quantities of Waste materials or Hazardous Materials. Heavy Industrial Uses shall include any activity and its related premises, property, facilities, or equipment involving extractive or solution mining operations, regardless of whether any New York State permit is required. **In determining whether any proposed or existing use is a Heavy Industrial Use, the following guidelines shall apply and any such use that meets any three or more of the following criteria or thresholds may be presumed to be a Heavy Industrial Use:** (i) such use has or is likely to have a significant negative or deleterious impact upon the environment; (ii) such use has or is likely to materially contribute to illnesses or mortality in the Town; (iii) such use involves the use, storage, or creation of Hazardous Materials or radioactive materials and poses a risk of harm due to the purposeful or inadvertent release, emission, or transmission of any such substance; (iv) such use involves any significant volume of detrimental or obnoxious noise, smoke, vibration, odor, traffic, dust, or other impacts, conditions, or characteristics that may or will constitute a public nuisance; (v) such use employs, directly or indirectly, 100 or more on-site workers; (vi) such use is located within facilities containing in excess of 200,000 square feet of Gross Floor Area or utilizes in excess of 10 acres of land; (vii) such use involves more than 10 vehicle trips per month by vehicles subject to special permitting due to their size, weight, or the size or nature of the load carried; (ix) such use would utilize, store, remove, deliver, or sequester more than 250,000 gallons of water from whatever source in a given year; (x) such use would require an internal or external 3 phase or greater power supply or station, the installation of high power or high tension power lines, or would use more than 250 kilowatts of power or electricity per day (or its equivalent in therms or other energy consumption equivalencies).

Institutional Uses – A non-profit, religious, or public use, such as a church, mosque, synagogue or other religious facility, library, public or private school, hospital, or structure or land used for public purpose. Other examples include but are not limited to day care centers, cemeteries, funeral homes, nursing homes, group homes, fire stations, community buildings, fraternal organizations, publicly owned recreation areas or any similar government or public use.

Intermittent Stream – A stream that flows only when it receives water from rainfall runoff or springs, or from some surface source such as melting snow and as mapped using the United States Geological Survey National Hydrography Dataset (USGS NHD) 2020.

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 ferrous metal materials. A salvage yard includes the storing, dismantling, compressing or salvaging of any junk motor vehicles.

Commented [NS1]: Ernie suggested the part highlighted establishes a high threshold and may allow for uses that fall under these thresholds. He also wondered if the 100 or more on site workers is supposed to be 10, and if the 200,000 sf of gross floor area should be 20,000? To Be Discussed.

Draft as of November 2022

Kenel, Commercial – Any place at which there are kept any number of dogs for the primary purpose of sale or for the boarding, care or breeding for which a fee is charged or paid.

Land Disturbance Activity – Any change to land that is equal to or greater than one-half acre in size or less than one-half acre but is part of a larger common plan of development and that may result in soil erosion from water or land, the movement of sediments or pollutants, or accelerated stormwater runoff including site preparation activities, stripping, land clearing, transporting, grading, excavation, filling, earth moving activities, and paving and construction of buildings or structures.

Land Use Activity – Any construction or other activity which changes the use or appearance of land or a structure or the intensity of use of land or a structure.

Larger Common Plan – A situation in which multiple construction activities are occurring, or will occur, on a contiguous area. For discrete construction projects that are located within a larger common plan of development or sale that are at least ¼ mile apart, each project can be treated as a separate plan of development or sale provided any interconnecting road, pipeline or utility project that is part of the same "common plan" is not concurrently being disturbed.

Liquid Crystal Display (LCD) – A flat-panel display or other electronically modulated optical device that uses the light-modulating properties of liquid crystals combined with polarizers.

Living Wage – The minimum needed to support a person above the poverty level. The minimum wage for Tompkins County is determined by the Tompkins County Workers' Center based on studies conducted annually by Ithaca's Alternatives Federal Credit Union.

Lot Coverage – The percentage of the lot area covered by the combined area of all buildings, structures including accessory structures, parking areas, and other impervious surfaces on the lot. In residential areas, lot coverage shall not include driveways.

Lot Line Adjustment – See Subdivision, Minor, or Exempt.

Luminaire – A complete or partial lighting system, including a lamp or lamps, diodes, LCDs, and similar light-emitting objects and assemblies, including any materials that are luminescent and emit light beyond the fixture or surface upon which they may be located or emplaced, and their attendant light fixture(s).

Makerspace – A place where people with shared interests, especially in technology, can gather to work on projects while using shared ideas, equipment, and knowledge.

Manufactured Home – Factory-built dwellings that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec 5401), commonly known as the HUD code. Mobile homes and modular homes are both manufactured housing. Modular homes typically are manufactured in one or more pieces and transported to the site for placement on a permanent foundation. Manufactured homes and mobile homes are normally built in one or two pieces and transported to the site with a chassis that allows the home to be moved. A manufactured house is a house built in conformity with the provisions of the federal HUD Code. Mobile homes are those built prior to the adoption of the HUD Code.

Mine – The excavation or extraction of earth, sand, gravel, stone, clay, loam, humus, top soil or other earth material from a lot and removal thereof from that lot and any of the related land use activities engaged in during the removal activities such as blasting, construction and use of processing and accessory

Draft as of November 2022

buildings, building and use of access roads, use of trucks and equipment, placement of barriers and other similar structures, clearing of property, or removal or placement of trees, vegetation and earth material.

Mine, Small Size – A mine that removes less than 250 cubic yards of earth material in twelve (12) consecutive months.

Mine, Moderate Size – A mine that removes between 250 cubic yards and 750 cubic yards of earth material in twelve (12) consecutive months. It shall also include mining operations in connection with construction of improvements, changing of contours, and grading of lots in an approved subdivision, or on a parcel associated with an approved Site Plan provided that no more than seven hundred and fifty (750) cubic yards or 1,000 tons or less of earth materials are removed from the lot; or for construction of a pond.

Mine, Large Size – A mine that removes more than 750 cubic yards (1,000 tons) of earth material within a period of twelve (12) successive calendar months. Large size mines are also those regulated and permitted by NYS DEC Mined Land Reclamation Law.

Minimum Lot Size – The smallest lot area on which a use or structure may be located in a particular district.

Mixed Use – A combination of residential and commercial uses.

Multi-family Dwelling – A building or group of buildings or mobile homes on one lot containing 3 or more dwelling units. Also includes all types of congregate housing and boarding houses, whether or not intended for medical or mental health purposes, substance abuse treatment, or other social welfare or public health reasons.

Natural Gas and Petroleum Extraction and Exploration –

Natural Gas and/or Petroleum Exploration – Geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, but only to the extent that such activities involve or employ core, rotary, or any other type of drilling or otherwise making any penetration or excavation of any land or water surface in the search for and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

Natural Gas and/or Petroleum Extraction Activities – The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons, including without limitation any and all forms of shale fracturing.

Noise, Nuisance – An undesired audible sound emanating from a project requiring site plan review or special use approval, and that has a frequency (pitch), duration, or tone that interferes with the enjoyment and use of property. The Review Board may rely on evaluating significant noise impacts pursuant to the NYS DEC Program Policy DEP-000-1: Assessing and Mitigating Noise Impacts.

Non-Conforming Dimension – That part of a building, other structure or tract of land which does not conform to one or more of the applicable dimension regulations of this Law, either following its effective date or as a result of subsequent amendments to this Local Law.

Draft as of November 2022

Non-Conforming Structure – A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Zoning Law but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning Law.

Non-Conforming Use – Any use of a building, structure, or tract of land, which does not conform to the use regulations for the district in which the use is located, either at the effective date of this law or as a result of subsequent amendment to this Local Law.

Nursing Home – A long-term care facility licensed by the State of New York that offers twenty-four-hour room and board and health care services, including basic and skilled nursing care, rehabilitation, and a full range of other therapies, treatments, and programs.

NYCRR – Means the official compilation of New York State regulations known as the New York Codes, Rules and Regulations.

Office – Premises available for the transaction of general business but excluding retail and manufacturing uses. It is a place or establishment used for the organizational or administrative aspects of a trade or used in the conduct of a business and not involving the manufacture, storage, display or direct retail sale of goods.

Overlay District – A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone. Overlay districts deal with special situations related to the environment that are not appropriate to a specific zoning district or apply to several districts.

Perennial Stream – A stream that normally has water in its channel at all times as mapped using the United States Geological Survey National Hydrography Dataset (USGS NHD) 2020.

Performance Guaranty – Means a cash deposit, a letter of credit, a payment bond, a performance bond, or such other form of suretyship, promise, or security as the Town Board may approve in its reasonable discretion. The required amount of any Performance Guaranty shall be set by the Town Board. However, no payment or performance bond shall be accepted or acceptable where the party whose payment or performance is being bonded has indemnified the bond issuer, and all bond issuing agencies shall certify that the bonded or insured party has not agreed to any indemnification or defense of the issuer, and that the issuer has no obligation to obtain the consent of the bonded party before honoring, paying, or performing under such bond.

Permitted Use, By Right – Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district but where no review by the Review Board is required. However, a building permit issued by the Code Enforcement Officer may still be required.

Person – Means any natural person, any corporation, limited liability company, trust, or other entity.

Photometric Plan – A scale drawing of a site that shows the location of the proposed exterior lighting fixtures and illumination levels of those lights.

Pop-Up Business – Retail spaces that are temporary, open for a short period of time, and may or may not be inside an existing structure. They include but are not limited to booths or stands at festivals or events and may use wagons, tents, tables, or similar.

Draft as of November 2022

Primary Conservation Area – The area delineated in a conservation subdivision to have priority resource areas to be conserved including, but not limited to streams, floodplains, wetlands, critical habitats, steep slopes, areas with rocky outcrops, agricultural lands, and groundwater recharge areas.

Prime Farmland Soils – Prime farmland, as mapped by USDA, Natural Resource Conservation Service is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable level of acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks. Its soils are permeable to water and air. Prime farmland is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected from flooding.

Prime Farmlands if Drained – A type of prime farmland soil as designated by USDA, Natural Resource Conservation Service.

Principal Building – A building in which is conducted the main or principal use of the lot on which said building is situated.

Public Parks, Trails, Playgrounds – Recreational areas and open spaces, where the public is directly or indirectly invited to visit or permitted to congregate.

Residential - The use of land, buildings, and structures for housing of one or more Persons, including farm worker housing as defined and regulated by and under Department of Agriculture and Markets laws and regulations.

Restaurant – An establishment where food and drink are prepared, served and consumed, mostly within a principal building.

Retail Business – Establishments engaged in the selling or rental of goods or merchandise (usually to the general public for personal use or household consumption or use, although, they may also serve businesses and institutional clients) and in rendering services incidental to the sale of such goods.

Retail Sales Not Otherwise Listed in Table – Any retail business not listed in Section 4.1 (B).

Retreat Center – A facility used for conferences, seminars, or periods of seclusion, retirement, or solitude, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, meeting rooms, fitness and health facilities, and serves primarily for conference or retreat guests. A retreat center may have a variety of lodging facilities including tents or cabins. When tents, RV's or similar are provided for, it shall meet all New York State Department of Health requirements for a campground (NYS Sanitary Code 7-3.)

Review Board – The board appointed by the Town of Caroline to review and approve applications for development, including site plan, special use and subdivision approvals.

Sawmill – An operation using a mill to produce lumber products from timber to be sold for commercial purposes.

Draft as of November 2022

Sawmill As Part of Farm Operation – A sawmill located on a farm operation as defined in this Local Law, and which uses timber from the farm operation premises to be used on the farm or sold for commercial purposes.

Sawmill, Commercial – A sawmill, not part of a farm operation as defined in this Local Law, and which uses timber obtained onsite or offsite and brought to the premises to be processed, stored, and sold for commercial purposes.

Sawmill, Portable – Means a self-contained sawmill which is moved to the site where the timber is to be sawn and then moved on to another location.

Scenic Resources – As defined in the Town’s Comprehensive Plan, a scenic resource is an area of special visual appeal, whether it be natural, or human made. Scenic Resources include those categorized by Tompkins County as Distinctive Views, Noteworthy Views, and Characteristic Views, as well as additional views in the Town that contribute to the quality of life of Town residents and attract visitors to the area.

School, Private – A building or part thereof which is designed, constructed, or used for the private instruction or education including, but is not limited to elementary, secondary or vocational schools. It shall also mean a business organized to operate for a profit, or an organization that operates not-for-profit offering instruction and training in a trade, service or art.

Secondary Conservation Area – The area delineated in a conservation subdivision to have secondary resource areas to be conserved including, but not limited to agricultural lands, healthy woodlands holding important ecological functions such as soil stabilization and protection of streams, hedgerows and other vegetation features representing the site’s rural past, historic structures or sites, and visually prominent features such as knolls, cliffs, gorges or hilltops.

Self-Storage Facility – One or more buildings consisting of self-contained units that are leased or owned for the storage of business or household goods.

SEQRA or SEQR (State Environmental Quality Review) – Review of an application according to the provisions of the State Environmental Quality Review Act, 6NYCRR, Part 617 (Statutory Authority: Environmental Conservation Law, Section 8-0113), which incorporates the consideration of environmental, social and economic factors into the planning, review and decision-making processes of state, county and local government agencies.

Service Business – An establishment primarily engaged in providing assistance, rather than products, to individuals, business, industry, government, and other enterprises. Service businesses include, but are not limited to, personal services (examples include beauty salons, massage, instruction, counseling, repair, funeral); business/contractual services (examples include janitorial services/property maintenance, excavation, plumbing/heating, consulting); and professional services (examples include physicians, engineers, legal, financial).

Service Business Not Otherwise Listed in This Table – Any service business not listed in Section 4.1 (B).

Setback – The distance in feet between the building or other use and any lot line or designated point. Where a front setback may be required, such setback shall be measured from the edge of the designated right-of-way established for the road or street.

Draft as of November 2022

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 landowner-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.

Sign – Any object, device, display or structure or part thereof situated outdoors or adjacent to the interior of a window or doorway, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images. Any such object, device, display or structure placed on residential lots as part of temporary holiday or other lawn decoration shall not be considered a sign. A sign includes a billboard, neon tube, fluorescent tube, or other artificial light or string of lights, outlining or hung upon any part of a building or lot for the purposes mentioned above, but does not include the flag or insignia of any nation or of any governmental agency.

Single-family Dwelling – See Dwelling.

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, or by metes and bounds.

Site Development – The maintenance or improvement of a Site in accordance with an approved Site Plan, including construction of buildings and structures, the rearrangement of the land surface, and the burying or construction of subsurface structures.

Site Plan – A rendering or drawing of a proposed Development or use of one or more Sites showing the layout and design of all existing and proposed elements, including but not limited to topography, vegetation, drainage, floodplains, marshes and waterways, open spaces, walkways, means of ingress and egress, utility services, landscaping, above and below surface structures, signage, lighting, screening devices, and any other information required by this local law or the Review Board.

Site Plan Review – A regulatory technique pursuant to NYS Town Law 274-a which requires Review Board approval of the siting, layout, and design of development when it occurs on a single parcel of land.

Site Plan Review, Abbreviated (ASPR) – A site plan review process that is limited in scope and with shorter time frames and process, as compared to a full site plan review.

Sketch Plan – A statement and rough sketch showing the locations and dimensions of principal and accessory structures, All Weather Surface areas, active agricultural land and Agricultural Districts, existing and proposed vegetation (woodlands, existing fields, pastures, meadows, hedgerows, and tree lines), other planned features, surface water features including creeks, Wetlands, and ponds, historic sites, Steep Slopes, Critical Environmental Areas, and anticipated changes in the existing topography and natural features.

Solar Photovoltaics (PV) - The structures and associated equipment that convert solar energy into usable mechanical or electrical energy, including photovoltaic panels, associated anchors and foundations,

Draft as of November 2022

mounts, connected facilities such as generators, alternators, inverters and batteries, and other associated equipment.

Solar Energy Facility – An energy system (such as a photovoltaic system, solar thermal power system, or based on any other technology) that converts solar energy into electrical energy. The system includes the solar energy collection devices, related balance of system equipment, and other associated infrastructure.

Solar Energy Facility, Small – A Solar Energy System with a nameplate capacity of 25kW or less.

Solar Energy Facility, Medium – A Solar Energy System with a nameplate capacity greater than 25kW and whose components cover an area of less than 2.5 acres.

Solar Energy Facility, Large – A Solar Energy System with a nameplate capacity greater than 25kW and whose components cover an area of 2.5 acres or more.

SPDES – The State Pollutant Discharge Elimination System, administered generally under the Environmental Conservation Law and the Public Health Law.

Special Flood Hazard Area – Areas subject to inundation by a 100-year flood event as shown on the Flood Insurance Rate Maps for the Town of Caroline, prepared by the Federal Emergency Management Agency.

Special Use Permit – A land use which is deemed permissible within a given zoning district or districts, but which may have the potential to exhibit characteristics or create impacts incompatible with the purposes of such district. The special use shall, therefore, be subject to approval by the Review Board in accordance with conditions set forth for such use, as well as other applicable provisions of this law and pursuant to State Town Law 274-b.

Species of Greatest Conservation Need (SGCN) – Species as identified by New York State whose status is known and conservation action is needed. SGCN are experiencing some level of population decline, have identified threats that may put them in jeopardy, and need conservation actions to reach or maintain stable population levels or sustain recovery.

Species of Special Concern – Species designated as defined by New York State in Section 182.2(i) of 6NYCRR Part 182. Species of Special Concern are any native species for which a welfare concern or risk of endangerment has been documented in New York State.

Standard – A rule or requirement.

Steep Slopes – A slope steep enough to have significant erosion concerns. For the purposes of this Zoning Law, a steep slope is any land or Site that exceeds a slope of 25%.

Stream – The full length and width, including the bed and banks, of any watercourse, that has a channel which periodically or continuously contains moving water. It further has a defined bed and has banks that serve to confine water at low to moderate flows (and is represented as either a solid or dashed blue line on United States Geological Survey (USGS) 7.5 Minute Quadrangle maps). For the purpose of this ordinance, constructed drainage-ways, including water bars, swales, and roadside ditches, are not considered streams.

Streambank – The land adjacent to both sides of the streambed that defines the watercourse under bank full conditions.

Structure – Anything constructed or built, any edifice or building of any kind, which requires location on the ground or is attached to something having a location on the ground, including, but without limitation, buildings, stadiums, display stands, storage bins, signs, reviewing stands, gasoline pumps, mobile dwellings (whether mobile or stationary at the time), fences, swimming pools, covered patios, towers, poles, sheds, signs, tanks, etc., except outdoor areas such as paved areas and walkways.

Subdivision – The division of any lot, tract, or parcel of land into two or more parcels, lots, plots, tracts, or sites to create new lots, and including any other form of division of land, or the use thereof, for any purpose, including, but not limited to, leasing, condominiums, and lot leasing, whether for immediate or future use and regardless of whether new buildings or development is planned or may occur. Some types of subdivisions (see below) require review by the Review Board.

Exempt Subdivision – Lot line adjustments, rural land divisions, and small-scale residential subdivisions as defined below and in the Town of Caroline Subdivision Review Law. Exempt subdivisions do not require review by the Review Board.

Minor Subdivision – Another name for an exempt subdivision.

Major Subdivision – Any subdivision or development of land that is not an exempt subdivision. Major subdivisions require review by the Review Board.

Subdivision types

(a) Lot Line Adjustment – A subdivision of land where no new lot is created and that is a transfer of title to land from its owner to an abutting owner for consolidation with an abutting lot, including boundary line agreements between adjoining owners. Lot line adjustments are not subject to review and approval by the Review Board.

(b) Rural Land Division – A subdivision of land in which all lots are along an existing public highway and contain more than five acres, excluding land in a road right-of-way; and which does not involve the extension of an existing, or creation of a new, public road or community water or sewer system; and for which each lot is designed and intended to be used for not more than four residential units or for agricultural operations. Rural land divisions are not subject to review and approval by the Review Board.

(c) Small-Scale Residential Subdivision – A subdivision of land that results in the addition of up to five lots along an existing public highway of less than five acres in size within a three-year period, provided that it does not involve the extension of an existing, or creation of a new, public road or community water or sewer system and that all lots are designed, and intended to be used, for one single-family residence or one two-family residence. Small-scale residential subdivisions are not subject to review and approval by the Review Board.

(d) Subdivision Subject to Review – Any subdivision or development of land that is not a lot line adjustment, rural land division, or small-scale residential subdivision. This shall also be known as a “major subdivision” for purposes of this Zoning Law.

Draft as of November 2022

Telecommunication Tower – Pursuant to Local Law 2 of 1998 (Regulating the Siting of Telecommunication Towers), means a structure or location designed, or intended to be used, or used to support Antennas. It includes without limit, free standing Towers, guyed Towers, monopoles, and similar structures that employ camouflage technology, including, but not limited to structures such as a church steeple, silo, water Tower, sign or other similar structures intended to mitigate the visual impact of an Antenna or the functional equivalent of such. It is a structure intended for transmitting and/or receiving radio, television, cellular, paging, personal Telecommunications services, or microwave Telecommunications, but excluding those used exclusively for fire, police and other dispatch Telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar Telecommunications that do not exceed height limitations addressed elsewhere in Town regulations.

Top of Stream Bank – The primary edge of the ordinary high-water mark, or break in slope for a watercourse, which maintains the integrity of the watercourse.

Town – The Town of Caroline, Tompkins County, New York.

Town Board – The Town Board of the Town of Caroline.

Townhouse – A row of three 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.

Traffic Impact Analysis – A study assessing the adequacy of the Town's transportation infrastructure to accommodate additional trips generated a proposed Development.

Transportation Plan – A plan defining problems and identifying alternatives to control or reduce traffic associated with a Development.

Two-family Dwelling – See Dwelling.

Unique Natural Areas (UNAs) – Land designated by the Tompkins County Environmental Management Council as having outstanding environmental qualities that deserve special attention for preservation and protection.

Uplight – For an exterior luminaire, flux radiated in the hemisphere at or above the horizontal plane.

Variance, Area – A variance from the area and bulk requirements or supplementary regulations of a related character (such as amount, size, location of design or access, off-street parking, landscaping, signs) to authorize on a specific lot a permitted use which could not feasibly be established without relief from one or more of the dimensional requirements pertaining to the district.

Variance, Use – A variance from the use regulations to allow the establishment on a specific lot of a use otherwise prohibited in the district.

Vehicle Body Repair Shop – Establishments primarily engaged in providing collision repair services, including body frame straightening and repair replacement of damaged parts, and painting.

Vehicle Service Station and Repair – A building other than a private or parking garage used for adjustment, painting, replacement of parts or other repair and/or maintenance of motor vehicles or parts

Draft as of November 2022

thereof, whether or not accessory or incidental to another use. Any building, land area or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels, servicing and repair of automobiles, and including as an accessory use the sale and installation of lubricants, tires, batteries and similar vehicle accessories. A vehicle service station may be gas-only or associated with sales of snack food, tobacco, drinks, newspapers and similar convenience goods as accessory or appurtenant to the principal use.

Veterinary Clinic – A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

Visual Impact Assessment – A report prepared by a registered Landscape Architect or other qualified professional that includes a Visual Assessment Form pursuant to SEQRA, and visually illustrates and evaluates the relationship of proposed new structures or alterations to nearby natural landscapes and to pre-existing structures in terms of visual character and intensity/scale of use (e.g., scale, materials, color, door and window size and locations, setbacks, roof and cornice lines, and other major design elements). Such report also includes an analysis of the visual impacts on neighboring properties from the proposed development and alterations, and of the location and configuration of proposed structures, parking areas, open space, and gradient changes. Photo-simulations or balloon tests may be required as part of the Visual Impact Assessment.

Waste – Unwanted material that requires disposal, or such garbage, rubbish, and other materials regulated under the NYS Building Codes, including, but not limited to, the Existing Building Code and the Property Maintenance Codes of New York State.

Wetland - Any area which meets one or more of the following criteria:

- a. **Jurisdictional and Mapped Wetlands** – Lands and waters that meet the definition provided in 24-0107.1 of the New York State Environmental Conservation Law, “Freshwater Wetlands Act.” The approximate boundaries of such lands and waters are as delineated upon or indicated by those Wetlands shown upon the official Wetlands map promulgated by the Commissioner of the New York State Department of Environmental Conservation, including those Wetlands as are delineated and awaiting placement upon such maps.
- b. **Other Lands That Are Deemed Wetlands After Delineation** – All areas containing or supporting Hydric Soils and/or which are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and under normal conditions do support, a prevalence of hydrophytic vegetation as defined by the Federal Interagency Committee for Wetlands Delineation, 1989, in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, Washington, DC, and adopted by the US Army Corps of Engineers, US Environmental Protection Agency, and the US Fish and Wildlife Service, or as amended and updated. Hydric Soils referenced above shall include the soil types taken from the Tompkins County Soil Survey Series, 1965, or such revised, updated and adjusted soil surveys as may be completed.

Wetland Delineation – The process of determining Wetlands and their boundaries. The boundaries of a Wetland shall be determined by procedures outlined in US Army Corps of Engineers Wetland Delineation Manual, Technical Report Y-87-1 (Environmental Laboratory, 1987). Identification of the general location of Wetlands shall be aided by reference to: The Freshwater Wetlands Map by the New York State

Draft as of November 2022

Department of Environmental Conservation, as amended and updated; the Soils Map of Tompkins County – Soil Survey Series 1965, as from time to time updated; Tompkins County wetland maps; and other maps such as the 1990 US Fish and Wildlife Service Map which assist in the location and delineation of Wetlands. Wetlands not depicted on any such maps are not thereby exempted from regulation under provisions of this law.

Wind Energy Generating System – The structures and associated equipment that convert wind energy into usable mechanical or electrical energy, including towers, turbines, guy wires, associated anchors and foundations, mounts, connected facilities such as generators, alternators, inverters and batteries, and other associated equipment.

Wind Energy Generating System, Large – A wind energy generating system that generates more than 27.5 kW of energy not designed for on-site power consumption and that generates electricity to be sold to an electrical utility company.

Wind Energy Generating System, Small – When not used in connection with a farm operation, a wind tower for personal use is defined as a single wind turbine with a generating capacity of 27.5 kW or less designed solely for on-site power consumption except that unused or excess power may be sold to an electrical utility company in accordance with the provisions of Section 66-1 of the New York State Public Services Law. When used in connection with a farm operation as defined in this Local Law and in Section 301, (11) of the New York State Agriculture and Markets Law, a wind tower is considered an on-farm building and is designed for on-site power consumption but not generating more than 110% of the farm needs.

Yard, Front – A yard extending across the full width of the lot and lying between the front lot line of the lot and the nearest point of the building. On a corner lot, the front yard shall be any yard that fronts on a road and such a lot may not have a rear yard.

Yard, Required – That portion of the lot that includes an open space that lies between the principal building or buildings and the nearest lot line. No part of such yard shall be included as part of a yard or other open space similarly required for buildings on another lot.

Yard, Side – A yard situated between the building and the sideline of a lot and extending from the front yard rear line (or from the front lot line, if there is no required front yard) to the rear yard front line or rear lot line).

Yard, Rear – A yard extending across the full width of the lot and lying between the rear lot line of the lot and the nearest point of the building.

ZBA (Zoning Board of Appeals) – The board designated by the Town to consider requests for area and use variances to, and interpretations of, the Town Zoning Law.

Zoning Enforcement Officer – The administrative officer designated to administer the zoning law and issue zoning related permits. This shall also be known as Code Enforcement Officer.

Any term used in this local law which is not defined hereinabove shall carry its customary meaning unless the context otherwise dictates.

ARTICLE III DISTRICTS

READER'S AID: This section describes the zoning districts established in the Town. There are several kinds of districts: agricultural/rural, hamlet, and overlay districts. Each district is designed to meet a specific purpose in Caroline. The purposes of each district are detailed in this section so that the intent of each is understood. Requirements of this zoning law are designed to fulfill the purposes of each district.

Section 3.1 Official Zoning Maps, and Names and Purposes of Districts

- A. The following Zoning Districts are established as follows:
- Agricultural/Rural
 - Hamlet
 - Besemer
 - Brooktondale
 - Caroline
 - Caroline Center
 - Center Brooktondale
 - Slaterville Springs
 - Speedsville
 - West Slaterville
 - Focused Commercial
- B. The following Overlay District is established as follows:
- Water Resources and Flooding
- C. Purpose statements. The general purposes of this Zoning Law are to promote the health, safety, and general welfare of the residents of the Town and to promote growth in harmony with the Town of Caroline's Comprehensive Plan. Specific purposes for each district are as follows:
1. **Agricultural/Rural District:** In addition to the general purposes of promoting the health, safety, and general welfare of the residents of the Town and to promote growth in harmony with the Town of Caroline's Comprehensive Plan, the purposes of this district are to maintain and promote the rural character of Caroline, to promote agricultural uses, farm diversification, the protection of farmland, and to allow for residential, home occupations businesses, and non-farmland uses that are compatible with agricultural uses, the environment, and with the general rural character of Caroline.
 2. **Hamlet:** In addition to the general purposes of promoting the health, safety, and general welfare of the residents of the Town and to promote growth that is in harmony with the Town of Caroline's Comprehensive Plan, the purposes of hamlet districts are to recognize these locations as traditional and existing concentrations of settlement in Caroline; to facilitate a higher density of development consistent with the existing character of these hamlets; to reinforce some hamlets as principal locations for smaller-scaled commercial use; to ensure new development incorporates building scale, massing, layout and design consistent with the traditional character and environment of each hamlet; to provide for and encourage a mixture of housing types and opportunities to meet the housing needs of Town residents; to build and maintain these hamlets as vital town centers fostering a sense of community; and to promote pedestrian access.

Some types of commercial uses are permitted in some hamlet areas, and where so allowed, specific review processes and design standards are established to foster attractive buildings sites with thoughtful design and high-quality materials and to promote visual and design coordination on contiguous parcels which can be viewed from public rights-of-way;

While all hamlet areas in Caroline have certain similarities in terms of lot sizes, streetscapes, and character of development, there are important differences that these zoning districts seek to recognize and maintain in future development patterns. In addition to these purposes, specific hamlet districts established in this Local Law have the following purposes. The Town establishes the following distinct hamlet areas:

- a. **Besemer:** This is a hamlet area encompassing a focus area where housing growth has occurred at a moderate to high density over the past few decades and is a location where future residential growth is appropriate. A further purpose of this district is to offer opportunities to allow for additional housing opportunities but in a manner consistent with the residential density, lot sizes, lot character, and streetscapes that currently exist and to be sensitive to the environment.
- b. **Slaterville Springs:** This hamlet area is the Town's civic center and is a focused area where a mix of uses are found along Route 79. Further purposes of this district are to allow for future opportunities for residential, smaller-scaled commercial, and community uses. This district will promote residential development at a higher density than surrounding rural patterns along with business and civic uses that are scaled and designed to be consistent with the character and environment here.
- c. **West Slaterville:** This hamlet area is recognized as distinct from Slaterville Springs in that it remains primarily residential along Route 79 and Boiceville Road, including the Boiceville Cottages. Further purposes of this district are to allow for future opportunities for mostly residential and smaller-scaled commercial uses in a manner that maintains current hamlet-sized and situated buildings. This district will promote residential development at a higher density than surrounding rural patterns along with small businesses that are scaled and designed to be consistent with the character and environment here.
- d. **Caroline, Caroline Center and Speedsville:** Although having different characteristics and uses, these three areas are established as hamlet areas. They are established to recognize both historical and existing concentrations of residential and smaller-scaled and limited commercial uses. The purpose for these three hamlet districts is to allow for additional residential and limited commercial development in a manner consistent with the hamlet character found in these locations. The Zoning Law establishes uses and dimensions for this hamlet specific to maintain the character of Caroline Center and Speedsville.
- e. **Brooktondale** - This is a primarily residential area in the Brooktondale area that has developed in a hamlet style of development over the years with smaller lots, shorter front setbacks, and a more residential neighborhood character. A purpose of this hamlet district is to promote a variety of residential uses with a higher density similar to what exists and, in a manner, consistent with the traditional development pattern and character found in this location. This

district recognizes the existing hamlet-scale residential nature of this area and the potential for future similar opportunities.

- f. **Center Brooktondale:** This is a mixed-use area that has also developed over the years with smaller lots and a more residential neighborhood character. A purpose of this hamlet district is to promote a variety of residential uses with a higher density similar to what exists and a variety of commercial uses in a manner consistent with the traditional development pattern and character found in this location. This district recognizes the existing hamlet-scale mixed use nature of this area and the potential for future similar opportunities. A further purpose of this district is to allow for a variety of additional hamlet-scaled commercial uses mixed with residential development in a manner consistent with the hamlet character found here.
- 3. **Focused Commercial:** This district encompasses locations along Route 79 where larger scaled community, civic, and commercial uses have developed over time. A purpose of this district is to continue and allow for new opportunities for commercial use in a concentrated node to discourage further commercial sprawl along Route 79. A further purpose of this district is to ensure that commercial uses are designed and sited in a manner that continues the design traditions in the Town of Caroline.
- 4. **Overlay District: Water Resources and Flooding Overlay:** The purpose of this overlay district is to protect critical water resources and ecological systems associated with water resources in Caroline including streams and their associated riparian areas, groundwater, wetlands, floodplains, and waterbodies found adjacent to streams.

Section 3.2 Interpretation of District Boundaries

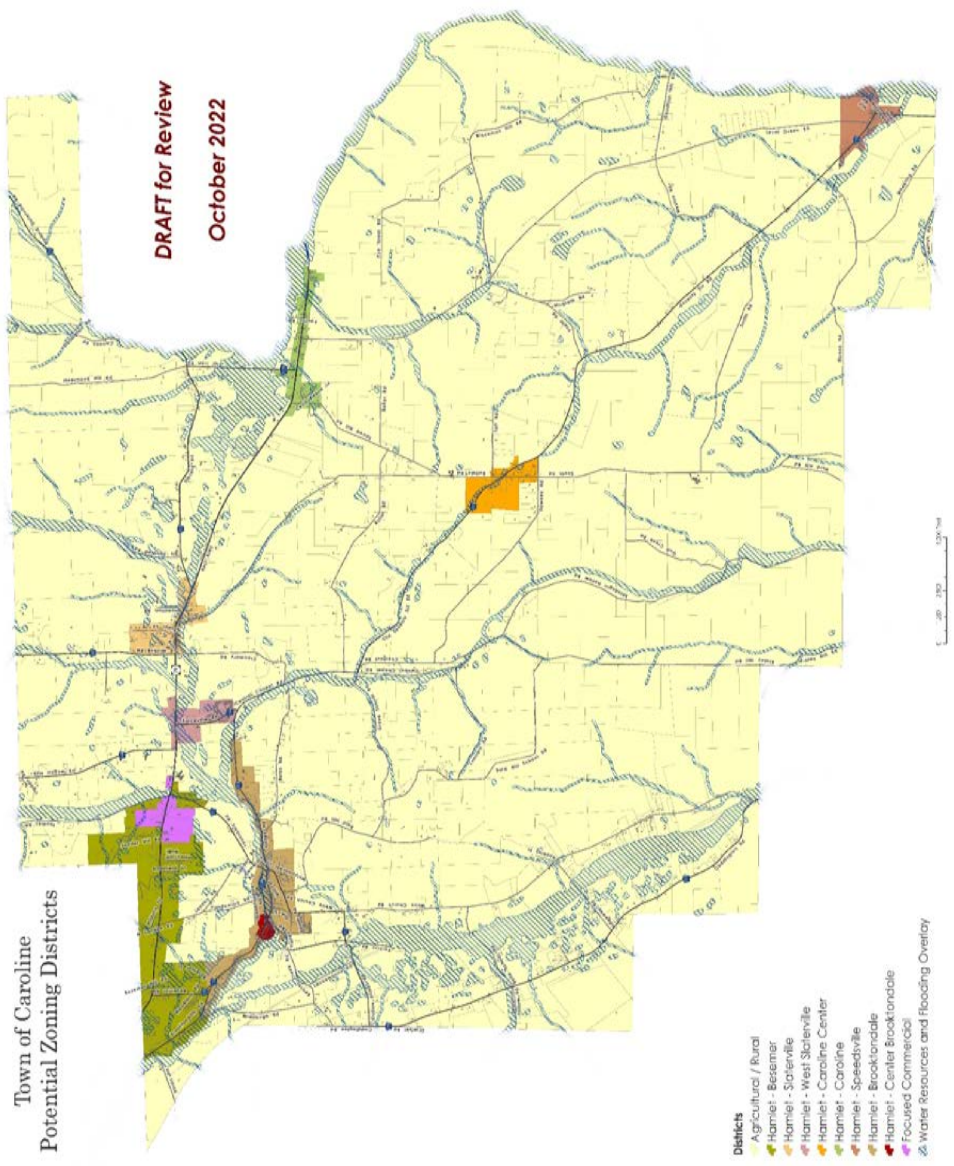
- A. The provisions of this Local Law shall be held to be minimum requirements. Whenever the requirements of this Local Law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or those imposing the higher standards shall govern.
- B. Where uncertainty exists with respect to the boundaries of any of the districts established in this Zoning Law as shown on the adopted Zoning Map or any subsequent amendments, the following rules shall apply:
 - 1. Where district boundaries are indicated as approximately following the centerlines or right-of-way lines of streets, highways, public utility easements, or watercourses, such boundaries shall be construed to be coincident with such lines.
 - 2. Where district boundaries are indicated as approximately following the Town boundary line, property lines, or lot lines, said boundaries shall be construed to be coincident with such lines.
 - 3. Where district boundaries are so indicated that they are approximately parallel to the Town boundary line, property lines, lot lines, right-of-way lines, or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances from them as indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.

Draft as of November 2022

4. Where a district boundary line does not follow lot lines and divides a lot into two or more zoning districts, regulations for the district that is less restricted shall extend not more than 30 feet into that portion of the lot that is in the more restricted district.
 5. In all other cases, where dimensions are not indicated, the location of boundaries shown on the Map shall be determined by the use of the map scale shown.
- C. No land or building shall be used, occupied, erected, moved or altered unless in conformity with the regulations specified for the district in which it is located.

Section 3.3 Zoning Map

The location and boundaries of zoning districts are shown on the maps entitled 'Zoning Map', certified and filed by the Town Clerk as adopted by the Town Board. These maps, together with everything shown on them are hereby adopted and declared to be an appurtenant part of this Law.



ARTICLE IV USES AND DIMENSIONS

READER'S AID: This section is a key part of the Zoning Law. It presents a table showing all the permitted uses in the Town of Caroline. The Use Table shows what uses are allowed in each district and identifies what kind of review and permitting process must take place by the Review Board before a project is approved. Uses not included in this table are prohibited and are not allowed in Caroline as new uses.

Section 4.1 Permitted and Special Permitted Uses by District

- A. The following table identifies the permitted uses for all land areas in the Town of Caroline. Uses which are not listed on this table shall be deemed prohibited uses.
- B. The symbols presented in the table below shall mean the following:

P = Permitted use not requiring any Review Board permit, approval, or review. However, a building permit from the Code Enforcement Officer or approvals from other agencies may be required.

SPR = A use subject to Site Plan Review and approval by the Review Board required.

SUP = Special Use Permit review and approval by the Review Board required.

ASPR = Abbreviated Site Plan review and approval by the Review Board required pursuant to Article VII (7.10).

X = Prohibited except as a Home Occupation (minor or major).

Table 1. Schedule of Uses.

Section Reference if Specific Standards Are Established	Use	Ag/Rural District	Hamlet - Besemer	Hamlet- Slaterville Springs	Hamlet – W. Slaterville	Hamlet – Caroline Center and Caroline	Hamlet - Speedsville	Hamlet- Brooktondale	Hamlet- Center Brooktondale	Focused Commercial
	Key		<p>P = Use not requiring any Review Board permit, approval, or review. However, a building permit from the Code Enforcement Officer or approvals from other agencies may be required. SPR = A use subject to Site Plan Review and approval by the Review Board. SUP = Special Use Permit review and approval by the Review Board required. ASPR = Abbreviated Site Plan review and approval by the Review Board required pursuant to Article VII (7.10). X = Prohibited except as a Home Occupation (minor or major).</p>							
Residential Uses and Customary Residential Uses										
	Accessory structures customary to residential uses (pools, garages, tennis court, etc.)	P	P	P	P	P	P	P	P	P
	Accessory apartments in single family houses	P	P	P	P	P	P	P	P	P
	Accessory apartments in accessory structures	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR
	Home occupations (minor)	P	P	P	P	P	P	P	P	P
	Home occupations (major)	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR
	Multi-family Dwelling including Multi-building Residential Development	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
	Single-family dwellings, Two-family dwellings, and Townhouses	P	P	P	P	P	P	P	P	P
	Small Battery Energy Storage System	P	P	P	P	P	P	P	P	P
	Small Solar Energy Facility	P	P	P	P	P	P	P	P	P
	Wind Energy Generating System, Small	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR
Agricultural Uses										
	Agri-tourism	P	P	P	P	P	P	P	P	P
	Agricultural or Farm Operation	P	P	P	P	P	P	P	P	P
	Agricultural Structure	P	P	P	P	P	P	P	P	P
	Concentrated Animal Feed Operation (CAFO)	ASPR	X	X	X	X	X	X	X	ASPR

Section Reference if Specific Standards Are Established	Use	Ag/Rural District	Hamlet - Besemer	Hamlet- Slaterville Springs	Hamlet - W. Slaterville	Hamlet - Caroline Center and Caroline	Hamlet - Speedsville	Hamlet- Brooktondale	Hamlet- Center Brooktondale	Focused Commercial
	Key	<p>P = Use not requiring any Review Board permit, approval, or review. However, a building permit from the Code Enforcement Officer or approvals from other agencies may be required. SPR = A use subject to Site Plan Review and approval by the Review Board. SUP = Special Use Permit review and approval by the Review Board required. ASPR = Abbreviated Site Plan review and approval by the Review Board required pursuant to Article VII (7.10). X = Prohibited except as a Home Occupation (minor or major).</p>								
	Farm Brewery, Farm Winery, Farm Cidery or Farm Distillery	P	P	P	P	P	P	P	P	P
	Farm Market	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR
	Farm Stand	P	P	P	P	P	P	P	P	P
	Farmworker Housing	P	P	P	P	P	P	P	P	P
	Food Processing (on-farm)	P	P	P	P	P	P	P	P	P
	Greenhouse/nursery	P	P	P	P	P	P	P	P	P
	Sawmill, as part of a farm operation	P	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR	X	ASPR
Commercial Uses and Customary Commercial Accessory Uses										
	Accessory structures customary to commercial uses	To be reviewed and permitted as part of Site Plan Review and/or Special Use Permit Processes. Existing commercial uses shall require SPR.								
	Adult Uses (See Also LL2 of 1999)	X	X	X	X	X	X	X	X	ASPR
	Artist studio/Instructional Space/Makerspace	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR
	Auction House	SUP	X	X	X	X	X	X	X	SPR
	Bakery	X	X	SPR	X	SPR	SPR	SPR	SPR	SPR
	Bank	X	X	SPR	X	SPR	SPR	SPR	SPR	SPR
	Battery Energy Storage System, Small	P	P	P	P	P	P	P	P	P
	Battery Energy Storage System, Large	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR
	Bed and breakfast and Short-Term Rental	P	P	P	P	P	P	P	P	P
	Campground, Camping Units	SUP	X	X	X	X	X	X	X	X
	Cannabis Dispensary	N/A								
	Cannabis Lounge	N/A								

Section Reference if Specific Standards Are Established	Use	Ag/Rural District	Hamlet - Besemer	Hamlet-Slaterville Springs	Hamlet - W. Slaterville	Hamlet - Caroline Center and Caroline	Hamlet - Speedsville	Hamlet-Brooktondale	Hamlet-Center Brooktondale	Focused Commercial
	Key		<p>P = Use not requiring any Review Board permit, approval, or review. However, a building permit from the Code Enforcement Officer or approvals from other agencies may be required. SPR = A use subject to Site Plan Review and approval by the Review Board. SUP = Special Use Permit review and approval by the Review Board required. ASPR = Abbreviated Site Plan review and approval by the Review Board required pursuant to Article VII (7.10). X = Prohibited except as a Home Occupation (minor or major).</p>							
	Car Wash	X	X	SUP	X	SUP	SUP	SUP	SUP	SUP
	Car and Motorized Sales	X	X	SPR	X	SPR	SPR	X	SPR	SPR
	Church or religious use	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR
	Brewery, Winery, Cidery or Distillery (Not Part of a Farm Operation)	SPR	X	SPR	SPR	SPR	SPR	SPR	SPR	SPR
	Cold Storage Facility	P, As Part of a Farm Operation Only	X	SPR	X	SPR	SPR	SPR	SPR	SPR
	Commercial Kennel	SUP	X	SUP	X	SUP	SUP	X	X	SUP
	Commercial Kitchen	P, As Part of a Farm Operation Only	X	SPR	X	SPR	SPR	SPR	SPR	SPR
	Composting Facility	SUP	X	X	X	X	X	X	X	SUP
	Convenience Store	X	X	SPR	X	SPR	SPR	SPR	SPR	SPR
	Day care—home day care	P	P	P	P	P	P	P	P	P
	Day care—day care center	SUP	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR
	Event facility (wedding venue, etc.)	SUP	X	SUP	X	SUP	SUP	SUP	SUP	SUP
	Food and beverage	ASPR, As part of Farm Operation Only	SUP	SPR	SUP	SPR	SPR	SPR	SPR	SPR
	Formula Business	X	X	SPR	X	SPR	SPR	X	X	SPR

Section Reference if Specific Standards Are Established	Use	Ag/Rural District	Hamlet - Besemer	Hamlet- Slaterville Springs	Hamlet - W. Slaterville	Hamlet - Caroline Center and Caroline	Hamlet - Speedsville	Hamlet- Brooktondale	Hamlet- Center Brooktondale	Focused Commercial
	Key		<p>P = Use not requiring any Review Board permit, approval, or review. However, a building permit from the Code Enforcement Officer or approvals from other agencies may be required. SPR = A use subject to Site Plan Review and approval by the Review Board. SUP = Special Use Permit review and approval by the Review Board required. ASPR = Abbreviated Site Plan review and approval by the Review Board required pursuant to Article VII (7.10). X = Prohibited except as a Home Occupation (minor or major).</p>							
	Fuel – gasoline station	X	X	SUP	X	SUP	SUP	SUP	SUP	SUP
	Fuel – Electric Vehicle Charging Station	X	X	SUP	X	SUP	SUP	SUP	SUP	SUP
	Funeral Home	X	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
	Government or institutional offices or facilities	X	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR
	Health/Medical Clinic/Laboratory	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR
	Hunting Preserve and Shooting Club (outdoor)	SUP	X	X	X	X	X	X	X	X
	Indoor recreation, commercial	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR
	Industrial Light Manufacturing	SUP	X	SUP	X	SUP	SUP	SUP	SUP	SUP
	Junk, Scrap or Salvage Yard	X	X	X	X	X	X	X	X	SUP
	Mine, small size	P	P	P	P	P	P	P	P	P
	Mine, moderate size	SPR	X	X	X	X	X	X	X	X
	Mine, Large	SUP	X	X	X	X	X	X	X	X
	Mixed-use buildings	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
	Natural Gas and Petroleum Extraction and Exploration		See Local Law 3 of 2012							
	Nursing home	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SPR
	Offices	X	X	SPR	X	SPR	SPR	SPR	SPR	SPR
	Outdoor recreation, commercial	SUP	X	SUP	X	X	X	X	X	SUP
	Pop-up business	P	P	P	P	P	P	P	P	P
	Public parks, trails, playgrounds	P	P	P	P	P	P	P	P	P
	Retail sales Not Otherwise Listed in this Table	As Farm sales or Home	X	SPR	X	SPR	SPR	SPR	SPR	SPR

Section Reference if Specific Standards Are Established	Use	Ag/Rural District	Hamlet - Besemer	Hamlet- Slaterville Springs	Hamlet – W. Slaterville	Hamlet – Caroline Center and Caroline	Hamlet - Speedsville	Hamlet- Brooktondale	Hamlet- Center Brooktondale	Focused Commercial
	Key		<p>P = Use not requiring any Review Board permit, approval, or review. However, a building permit from the Code Enforcement Officer or approvals from other agencies may be required. SPR = A use subject to Site Plan Review and approval by the Review Board. SUP = Special Use Permit review and approval by the Review Board required. ASPR = Abbreviated Site Plan review and approval by the Review Board required pursuant to Article VII (7.10). X = Prohibited except as a Home Occupation (minor or major).</p>							
		Occupation Only								
	Retreat Center	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP
	Sawmill, portable	P	P	P	P	P	P	P	P	P
	Sawmill, Commercial	SUP	X	X	X	X	X	X	X	SUP
	School, private	X	X	SPR	X	SPR	SPR	SPR	SPR	SPR
	Self-storage facility	X	X	X	X	X	X	X	X	SUP
	Service business Not Otherwise Listed in this Table	As Farm sales or Home Occupation Only	X	SPR	X	SPR	SPR	SPR	SPR	SPR
	Slaughterhouse (Abattoir)	SUP	X	X	X	X	X	X	X	X
	Solar Energy Facility, Small	P	P	P	P	P	P	P	P	P
	Solar Energy Facility, Medium	SUP	X	X	X	X	X	X	X	SUP
	Solar Energy Facility, Large	SUP	X	X	X	X	X	X	X	SUP
	Staging, storage or parking areas as a non-residential, non-agricultural use for vehicles, equipment, or materials, whether temporary or permanent not associated with a home occupation or otherwise permitted use.	SUP	X	X	X	X	X	X	X	SPR
	Telecommunication Tower	SUP	X	X	X	X	X	X	X	SUP
	Vehicle body repair shop or Vehicle Service Station and Repair	X	X	SUP	X	SUP	SUP	SUP	SUP	SPR
	Veterinary Clinic	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP

Section Reference if Specific Standards Are Established	Use	Ag/Rural District	Hamlet - Besemer	Hamlet-Slaterville Springs	Hamlet - W. Slaterville	Hamlet - Caroline Center and Caroline	Hamlet - Speedsville	Hamlet-Brooktondale	Hamlet-Center Brooktondale	Focused Commercial
	Key	<p>P = Use not requiring any Review Board permit, approval, or review. However, a building permit from the Code Enforcement Officer or approvals from other agencies may be required. SPR = A use subject to Site Plan Review and approval by the Review Board. SUP = Special Use Permit review and approval by the Review Board required. ASPR = Abbreviated Site Plan review and approval by the Review Board required pursuant to Article VII (7.10). X = Prohibited except as a Home Occupation (minor or major).</p>								
	Wind Energy Generating System, Small	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR	ASPR
	Wind Energy Generating System, Large	X	X	X	X	X	X	X	X	X

Commented [NS2]: Ernie pointed out that small wind was hard to find. I changed the row under Residential to be Wind, Small to match the definition, but also recommend putting same here under commercial. It is a repeat, but it would clearly convey small wind is allowed for both residential and commercial structures. **ZC to decide.**

Section 4.2 Dimension Requirements by District

- A. In order to meet the purposes established in this Zoning Law pursuant to Article I, no building or premises shall be erected, altered or used except in accordance with the standards set forth in this Article. The following table identifies the dimensional requirements for all land uses in the Town of Caroline. (NA = Not Applicable in that District)
1. The Ag/Rural district establishes the density of residential development allowed. Density is the number of dwelling units per acre and no minimum lot size is specified. Averaging of lot sizes is allowed in the Ag/Rural District (See Readers Aid Boxes below). A minimum lot size is required for commercial uses as per Table 2, below.
 2. The hamlet districts establish a minimum lot size requirement for each new residential lot created. A minimum lot size is required for commercial uses as per Table 2, below (See Readers Aid Boxes below). Averaging lot sizes is only an option in a hamlet district when a conservation subdivision pursuant to Section 6.5.15 occurs¹.

READER'S AID:

Agricultural/Rural Zoning District: The number of new lots able to be created when subdividing a parcel in the Ag/Rural District is determined by the number of dwellings allowed per acre (the housing density) rather than by specifying a minimum lot size. The Town of Caroline has determined that it can best meet the community goals established in the Comprehensive Plan by setting a limit on the intensity of development in the Ag/Rural District. Setting a density limit rather than specifying a minimum lot size means that there are no restrictions on lot size other than what the Department of Health requires for placement of a well and septic system. This results in great flexibility in how lots are subdivided; new lots can be a variety of lot sizes, provided that the average of all the lots meets the density requirements. See the Reader's Aid box, below, for an example of how this works in practice.

Hamlet Districts: The number of new lots able to be created when subdividing a parcel in hamlet districts is determined by a required minimum lot size. The Town of Caroline has determined that minimum lot size is an appropriate requirement in hamlet areas because lots are smaller and there is generally more uniformity in lot sizes in hamlets compared to the more rural areas of the Town. The minimum lot sizes required in this zoning law are consistent with the existing development patterns in each hamlet.

Commented [NS3]: Ernie wondered if this footnote is clear and needed?

¹ In the Ag/Rural District, lots can be created using an average lot size provided the average equals the required density of 1 dwelling unit per 3 acres. See Section 4.3 and Readers Aid: Density and Average Lot Size. In hamlets, a minimum lot size is established as per Table 2.

Table 2. Schedule of Area and Dimensions.²

Dimension	Ag/Rural District	Hamlet – Besemer	Hamlet – Slaterville Springs	Hamlet – West Slaterville	Hamlet – Caroline Center and Caroline	Hamlet – Speedsville	Hamlet – Brooktondale	Hamlet – Center Brooktondale	Large Commercial
Residential Density (Number of Dwelling Units per Acre, du/a)	One dwelling per 3 acres ¹	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Residential Lot ²	N/A	1 acre	½ acre	½ acre	¾ acre	½ acre	½ acre	¾ acre	½ acre
Average Lot Size Allowed, Minimum (Acres)	Yes, Average of all lots must equal 3 acres over the entire parcel ¹	No	No	No	No	No	No	No	No
Minimum Commercial Lot Size (Acres) ³	1 acre	1 acre	1 acre	1 acre	1 acre	1 acre	1 acre	1 acre	1 acre
Maximum Building Height (Feet) ⁴	40	40	40	40	40	40	40	40	40
Maximum Lot Coverage (Percent)	20	20	50	50	50	50	25	50	60
Maximum Building Footprint of a Single Non-Residential Commercial Structure (Square Feet)	3,000	2,000	5,000	3,000	2,000	2,000	2,000	3,000	5,000

² See Article IX (Non-Conforming Uses and Structures) Section 9.1 for details on building standards for lots that are existing at the time of enactment of this zoning law and that do not meet the area and dimension requirements of Table 2.

Draft as of November 2022

Dimension	Ag/Rural District	Hamlet – Besemer	Hamlet – Slaterville Springs	Hamlet – West Slaterville	Hamlet – Caroline Center and Caroline	Hamlet – Speedsville	Hamlet – Brooktondale	Hamlet – Center Brooktondale	Large Commercial
Maximum Total Building Footprint of Commercial Structures (Square Feet)	6,000	2,000	10,000	3,000	4,000	4,000	4,000	3,000	15,000

- 1 See Article VIII for provisions for existing lots whose area is less than the specified minimum density.
- 2 Lots intended for a dwelling may have to be larger than the specified minimum in order to meet regulations related to potable water and sewage disposal facilities as required by the Tompkins County Department of Environmental Health and the New York State Department of Health.
- 3 Does not apply to farm/agricultural uses and structures.
- 4 District building height regulations shall not apply to agricultural buildings barns, grain elevators, silos, flagpoles, radio or television antennae, transmission towers or cables, spires, or cupolas, chimneys, elevator or stair bulkheads, parapets or railings, water tanks or cooling towers.

Section 4.3 Calculating Density and Average Lot Sizes

- A. Calculating Density. In the Ag/Rural District, the total number of dwellings allowed to be created on a parcel is calculated by dividing the total acreage of the parcel by the allowable density of 1 dwelling per 3 acres and rounding to the nearest whole number. In all other districts, the total number of dwellings allowed to be created on a parcel is calculated by dividing the total acreage of the parcel by the minimum lot size required for that district and rounding to the nearest whole number.
- B. Average Lot Size. Use of average lot size may be included in any minor or major subdivision design provided that all local, county and state water and septic/wastewater requirements are met for each and every lot. See Readers Aid: Density and Average Lot Size, below.
- C. Accessory Structures and Density. An accessory dwelling unit does not count towards calculation of density when an accessory dwelling unit is provided for on a parcel, whether interior/attached to a principal dwelling or in a detached structure. Only principal dwellings count towards the calculation of the base density of a parcel. See also Section 5.1 (B).

Commented [NS4]: Ernie's Comment: I'm finding that, for me, there are some confusion between the number of lots allowed and allowable density. Later in this document, we use the term "base residential density" to refer to this one dwelling unit per lot stipulation, which has made me realize that there are some inconsistencies in the proposed law that I believe we have to address.

The way things are now written, the 3 acre rule applies to number of dwelling units allowed on a parcel, but not necessarily the number of lots. Using the term "lot" here leaves the impression that once lots are created that they can be used in any way allowed by the use tables. In fact, this is not the case.

Let's say, for instance that someone purchases a house in a conservation development that has maxed out its density with each lot only allowed one dwelling unit. Then they decide to build a granny flat, which is allowed in their ag district. But if the lot they had purchased has only one dwelling unit allotment, I'm assuming they will not be allowed to build that unit (or even remodel to add an apartment) because they would exceed the density allowed for the property.

It would seem to me that this is not the intent of our proposed law. Another example: Let's say you have a pre-existing 3 acre lot in the ag district. Let's say you wanted to add a granny flat. Since you can only have one dwelling unit per 3 acres, it seems that you have maxed out your dwelling unit allotment and would not be permitted to build the accessory dwelling unit even though that is allowed in the district. I believe you would be allowed one subdivision of an existing lot, but that's sort of beside the point.

This gets even messier when you start to look at 2 family housing, townhouses, and multi-family development. Section 6.5.14 starts to provide some density encouragement for multi-family, but two-family and townhouse projects sort of get left on the wayside.

Am I misinterpreting something here?

My response: Correct in that the word 'lot' should be dwelling units. I have changed this. I have also added a 'C' to Section 4.3 that explains that accessory dwellings do not count towards this density (they usually do not). And I have referenced Section 5.1 (B) which discusses the number of dwelling units allowed per parcel. Does that clear things up?

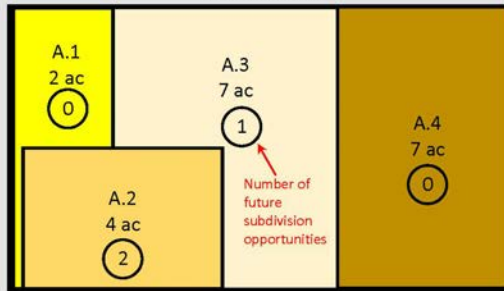
READERS AID: Density and Average Lot Size

Original Parcel ("Existing Lot of Record")



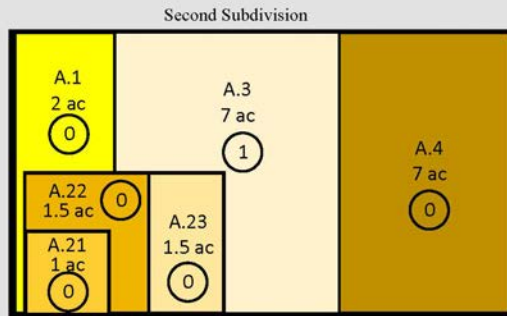
Parcel A is an "existing lot of record" (a parcel that exists at the time a zoning law is passed) in the Agricultural/Rural zoning district. At a maximum density of one dwelling per 3 acres for that district the maximum number of dwellings that can be on this parcel is $20 \div 3 = 7$ (result rounded to the nearest whole number). In the example subdivisions shown below, it is assumed that each dwelling will be on its own parcel and that each subdivided parcel is intended to be used for a dwelling. Therefore, the maximum number of pieces this parcel can be subdivided into is seven.

First Subdivision

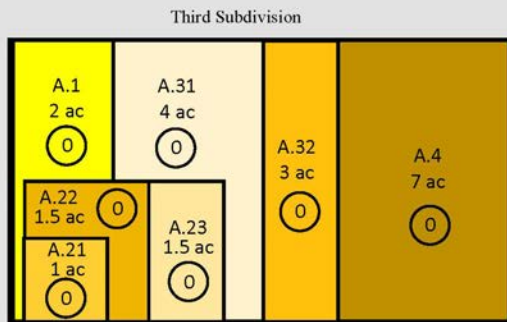


The original parcel is split into four new parcels. The average lot size is $(2+4+7+7) \div 4 = 5$ acres. Even though Parcel A.1 is smaller than 3 acres, the average size of all the parcels is greater than 3 acres so the subdivision satisfies the density requirement. Four of the seven "dwelling allotments" are now taken, leaving three "excess allotments." The landowner doing the subdivision decides to allot two of the subdivision opportunities to Parcel A.2 and one to Parcel A.3. The remaining two parcels cannot be further subdivided. The number of future subdivision opportunities is indicated by the number in the circle. The number of pieces a parcel can be subdivided into is the one plus the number of subdivision opportunities.

Commented [NS5]: Ernie suggested another similar readers aid box to show conservation subdivision. That is fine, but I don't think we can get that done in the time we have before posting this for the meetings.



Sometime later, the owner of Parcel A.2 subdivides and decides to use all the subdivision opportunities available to that parcel. Parcel A.2 can be divided into $2+1=3$ pieces. The average lot size of these new parcels is $(1+1.5+1.5) \text{ acres} \div 3 \text{ parcels} = 1.33$ acres. Though the average lot size on Parcel A.2 is smaller than the average of 3 acres per dwelling required for Ag/Rural zoning district, the average lot size over the entire original Parcel A is $20 \div 6 \text{ parcels} = 3.33$ acres, satisfying the density requirement. At this point, six of the seven "dwelling allotments" for the original parcel are taken. The pieces subdivided from Parcel A.2 have no future subdivision opportunities.



Sometime later, Parcel A.3 is subdivided. The seventh "dwelling allotment" for the original Parcel A is now taken. None of these parcels can be subdivided further. The average lot size is $20 \div 7 = 2.9$ acres (due to rounding).

Section 4.4 Monitoring Lot Splits

The number of lots calculated pursuant to this Article is the total and maximum development potential for a parcel existing at the time of enactment of this local law (known as the existing lot of record), regardless of the number of different times a parcel is subdivided. Once this full development potential has been reached through subdivision activities, no further density or subdivision activity shall be allowed.

The Town of Caroline recognizes that proper administration of the average lot size method is important in meeting the intent of this law. As such, the following procedures have been established to help ensure proper monitoring of lot splits.

- A. An official parcel map showing the existing lots of record, parcel numbers and, as they are generated, the subdivisions of the existing lots of record and the future subdivision opportunities for each subdivided parcel shall be established along with an official register containing this information as of the date of adoption of this local law.
- B. As each proposed subdivision is reviewed, the Review Board shall calculate and keep a record of the number of lots allowed as per Article IV of this law and shall keep records of the allotment of those lots as created by subdivision activity.
- C. A property owner submitting a minor or major subdivision plan shall be required to specify on his/her plan and on any approved final plat, which lot or lots shall carry with them the right to erect or place any unused allocation of dwelling units the parcel may have. Plat notes shall be required to indicate the total number of lots eligible to be created, the number of lots proposed to be allocated as part of the proposed subdivision, and the number of remaining lots, if any, that could be created in future subdivisions pursuant to the density requirements of this sub-section. These plat notes shall be signed by the Chair of the Review Board and incorporated into the deed(s) prior to filing with the Tompkins County Clerk.
- D. As allotments are used up, the official parcel map and register shall be updated to reflect these changes. All future plat maps shall also reflect this information.
- E. The official map and register showing the final approved subdivisions and allocation of dwelling units shall be maintained by the Town Clerk and copies made available for inspection by the public.

Section 4.5 Density Bonuses

- A. Purpose and Applicability. Pursuant to §268-b of the New York State Town Law, the Town of Caroline hereby establishes a program to encourage the preservation of open space, to promote environmentally sustainable development, to enhance public access for recreation, and to promote development of affordable housing by providing incentive(s) to applicants seeking approval of a project subject to the Town of Caroline Subdivision review law. The Town Board may grant zoning incentives that are in compliance with the Town of Caroline Comprehensive Plan and with the provisions of this section.

- B. Incentives shall be granted only when the community benefits or amenities offered would not otherwise be required or likely to result from the subdivision planning process before the Review Board. Incentives shall not be granted where the community benefits or amenities offered are already required under other provisions of this zoning law or other Town of Caroline laws or State law, including any mitigation measures required pursuant to the State Environmental Quality Review Act.
- C. Incentives. Notwithstanding any contrary provision of Town or State law that limits or restricts the maximum residential density of a proposed residential project or subdivision, an applicant may apply for an incentive to adjust the total number of units allowed pursuant to Table 2 of Section IV of this Law in exchange for the following benefits. At least one bonus allowing for one additional residential dwelling shall be allowed in all cases, provided the parcel size is such that water and septic requirements can be met on any new lot created. In no case shall the total approved incentives exceed a 50% aggregate increase to the total unit density allowed for the proposed project.

READER'S AID: Here is an example of how a density bonus might be calculated and used:

A 20-acre parcel in an Ag/Rural District is being subdivided. With a required density of 1 dwelling per 3 acres, this parcel would be eligible for 6 new housing units. Creation of 6.7, or 7 with rounding, new lots would be allowed. This would be considered a major subdivision subject to review under the Town's Subdivision of Land Law. The landowner proposes to have all lots with homes built to LEED standards. This is eligible for a 20% density bonus. They can petition the Town Board for that 20% density bonus incentive ($20\% \times 7 \text{ lots} = 1.4 \text{ units}$, which would be rounded to 1 bonus unit). This would allow them to subdivide the 20-acre lot into 8 lots, instead of 7. The landowner could seek more density bonuses as outlined in this section on incentives. The lot sizes could vary provided the average of all 8 equals 3 (the density allowed in the Ag/Rural District).

- 1. Public Access or Recreational Uses. A 10% increase in the number of residential units may be granted for the creation of public recreational lands or facilities open to the public including but not limited to public access to streams, access to old railroad beds, access to other open space lands, the provision of fishing rights, or provision of trails and trail linkages.
- 2. Green Energy Incentives. When buildings are constructed to LEED standards for energy conservation a density bonus of 20% may be granted.
- 3. Renewable Energy Incentives. When ground-mounted or roof-mounted solar panels are provided on buildings, or solar energy production is integrated into building materials such as solar roof shingles and designed to provide at least 40% of electricity needs of the building, a density bonus of 20% may be granted.
- 4. Affordable or Senior Housing. A 25% increase in the number of residential units may be granted for the provision of houses or lots dedicated for use by residents who are seniors, or who meet criteria and procedures as established by the Town Board for needing affordable housing. Affordable units constructed on-site shall be compatible with the design or use of the remaining units in terms of appearance, materials, and finish quality. Affordable units off-site shall be

Commented [NS6]: Ernie rightly pointed out the readers aid wasn't adequate. This was originally when we had net density too. I have re-written this. Does this one make more sense to be an example of a density bonus?

Commented [NS7]: Ernie: I have no issues with affordable housing, I'm having problems with "setior housing". Who are these seniors, and why do they warrant special attention? Do we really intend to support housing that excludes young people? Do we need to define "senior housing " a bit better?

My response - this is a ZC policy decision to be discussed.

compatible with the finished quality of on-site units and also compatible in appearance with the off-site neighborhood. These units can be provided either on-site or off-site as follows:

- a. When at least 15% of the total allowable units/lots in a proposed development are to be dedicated as affordable units/lots and provided on-site, up to a 20% bonus may be approved.
 - b. When at least 15% of the total allowable units/lots in a proposed development are to be dedicated as affordable units/lots and are provided off-site, up to a 10% bonus may be approved.
- D. Procedures. Authorization of density incentives is subject to the approval by the Town Board prior to the grant of a preliminary plat for a subdivision subject to the Town of Caroline Subdivision review law by the Review Board. Applicants may seek non-binding input from the Town Board prior to application as to whether the proposal is worthy of consideration for an incentive. The Town Board, together with the Review Board, may schedule a workshop to discuss the incentive application with the applicant. The intent of that workshop is to share information between the applicant, the boards and interested members of the public. The workshop will not supplant the formal hearing which will be conducted later in the review process.
1. Applications for incentives in exchange for amenities shall be submitted to the Town Board. In order to preliminarily evaluate the adequacy of amenities to be accepted in exchange for the requested incentive, the following information shall be submitted by the applicant:
 - a. The requested incentive.
 - b. The proposed amenity.
 - c. A narrative which describes the benefits to be provided to the community by the proposed amenity.
 - d. A site plan and narrative information showing all information required in the Town of Caroline Subdivision review law.
 - e. A narrative that explains how the amenity helps implement the physical, social or cultural policies of the Town of Caroline Comprehensive Plan.
 2. The Town Board may engage an attorney, engineer, planning or other consultant to assist in review of the application, the cost of which will be borne by the applicant.
 3. Compliance with SEQRA. All applicable requirements of the State Environmental Quality Review Act shall be complied with as part of the review process.
 4. The Town Board shall, before taking action, refer the proposal for review and comment to the Review Board. The Review Board shall review the proposal and advise the Town Board as to whether a zoning incentive should be approved, approved with conditions, or disapproved.
 5. The Town Board shall hold a public hearing, noticed in the official newspaper of the Town of Caroline. Within 45 days of the close of the public hearing and upon receipt of the advisory opinion from the Review Board and completion of the SEQRA process, the Town Board may approve, approve with modifications or conditions, or deny the proposed incentive zoning application. A written statement of the findings will be prepared by the Town Board documenting the basis of its decision. The Town Board shall, pursuant to NYS Town Law 268-b determine that:

Draft as of November 2022

- a. That the proposed density adjustments would not have a significant adverse impact on the property, or to adjoining property, or to the neighborhood in which the property is situated.
 - b. That proper easements, surety or performance guarantees, if necessary, between the applicant and the Town is or will be in existence as of the date the final plat map is signed by the Chairman of the Review Board.
 - c. That the necessary water and septic requirements can be met with the proposed density adjustments.
 - d. That the proposed amenity provides sufficient public benefit to provide the requested incentive.
 - e. SEQRA. That all requirements of SEQRA have been met, including the required findings under that law.
 - f. Development capacity. That the proposed project, including the incentive, can be adequately supported by the public facilities available or provided as a result of the project, including but not limited to sewer, water, transportation, waste disposal and fire protection, without reducing the availability of such facilities for projects permitted as of right under the Town of Caroline Zoning Law.
 - g. Public benefit. That the public benefit realized by the amenity provided by the applicant is commensurate with the incentive granted by the Town Board.
 - h. Project quality. That the project is in harmony with the purpose and intent of this law, and with the stated objectives and will promote the purposes herein, that the project is sufficiently advantageous to render it appropriate for grant of an incentive and that the project will add to the long-term assets of the Town of Caroline.
 - i. Comprehensive Plan. That the use of an incentive for the particular project is consistent with the Comprehensive Plan.
6. The Review Board may recommend, and the Town Board impose, conditions on a project to ensure that the above findings are ensured through the subsequent plan review and construction phases of the project. In no circumstances shall the Town Board be compelled to approve any amenity/incentive proposal and it may deny any such proposal.
- E. Methods to achieve community benefit. The Town Board shall approve, in its sole discretion, the method or combination of methods that shall be used to achieve the community benefit based on the unique characteristics of the application being reviewed and based on a recommendation of the Review Board. Community benefits may be accomplished by:
1. Use of permanent conservation easements.
 2. Donations of land to the Town or qualified land trusts for conservation and other community benefit purposes.
 3. Construction of amenities, serving a Town-wide need, accessible to the general public, above and beyond that required to mitigate proposed impacts in accordance with SEQRA and the Town law.
 4. Construction or improvement to public works above and beyond that required to mitigate proposed impacts in accordance with SEQRA and the Town law.
 5. The following methods could be used to provide affordable housing:

Draft as of November 2022

- a. Construction of affordable housing units on site;
- b. Construction of affordable housing units off site within the Town;
- c. Rehabilitation of substandard housing to standard affordable housing;
- d. Provision of affordable lots on site;
- e. Provision of affordable lots off site; and
- f. A combination of the above.

Commented [NS8]: Added definition of affordable lot.

ARTICLE V DEVELOPMENT STANDARDS

Reader's Aid: This section details specific regulations and guidelines that apply to all zoning districts in Town and others specific to each zoning district. Standards are requirements while guidelines are best management practices and are encouraged to be applied to further meet the goals of the Town's Comprehensive Plan.

Section 5.1 Regulations for all Districts

- 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.
- B. Except for multi-family buildings or developments, no more than one principal dwelling shall be permitted on each lot unless the lot size is of such size so as to be able to meet all water and septic system requirements of the Tompkins County Department of Health. Siting of such dwellings shall be done in a manner so that the parcel can be subdivided in the future so that each new lot would meet the requirements of this Zoning Law, the Town of Caroline Subdivision Review Law, and all Tompkins County Health Department requirements for water and septic.
 1. Pursuant to Section 9.1 of this local law, under-sized lots shall be allowed to be subdivided once to create two nonconforming lots provided that all other requirements for such use and lot can be met and all applicable laws and regulations related to potable water and sewage disposal facilities as required by the Town of Caroline, Tompkins County Department of Health, New York State Department of Health, and/or the New York State Department of Environmental Conservation are satisfied.
- C. Agriculture and Use of Agricultural Data Statement, Caroline's Right to Farm Law Disclosure, and Coordination with NYS Agriculture and Markets Law 25-AA.
 1. When parcels of land are located within a Certified New York State Agricultural District, or within 500 feet of the boundary of a Certified New York State Agricultural District as defined in Article 25-AA of the New York State Agriculture and Markets Law, the Review Board shall require placement of the following statement as a plat or site plan note as per Local Law 1 of 1999 (Right to Farm Law):

" This property may border a farm, as defined in Town of Caroline Local Law No. 1 of the year 1999, a Local Law known as The Right to Farm Law or may be in an established agricultural district. Residents should be aware that farmers have the right to undertake good or acceptable farm practices which may generate dust, odor, smoke, noise, and vibration."

2. Agricultural Data Statement. All applications for a Special Use permit, Site Plan approval, Variance, or Subdivision approval requiring Review Board or Zoning Board of Appeals approval when located on property within a New York State Certified Agricultural District containing a farm operation, or other property with boundaries within five hundred (500) feet of a farm operation located in such agricultural district, shall include an agricultural data statement in the application submittals as follows:
 - a. The agricultural data statement is a notice that shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district that contains farm operations and is located within five hundred feet of the boundary of the property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.
 - b. When the Review Board or Zoning Board of Appeals receives an application requiring an agricultural data statement, the agricultural data statement shall be mailed to the owners of land as identified by the applicant in the agricultural data statement. The cost of mailing the notice shall be borne by the applicant.
 - c. The reviewing board shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project on the functioning of farm operations within the agricultural district.
 - d. The Review Board or Zoning Board of Appeals may request an advisory opinion from the Tompkins County Farmland Protection Board, Tompkins County Soil and Water District, New York State Department of Agriculture and Markets or other suitable agencies as needed, with any related costs borne by the applicant.
 - e. Whenever an agricultural data statement is part of an application to the Town of Caroline, the Town must refer the application to the County Planning Board as required by Sections 239-m and 239-n of the NYS General Municipal Law.
 - f. The reviewing board shall use the agricultural data statement to aid in evaluating and determining if appropriate mitigation measures are necessary to prevent conflict with farming practices.
- D. The Review Board may require any new major subdivision or commercial land use that relies on on-site groundwater withdrawals and/or on-site sewage disposal to complete a hydrogeological study. The purposes of such hydrogeological studies are to: (1) assess the adequacy of the available groundwater supply to support the proposed development; and (2) evaluate the potential impacts for adverse impacts upon any nearby groundwater users and surface waters.
 1. The Review Board shall require a hydrogeological well yield test or a drawdown pumping test for any proposed project that has projected on-site groundwater withdrawals and/or on-site sewage disposal flows equal to or exceeding 1,000 gallons per day with the exception of minor subdivisions and agricultural uses. The Review Board may also require such a test when it is

Commented [NS9]: Ernie - asks if this should be 'may'. I think the original idea however was to require this when there were large water withdrawals.

Ernie says: in that the average household uses 300 gallons, it would seem that a 4 lot subdivision would require a study. Is this what we want? I might suggest "exceeding 1500 gallons" to allow minor subdivisions to proceed without a study. Under this threshold, any single family major subdivision would require a study.

My response - The 1,000 gallons is what is recommended by the NYS Rural Water Association in their model recommendations. I think this is largely oriented to commercial water users like a car wash. Perhaps you want to make this specifically as a 'shall' for commercial users of 1000 gallons or more, or a 'may' for major subdivisions?

known that well capacity in the vicinity is low, when the maximum well yield from the well is required, when reliable estimates of aquifer properties are needed, and when assessing impacts of proposed pumping on neighbors' wells. The purposes for these tests are to determine adequacy of water supply.

2. The basis for approval of a project subject to a hydrogeological test shall be based on the following criteria:
 - a. Adequacy of control measures to prevent groundwater or surface water contamination.
 - b. the proposed use will not result in reductions in groundwater levels or changes in groundwater quality that limit the ability of a groundwater user to withdraw groundwater.
 - c. The professional hydrogeologist's opinion on the short and long-term capacity of the well and its ability to meet the projected demand for water systems on and off-site.

E. Specific Environmental Performance Standards

1. Steep Slopes. The mixed topography found in the Town of Caroline gives the Town much of its natural beauty. It is recognized that Caroline has sections of its landscape that are very steep. Consideration of the slope of land is important to reduce construction costs, to minimize risks from natural hazards such as flooding and landslides, to reduce erosion, and to minimize the impacts of proposed development on natural resources such as soils, vegetation, and water systems. Consistent with the Town of Caroline Natural Resource Inventory (2019), slopes 15% to 25% are suitable for low-density residential development as well as pastures, forests, vineyards, and recreational uses. Lands having slopes greater than 25% have development potential for recreational uses and open space. In recognition of the important roles steep slopes play in the Town and in the environment, the following development standards are established:
 - a. Slopes 15% to 20% - Avoid grading, fill, or disturbance on those areas of the parcel having 15% to 20% slopes to the maximum extent feasible. Where there are no other suitable locations on the parcel for development activities, a stormwater management, erosion and sediment control plan pursuant to Local Law 2 of 2007 (Stormwater Management) will be required for both commercial and residential development regardless of size of disturbance area to ensure runoff is adequately controlled. No subdivision, site plan, or special use permit shall be approved by the Review Board until adequate planning and runoff calculations are provided and adverse impacts avoided or mitigated. For development projects requiring just a building permit, all requirements of Local Law 2 of 2007 shall be met prior to issuance of any building permit by the Code Enforcement Officer.
 - b. Slopes >20% - Avoid grading, fill, or disturbance on those areas of the parcel having slopes > 20% to the maximum extent feasible. Where there are no other suitable locations on the parcel for development activities, an abbreviated site plan review pursuant to Article VI, Section 6.10 and a stormwater management, erosion and sediment control plan pursuant to Local Law 2 of 2007 shall be required for both commercial and residential development regardless of size of disturbance area to ensure runoff is adequately controlled.
 - c. For development on slopes > 25% the project must also demonstrate significant mitigations to avoid or minimize stormwater and erosion impacts.

2. Natural Heritage Sites, Unique Natural Areas and Scenic Resources.

- a. When Development Activity is Part of Site Plan, Abbreviated Site Plan, Special Use or Subdivision Applications: All applications for subdivision, site plan review, special use permit, and abbreviated site plan review shall include information as to whether the parcel proposed to be developed includes in whole, or in part, natural heritage sites, unique natural areas, or scenic resources as may be mapped and adopted by the Town.³ Review of natural heritage sites, unique natural areas or scenic resources is an integral part to determining whether a project might have an impact on the existing natural or scenic resources. Through SEQR pursuant to 6 NYCRR Part 617 and this Zoning Law, the Review Board shall identify potential adverse impacts and determine whether or not the proposed impacts on these resources are major or minor, and whether avoidance or mitigation of impacts is required prior to any approval of an application.
- b. When Development Activity Requires only a Building Permit: The Code Enforcement Officer shall review the Town of Caroline Natural Resource Inventory maps related to natural heritage sites, unique natural areas and scenic resources when a Building Permit application for a new structure is submitted. If the building envelope for any new structure is proposed on or within an area mapped as a natural heritage site, unique natural area or scenic resource, the Code Enforcement Officer shall refer the application to the Review Board to conduct an abbreviated site plan review pursuant to Article VI, Section 6.10. This subsection does not apply to agricultural structures, or residential accessory structures such as but not limited to fences, garages, decks, pools, storage sheds, or barns.

- F. Change of Use. Any change of use, occupancy of land, buildings, structures, or other improvements on land as defined in this Zoning Law to a use or occupancy that requires site plan or special use approval shall also require site plan review and approval before being undertaken. Any expansion of an existing use or occupancy of such use of 20% or greater shall also require Site Plan Review and approval by the Review Board before being undertaken.

Section 5.2 Specific Standards and Guidelines by Zoning District

A. Development Standards for the Agricultural/Rural District

1. In addition to the other required information required in site plan, subdivision or special use submissions, the following additional standards shall apply to all commercial and residential development in the Agricultural/Rural District but shall not apply to farm operations as defined in this local law. Uses in this district shall be permitted pursuant to Table 1, Article IV and dimensions shall be required pursuant to Table 2, Article IV.
 - a. To achieve the goals of maximizing open space and protection of the environment, all site plans, subdivision and special use permit applications shall require identification of building envelopes for a new structure and its accessories such as driveway, outbuildings and septic

³ See Town of Caroline Natural Resources Inventory (2019) for information and maps related to these resources. The Review Board shall accept use of these maps as part of an application to show whether the proposed development site has one or more of these features.

systems. The Review Board has the authority to approve, with or without modification, or disapprove, the siting of the building envelope and to require adjustment of the siting of the structure to better preserve natural resources, vistas, aesthetic features, wildlife resources and other environmental features that may be on the parcel.

- b. Conservation Subdivision Requirement. All major subdivisions in the Ag/Rural District shall be designed as a conservation subdivision as per the provisions of Article VI, Section 6.5.15 with a minimum of 50% of the lot permanently preserved as open space.

B. Development Guidelines for the Agricultural/Rural District

1. The following guidelines are encouraged and recommended for all commercial and residential uses but are not required. They are offered to articulate siting and development design options that are supportive of and consistent with the rural character in this District:
 - a. 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.)
 - b. Preserve stone walls and hedgerows to the maximum extent practical. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields.
 - c. Where feasible and practical, avoid placing buildings in the middle of open fields. Place them either at the edges of fields or in wooded areas. Septic systems and leach fields may be located in fields, however.
 - d. Use existing vegetation and topography to buffer and screen new non-farmland uses.
 - e. Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings.
 - f. Site buildings so that they do not protrude above treetops and crestlines of hills as seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selective cutting of small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees.
 - g. When building on slopes, take advantage of the topography by building multilevel structures with entrances on more than one level (e.g., walk-out basements, garages under buildings), rather than grading the entire site flat. Use the flattest portions of the site for subsurface sewage disposal systems and parking areas.
 - h. The location of a new building should take into consideration its rural surroundings and take advantage of this by maintaining open views and spaces. Buildings should be in proportion, in scale and characteristic to their rural and natural setting. The building design and material should contribute to the style and feeling of its rural surroundings.
 - i. Land disturbances should protect the maximum amount of prime and statewide important farmland soils insofar as practical as follows:
 1. On the least fertile soils for agricultural uses and in a manner which permits access to active agricultural land.

2. Along the far edges of open fields to reduce impact on agricultural operations and to enable new construction to be visually absorbed by natural landscape features.
3. In locations least likely to block or interrupt scenic vistas as seen from public roadways.
4. In consideration of proper siting to facilitate use of solar energy generation.

j. All major subdivisions and commercial development, except for home occupations, in the Ag/Rural District should 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. When a buffer between farm and non-farm uses is required, the following standards should be met:

1. Buffers may consist of vegetative screening, woodlands, vegetated berms, or natural topographic features.
2. Establishment of buffers is the responsibility of the non-farm applicant, subject to approval by the Review Board, to provide an effective buffer.
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 passage of wildlife when fencing is required.

B. Hamlet (Besemer-Brooktondale, Slaterville, Caroline, Caroline Center, Brooktondale Center, Hamlet Commercial)

1. Uses shall be allowed pursuant to Table 1, of Article IV and dimensions shall be as required pursuant to Table 2, Article IV.
2. All commercial buildings, except for home occupations, shall meet all requirements of Article VI, Section 6.2 and other requirements of Site Plan and Special Use Permit considerations.
3. The Review Board may require sidewalks to be installed when there can be a connection to an existing pedestrian sidewalk adjacent to the property.
4. The Review Board shall evaluate traffic generation volumes and patterns for all proposed special uses, major subdivisions, and uses requiring site plan review in any Hamlet District. Where proposed traffic volumes dictate, traffic calming methods shall be included in the design for all non-residential uses and major subdivisions when new roads are proposed.
5. Where prime farmland soils and soils of statewide importance exist within a hamlet district, land disturbance shall be identified and located in a manner to protect the maximum amount of such soils insofar as practical as follows whenever a site plan, abbreviated site plan, special use permit, or subdivision approval are required.

Draft as of November 2022

- a. on the least fertile soils for agricultural uses and in a manner which permits access to active agricultural land.
 - b. Clustered on smaller lots along the far edges of active farm fields and along street frontages to reduce impact on and allow for continued agricultural operations.
9. Hamlet District Siting and Lot Layout Guidelines for Commercial Development. These are recommended but not required.
- a. The adaptive reuse of existing structures is encouraged.
 - b. New buildings adjacent to existing structures are encouraged to be designed in a manner consistent with the general architectural features of such existing structures in terms of form, materials, fenestration and roof shape. Building façades should provide architectural detail, and such detail, including eaves, columns, pilasters, cornices, windows and window surrounds, canopies, fascia, and roofs, should be proportionate with the building and compatible with historic buildings in the Town. The architectural features, materials, and the articulation of a façade of a building should be continued on all sides visible from a public street.
 - c. New buildings are encouraged to be designed with a roof shape similar in proportion, form and character to that which is present on the majority of the existing structures having frontage on the same corridor. Dead-flat roofs are generally inconsistent with the existing character of the Town and should be avoided, except where the size or type of the building requires a flat roof and facade variations, and other architectural features can disguise the flatness of the roof.
 - d. The development of public parks, commons, or small pedestrian plazas with amenities such as benches and landscaping are encouraged. Where practicable, existing tree rows and hedgerows, stone walls, and similar features should be retained in the development of any new use or the expansion of any existing use.
 - e. Parking should be placed to the side or rear.
 - f. Cross-easements are encouraged to be used to provide shared access to parking whenever possible.
 - g. Off-street parking lots and loading areas, accessory use structures or storage other than sheds are encouraged should be screened from walkways and streets utilizing appropriate vegetation and/or fencing.

Section 5.3 Specific Standards for the Water Resources and Flooding Overlay District.

- A. All procedures and requirements of the Town of Caroline Flood Damage Prevention Law (LL 1 of 2021) shall be met wherever a regulated floodplain is mapped.
- B. All requirements of the Town of Caroline Stormwater Management Law (LL 2 of 2007) shall be met.
- C. An Abbreviated Site Plan review and approval by the Review Board may be required pursuant to Article VII, Section 7.10. Whenever a building envelope cannot be sited outside the water resources and flooding overlay as shown on the adopted Water Resources and Flooding Overlay District Map, Abbreviated Site Plan Review (ASPR) and approval by the Review Board shall be required. Any

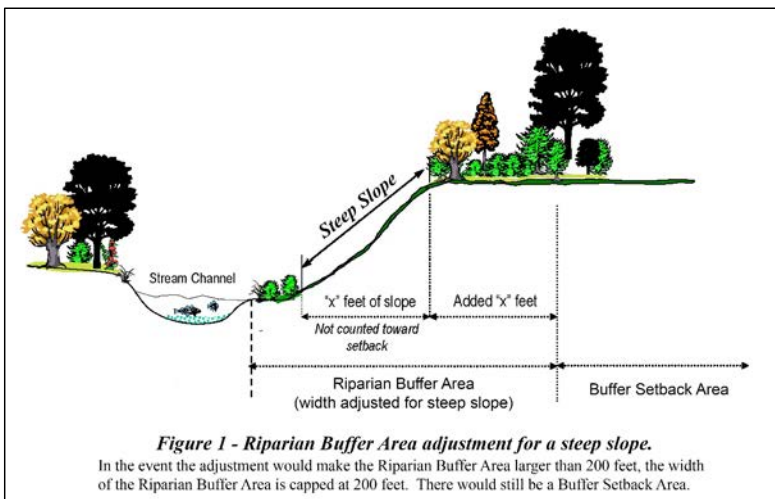
Draft as of November 2022

applicant that believes that the project site or building envelope is not actually within the Water Resources and Flooding Overlay District may provide to the Review Board, at the applicant's expense, a survey by a New York State Licensed professional that substantiates the applicant's position. If the Review Board agrees with the applicant, it may rule that the requirements of this sub-section do not apply to the project because it is not located in the Water Resources and Flooding Overlay District.

- D. All NYS DEC regulations pursuant to 6 NYCRR – 663 (Freshwater Wetlands Permits Requirements) shall be met for all state jurisdictional wetlands and their 100' buffers. Other wetlands under federal jurisdiction shall also be protected from disturbances.
- E. Streams within the Town of Caroline Water Resources and Flooding Overlay District shall be protected by stream setbacks as follows: perennial streams shall have a setback made up of a Riparian Buffer Area and an additional Riparian Buffer Setback Area; intermittent streams shall have a setback made up of a Riparian Buffer Area only. All provisions applicable to the Riparian Buffer Area for perennial streams apply to intermittent streams. The setback protects overall water quality by limiting development in accordance with the adjacent land's ability to filter sediment, nutrients and other pollutants. The Town shall require the delineation of any applicable Riparian Buffer Area and Buffer Setback Area on all subdivision plats, site plan applications, abbreviated site plan applications, special permits, variance applications, building permit applications, and excavation or fill permit applications. This delineation shall be subject to review and approval by the Review Board or Code Enforcement Officer.
- F. Except where allowed by this Zoning Law and for agriculture, no building shall be allowed within the Riparian Buffer Area or the Buffer Setback Area.
- G. Riparian Buffer Area: The function of the Riparian Buffer Area is to protect the physical and ecological integrity of the portion of the riparian corridor in closest proximity to the stream through protection and enhancement of the native vegetation. Native vegetation provides shade, leaf litter, woody debris, erosion protection, and filtering of sediment, nutrient and pollutant loads to the stream. If the Riparian Buffer Area is being revegetated, the use of native species is strongly encouraged.
1. The Riparian Buffer Area will begin at the top of the stream bank and extend a minimum of 50 feet horizontally measured in a direction directly perpendicular to the stream bank in a horizontal plane. For an intermittent stream, this shall be the entire Riparian Buffer Area. For a perennial stream, should a steep slope or wetland also exist within this Riparian Buffer Area, the horizontal extent of that slope or wetland will be added to the measurement of the Riparian Buffer Area, but in no case shall the Riparian Buffer Area be required to extend more than 200 feet from the stream bank. This full area shall meet all requirements of the Riparian Buffer Area. See Figure1.
 2. No development or disturbance in the Riparian Buffer Area shall modify or interrupt more than 10% of the acreage within the Riparian Buffer Area on that parcel unless necessary for the protection of human health, utility usage, public infrastructure, or the betterment of the riparian corridor. Development and uses in the Riparian Buffer Area are restricted to the following.
 - Activities part of any agricultural operation;
 - Any lawful use of land if the use is in existence at the time of the adoption of this Zoning Law;
 - Benches or seating;

Draft as of November 2022

- Implementation of educational and scientific research that does not negatively impact the native vegetation;
- Flood control, stormwater management structures, and stream bank stabilization measures approved by the Tompkins County Soil and Water Conservation District, Natural Resource Conservation Service, Army Corps of Engineering, or NYS Department of Environmental Conservation;
- Maintenance of roadways or impervious surfaces existing at the time of the adoption of this provision;
- Stream crossings necessary to access the property by driveway, transportation route, or utility line which are designed to minimize negative impacts to the stream and Riparian Buffer;
- Public water supply intake or public wastewater outfall structures;
- Public access and public recreational facilities that must be on the water including boat ramps, docks, foot trails leading directly to the stream, fishing platforms and overlooks;
- Public sewer lines and/or other utility easements;
- Techniques to remove invasive species;
- Non-paved recreational trails no wider than 10 feet that either provide access to the stream or are part of a continuous trail system running roughly parallel to the stream;
- Temporary use of erosion control measures such as silt fencing;
- Within the Riparian Buffer Area, limited tree cutting, forestry or vegetation management shall be done in accordance with a Forest Stewardship Plan prepared by the Department of Environmental Conservation, a forester who is certified by the Society of American Foresters or such successor organization as is later created, or a Cooperating Consulting Forester identified by the New York State Department of Environmental Conservation. Any harvest must furthermore be done in accordance with the New York State Forestry Best Management Practices for Water Quality – BMP Field Guide. Tree cutting may not compromise the integrity of the stream bank or negatively impact the function of the Riparian Buffer. Tree cutting within 25 feet of the top of stream bank is prohibited. Any such activity must retain at a minimum 50% of the tree canopy in the Riparian Buffer Area at all times.



H. Buffer Setback Area: The function of the Buffer Setback Area is to filter sediment, nutrients and pollutants in runoff and slow the rate at which runoff enters the Riparian Buffer Area.

1. The Buffer Setback Area will begin at the outward edge of the Riparian Buffer Area and extend a minimum of 50 feet horizontally measured in a direction perpendicular to the Riparian Buffer Area. Should a steep slope or wetland exist within the Buffer Setback Area, the entirety of that area will be added to the measurement of the Buffer Setback Area, but in no case shall the Riparian Setback Area be required to extend more than 100 feet. This full area will be required to meet Buffer Setback Area requirements.
2. Within the Buffer Setback Area development uses are restricted to the following:
 - All development and uses permitted in the Riparian Buffer Area;
 - Minor recreational structures and surfaces to allow passive recreation in the Buffer Setback Area such as decks, picnic tables, playground equipment, and small concrete slabs, the total area of which is not to exceed 200 square feet each and in aggregate occupy no more than 10% of the Buffer Setback Area;
 - Fences, provided such structures do not impede floodwaters;
 - Landscaping, mowing, decorative planting or improvements that do not encroach upon or impact the integrity of the Riparian Buffer Area.

- I. The following activities are prohibited in both the Riparian Buffer Area and Buffer Setback Area:
 1. Storage or placement of any hazardous material.
 2. Installation of sewage systems, both drain fields and raised systems and replacement of existing septic drywells or seepage pits.
 3. Mining or removal of soil, sand and gravel and quarrying of raw materials unless in connection with a farm operation.

- J. Additional activities prohibited in the Riparian Buffer Area: Parking or parking lots, except in connection with a farm operation.
- K. Each application for a building permit, special use permit, subdivision, or site plan within a stream buffer shall furnish sufficient data to demonstrate that the proposed activity will not result in any of the following within the Riparian Buffer Area or Buffer Setback Area. Further, applicants for new construction projects disturbing one or more shall employ site specific stormwater management strategies to prevent adverse impacts upon such streams.
 - 1. Alteration of aquifer capacities.
 - 2. Reduction of flood-carrying capacities of watercourses or increased hazards associated with flooding.
 - 3. Deterioration of water quality or impairment of best usage of waters.
 - 4. Alteration of water retention capabilities; increase in siltation of surface water bodies and adjacent areas.
 - 5. Significant disturbance to fish and wildlife populations and natural plant communities.
 - 6. Impairment of any natural function of a wetland or its adjacent buffer area.
 - 7. Alteration of the flow pattern of a watercourse area.
 - 8. Increase in the velocity of surface water runoff.

ARTICLE VI SUPPLEMENTARY STANDARDS

READER'S AID: This section lists development standards expected for commercial uses and other specific uses subject to site plan and special use review and approvals.

Section 6.1 General Standards for Non-Residential and Business Building Design

- A. General. These standards are in addition to all requirements of the New York State Uniform Fire Prevention and Building Code. It is not the intent of this subsection to discourage contemporary architectural expression but rather to preserve the integrity and authenticity of the zoning district and to ensure the compatibility of new structures within the existing district character. The standards established in this subsection are for the purpose of promoting quality development that is compatible with surrounding structures and development character. It is the expectation of the Town of Caroline that the design of any development requiring Site Plan Review, Abbreviated Site Plan Review, or a Special Use Permit should be appropriate to the site's physical, natural, agricultural, historic, energy, and cultural features and resources, and should be consistent with the Town's Comprehensive Plan. It is the intent of this Article to provide standards for the design of sites and structures.

Draft as of November 2022

- B. **Applicability.** In addition to the development standards detailed in Article VI, the standards in this Section 6.1 shall apply to all development activities required to have site plan approval pursuant to Article III (Uses) and Article VII (Site Plan) and Article VIII (Special Use) but shall not apply to uses requiring Abbreviated Site Plan Approval. All businesses in any district, including commercial franchise or formula-based businesses, shall also meet all siting and design standards of Section 6.1. Standards in Section 6.1 do not apply to home occupations.
- C. **Context and Compatibility.** These standards establish an expectation that new development is similar in context and compatible with the rural and small-town character of Caroline. Context and compatibility with respected neighborhood buildings can be judged by the following major points of comparison:
1. Roof shapes, slopes and cornices are consistent with the prevalent types in the area.
 2. Rhythm of building spacing along the street and overall scale are not interrupted.
 3. Proportions for facades and window openings are in harmony with the traditional types within the district.
 4. Materials should be consistent with area building design and the character of the Town.
 5. Site details (porches, entrances, signs, landscaping, lighting, screened parking and mechanical systems) should complement traditional examples in the area.

Section 6.2 Design Standards for Business Uses

Section 6.2.1 Building Placement and Design

1. The architectural design and details of proposed buildings or structures must be compatible with the general architectural features of such existing structures in terms of form, materials, and fenestration and roof shape and scale, type of construction and landscaping characteristic of the surrounding area.
2. One principal building is allowed along the frontage with all accessory buildings placed to the rear or side and setback at least 20 feet from the principal building.
3. Building footprints shall be as per Table 2, of Section 4.2.
4. No trademarked architecture shall be allowed. See Section 6.3.
5. There shall be no blank and windowless walls along any frontage.



Carson Groundworks on Route 79

Draft as of November 2022

Section 6.2.2 Entrances

1. Building entrances should be clearly defined, in scale with the building façade, relate to the public realm, and have weather cover.
2. Walkways that are adjacent to a building shall be covered.

Section 6.2.3 Roofing

1. Roofing shall have a minimum pitch of 4:12. Exceptions for environmental or energy-related designs may be allowed.



Speedsville General Store

Commented [NS10]: Ernie thinks this was deleted. Unsure.

Section 6.2.4 Massing

1. Buildings with footprints larger than 1,500 square feet shall be designed as a series of smaller masses or design components or articulated to appear as multiple buildings or with offsets. Building wall offsets, including projections, recesses, and changes in floor level shall be used in order to add architectural interest and variety, and to relieve the visual effect of a long wall. Roof-line offsets shall be provided in order to add architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.



The Livery Plaza in Besemer

Section 6.2.5 Fenestration

1. Public-facing facades shall have a window area of at least 15% of the façade; exceptions for environmental or energy efficient designs may be allowed.

Section 6.2.6 Canopies

1. Drive through or drive under canopies shall draw on the design traditions of the Town of Caroline.



Brooktondale Post Office

Draft as of November 2022

2. The canopy shall be designed to be visually compatible with the primary structure.
3. Canopy supports should be proportional to the roof structure.

Section 6.2.7 Permanent Signage

1. Wall signs elements:
 - a. Channel letters, halo lit letters, or downcast externally lit letters are encouraged.
 - b. Cabinet or box signs are discouraged.
 - c. Building mounted signs shall not exceed 10% of the building face area.
2. Ground mounted sign elements:
 - a. The mounting of such signs shall be no taller than 8 feet above finished grade.
 - b. Shall be monument style, rather than pole-mounted, unless the Review Board grants an exception.
 - c. If illuminated, shall be externally illuminated, using fully shielded and downcast fixtures. Illuminated signs shall not produce glare, undue distraction, or hazard to the surrounding area or vehicular traffic.
3. Ample landscaping shall be provided at the base of ground-mounted signs.
4. Digital signs (including LCD signs) with changing, moving, or flashing text are prohibited in all districts.
5. The maximum size for any permanent sign shall be 32 square feet.
6. One freestanding sign associated with a commercial use shall be allowed per premises. Building mounted, wall or projecting signs associated with a commercial use are also allowed, one per premises. No more than a total of two signs are permitted.
7. A freestanding sign, whether pole mounted, or ground mounted shall not exceed 10 feet in height, including mounting.
8. All off-premises signs are prohibited except for directional signs and other signs not associated with commercial uses regulated under this Zoning Law. All billboard signs are prohibited.



The Dandy Mini Mart in Slaterville Springs

Section 6.2.8 Parking

1. Parking shall be located to the rear or side of a commercial building.
2. Parking areas associated with the development shall be located no closer to the road than the closest façade of the building, unless approved by the Review Board. If an exception is granted, parking areas located between structures and public roads are limited to a maximum of 15 spaces and shall be buffered with a low growing hedge and/or an attractive fence or wall between the parking and the road.
3. Shared parking lots and interconnected service drives to reduce new curb-cuts and maintain road safety and function shall be used to the extent practicable.
4. Internal pedestrian connections (on site, from parking lots to adjacent lots, etc.) must be provided as appropriate to the Site to provide pedestrian access.
5. A parking area located within 20 feet of a property line shall have a vegetative buffer or fence between the parking area and property line.
6. For lots greater than 15 cars, landscaping including lawn, trees, shrubs, and other plant material shall be provided to cover at least 15% of the parking lot area. Landscaping shall be placed at parking entryways, and at parking end islands, and shall help define vehicular access and pedestrian movement. One deciduous tree per six parking spaces is required. Large expanses of parking shall be broken up with tree and shrub plantings.
7. All parking areas having 5 or more spaces that abut a residential lot line, and any parking lot for more than 20 cars shall be screened by a wall, fence, hedge, or landscape strip of trees designed to form a visual screen from adjoining property.
8. For projects consisting of more than one phase, the Review Board may require that an applicant set aside additional land to meet potential future parking needs. Such land may remain in its natural state or be landscaped but may not be used in a manner that would prevent it from being used for parking in the future.
9. Lighting standards of Section 6.2.11 shall also be met for parking lot lighting.



Brookton's Market in Brooktondale

Section 6.2.9 Screening of Accessory Equipment

1. Equipment located at grade, such as compactors, dumpsters, HVAC equipment, on-site utility boxes, loading docks, and other infrastructure shall be screened from public roads and adjacent residential uses in a manner approved by the Review Board.

Draft as of November 2022

2. Screening materials and design shall be attractive and compatible with the building and overall landscape designs.

Section 6.2.10 Rooftop Equipment

1. Views of antennas, satellite dishes, and other mechanical equipment on a roof shall be screened from public roadways.

Section 6.2.11 Lighting

1. Site and parking lot light poles should not exceed 18 feet above surrounding grade. LED and other energy-saving methods such as extinguishing lights after close of business shall be incorporated into the design to the maximum extent practicable.
2. Light fixtures shall be shielded to direct light downward and contained within the site. There shall be no glare measured at the property line. All lighting fixtures shall be Dark Sky compliant and carry the International Dark-Sky Association (IDA) Fixture Seal of Approval.

Section 6.2.12 Landscaping

1. Landscaping shall be required for all new commercial uses and shall enhance the site and screen undesirable features from view. All proposed developments requiring site plan review shall include a landscaping plan.
2. Street trees, where required by the Review Board shall be planted with spacing appropriate to their mature sizes for the species, and at least 30 inches from the edge of any paved surface.
3. Where a commercial use abuts a lot in a residential or agriculture district, the business use shall provide along each abutting side or rear lot line a wall, fence, compact evergreen hedge or a landscaped strip of trees or shrubs designed to form a visual screen not less than 4 feet in height at the time of planting.
4. Plants, shrubs, and trees used in landscaping shall be native to New York State to the maximum extent practicable.

Section 6.2.13 Sustainable Transportation Infrastructure

1. The Review Board may, at its discretion, require the developer to provide support for transportation choices such as bike racks and/or storage, dedicated car-share parking spaces, a car or van pooling service, electric vehicle charging stations, or local public transportation infrastructure for persons with disabilities.



Electric Vehicle Charging Station at the Brooktondale Post Office

Section 6.3 Trademarked Architecture and Formula Business Design

A. The Town desires to maintain and enhance the traditional character and local economy in the community. As per its adopted Comprehensive Plan, it finds that such character would be adversely affected by a proliferation of "formula businesses" which are required by contractual or other arrangements to be virtually identical to businesses in other communities because of standardized architecture, services, merchandise, decor, uniforms and the like. The development of such businesses, if unchecked and unregulated, would conflict with the distinct atmosphere and unique character in Caroline and for which the Town intends to maintain. Caroline's Comprehensive Plan establishes the Town as a place with a unique rural and agricultural identity and the formulaic business model of national or regional businesses would be inconsistent with this identity. In order to protect the public health, safety and welfare of Caroline, this provision is intended to preserve the Town's unique neighborhood and community character, and to contribute to the establishment of a diverse economy as established as critical goals in the Town of Caroline Comprehensive Plan.

B. Formula businesses are hereby regulated as follows:

1. Formula-based architectural styles. . No trademarked architecture associated with a formula business shall be allowed. Formula-based businesses shall be allowed only when the use is allowed pursuant to Table 1 of Article IV and only provided it is sized according to Table 2 of Article IV and sited, designed, and of a style fully consistent with design standards of Section 6.1 and all other requirements of this Zoning Law.

Draft as of November 2022

Section 6.4 Utilities

- A. The Review Board may require that all utilities, exclusive of transformers, be placed underground at the time of initial construction.
- B. Required utilities may include water, sewer, storm drainage, telephone, cable, electricity, internet, and wiring for streetlights.
- C. Propane gas supplies and three-phase power systems may be placed above the ground surface where they are completely fenced or screened and not located in front of the building.
- D. The Review Board may require as-built drawings to depict water lines, swales, fire hydrants, and other elements of a water distribution system or waste treatment system constructed to serve a project.

Section 6.5 Additional Standards for Specific Uses

Section 6.5.1 Home Occupations

A. General Standards for All Home Occupations

1. No home-based business shall generate significantly greater traffic volumes or increased traffic hazards than would normally be expected in a residential district.
2. The home-based business must be clearly incidental and subordinate to the residential use and the home occupation operator must be in residence (on the parcel or an adjacent parcel) to operate the home occupation.
3. The home-based business shall be conducted within the dwelling unit or accessory structure.
4. Inventory and supplies shall not occupy more than 50 percent of the area permitted to be used as a home occupation pursuant to the New York State Building Code.
5. The residential character of the single-family dwelling or accessory building and the lot shall not be diminished to accommodate a home-based business.
6. The operation of and equipment used by the home-based business shall:
 - a. Not create any vibration, heat, glare, dust, odor, or smoke discernible at the property lines.
 - b. Not create electrical, magnetic or other interference off the premises.
 - c. Not use or store hazardous materials in excess of the quantities permitted in a residential structure.
 - d. Meet all outdoor lighting, noise, signage, landscaping, and parking requirements of this Zoning Law for commercial structures.

B. Minor Home Occupations. Minor home occupations shall be allowed in all zoning districts as a permitted use without review by the Review Board. Businesses associated with agri-tourism, farm

Draft as of November 2022

brewery/cidery/winery, farm operations, and farm stands are not considered home occupations. Minor home occupations shall:

1. Have no external evidence of such use except for one sign not exceeding six square feet in area.
2. Not have more than 50% of floor area of the dwelling unit or an accessory structure may be used for the minor home occupation pursuant to the New York State Building Code..
3. Only the person or persons who occupy the dwelling, their family members, and up to three additional full-time equivalent persons may be employed by the minor home occupation at any one time.

C. Major Home Occupations. Major home occupations shall be allowed in all zoning districts with abbreviated site plan review by the Review Board required. Businesses associated with agri-tourism, farm brewery/cidery/winery, farm operations, and farm stands are part of farm operations and are not considered home occupations pursuant to the NYS Agriculture and Markets Law 25-aa. Major home occupations shall:

1. Have no more than 50% of the floor area of the dwelling unit used for the major home occupations.
2. The major home occupation may use 100% of an accessory building provided all relevant design standards of Section 6.1 and appropriate standards of Article 7.4 of this Zoning Law shall be met.
3. All exterior storage used in conjunction with a major home occupation must be screened from view or stored within structures and not visible from the public way or adjacent properties.
4. Adequate parking shall be provided for all home occupants, employees and customers so as not to cause parking congestion or a visual disturbance to the character of the neighborhood.

Commented [NS11]: Is this correct? Both master and google doc has this. But I'm not sure. Please check. Ernie also asked for this to be discussed. Here is his comment:

We should probably discuss this, the ramifications are significant. Seems like there should be some limits, but I'm unsure. For instance, would the Kennel operation on Old 76 be considered a home occupation (and therefore allowed in any district)?

Section 6.5.2 Accessory Dwellings and Uses

A. Accessory Dwellings and Free-standing Accessory Dwellings.

1. Accessory apartments within an existing residential structure or within a new addition to an existing residential structure are permitted uses in all districts in a building that conforms to the New York State Building Code.
2. Free-standing Accessory Dwellings associated with a single-family dwelling are permitted with ASPR in all districts.
3. One accessory apartment within an existing structure and one free-standing accessory dwelling shall be allowed per lot.

4. Parking shall be a minimum of two spaces for the primary dwelling on-site and one per accessory unit.
5. Tompkins County Department of Health approved water supplies and sanitary systems shall be required prior to granting of any building permit for an accessory apartment. Such systems may be connected to existing or upgraded water supply and sanitary systems of the single-family dwelling or may be separate facilities. If a separate system is necessary, all other standards, setbacks and requirements of this Law and of the County Department of Health shall be met.
6. When an existing single-family dwelling is altered to accommodate an accessory apartment, all design and construction associated with adaptation of the existing structure shall be performed in a manner that retains the character of the structure.

B. Other Accessory Buildings or Uses

1. Accessory buildings shall not exceed the height or setback regulations that may be established for the applicable zoning district. Setbacks for accessory structures shall be the same as that allowed for primary structures.

Section 6.5.3 Natural Gas and Petroleum exploration and extraction.

All procedures and requirements of Local Law 3 of 2012 (Effect a Prohibition Within the Town of Caroline of Natural Gas and Petroleum Exploration and Extraction Activities, The Underground Storage of Natural Gas and the Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production of Wastes) or any of its subsequent amendments shall be met.

Section 6.5.4 Siting of Telecommunication Towers.

All procedures and requirements of Local Law 1 of 1998 (Regulating the Siting of Telecommunication Towers) or any of its subsequent amendments shall be met.

Section 6.5.5 Adult Uses.

All procedures and requirements of Local Law 2 of 1999 (Adult Use Law) or any of its subsequent amendments shall be met.

Section 6.5.6 Solar Siting.

All procedures and requirements of Local Law 3 of 2021 (Caroline Solar Energy Siting Law) or any of its subsequent amendments shall be met. However, the following shall also regulate the siting of solar facilities. Solar facilities shall be allowed as per the Use Table of Article IV, Section 4.1.

Section 6.5.7 Batteries.

All procedures and requirements of Local Law [redacted] of 2022 (Battery Energy Storage System Siting Law) or any of its subsequent amendments shall be met. Batteries shall be allowed as per the Use Table of Article IV, Section 4.1.

Commented [NS12]: Ernie thought this was deleted. Suggested: any parking necessary for the primary or secondary dwelling be provided on site and not in the public ROW. ZC to decide.

Draft as of November 2022

Section 6.5.8 Subdivision.

All procedures, requirements and design standards of the Town of Caroline Subdivision Review Law (2018) and Subdivision Design Guidelines (Resolution 101-2018) or any of its subsequent amendments shall be met whenever a subdivision is proposed in any zoning district. As per 6.5.15 of this local law, all major subdivisions shall be designed as a conservation subdivision in the Ag/Rural District but design as a conservation subdivision is optional in all other districts.

Section 6.5.9 Junk, Trash, Rubbish, Garbage, Reuse, Debris, and Discarded Materials.

All procedures and requirements of Local Law 1 of 1986 (Promote Attractiveness of Property) or any of its subsequent amendments shall be met.

Section 6.5.10 Farm Worker Housing.

All manufactured, modular, or stick-built housing styles may be used for farm worker housing on a farm operation provided they meet all 10 NYCRR Part 15, New York State Uniform Fire Prevention and Building Code or other State or County requirements for farm worker housing. All farm worker housing shall meet all Tompkins County Department of Health requirements for water and septic systems. Farm worker housing units do not count towards the allowable residential density on a parcel. Any setbacks established pursuant to Article IV, Table 2 shall be followed, however. If a farm operation having farm worker housing ceases operation as a farm, the former farm worker housing units shall be removed from the premises within six months of cessation of a farm operation unless one or more lots can be created that meet all requirements of this Zoning Law and the Town of Caroline Subdivision review law.

Section 6.5.11 Car Wash.

An application for a car wash shall include information as to the quantity of water required, water sources and existing water capacity, and evaluation of such water use on both the larger aquifer and on surrounding uses. The Review Board may require pump tests as part of this information.

Section 6.5.12 Lodging.

Guest sleeping rooms shall not be used as apartments for non-transient tenants. A minimum lot area of two acres is required to establish a lodging facility. The Town promotes adaptive reuse of existing buildings and encourages preservation of historic structures for this purpose. There shall be one parking spot per room and employee and shall be located to the side or rear of the structure. No lodging facility shall include more than 20 rooms. All other design standards of Article V (5.2) and VI (6.4) shall be met.

Section 6.5.13 Bed and Breakfast and Short-Term Rentals.

All bed and breakfast and other short-term rentals shall be consistent with all New York State Code standards. All bed and breakfast and other short-term rentals shall be consistent with all New York State Uniform Fire Prevention and Building Code standards. Off-street parking provided for both residents and transients shall be provided on the premises and not on the street. Any residence used for these purposes shall be maintained and operated so as to preserve and complement the residential character and integrity of the surrounding area. A single exterior sign or display may be established on the site of the bed-and-breakfast. The sign or display shall not exceed six (6) square feet in area. During Site Plan Review, the Review Board shall consider the:

Draft as of November 2022

1. Adequacy and arrangement of vehicle traffic access and location, arrangement, appearance and sufficiency of off-street parking;
2. Location, arrangement, size and design of lighting and signs;
3. Relationship and compatibility of proposed use (bed-and-breakfast) to uses of adjacent parcels in the immediate vicinity, together with their scale;
4. Adequacy, type and arrangement of trees, shrubs, fences and other landscaping or improvement constituting a visual or noise-detering buffer between the site and adjacent or adjoining uses.

Section 6.5.14 Multi-family Developments

- A. All multi-family developments shall require site plan review and a special use permit pursuant to Articles VII and VIII of this Zoning Law. Multi-family developments having more than three structures containing residential units shall have a lot layout established pursuant to Conservation Subdivision Section 6.5.15.
- B. All structures containing multiple family units shall meet the general design standards of Section 6.1 of this Zoning Law.
- C. Conversion of a single-family residence to three or more family dwelling units shall be considered a multi-family use and shall follow applicable standards as established in this Section.
- D. Maximum building size and density:
 1. The maximum number of dwelling units in a multi-family development shall be double the base residential density established for that district.
 - a. The maximum number of dwellings in a multi-family development shall be tripled that of the base residential density established for that district provided that at least 50% of the units are deed-restricted for below-market rate, affordable housing.
 2. There shall be a minimum dimension of 400 square feet per unit.
 3. Multi-family developments are eligible for density bonuses pursuant to Article III of this Zoning Law.
 4. The Review Board shall ensure that any proposed density will meet all New York State Board of Health requirements for wastewater treatment systems and water supplies. The Review Board may require water well pump tests to ensure that adequate water capacity exists for the proposed density and to ensure that there are no adverse impacts to adjacent wells.
 5. When multiple structures are included within a multi-family development, there shall be no more than eight dwelling units per individual structure provided that density is allowed pursuant to Table 2 of this Zoning Law as modified by paragraph D1, above.
6. Other Design and Layout Standards

Commented [NS13]: See Ernie's comment and my response:

Shouldn't this only apply to the Ag district?
Also, I don't understand why we need this particular line. Seems like a very unlikely scenario to me, what's the logic?

My response: This is so that the design of multiple buildings that are part of a larger multifamily development are sited in a conservation manner using the siting criteria of 6.5.15

Commented [NS14]: Ernie asks if this is what you want. His comment: Looking again at Bill's hypothetical 20 acre lot previously (in his reader's aid box explaining density allotments) computed to allow for 7 "residence units" (rounded), this would seem to indicate that one could build (2) 7 unit structures on the 20 acres.. Three if they are all affordable. correct? Is that the outcome we'd like to see?

- a. Open space between buildings shall be pursuant to the New York State Building Code.
- b. A minimum of one parking spot per unit shall be provided.
- c. Structures shall be of an architectural style that emulates single-family residences in building design, entrance, and other architectural details to the maximum extent practical.
- f. On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards and promote pedestrian activities.
- g. Parking and traffic circulation should include appropriate signs and striping to direct traffic on and off-site.
- h. Sidewalks shall be provided, as appropriate, to connect the residential units with parking areas, public streets, recreation areas, and other building(s) as well as other existing sidewalks, if present.
- i. Buffer areas shall be used to maintain and preserve natural areas that are on or adjacent to the parcel proposed for multi-family structures. Buffer strips shall consist of trees, hedges, dense plantings, earth berms, or other changes in grade. This does not apply to adaptive use of existing buildings but does apply to developments with two or more structures.
- k. Landscaping, lighting, and building elevation illustrations for each structure shall be submitted to the Review Board for review and determination if consistent with all requirements of this Zoning Law. In addition, landscaping and screening shall conform to the following minimum standards:
 - 1. Use of existing vegetation to the greatest extent possible.
 - 2. Along the road frontage, a ten (10) foot wide, landscaped buffer shall be provided and designed so as not to obstruct sight distance at road access points.
 - 3. Units shall be sited for maximum preservation of mature trees (trees of twelve (12) inches or more in diameter at breast height).
 - 5. All exterior lighting shall be Dark Sky compliant, and all lighting fixtures shall carry the International Dark-Sky Association (IDA) Fixture Seal of Approval.
- l. The Review Board may require that all utilities, exclusive of transformers, be placed underground at the time of initial construction. Required utilities may include water, sewer, storm drainage, telephone, TV cable, electricity, gas, and wiring for streetlights.
- m. Solid waste and recycling receptacles of adequate capacity shall be provided for the maximum number of residents. Receptacles shall be screened from view by fencing or landscaping and regularly emptied to prevent odor and unsanitary conditions. The receptacle shall be designed to prevent loose litter.
- n. Snow storage areas shall be indicated on the site plan and shall not interfere with required parking or traffic circulation.
- o. One sign per entrance that identifies the development is permitted and should be compatible with the general environment of the project site. Signs shall conform to Article VI Section 6.2.8.
- p. Internal access roads shall remain private and not maintained by the Town of Caroline. Such roads shall be constructed consistent with the Rural Low Volume Road Classification system as established in Local Law 2 of 1996 (Low Volume Rural Town Roads Maintenance and Rehabilitation Guidelines and Classification) or other Town of Caroline Highway Specifications, as may exist, and shall not exceed an average grade of eight percent (8%). No section shall exceed a grade of ten percent (10%) unless otherwise allowed by town standards. The local fire department and ambulance service shall be consulted to ensure adequate accessibility for all emergency vehicles and services.

Commented [NS15]: More on parking - delete?

Section 6.5.15 Conservation Subdivisions

A. Purposes. This section has been designed in recognition of the need to protect important resources as part of the land development process. Further purposes are to:

1. Conserve open land, including those areas containing unique and sensitive natural features such as but not limited to steep slopes, streams, stream sides, floodplains, and wetlands, by setting them aside from development.
2. Provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads and the amount of paving required.
3. Provide for a diversity of lot sizes and housing choices to accommodate a variety of age and income groups.
4. Conserve a variety of resource lands as established in the Town of Caroline Comprehensive Plan.
5. Protect agricultural areas by conserving blocks of land large enough for continued agricultural operations.
6. Create neighborhoods with direct visual or physical access to open land and that have strong neighborhood identity that is consistent with the rural character of Caroline.
7. To protect and conserve elements of the Town's rural character.
8. It is a purpose of this subsection to supplement the Town of Caroline Subdivision review law so that, when applied together, this section of the Zoning Law and the Subdivision review law can better achieve the purposes set forth above.

B. Applicability

1. This sub-section of the Zoning Law shall apply in the Ag/Rural District to major subdivisions, as defined in and subject to review under the Subdivision Review Law. All such subdivisions shall be designed as a Conservation subdivision in accordance with the requirements and provisions of this subsection. This subsection may be voluntarily applied to a major subdivision in any hamlet zoning district.
2. In their interpretation and application, the provisions of this section of the Zoning Law shall be held to be minimum requirements. In approving a Conservation Subdivision, the Review Board has the authority to impose such additional conditions and restrictions as are directly related to the proposed subdivision and protection of resources.

C. Compliance with other laws. This sub-section of the Zoning Law shall be in addition to compliance with the procedures and requirements of the Town of Caroline Subdivision review law. Should the requirements of this section conflict with, or otherwise be inconsistent with, any provision of the Town of Caroline Subdivision Review Law and the Site Plan Regulations, the provisions of this section shall prevail. In further addition, no major subdivision application shall be approved pursuant to this law without full compliance with the State Environmental Quality Review Act (SEQRA) (6 NYCRR Part 617).

D. Dimensional standards. The permitted number of dwelling units in a Conservation Subdivision shall not exceed the number of units that would be permitted according to the density requirements of the Town of Caroline Article IV, Table 2, except when a density bonus has been granted by the Town Board pursuant to Article IV. The Review Board shall allow alteration of lot dimensions within a Conservation Subdivision in order to properly accomplish the purposes of the Town of Caroline Comprehensive Plan

and this law to preserve the maximum amount of open space when a major subdivision is planned. Lots shall be arranged in a way that preserves open space, agriculture, and promotes land conservation as described in this section.

1. A major subdivision must preserve at least fifty percent (50%) of the parcel's acreage as open space land.
 2. Minimum street frontage per lot shall be twenty-five (25) feet.
 3. Minimum lot size. The minimum lot size in major subdivisions where individual wells and septic systems are required shall be equal to that required by the Tompkins County Department of Health to meet standards for water and septic system approvals.
 4. Maximum impervious surface shall be thirty percent (30%) on each lot.
 5. Building setbacks from cropland or pastureland shall be one hundred (100) feet. The setback from barnyards housing livestock shall be three hundred (300) feet.
- E. Sketch plan. In addition to requirements for a sketch plan of Article III, Section 1 of the Town of Caroline Subdivision Review Law, the following additional information shall be submitted by the applicant as a basis for informal discussions with the Review Board regarding the design of a proposed major subdivision. The Review Board shall evaluate the proposed subdivision during the sketch meeting. The Review Board shall determine whether the Sketch Plan meets the purposes of this section. Complete and complex engineered plans and architectural drawings are premature and not required at this phase. The sketch plan shall contain:
1. The subdivision name or title, if any; the scale, which shall be no less than one (1) inch equals one hundred (100) feet; North direction, which shall be oriented toward the top of the plan; the plan date; and the label "Concept Plan."
 2. The subdivision boundaries and the owners of all contiguous properties.
 3. The zoning classification and tax map number(s) of the property to be subdivided.
 4. The total acreage of the subdivision and the proposed number and locations of lots.
 5. All existing streets, either mapped or built, adjacent to the tract.
 6. All existing restrictions on the use of land, including easements and covenants, if any.
 7. All existing structures, general location of agricultural fields and wooded areas, watercourses, and other significant physical and natural features of the parcel and within two hundred (200) feet of the parcel boundaries. The Town of Caroline Comprehensive Plan, Natural Resource Inventory, and Tompkins County GIS data may be used to identify these features.
 8. If applicable, the location and required setbacks, if any, as may be required by this Law, the Town of Caroline Floodplain Law, or State or Federal laws from watercourses, wetlands, and floodplains.
- F. Site Analysis. The following site analysis shall be submitted by the applicant pursuant to this law in addition to the requirements of the Town of Caroline Subdivision Review Law. A site analysis shall include an identification of primary and secondary conservation lands within a parcel(s). The site analysis shall include a Site Analysis Map that includes the information listed below. Conditions beyond the parcel boundaries may be generally described on the basis of existing published data available from governmental agencies, or from aerial photographs. The applicant may obtain advice and assistance from an accredited land trust or environmental organization when preparing the site analysis. The site analysis is not intended to be a highly engineered or exact document, but a general sketch and description illustrating the location and type of environmental features that are present on the site including:

1. Areas where the slope exceeds fifteen percent (15%).
 2. Wetlands, areas of hydrological sensitivity including but not limited to aquifer and aquifer recharge areas, municipal water supply recharge areas, flood-prone areas as shown on Federal Emergency Management Agency maps, lakes, and streams, if any. The Site Analysis Map shall identify whether any Town of Caroline Overlay District extends into the parcel and shall delineate any required stream buffer.
 3. Agricultural lands including farmland within, and adjacent to, a New York State certified Agricultural District, soils classified as being prime farmland or soils of statewide significance, if any.
 4. Sites where community sewer, community water, or community water and sewer are available or planned, if any.
 5. Lands within, or contiguous to, a Critical Environmental Area designated pursuant to Article 8 of the New York State Environmental Conservation Law, if any.
 6. Lands contiguous to publicly owned or designated open space areas, or privately preserved open spaces, if any.
 7. Historic structures or areas of national, state or local importance, if any, and specifically identifying those structures which are listed on either the federal or New York State Register of Historic Places.
 8. Areas with rare vegetation, significant habitats, or habitats of endangered, threatened or special concern species, or unique natural or geological formations, if any. This shall include a description of the biodiversity assessment methods used, site-specific habitat descriptions, discussion of biodiversity implications and alternatives, if needed, to minimize disturbance to sensitive habitats and species.
 9. General description and locations of the vegetative cover on the property according to general cover type including cultivated land, grass land, old field, hedgerow, woodland and wetland, and showing the actual line of existing trees and woodlands.
 10. Lakes, ponds or other significant recreational areas, or sites designated as such in the Town's Comprehensive Plan, if any.
 11. Existing or proposed trails, inactive railroad beds, bikeways, and pedestrian routes, if any.
 12. Location of all existing streets, roads, buildings, utilities and other man-made improvements.
 13. All easements and other encumbrances of property which are or have been filed of record with the Tompkins County Clerk's Office.
- G. Site design of major subdivisions
1. Subsequent to the Sketch Plan meeting and submission of the site analysis, a preliminary plat shall be developed pursuant to the Caroline Subdivision Review Law. The submission requirements for a Preliminary Plat include the site analysis and the submission requirements pursuant to both this section and the Town of Caroline Subdivision Review Law.
 2. All preliminary plans in a major subdivision shall include documentation of the following four-step design process in determining the layout of proposed conserved lands, house sites, roads, and lot lines as follows (See Readers Aid Box):

Step 1. Delineate Open Space Areas. Proposed open space areas shall be designated as follows:

- a. Primary Conservation Areas (streams, floodplains, wetlands, critical habitats, steep slopes, areas with rocky outcrops, agricultural lands, and groundwater recharge areas), shall be delineated and designated on a map.
- b. Secondary Conservation Areas shall be delineated and designated on a map. In delineating Secondary Conservation Areas, the applicant shall prioritize natural and cultural resources on the parcel in terms of their highest to least suitability for inclusion in the proposed open space in consultation with the Review Board. Secondary Conservation Areas shall be delineated on the basis of those priorities and practical considerations given to the parcel's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives. These features shall be clearly noted, as well as the types of resources included within them, on the map. Calculations shall be provided indicating the applicant's compliance with the acreage requirements for open space areas on the parcel.
- c. Building envelopes shall not encroach upon Primary Conservation or Secondary Conservation areas. The primary and secondary conservation areas, together, constitute the total open space areas to be preserved, and the remaining land is the potential development area.
- d. Creation of trail and pathway connections and linkage of protected open spaces are an important amenity desired in the Town. As such, all open spaces required as part of any conservation subdivision that are adjacent to other protected open spaces should be laid out so that they are able to be linked directly or indirectly with features such as hedgerows or smaller habitat patches.

Step 2. Specify Location of House Sites. Building envelopes shall be tentatively located within the potential development areas. House sites should generally be located not closer than one hundred (100) feet from Primary Conservation Areas and fifty (50) feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas.

Step 3. Align Streets and Trails. After designating the building envelopes, a street plan shall be designed to provide vehicular access to each house, complying with the standards identified in this Zoning Law and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed open space lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands, traversing steep slopes, and fragmenting agricultural lands. Existing and future street connections are encouraged to eliminate the number of new cul-de-sacs to be developed and maintained, and to facilitate access to and from homes in different parts of the tract and adjoining parcels. Cul-de-sacs are appropriate only when they support greater open space conservation or provide extensive pedestrian linkages. All applicable requirements of the Town of Caroline Highway Law shall be met.

Additionally, pedestrian paths, trails, or bike routes are encouraged to be included in a conservation subdivision to link open spaces or other existing trails that may exist or be created.

Step 4. Draw Lot Lines. Upon completion of the preceding steps, lot lines are then drawn as required to delineate the boundaries of individual residential lots.

3. Alternate Design Process. In the hamlets, a traditional neighborhood development design (TND) may be used. Just as with non-TND developments, the first step is to identify open space lands, including both Primary and Secondary Conservation Areas. However, in TNDs, where traditional streetscape is of greater importance, steps 2 and 3 above may be reversed, so that streets and squares are located before house sites specified. TND's typically have reduced lot sizes, narrow front setbacks, narrow streets, sidewalks, and have a clear demarcation between built and unbuilt lands at the edge of the neighborhood.

H. Site design criteria

1. Residential structures in a major subdivision should be located according to the following guidelines, which are listed in order of significance. If any of the guidelines below conflict with each other on a particular site, the Review Board may use its discretion to resolve such conflicts. The lots, house sites, roads and other infrastructure in a proposed subdivision shall avoid or minimize adverse impacts by being designed:
 - a. To cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table by avoiding placement of impervious surfaces where water is most likely to infiltrate and recharge the groundwater.
 - b. To avoid disturbance to streams and drainage swales, floodplains, vernal pools, wetlands, and their buffers. Native vegetation shall be maintained to create a buffer within 100' of wetlands and surface waters, including creeks, streams, vernal pools, springs and ponds.
 - c. On the least fertile agricultural soils and in a manner which maximizes the usable area remaining for agricultural use.
 - d. On suitable soils for subsurface sewage disposal (where applicable).
 - e. To protect important habitat links and connections, biodiversity and wildlife habitat areas of species listed as endangered, threatened, or of special concern by either the United States Department of the Interior or the New York State Department of Environmental Conservation, or critical habitats listed by DEC or identified in the Town of Caroline Natural Resource Inventory.
 - f. Away from the boundaries of any farm preserved with a conservation easement or other permanent protection, to reduce conflicting uses in areas where farmers have made long-term commitments to continue to farm.
 - g. So that the boundaries between house lots and active farmland are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural uses.
 - h. All grading and earthmoving on slopes greater than fifteen percent (15%) should be minimized. Such grading should not result in cut and fills whose highest vertical dimension exceeds eight (8) feet. Roads and driveways shall follow the line of existing topography to minimize the required cut and fill.
 - i. Views of house lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping. The layout should leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. Where these scenic views or vistas exist, a deep non-

vegetated buffer is recommended along the road where those views or vistas are prominent or locally significant.

- j. To be as visually inconspicuous as practicable when seen from state, county and local roads, the subdivision should preserve woodlands along roadways, property lines, and lines occurring within a site such as along streams, swales, stone fences, and hedgerows to create buffers with adjacent properties. Preservation should include ground, shrub, understory and canopy vegetation.
 - k. To minimize the perimeter of the built area by encouraging compact development and discouraging strip development along roads, house lots shall generally be accessed from interior streets, rather than from roads bordering the parcel. New intersections with existing public roads shall be minimized. Two (2) access ways into and out of subdivisions containing twenty (20) or more dwellings are required for safety.
 - l. At the edge of open agricultural fields adjacent to any woodland to enable new residential development to be visually absorbed by the natural landscape.
 - m. Around and so as to preserve sites of historic, archeological or cultural value insofar as needed to safeguard the character of the feature.
- l. Open space standards:
- 1. The required open space land consists of a combination of Primary Conservation Areas and Secondary Conservation Areas. The proposed subdivision design shall strictly minimize disturbance to these environmentally sensitive areas. The lot layout shall show how those sensitive areas will be protected by the proposed subdivision plan.
 - 2. Open space lands shall be laid out in general accordance with the Town's Comprehensive Plan to better enable an interconnected network of open space and wildlife corridors. Open space lands shall also be laid out in such a manner that preserves ecological systems that may be present on the site including, but not limited to, preserving wetlands, vernal pools, and their associated upland habitats.
 - 3. Active agricultural land with farm buildings may be used to meet the minimum required open space land. Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations. Land used for agricultural purposes shall be buffered from residential uses, either bordering or within the parcel.
 - 4. Open space land shall, to the maximum extent practicable, be contiguous to avoid fragmentation and to create a critical mass of land either available for agriculture or left in a natural state.
 - 5. Open space lands shall be designated as a separate open space lot, as one or more individual conservation lots owned in common, or included as a preserved, non-buildable part of one or more house lots. Any house lot less than five (5) acres does not qualify as contributing to open space.
 - 6. Walkways, trails, play areas, drainage ways leading directly to streams, historic sites or unique natural features requiring common ownership protection may be included in the preserved open space lands.
 - 7. The required open space may be used for community septic systems.

Commented [NS16]: Ernie: Is it possible to include a readers aid box using Bill's 20 acre subdivision example that indicates a possible distribution of the designated open space that meets this requirement? I have tried to do this, but find that I have to sacrifice a lot to preserve 10 acres....

My question- Are you referring to the 5 acre part of this? Unclear what the issue is.

Draft as of November 2022

8. Stormwater management ponds or basins and lands within the rights-of-way for underground utilities may be included as part of the minimum required open space.
 9. Recreation lands such as dog parks, ball fields, golf courses, and parks shall not be considered part of the required open space unless such land is open to the public. Such recreational lands with access only to residents shall not be counted towards the open space requirements but shall be counted towards any recreation land requirement that may be required by the Town of Caroline.
 10. Open space shall be directly accessible or viewable from as many home sites as possible.
- J. Streets, driveways and trails
1. Common driveway access may be provided for. A pedestrian circulation and/or trail system shall be sufficient for the needs of residents, unless waived by the Review Board.
 2. New streets shall meet the Town Highway Specifications, as may exist. Where appropriate, the Review Board shall work with the Highway Department to ensure that new roads do not impact or detract from the rural and environmental character of a conservation subdivision.
 3. Whenever appropriate, street systems should produce terminal vistas of open space in accordance with the conservation emphasis of the subdivision design and to positively contribute to the Town's open space goals.
 4. Use of reverse curves should be considered for local access streets in major subdivisions in conjunction with long horizontal curve radii [at least two hundred fifty (250) feet] and where traffic speeds will not exceed thirty (30) mph. Further, use of single-loaded streets is encouraged alongside conservation areas to provide views of the conservation lands for residents and visitors.
- K. Protection of open space
1. All required open space shall be depicted and noted on the site plan as protected open space and restricted from further subdivision through one of the following methods to be proposed by the applicant and approved by the Review Board:
 - a. A permanent conservation easement, in a form acceptable to the Town and recorded at the County Clerk's Office. Due to the enforcement responsibilities carried out by easement grantees, this is the preferred method of ensuring permanent protection.
 - b. A declaration of covenants or deed restriction, in a form acceptable to the Town, and recorded in the County Clerk's Office. The restriction shall describe the size of the parent parcel being subdivided; the total number of lots and the total number of dwelling units approved; specification of which lot or lots carry with them the right to erect or place any unused allocation of dwelling units the parent parcel may have; and which lands shall be preserved as open spaces and upon which no further allocation of dwelling units shall be made.
 - c. A conservation easement, in a form acceptable to the Town and recorded at the County Clerk's Office.
 - d. A plat note.
 2. Open space land may be held in any form of ownership that protects its conservation values, such as where the open space is owned in common by a homeowner's association (HOA).

3. Open space may also be dedicated to the Town, County or State governments, transferred to a qualified non-profit organization including a land trust, or held by single or multiple private owners. The applicant shall provide proof that the receiving body agrees to accept the dedication.
4. The Town seeks to ensure that lands dedicated for open space in a conservation subdivision are not subsequently developed. When open space lands are proposed to be privately owned on a lot dedicated for open space use, and such lands are not subject to a conservation easement or are not to be transferred to a qualified non-profit organization or municipality, such lands shall be owned by an HOA, or shall be designated as a house lot allowing only one residence. This house lot shall be considered part of, and not in addition to, the allowed density the parent parcel is eligible for. Any development permitted in connection with the setting aside of open space land shall not compromise the conservation or agricultural value of such open space land.
 - a. If the open space is to be owned by an HOA, the HOA must be incorporated before the final subdivision plat is signed. The applicant shall provide the Town with a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities.
 - b. If land is held in common ownership by a homeowner's association, such ownership shall be arranged in a manner that real property tax claims may be satisfied against the open space lands by proceeding against individual owners and the residences they own. The HOA must be responsible for liability insurance, local taxes and the maintenance of the conserved land areas. The HOA shall have the power to adjust assessments to meet changing needs. The Review Board shall find that the HOA documents satisfy the conditions above.
 - c. The homeowner's association shall be operating before the sale of any dwelling units in the development. The proposed homeowner's association shall be established by the applicant and shall comply with the requirements of Section 352-e of the New York State General Business Law and have an offering plan for the sale of lots in the subdivision approved by the New York State Department of Law, if required. In the event that the NYS Department of Law grants an exemption from the requirement of an offering plan, the applicant shall have in place an agreement acceptable to the Town that ensures the open space is not encroached upon in the future.
 - d. Membership in the HOA must be mandatory for each property owner within the subdivision and for any successive property owners in title.
 - e. The association shall be responsible for liability insurance, local taxes and maintenance of open space land, recreational facilities and other commonly held facilities.
 - f. The association shall have adequate resources to administer, maintain, and operate such common facilities.
5. The conservation easement, declaration of covenants or deed restriction, or approved subdivision plan shall permanently restrict development of the open space and shall specify the use of such space only for agriculture, forestry, recreation or similar purposes. The Review Board shall approve the form and content of any easement, declaration, restriction, or subdivision plan. Regardless of which method of protecting the required or designated open space is selected, the restriction shall be made a condition of the final plat approval.

Commented [NS17]: Ernie says: Again, if I have a 20 acre lot, 7 dwelling units allowed, and I divide it into two 6 acre parcels designated as lots allowing only one residence (which is all they would be allowed if I use up my dwelling unit allotment for the entire parcel), and then I divide the remaining 8 acres into 5 one family lots have I met the basic requirements for the protection of the conservation subdivision?

My response: A 20 acre lot would need 10 acres preserved. That comes first. The 7 lots would be either configured across the remaining 10 acres, or you could put one house on an 11 acre parcel that has the 10 acre preserved portion of the land and the remaining 6 parcels configured over the other 10 acres.

Draft as of November 2022

- a. A conservation easement will be acceptable if:
 - 1. The conservation organization is acceptable to the Town and is a *bona fide* conservation organization as defined in Article 49 of the New York State Environmental Conservation Law.
 - 2. The conveyance contains appropriate provisions for proper reverting or re-transfer in the event that the conservation organization becomes unwilling or unable to continue carrying out its functions.
 - 3. A maintenance agreement acceptable to the Town is established between the owner and the conservation organization to ensure there is no encroachment on the open space.
 - 4. The conservation easement or other legally binding instrument shall permanently restrict the open space from future subdivision, shall define the range of permitted activities, and, if held by a conservation organization, shall give the Town the ability to enforce these restrictions.
- L. Maintenance standards
 - 1. The owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space.
 - 2. Failure to adequately maintain any improvements located on the undivided open space and keep them in reasonable operating condition is a violation of the Zoning Law. Upon appropriate authority or process, the Town may enter the premises for necessary maintenance/restoration, and the cost of such maintenance by the Town shall be assessed ratably against the landowner or in the case of an HOA, the owners of properties within the development, and if unpaid, shall become a tax lien on such property.
- M. Sewage treatment systems. Sanitary sewage disposal systems, whether individual or community systems, may be located within, or extend into, required open space areas, provided that subsurface sewage disposal methods are employed, all required separation distances are observed and the ownership and maintenance responsibilities for those systems are clearly defined in agreements submitted for approval as part of the subdivision application. Applications shall be approved that provide lot buyers with both the legal authority and the responsibility, individually or collectively, to maintain all sewer facilities on a continuing basis. This may include the creation of a special district under Articles 12 and 12-a of New York State Town Law.
- N. Future subdivisions. When a subdivision includes only a portion of a lot of record, a sketch layout according to this section shall be included showing future potential subdivision of all the contiguous lands belonging to the landowner and allocation of density to ensure that subdivision may be accomplished in accordance with this section and to allow the Review Board to adequately assess segmentation under the State Environmental Quality Review Act. Subdivision and review of the sketch plan of those locations at this stage shall not constitute approval of the future subdivision shown thereon.

ARTICLE VII SITE PLAN REVIEW

READER'S AID: Certain uses as outlined in the Use Table are permitted only after a review of the proposed site plan by the Review Board and issuance of site plan approval. Uses subject to Site Plan approval are allowed and permitted in Caroline. The site plan describes how the various lot improvements and structures planned for the parcel are placed and function on the parcel and exist in relation to other lands and features nearby and in the district. Site Plans describe or define where and what structures and features are proposed on the site but do not consider the use itself – that is the role of the Special Use Permit. Some uses require only Site Plan Review and approval while other uses that require a Special Use Permit also require a Site Plan Review done at the same time. This section contains the review and approval process for site plans to be conducted by the Review Board.

This Section also contains the review and approval process for those uses required to have an Abbreviated Site Plan Review. An Abbreviated Site Plan Review is a special, shortened review process for smaller projects that are located within the Town of Caroline Water Resource and Flooding Overlay or where a modified site plan review by the Review Board may help ensure protection of the environment.

Section 7.1 Intent and Purposes

Through Site Plan review, it is the intent of this Article to promote the health, safety and general welfare of the Town and its residents by providing for the review and approval of Development plans to ensure that land Development occurs in harmony with surrounding uses and the Town's Comprehensive Plan, and mitigate impacts to neighboring parcels, public facilities, infrastructure, natural environment, and climate. The Site Plan review process is intended to guide and protect the Town's physical development so that it takes place in an orderly, efficient, safe, and economical manner which maintains and reflects the uniqueness of the Town and the character of the Town as a rural community and a beautiful and desirable place in which to live. It is further the intent of this Article to ensure that Development complies to the greatest extent possible with the currently adopted Town of Caroline Comprehensive Plan and to:

- Encourage designs that have continuity with the design traditions of the Town of Caroline;
- Foster attractive buildings sites with thoughtful design and high-quality materials;
- Seek visual and design coordination on contiguous parcels which can be viewed from public rights-of-way;
- Preserve and maintain prime and important agricultural soils in the Town;
- Preserve and maintain natural areas and habitats that support plant and animal species of conservation concern;
- Promote energy savings and discourage reliance on fossil fuels;
- Foster the preservation and enhancement of significant scenic resources and characteristics of the natural landscape;
- Support sustainability and promote the reuse or redevelopment of existing structures rather than the proliferation of new buildings on previously undeveloped land; and
- Promote accessibility for all and enhance pedestrian access, particularly in hamlets.

Section 7.2 Authorization to Review Board, Exemptions and Applicability

- A. Authorization of Review Board to Review Plans. The Review Board is hereby authorized to review and approve, approve with conditions, or disapprove Site Plans for land uses within the Town, as

Draft as of November 2022

hereinafter designated and pursuant to and in accordance with the standards and procedures set forth in this local law. Article VI of this Local Law shall supersede in its entirety Local Law 1 of 2018 (Site Plan Review Law and Site Plan Review Law Design Guidelines).

- B. Exemptions. Single-family and two-family residential dwellings and agricultural operations as defined in this law are exempted except as specified in this section D below.
- C. Applicability. All uses identified in Table 1 of Article IV shall require Site Plan Review and approval by the Review Board. Any expansion of an existing use or occupancy of such use of 25% or greater shall also require Site Plan Review and approval by the Review Board before being undertaken.
- D. Uncertain Applicability. Any Person uncertain of the applicability of this Article to a given Land Use Activity may apply in writing to the Enforcement Officer, or the Zoning Board of Appeals for a written jurisdictional determination.
- E. Effect on Existing Uses. This Article does not apply to uses and structures that are lawfully in existence as of the date this local law becomes effective, except for modifications of existing uses or structures as specified in above. Any use which would otherwise be subject to this law, which has been discontinued for a period of two (2) years or more, shall be subject to review pursuant to the terms of this law before such use is resumed. Any use or structure shall be considered to be in existence provided the same has been substantially commenced as of the effective date of this local law and fully constructed and completed within two (2) years from the effective date of this local law.

Section 7.3 Site Plan Considerations

- A. The review criteria are intended to provide for orderly development within the Town and to provide for the development and coordination of adequate facilities for the housing, transportation, distribution, comfort, convenience, climate, safety, health and welfare of the Town and its residents, guests, and visitors.

The Review Board's review of the Site Plan shall include, as appropriate, but is not limited to, the following general considerations:

1. Location, arrangement, size, massing, design, aesthetics, architectural features, and general Site compatibility of buildings, lighting and signs.
2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
4. Adequacy and arrangement with vehicular and non-vehicular traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian safety and convenience, including access for all abilities.
5. Adequacy of and impacts on adjacent and affected streets and intersections, including name, location, width.

Draft as of November 2022

6. Adequacy of stormwater and drainage facilities.
7. Adequacy of water supply and sewage and Waste disposal facilities.
8. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the Applicant's and adjoining lands and public roadways, including the maximum retention of existing vegetation.
9. Adequacy of fire lanes and other emergency zones.
10. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
11. Overall impact on existing neighborhood character, form and function.
12. Site restoration for any Land Use Activities that are proposed to be temporary or short-term in duration.
13. Impacts on Agricultural Resources.
14. Impacts on Floodplains and Wetlands.
15. Impacts on Scenic Resources.
16. Impacts on energy use and GHG emissions associated with the siting, design, and operation of buildings and related Development activity.
17. Location, arrangement, size, design, and general Site and Site Development compatibility for renewable energy systems.
18. Impacts on plant and animal resources, including Unique Natural Areas, Critical Environmental Areas, or areas identified by New York State as habitat suitable for or containing endangered or threatened species, Species of Special Concern, Species of Greatest Conservation Need, or Common Birds in Steep Decline.
19. Consistency of Land Use Activities with the Town's Comprehensive Plan.

Section 7.4 Specific Standards and Considerations

A. The following specific standards shall apply.

1. Compliance with Laws – The Site Plan shall comply with all existing local, state, and federal laws.
2. Comprehensive Plan – The proposed Development shall be consistent with the Town's Comprehensive Plan.
3. Water Quality - The following standards are intended to ensure that the quality of water in the

Town is not adversely affected as a result of new Development. Water quality is also addressed in these regulations, in part, through sections dealing with erosion and sediment control and stormwater runoff.

- a. All proposed Development shall comply with the Town of Caroline Local Law No. 2 of 2007-Stormwater Management and Erosion and Sediment Control, Tompkins County Sanitary Code, the New York State Environmental Conservation Law, the New York State Public Health Law, and the regulations promulgated thereunder at 6 NYCRR and 10 NYCRR respectively, with regard to the design, construction and maintenance of sewerage systems.
 - b. Plans shall be reviewed by the Tompkins County Department of Health. All Department of Health plan approvals are required prior to issuance of any permits. The potential impact on water quality of the proposed Land Use Activities shall be identified and mitigation measures proposed. Examples of Land Use Activities that may raise concerns are large parking or loading areas without any method of containing oil and sediment deposited on All Weather Surfaces; storage of petroleum products, hazardous waste, or chemicals on the Site; and the use of fertilizers, pesticides, or other chemicals on large expanses of land or near wells, streams, or drainage ditches. To ensure the long-term water quality in the Town, appropriate management, response and maintenance plans shall be developed, including the construction and maintenance of permanent practices. The Town may require Performance Guaranties to ensure the proper construction, management, and monitoring of such permanent practices or other mitigation measures. Final Development approval shall be subject to the actual receipt of all required permits from local, state, and federal regulatory agencies, and the fulfillment and satisfactory completion of permit conditions or requirements. Where the subject permit may take a significant length of time to obtain, a conditional approval may be issued; however, the failure to actually later obtain such permit makes such conditional approval revocable and, once so revoked, the application process shall be deemed to have been concluded, all Development, Disturbances, and Site Development activities shall cease and the Applicant shall be required to re-apply for review should the Applicant desire that its proposed use or project be permitted within the Town.
 - c. If the Development is a CAFO subject to the New York State Department of Environmental Conservation (DEC) CAFO General Permit the Applicant shall: (i) submit copies of their Notice of Intent, Annual Nutrient Management Plan for large CAFOs or their Comprehensive Nutrient Management Plan Certificate for small and medium sized CAFOs (ii) submit copies of their permit application and permit to the Town Clerk's Office so that the permit information is available for inspection by the public; and (iii) provide any updates regarding changes in the DEC permit or permit status to the Town Clerk's Office.
4. Water Supply - The proposed Development shall have a supply of water adequate for the proposed uses without adversely affecting the availability of groundwater for other properties. Groundwater is the principal source of drinking water in the Town of Caroline. In addition, groundwater often serves as the sole supply of water to surface water systems. The following standards are intended to ensure that the supply of water is adequate for the proposed Development and will not interfere with existing users of the same supply of water, including groundwater and surface waters:
- a. A source of water for the proposed Development shall be identified.
 - b. All proposed Development shall comply with the latest editions of Recommended Standards for Water Works, (Great Lakes Upper Mississippi River Board of State Public Health and

Environmental Managers) and Rural Water Supply, (New York State Department of Health).

- c. When the proposed source of water for a Development is groundwater, the Review Board may require the applicant to undertake studies including a hydrogeologic study to determine the impact of the proposed withdrawal of ground water on surface water flows and on existing users of the same supply of water.
 - d. In determining the need for studies or additional information from the Applicant or developer, the Review Board shall be guided by the history, if any, of ground water supply problems at the Site and in the vicinity of the proposed Development and by any available groundwater or aquifer studies.
5. Erosion, Sediment Control and Stormwater Runoff - The proposed Development shall control soil erosion, sedimentation and stormwater runoff during construction and after the project is completed and shall comply with Town of Caroline Local Law #2 of 2007, Stormwater Management and Erosion and Sediment Control.
6. Transportation - The Site Plan shall provide for diverse and safe pedestrian, bicycle, emergency service vehicles, and motorized traffic measures. The following standards are intended to ensure that the siting of proposed Developments and the associated transportation services for pedestrians, bicycles, emergency service vehicles, and motorized traffic are safe, efficient, and designed for proper future maintenance. In order to achieve these goals, the Review Board may require the developer to prepare and implement a Transportation Plan and/or a Traffic Impact Analysis.
- a. Any highways to be dedicated to the Town shall meet the Town Highway Specifications as they may exist and the provisions of Local Law No. 2 of the year 1996 (Local Road Classification) except where the provisions of such local law shall conflict with the provisions herein, in which case the provisions herein shall govern.
 - b. For road sections to be dedicated to the Town (whether by title in fee or by easement), highways and highway appurtenances (such as, but not limited to culverts) shall be constructed to serve the anticipated traffic and according to the Town Highway Specifications as they may exist.
 - c. The highway system shall be designed with due regard to the need for:
 - i. Convenient traffic access and circulation,
 - ii. Traffic control and safety,
 - iii. Safe movement of emergency service vehicles on road system, and within drive- ways,
 - iv. Adequate sight distances at all intersections, and along and over all curves and hills, and
 - v. Stormwater management.
 - d. Highways shall be designed to promote a coordinated highway system. When a proposed Development adjoins undeveloped land, its streets shall be laid out to promote suitable future street connections with the adjoining land where appropriate.
 - e. In areas served by the local public transportation system, the Development shall be designed to provide for the efficient and safe operation of such services. The Review Board may require that local public transportation provider(s) have an opportunity to review and comment upon any Development and its related plans.
 - f. The Development shall not result in a significant decrease in the quality or lifetime of the road and increased negative impacts on the safety of all users of the road.

- g. The Development is encouraged to provide to the extent possible support for transportation choices such as bike racks and/or storage, dedicated car share parking spaces, a car or van pooling service, electric vehicle (EV) charging stations, or local public transportation for persons with disabilities.
7. Public Services - All appropriate public service providers shall be provided with information regarding the proposed Development. The Applicant shall provide a narrative describing how the following public service providers have been notified in writing of the proposed Development and shall provide to the Review Board copies of all written responses:
- a. Fire Protection and Emergency Medical Services - The appropriate fire department and emergency ambulance service provider should be provided plans.
 - b. Street Lighting - The lighting district commissioner, currently the Town Board, should be provided with lighting plans.
 - c. School Services - Site Plan applications should be provided to the appropriate school district.
 - d. Public Transportation - Public transportation providers should be provided with the Development Plan.
8. Utility Services - All appropriate utility service providers shall have an opportunity to review the proposed Development, shall provide a narrative describing how the following utility service providers have been notified in writing of the proposed Development, and shall provide to the Review Board copies of all written responses:
- a. Electricity - The appropriate utility company should be provided plans.
 - b. Gas - The appropriate utility company should be provided plans.
 - c. Telecommunications - The appropriate telephone, cable and internet or broadband provider company should be provided plans.

Further, all Developments and Land Use Activity proposals shall take into account the potential future need and impact upon neighboring properties relative to future utility extensions, line and service capacities, and the size and location of any service easements or installations.

9. Flood Hazard Prevention - The proposed Development shall not create new or increase existing flooding hazards in flood hazard zones. In order to prevent inundation by flood waters, when a Development is within or adjacent to a Special Flood Hazard Area, all Development (including filling, paving, and storage of equipment and materials) shall be in compliance with the Local Law No. 2 of 2007, Stormwater Management and Erosion and Sediment Control and Local Law 1 of 2021 (Flood Damage Prevention Law).
10. Agriculture - The proposed Development shall minimize impacts on existing Agricultural Operations, Agricultural Districts, or Agricultural Resources, and the following matters shall be adhered to:
- a. The Development shall to the extent possible avoid precluding future agricultural use of lands with Prime Agricultural Soils, Prime Agricultural Soils if Drained and Farmlands of Statewide Importance through such tools as clustering of structures and minimizing paving.

- b. The Applicant or developer shall complete and submit an Agricultural Data Statement pursuant to Section 4.1 (C) and address the impact the Development will have upon agriculture and Agricultural Operations (such as light, sound, smell, dust, etc.), as well as the impacts Agricultural Operations may or will have on the proposed Development.
 - c. When required by law, a Notice of Intent or other impact statement should be delivered to the New York State Department of Agriculture and Markets in accord with the Agriculture and Markets Law.
11. Air Quality - Development plans shall comply with air quality standards set forth by the NYS Department of Environmental Conservation and US Environmental Protection Agency thresholds for air emissions. The Review Board may request the Applicant submit copies of required documents or permits from these agencies to the Board.
12. Sound
- a. Structures shall be located, constructed, and insulated to mitigate on-site noise from interfering with the use of adjacent properties.
 - b. Methods for blocking noise shall be used where appropriate and may include sound baffles, soundproofing, fencing, walls, and natural buffers, such as berms and landscape planting with deciduous and coniferous trees and large shrubs.
 - c. Sounds produced at magnitudes, frequencies, timing, and/or for durations deemed to have negative impacts on human health shall be avoided to the extent possible.
13. Lighting -
- a. Exterior lighting shall enhance the building design and the adjoining landscape.
 - b. The number of Luminaires and the intensity of lighting shall be appropriate to illuminate the location for safety, without Glare to adjoining properties and streets. Luminaires shall be fully shielded to prevent light from shining beyond the lot lines onto neighboring properties or public ways. The light level at the lot line shall not exceed 0.2-foot candles, measured at ground level. Glare shall be controlled as follows:
 - i. Any Luminaire with a lamp or lamps rated at a total of more than 1,800 lumens, and all flood or spot Luminaires with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the Luminaire.
 - c. The number of Luminaires and the intensity of lighting shall be appropriate to illuminate the location for safety, while minimizing glare to adjoining properties and streets and minimizing uplight. To achieve this goal, lighting fixtures, illumination levels, and placement shall be Dark Sky Compliant. Lighting fixtures shall carry the International Dark-Sky Association (IDA) Fixture Seal of Approval. Excessive lighting for promotional/visibility purposes is not allowed. The operation of searchlights for advertising purposes is prohibited.
 - d. To the extent possible, controls should be provided that automatically extinguish outdoor lighting when sufficient daylight is available using a control device or system. All lighting must be turned off between 10:00 p.m. and 6:00 a.m. Exceptions will be granted on a case-by-case basis for those facilities which are operating or have a demonstrated need for lighting during these hours.
 - e. The Review Board may require a Photometric Plan with the Site Plan to show that the above criteria are met.

14. Energy Use and Greenhouse Gas (GHG) Emissions – In the interest of project design that reduces energy demand, maximizes the energy efficiency of new facilities, and encourages the adoption of renewable energy systems, site Plans for proposed Developments and Land Use Activity shall meet all requirements of the New York State Energy Code. Applicants are encouraged to also comply with the New York State Stretch Code.
15. Scenic Resources – The design of the Development should not block or alter Scenic Resources, particularly as seen from public roads, trails, and public access rights of way. The Review Board may request a Visual Impact Assessment be submitted.
16. Plant and Animal Resources – The Development should minimize disturbance of mature woodlands and existing hedgerows and tree lines between fields/pastures/meadows to the extent practicable. The Development must not adversely impact important natural resources including Critical Environmental Areas, Unique Natural Areas, and State-mapped areas of Significant Natural Communities, nor species that are endangered or threatened, and shall conserve to the extent possible the habitats of Species of Special Concern, Species of Greatest Conservation Need, and Common Birds in Steep Decline as may be identified by New York State.
17. Historic, Archeological, and Cultural Resources - The design shall incorporate and preserve sites of historic, archeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature.
18. Architectural and Design Features – Developments shall comply with the Town Design Standards in Article VI of this Law.
19. Buffering Existing Uses - The Development shall maintain sufficient buffer areas between the Development and adjacent areas to minimize conflicts between the Development Site and neighboring uses, including Residential and agricultural uses.
20. Economic and Fiscal Impact. The Development shall support the Town’s continued economic viability. In addition, the Development shall not have a negative net fiscal impact on the Town budget. The Review Board may require an Economic Impact Assessment based on the goals of the Comprehensive Plan and information provided in the Economic Information Sheet.
21. Site Restoration Requirements. Developments may, at the discretion of the Review Board, be required to post escrow funds sufficient for restoring a site to the pre-Development state, to mitigate potential future abandonment by the applicant.

Section 7.5 Site Plan Review Process – General Procedures

- A. General Procedures. Prior to undertaking any Development, Disturbance, Site Development, or Land Use Activity subject to this Article, a Site Plan approval by the Review Board is required. The Code Enforcement Officer will review all building permit applications to determine whether the proposed Development or activity requires site plan review and approval. If it is determined that it does, the Code Enforcement Officer will notify Applicant of the need to file a Site Plan review application and shall refer the application to the Review Board. The Site Plan review process is summarized as follows:
1. Sketch Plan Conference;
 2. Submission of a Site Plan Application and Permit Fee;
 - a. Review Board Review;
 - b. Tompkins County 239 Review (as appropriate);
 - c. Public Hearing (as appropriate);
 - d. SEQR
 - e. Final Decision
- B. Sketch Plan. A Sketch Plan conference is required between the Review Board and the Applicant prior to the preparation and submission of a formal Site Plan. The intent of such a conference is to enable the Applicant to inform the Review Board about the proposed Development prior to the preparation of a detailed Site Plan, and for the Review Board to review the basic Site design concept, advise the Applicant as to potential problems and concerns, and to generally determine the information to be required on the Site Plan. In order to accomplish these objectives, the Applicant shall provide the following:
1. A project narrative and draft plan showing the locations and dimensions of principal and accessory structures, All Weather Surface areas, active agricultural land and Agricultural Districts, existing and proposed vegetation (woodlands, existing fields, pastures, meadows, hedgerows, and tree lines), other planned features, surface water features including creeks, Wetlands, and ponds, historic sites, Steep Slopes, Critical Environmental Areas, Unique Natural Areas, anticipated changes in the existing topography and natural features, and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;
 2. An area map showing the parcel under consideration for Site Plan review, its location within the Town, and all properties, subdivisions, streets, rights-of-way, easements and other pertinent features, including potential impacts related to lighting and sound, within 200 feet of the boundaries of the Site(s); and
 3. A topographic or contour map of adequate scale and detail to show Site topography and existing Site conditions, including those affecting drainage and stormwater runoff.

Sketch Plan materials shall be submitted at least 15 days before the conference at which they are to be considered by the Review Board. The Applicant shall submit digitally a package that includes the date, signature of the Applicant and/or representing party, and a cover page detailing the Sketch Plan Application contents, plus one hardcopy for each member of the Review Board (5 total), and one (1) hardcopy delivered to the Town Clerk.

Draft as of November 2022

- C. Waiver of Submission Requirements. As part of a Sketch Plan submission, the Applicant may request that the Review Board waive the requirement for the submission of particular information as part of the Sketch Plan submission or the Site Plan application. The Review Board, in making the determination, shall consider:
1. Whether the information required by this law is unrelated to the findings it is required to make under the law, or
 2. Whether the information required by this law is not relevant to the proposed Site Plan application.

The Applicant may submit a waiver to the Review Board outlining the request in writing, signed and dated, via hardcopy delivered to the Town Clerk or digitally sent to the Town Clerk and copied to the Code Enforcement Officer. Any such waiver by the Planning Board shall be done in writing providing reasonable detail and reference to the criteria found in the preceding section. Such written waiver shall include the reasoning for waiving of the requirements and how the waiver will not compromise the goals of the section.

- D. SEQRA Classification. As part of the Sketch Plan review, the Review Board shall make a preliminary determination as to whether the proposed project is a Type I Action, a Type II Action, or an Unlisted Action under SEQRA, and whether any review under the federal National Environmental Protection Act or Findings of No Significant Impact rules is required.
- E. Application Requirements. A formal application for Site Plan approval shall be made in writing to the chairperson of the Review Board and shall be accompanied by information contained in the checklist in Section 7.6. The information included in the application shall be drawn from the checklist in Section 7.6 as determined necessary by the Review Board at the previously held Sketch Plan conference.
- F. Submit Permit Fee. The Town Board shall, by resolution, periodically set a fee schedule for the review and processing of Site Plan applications and for the inspection of Development. This receipt must be filed with the application as evidence of payment. No application review will begin until the appropriate fee is filed with the Town Clerk with the Preliminary Site Plan Application.
- G. Review Board Use of Legal Counsel and other Expert Assistance
1. Funding Escrow Accounts. Any time the Review Board requires establishment of an escrow account to fund town-level review activities or consultants to assist in such review, Local Law 3 of 2000 (Fee Structures for Engineers and Attorneys) shall be followed. An Applicant shall deposit with the Town funds sufficient to reimburse the Town for the reasonable anticipated costs of engineering, legal, biological/ecological, and other consultant and expert evaluations and consultation reviews, as incurred by the Town or by the Review Board in connection with the review of any application.

The Review Board may seek legal counsel of the Town Attorney in the Site Plan Review process such as attendance at meetings with applicant and counsel regarding matters of meeting process and interpretation of these regulations. All costs for such legal and engineering services shall be borne by the applicant and shall follow procedures and requirements of Local Law 3 of 2000 (Fee Structures for Engineers and Attorneys). At any point in the Site Plan Review process the Review Board may elect to retain other private consultants or refer to the county or regional planning

staffs for review, comment, and advice on any aspect of the evaluation and approval of the site plan process at the expense of the applicant, with all costs borne by the applicant pursuant to the procedures of Local Law 3 of 2000 (Fee Structures for Engineers and Attorneys).

Section 7.6 Site Plan Review Process – Site Plan Checklist

- A. Unless specifically waived by the Review Board, the following Site Plan features shall be included in the application and submitted to the Town Clerk (or Code Enforcement Officer). The application for a site plan review shall not be considered complete and ready for review until the Review Board has deemed the application complete. No time frames pursuant to this local law shall start until the Planning Board deems the application complete. :

An application for Site Plan Review shall be submitted at least forty-five (45) days before the meeting at which it is to be considered by the Review Board. The developer shall submit digitally a package that includes the date, signature of the applicant and/or representing party, and a cover page detailing the Site Plan Application contents, plus one hardcopy for each member of the Review Board (5 total), and one (1) hardcopy delivered to the Town Clerk. The Review Board may, at its discretion, accept a Site Plan for review less than forty-five (45) days before it is to be reviewed but no less than 15 days prior to a meeting to allow for adequate review. A Site Plan application shall not be considered complete until the SEQRA review process has been concluded, and all timelines otherwise stated in this local law shall be deemed automatically extended as reasonably necessary to allow the SEQRA process to proceed and become completed, including, where elected or required, allowing sufficient time to conduct and conclude any public hearings and public comment periods.

1. Title of drawing, including name and address of Applicant and Person responsible for preparation of such drawing;
2. North arrow, scale of not more than 100 feet to the inch and date;
3. Existing conditions, including:
 - a. Active agricultural land, Agricultural Districts, Prime Farmland, Prime Farmland if Drained, and Farmland of Statewide Importance;
 - b. Floodplains, Wetlands, Steep Slopes;
 - c. Woodlands, existing fields, pastures, meadows, hedgerows, and tree lines;
 - d. Surface waters, including creeks, streams, springs, lakes and ponds, and vernal pools;
 - e. Existing wells, springs and sewage systems on the property or within 200 feet of any boundary;
 - f. Topography with contours of no more than two (2) foot intervals where any construction or Site Disturbance will occur, and, otherwise, no more than five (5) foot intervals; with such topographic or other map being required to denote and identify the location of rock outcrops, the depth to bedrock, the soil types and characteristics, and existing or proposed watercourses;
 - g. Historic, archeological, or cultural sites and resources;
 - h. Any feature mapped by DEC on the Environmental Resource Mapper;
 - i. Critical Environmental Areas;
 - j. Unique Natural Areas;
 - k. Areas of habitat suitable for or containing endangered or threatened species, or Species of Special Concern, Species of Greatest Conservation Need, or Common Birds in Steep

- Decline (see resources available by the DEC and on the Town website);
- l. Scenic Resources on or adjacent to the site or within view of the Development;
 - m. Streets and intersections, including name, location, width of right-of-way and pavement, centerline elevations at intersections and other critical points;
 - n. Rights-of-way and easements, including location, width, owner, and any use restrictions;
 - o. Drainage facilities, including ditches, ponds, and culverts, and, as appropriate, their location, invert elevations, sizes and gradients;
 - p. Utility systems, including water, sewage disposal, gas, electric, and as appropriate, the size and owner of such systems; and
 - q. Test hole data with date, location and a graphic representation of findings.
4. Proposed Development, including, as appropriate:
- a. Building placement.
 - b. Building design, including but not limited to massing, materials, fenestration, entrances, canopies, fencing, accessory or storage areas for service equipment, and rooftop equipment;
 - c. Streets, including proposed new highways and any improvements to existing highways, right-of-way and pavement width, and preliminary horizontal alignment;
 - d. Proposed All Weather Surface areas including parking and truck loading areas, showing access and egress;
 - e. Proposed temporary access, parking, storage and staging areas or areas that may be disturbed during construction;
 - f. Proposed future use of the land within the Development;
 - g. Drainage facilities, including location of proposed drainage facilities or improvements, with pipe sizes, grades, and directions of flow;
 - h. Location of utilities, including gas, electricity, telephone, cable, and streetlights;
 - i. Erosion control plans, including grading plans, if existing elevations or contours are to be changed more than two feet;
 - j. Proposed restrictions on the use of the land, including easements, rights-of-way, and covenants;
 - k. Proposed vegetative buffers and landscaping;
 - l. Location and proposed development of all buffer areas, including existing vegetative cover;
 - m. Location and design of outdoor lighting facilities, including photometric data if requested by the Review Board;
 - n. Location, size and design of any proposed signs;
 - o. Predicted energy use and measures to minimize energy use and use of fossil fuels;
 - p. Predicted noise at the property line, including magnitude, frequencies, timing and duration, and design to minimize noise;
 - q. Predicted solid waste production and solid waste management plans for the Development;
 - r. An estimated project construction schedule, including a phasing plan if the project is to be built in phases.

Draft as of November 2022

- s. Record of application for and status of all necessary permits from other governmental bodies;
- t. Identification of any permits from other governmental bodies required for the project's execution;
- u. The State Environmental Quality Review (SEQR) Part I Full Environmental Assessment Form (FEAF) or Short Environmental Assessment Form (SEAF) form, as applicable.
- v. An agricultural data statement as required by NYS AML 25-aa.
- w. Economic Information Sheet (available from the Town Clerk or on the Town website); and
- x. Other elements integral to the proposed Development as may be considered necessary in the particular case by the Review Board, including various analyses or reports as noted in prior sections that may be required by the Review Board.

3. Additional Requirements for Site Plans.

If, upon a review of the materials submitted by the applicant, the Review Board determines that a proposed commercial project could have traffic impacts, the Review Board may require the applicant to prepare and submit a traffic impact analysis. Costs for all reports, assessments, or plans required by the Planning Board shall be borne by the applicant pursuant.

a. Traffic Report. Traffic Reports shall include the following for the study area:

1. Internal traffic flow analysis.
2. Existing and projected average daily traffic and peak hour levels.
3. Existing and projected intersection levels of service (LOS).
4. Directional vehicular flows resulting from the proposed project.
5. Proposed methods to mitigate the estimated traffic impact.
6. Identification of any pedestrian crossing issues.
7. The methodology and sources used to derive existing data and estimations.

Section 7.7 Site Plan Review Process

Section 7.7.1 Review Board Review

- A. Review Criteria - The Review Board shall review the Site Plan application for the applicability of Review Criteria (7.3 and 7.4) of this local law.
- B. Design Standards - The Review Board shall review the Site Plan application to determine whether it complies with the Design Standards in 6.2. With permission of the property owner which shall not

Draft as of November 2022

be withheld, the Review Board may make a site visit to the proposed Development, with notification made to the applicant.

Section 7.7.2 Town Board Review of Proposed Public Highway or Facility Dedication

The purpose of Town Board review is for the Town Board to have an opportunity to review proposed Development where the Town will be asked to accept any offer of dedication of public highways or other public facilities, or to accept financial guarantees for the completion of any required infrastructure in the Development. The Town Board review, when required, shall occur after the Review Board has deemed the application complete, but before the public hearing.

A. Offers Of Dedication

When any public highways or other facilities are proposed to be offered by the Applicant for dedication to the Town, the Town Board shall review the Site Plan application. The Town Board shall notify the Applicant and the Review Board in writing whether the proposed highways or other facilities are eligible for acceptance. A finding by the Town Board that the proposed highways or other facilities are eligible for acceptance shall not obligate the Town Board to accept such facilities after they are constructed and formally offered to the Town. No decision on an application that requires a Town Board review shall be made by the Review Board until such review by the Town Board has been completed.

Section 7.7.3 Public hearing.

The Review Board shall conduct a public hearing on the site plan. Such hearing shall be held within sixty-two (62) days of the Review Board's acceptance of the site plan application as complete for review. A legal notice shall be advertised in the Town's official newspaper at least five (5) days before the hearing. The Review Board shall give the applicant at least ten (10) days notice by mail of the Public Hearing. The Review Board shall send, or require the applicant to send, notice of the Public Hearing to adjoining and abutting property owners, and those agricultural operators identified on the Ag Data Statement submitted by the applicant by certified mail, return receipt requested at least ten (10) days prior to the public hearing. The applicant shall submit certified mail receipts to the Review Board. The costs related to any legal notice or mailings shall be borne fully by the applicant.

Section 7.7.4 Referrals.

- A. Coordinated Review. The Review Board may refer the site plan for review and comment to local and county officials or their designated consultants, and to representatives of Federal, State and County agencies, including but not limited to the Soil Conservation Service, the New York State Department of Transportation, the New York State Department of Environmental Conservation, and the State or County Department of Health, whichever has jurisdiction.
- B. Required Referral. Prior to taking the final action on the site plan, and at least ten (10) days prior to the Public Hearing, and where applicable, the Review Board shall refer the plan to the Tompkins County Planning Agency Board for their review and approval pursuant to Section 239-m of the General Municipal Law.
- C. Required Agricultural Review. Pursuant to NYS Agriculture and Markets Law 25-aa, an application for a site plan review must also contain an agricultural data statement if any portion of the project is located on property within a New York State certified Agricultural District containing a farm

Draft as of November 2022

operation, or other property having boundaries within 500 feet of a farm operation located in an agricultural district.

The agricultural data statement shall contain the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district which contains farm property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement.

A written notice of such application and date of public hearing shall be mailed to the owners of land as identified by the applicant in the agricultural data statement. The Review Board shall evaluate the impact of the proposal on existing agricultural operations in that district. The Review Board may request an advisory opinion from the Tompkins County Farmland Protection Board, Tompkins County Soil and Water District, New York State Department of Agriculture and Markets, or other suitable agencies as needed, with any costs borne by the applicant.

Section 7.7.5 SEQR.

No application shall be approved without full compliance with SEQRA (Part 617).

Section 7.7.6 Review Board Decision.

Within 62 days of the close of the public hearing, the Review Board shall render a decision on the site plan. The Review Board's action shall be in the form of a written statement to the applicant stating whether the site plan is approved, disapproved or approved with modifications. The Review Board's statement may include modifications to be incorporated in the final site plan. Conformance with such modifications shall be considered a condition of approval. If the site plan is disapproved, the Review Board's statement will contain the reasons for such findings. In such a case, the Review Board may recommend further study of the site plan and resubmission to the Review Board after it has been revised or redesigned.

Section 7.7.7 Extension of Time.

The time period in which the Review Board must render its decision on the site plan may be extended only upon mutual consent of the applicant and the Review Board. However, failure of the Review Board to act within the time period specified or agreed upon between the applicant and Board, shall not constitute Review Board approval of the site plan as submitted or last amended, and shall not be deemed automatic approval.

Section 7.7.8 Decisions

- A. Approval. Upon approval of the site plan and payment by the applicant of all fees and reimbursable costs due to the Town, the Review Board shall endorse its approval on a copy of the site plan and shall, within five (5) business days of its decision, file with the site plan and a written statement of approval with the Town Clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.
- B. Approval with Modifications. The Review Board may approve the site plan and require that specific modifications or conditions be made. A copy of a written statement of approval containing the modifications required by the Review Board shall be mailed to the applicant by certified mail, return

Draft as of November 2022

receipt requested. The applicant shall submit a modified final site plan in reproducible form. Upon approval and after payment by the applicant of all applicable fees and reimbursable costs due the Town, the Review Board shall endorse its approval on a copy of the site plan and shall, within five (5) business days, file the site plan and a written statement of approval with the Town Clerk.

- C. Disapproval. The Review Board shall make a written statement if disapproval is the decision. Upon disapproval of the site plan, the Review Board shall, within five (5) business days, file the statement with the Town Clerk and mail a copy thereof to the applicant by certified mail, along with a letter stating the Review Board's reasons for disapproval.

Section 7.7.9 Revocation of Site Plan Approval.

Any approval shall expire after eighteen (18) months from the date of such approval unless the applicant shall have obtained all other necessary permits and approvals, commenced, and substantially proceeded with construction of the project in full conformity with the approved site plan. Failure of the Review Board to act within the time period specified or agreed upon between the applicant and Board, shall not constitute Review Board approval of the site plan as submitted or last amended, and shall not be deemed automatic approval.

Section 7.7.10 Inactivity by Applicant on Site Plan During Review

Should there be inactivity on the part of the applicant for over one year on any application, the Review Board shall consider any requested restart as a new application and shall follow all procedures pursuant to this local law starting with sketch conference.

Section 7.7.11 Performance Guaranties

- A. No certificate of occupancy shall be issued until all improvements shown on the site plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed. The sufficiency of such performance guarantee shall be determined by the town board after consultations with the Review Board, Code Enforcement Officer, town attorney and other appropriate parties. When an Applicant wishes to file or record the final Site Plan prior to completion of the proposed improvements, the Town Board may accept a Performance Guaranty for the completion of said work. In such cases, the Performance Guaranty shall be furnished by the Applicant for all required public improvements and utilities, and for all earthwork, landscaping, and Site restoration which are integral parts of the final Site Plan.
- B. If the Review Board determines it is necessary to ensure that all items on the Site Plan providing for adequate traffic flow, utilities, stormwater management, and other similar infrastructure items, are constructed in accordance with the approved Site Plan and any other pertinent specifications and requirements, or that a Performance Guaranty is needed to ensure adequate Site restoration, the Review Board shall make a written recommendation to the Town Board concerning the same and the Town Board shall determine whether any Performance Guaranty is required, and if so the type, sufficiency, and amount of the same. Until the required Performance Guaranty is provided to the Town, the Review Board shall not issue any approvals and the Enforcement Officer shall not issue building permits or certificates of completion, occupancy, or compliance, and all timelines for the same shall be extended until 10 days after a proper Performance Guaranty is so delivered and reviewed and accepted by the Town Board.

Draft as of November 2022

- C. No building permit shall be issued for a structure with an approved final Site Plan until the Applicant has furnished a Performance Guaranty. No final certificate of occupancy or certificate of compliance shall be issued until all improvements included in the Site Plan are completed, or until a sufficient Performance Guaranty has been so delivered and accepted by the Town Board for improvements.
- D. The Town Board may waive the requirements of this Section or may accept other evidence or promises of completion for required improvements if, in its discretion, it determines that there is no need for a Performance Guaranty.

Section 7.9 Waivers and Special Circumstances

- A. The purpose of this 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.
- B. Appeals from Administrative Decisions of the Code Enforcement Officer
Any Applicant for Site Plan approval or other Person who is aggrieved by a requirement or determination of the Code Enforcement Officer affecting the interpretation, applicability, compliance with or enforcement of any term or requirement of this local law, may appeal to the Zoning Board of Appeals for a review of such requirement or determination. The appeal by any aggrieved Person shall be made in writing, shall set forth in a reasonably concise manner the determination or matter from which an appeal is made, and a full statement of the particulars and reasons why the Person believes the requirement or determination should be reviewed. Such appeal must be filed with the Chair of the Zoning Board of Appeals at least twenty (20) days prior to the next meeting of the Review Board at which the appeal shall be heard. The Zoning Board of Appeals shall follow all requirements and procedures of Article X of this Zoning Law. An appeal shall be taken within sixty days after the filing of any order, requirement, decisions, interpretation or determination of the Code Enforcement Officer.
- C. Appeals from Review Board Determinations
Any person aggrieved by any decision of the planning board or any officer, department, board or bureau of the town, may apply to the New York State Supreme Court for a review by a proceeding under Article 78 of the Civil Practice Law and Rules. Such proceedings shall be instituted within

Draft as of November 2022

thirty (30) days after the filing of a decision in the office of the Town Clerk.

D. Building Permit Issuance

The Code Enforcement Officer shall not issue a building permit or Certificates of Occupancy or Compliance for any structure(s) requiring a permit, such Certificates, or any approval hereunder, unless the approved final Site Plan is filed or recorded in the office of the Town Clerk, and until any other applicable requirements have been met.

E. Effect of Failure to Receive Approvals

Until the Review Board has given final approval to a Site Plan and the final Site Plan has been filed or recorded in the offices of the Town Clerk, no building permit for construction shall be issued and no other work on the property shall be permitted, including any Site Development or Disturbances. Any permit or approval improperly or erroneously issued may be revoked by the Enforcement Officer. Any action taken or work performed upon or with respect to the lands within the Site Plan area, and any expenses incurred prior to final approval of the Site Plan, shall be assumed and undertaken solely at the risk of the owner of the land or the Applicant, and such expenditures, claims, or losses shall not give rise to any claim for damages against the Town or the Review Board by the landowner, Applicant, or developer.

Section 7.10 Abbreviated Site Plan Review

- A. Purposes. This Section details a process that promotes maximum efficiency and timeliness of project approval by establishing an abbreviated review process. All uses identified in Table 1 as requiring Abbreviated Site Plan Review (ASPR) shall meet all procedures and standards of this section. The Abbreviated Site Plan Review (ASPR) process has also been established to enhance protection of water resources of the Town and is applied to certain uses located within the Water Resources and Flooding Overlay District. ASPR promotes siting of land disturbances to minimize or avoid important adverse impacts to natural resources, adjacent uses, and the community.
- B. Applicability. Uses of land listed in Table 1 of Article IV as requiring Abbreviated Site Plan Review (ASPR) and proposed land uses, including residential structures, having a building envelope located within the mapped Water Resources Overlay District shall be reviewed and approved by the Review Board using the process of Abbreviated Site Plan Review (ASPR) pursuant to this sub-section prior to any issuance of a building permit. Agricultural structures and operations are exempt from this sub-section.
- C. Application. If referred to the Review Board for an abbreviated site plan review, the applicant shall provide seven (7) copies of the following information to the Review Board at least ten (10) days prior to a regularly scheduled Review Board meeting.
1. As part of this application, the Review Board shall accept printed maps included in the Town of Caroline Comprehensive Plan, Natural Resource Inventory, or from Tompkins County showing the natural resources. A surveyed plan is not required.
 2. The application for an ASPR shall include:
 - a. A statement and rough sketch showing the locations and dimensions of the building envelope which includes principal and accessory structures, driveways and curb cut.

Draft as of November 2022

- b. A description and map of existing conditions and general anticipated changes in the existing topography, natural features, and where applicable, wetlands, streams, flood hazards and slopes over fifteen (15%) and also showing the footprint of the proposed structure; the percent of the total lot area that will be covered in impermeable surfaces; the location of proposed water well, septic tank and the primary, and secondary (if required), leach field; and the location of land disturbances.

D. Review Board Action on Abbreviated Site Plan

1. The Review Board shall, at the first regularly scheduled meeting held after submission of the abbreviated site plan application, begin the review process. Incomplete applications shall be returned to the applicant, without prejudice, with a letter stating application deficiencies. No abbreviated site plan application shall be deemed complete until the application form, fee, if any has been established by the Town Board for ASPR, and site plan information described in Sub-Section 7.10 (C) (2) have been accepted by the Review Board.
2. Once a complete application has been received, the Review Board shall conduct its abbreviated review and render a decision in one meeting unless an extended time frame is mutually agreed upon pursuant to Subsection D (8). If the application is deemed complete, the Review Board shall conduct its review and render a decision on the abbreviated site plan at the first regularly scheduled meeting held after submission of the abbreviated site plan application to the Review Board. The Review Board's action shall be in the form of a resolution stating whether the abbreviated site plan is approved, disapproved, or approved conditionally with modifications. Any modification required by the Review Board shall be considered a condition for the issuance of a building permit. If the abbreviated site plan is disapproved, the Review Board's resolution will contain the reasons for such findings. In such a case, the Review Board may recommend further study of the site plan and resubmission to the Review Board after it has been revised or redesigned.
3. Applications for ASPR are exempt from SEQR pursuant to 6 NYCRR Part 617.
4. Abbreviated Site Plan Criteria.
 - a. The building envelope shall be sited to preserve significant natural, ecological, cultural, and historical features on the site to the maximum extent practical. The Review Board is authorized to apply specific standards as deemed necessary pursuant to Article VII, Section 7.4 to mitigate impacts of the proposed project to the Town's natural resources.
 - b. The location of the building envelope shall be such that pollution of air, water (surface and groundwater) is avoided or mitigated to the maximum extent practicable.
 - c. The building envelope shall also be sited outside stream buffers and mapped floodplains to avoid impacting stream and streamside vegetation to the greatest extent practical.
 - d. The proposed development shall provide proper surface water management that preserves existing drainage patterns, protects other properties and public roadways, and mitigates water quality impacts to the greatest extent practical.
 - d. The location of the building envelope shall ensure adequate water supply and sewage disposal.
5. Approval. Upon approval of the abbreviated site plan, the Review Board shall endorse its approval on a copy of the site plan and shall, within five (5) business days of its decision, file

with a copy of the approved resolution approving the abbreviated site plan with the Code Enforcement Officer. A copy of the written statement of approval shall be mailed to the applicant. Upon approval of the abbreviated site plan, the applicant shall be eligible to apply for a building permit.

6. Approval with Modifications. The Review Board may approve the abbreviated site plan and require that specific modifications or conditions be made. A copy of the resolution of approval containing the modifications required by the Review Board shall be mailed to the applicant and filed with the Town Clerk and the Code Enforcement Officer. The Code Enforcement Officer shall not issue a building permit until the modified abbreviated site plan has been reviewed and certified by the Code Enforcement Officer that the plan reflects modifications as required by the Review Board.
7. Disapproval. The Review Board shall make a resolution if its decision is to disapprove the application. The resolution shall set forth the reasons for the Board's decision not to approve the application. Upon disapproval of the site plan, the Review Board shall, within five (5) business days, file the resolution with the Town Clerk and Code Enforcement Officer. No building permit shall be issued when an abbreviated site plan has been disapproved.
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.
9. Any person aggrieved by a decision of the Review Board may apply to the New York State Supreme Court for review by a proceeding under Article 78 of the New York Civil Practice Law and Rules. Such proceedings shall be instituted within thirty (30) days after the final decision by the Review Board is filed in the office of the Town Clerk. Such proceedings shall be governed by the specific provisions of New York Civil Practice Law and Rules Article 78.

ARTICLE VIII SPECIAL USE PERMITS

READER'S AID: Certain uses included in the Use Table of Article III are permitted only after review and approval by the Review Board and issuance of a Special Use Permit. Uses subject to a Special Use Permit are allowed and permitted in Caroline but have characteristics that may make it more difficult to co-exist with other uses in the district. The Special Use Process allows the Review Board to allow for these uses with conditions placed to take care of issues that may be associated with that use. This section of the Zoning Law contains the review and approval process for special uses by the Review Board. The process for reviewing a special use permit is dictated by New York State Town Law 274-b. Most special uses listed in the Use Table also require site plan review and approval and this review is expected to be done by the Review Board at the same time as the Special Use Permit review.

The special use process is oriented to the use, while the site plan process is oriented to the siting of features on the parcel. It reviews a proposed building use within the context of surrounding land uses whereas the Site Plan Review process reviews the siting of a building and its associated site features on its own site.

Section 8.1 Authorization to grant or deny special uses.

The Town Board authorizes the Review Board to grant or deny special uses in accordance with the requirements set forth in this Article. No use listed in this law as requiring a special use permit may be allowed, enlarged or altered unless approved by the Review Board pursuant to this Article.

Section 8.2 Applications for special use.

All applications for a special use permit shall be made in writing. The application, required information, fee, if any, shall be delivered to the Code Enforcement Officer at least ten (10) days prior to the date of the next regular meeting of the Review Board in order to be considered.

- A. Informal consultation. Prior to submission of a formal application, applicants are encouraged to meet with the Code Enforcement Officer and the Review Board to review submission requirements and expectations.
- B. Seven copies of the application and the required information shall be submitted.
- C. The application must include an Environmental Assessment Form (EAF) and all necessary documentation to comply with the State Environmental Quality Review Act, Part 617 (SEQRA).
- D. Fees. The special use permit application shall include payment of all fees as may be established by the Town Board and detailed in the Town of Caroline Fee Schedule. All required fees shall be paid prior to Review Board consideration of the application, except for the initial, informal discussion with the Review Board. Application fees are in addition to any required escrow fees as may be established by the Review or Town Board for a particular development application.

Draft as of November 2022

- E. Escrow Expenses. Any time the Review Board requires establishment of an escrow account to fund town-level review activities or consultants to assist in such review, Local Law 3 of 2000 (Fee Structures for Engineers and Attorneys) shall be followed.

Section 8.3 Procedures

- A. Coordination with Site Plan. For any application that requires special use approvals, site plan review and approval by the Review Board shall also be required. The Review Board shall conduct site plan application special use permit applications concurrently with the same submissions. All procedural and submission requirements shall be coordinated so as not to delay review and decision-making. In order to facilitate this coordination, any required information from Article VII (Site Plan Review) shall accompany the special use permit application.
- B. Area Variances. Where a proposed special use permit contains one or more features which do not comply with the dimensional requirements of this Zoning Law, application may be made directly to the Zoning Board of Appeals to seek an area variance pursuant to Article XI, without the necessity of a decision or determination by the Code Enforcement Officer.
- C. Use variances. Where a proposed special use permit request contains one or more uses which do not comply with the permitted uses for the district, a use variance request shall be made to the Zoning Board of Appeals. All use variance applications submitted to the Zoning Board of Appeals shall be made only after denial of a permit by the Code Enforcement Officer.
- D. Waivers. The Review Board may find that some requirements of this Article are not requisite in the interest of the public health, safety or general welfare as applied to a particular project or application or are inappropriate to a particular special use application. In such cases, the Review Board may, in its sole discretion and when reasonable, waive any requirements for the approval, approval with modifications, or disapproval of proposed special uses submitted provided such a waiver does not prevent or circumvent the purposes and intent of any Town of Caroline law or regulation or the Comprehensive Plan. Any such waiver, which shall be subject to appropriate conditions set forth in this Local Law, may be exercised in the event any such requirements are found not to be requisite in the interest of the public health, safety or general welfare or inappropriate to a particular special use permit. 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. The Review Board must state, in writing, its grounds for electing to conduct less intensive review or waive requirements and file such statement along with the special use permit application and supporting documents. Requirements of this law may not be waived except as properly voted by the Review Board.
- E. Public Hearing Required. Within sixty-two (62) days of receipt of a complete application for a special use permit, the Review Board shall hold a public hearing. Notice of the public hearing shall be published in the official newspaper of the Town at least five (5) days prior to the date set for the public hearing. The Review Board shall send, or cause to be sent, notice of the Public Hearing to abutting property owners as well as those agricultural operators identified on the Agriculture Data Statement by certified mail, return receipt requested at least seven (7) days prior to the public hearing.

Draft as of November 2022

- F. Notice to Applicant, Adjacent Towns, and Tompkins County Planning Board. At least ten (10) days before a scheduled public hearing, the Review Board shall mail a public hearing notice to the applicant, to all adjacent municipalities, and to the Tompkins County Planning Board as required by Section 239-m of the General Municipal Law. The notice shall include a full statement of the proposed action.
 - 1. Pursuant to GML 239-m, the Tompkins County Planning Board shall have thirty (30) days after receipt of the full application to review the special use permit application. A longer time period may be acceptable only when mutually agreed upon by the County Planning Board and the Town of Caroline Review Board. If the County Planning Board fails to report within 30 days or within the extended time frame established between the County Planning Board and the Town, the Review Board may take final action on the proposed action without their report. However, any County Planning Board report received after thirty days or such longer period as may have been agreed upon, but two or more days prior to final action by the Review Board and such report recommends modification or disapproval, the Review Board shall not act contrary to such recommendation except by a vote of a majority plus one of all the members.
- G. SEQRA. The Review Board shall comply with the provisions of the New York State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations. An application shall not be deemed complete until a Negative Declaration has been adopted, or until a draft environmental impact statement has been accepted by the lead agency as satisfactory with respect to scope, content, and adequacy.
- H. Other Agency Review. In its review of the special use permit application, the Review Board may consult with professionals such as, but not limited to, an engineer, attorney, surveyor, or land use/environmental planner, and other Town and county officials and boards, as well as with representatives of federal and state agencies, including the Soil and Water Conservation District, the United States Army Corps of Engineers, or the New York State Department of Environmental Conservation. All fees related to consultation with professionals shall be borne by the applicant as per Section 7.2 (B) above.
- I. The Review Board shall require proof that all permits required by other agencies have been applied for prior to issuing final approval. The Review Board may approve a special use permit application contingent upon final approval by other agencies. However, the Code Enforcement Officer shall ensure that all other agency approvals have been received and all conditions required by the Review Board are met prior to issuing a Town building permit.
- J. Decisions
 - 1. Time of Decision. The Review Board shall decide upon the special use permit application within sixty-two (62) days after the close of the public hearing, provided compliance with the requirements of SEQRA and the General Municipal Law Section 239-m have been made. The time within which the Review Board must render its decision may be extended by mutual consent of the applicant and the Review Board.
 - 2. Type of Decision. In rendering its decision, the Review Board shall approve, disapprove, or approve with modifications and conditions, the special use permit application. In authorizing the issuance of a special use permit, the Review Board has the authority to impose such reasonable

Draft as of November 2022

conditions and restrictions as are directly related to, and incidental to, the proposed special use. Upon its granting of said special use permit, any such conditions must be met before issuance of building permits by the Code Enforcement Officer.

3. Filing. The decision of the Review Board shall be filed in the Office of the Town Clerk within five (5) business days of the date such decision is made, and a copy shall be mailed to the applicant.
4. A special use permit shall be deemed to authorize only the particular special use or uses permitted by the Review Board and in the manner in which it was approved. Once a special use permit has been granted, it shall apply to the approved use on that parcel regardless of ownership. Any changes to that approved use such as new construction, enlargement of the structure or accessory structures or site features, increased parking, new signage, or other changed intensity of use or use of outdoor areas shall require an updated site plan prior to initiation of such changes.

Section 8.4 Lapses and Expiration

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 three years after 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 shall cease for more than three years 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, or reinstate with conditions 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 Enforcement Officer.

Section 8.5 Renewal of Permit

The Review Board, as a condition of approval, may require that a special use permit be renewed periodically. When the Review Board has established such a condition of approval, at least ninety (90) days prior to the expiration of a special use permit, the applicant shall apply to the Code Enforcement Officer for renewal of the special use permit. The Code Enforcement Officer shall inspect premises, verify that the conditions of the permit have been met, and if so, may renew the permit for a time equal to the original special use permit. Where the Code Enforcement Officer determines that the applicant has not complied with the special use permit or permit conditions, permit renewal shall require Review Board approval.

Section 8.6 Existing violation

No special use permit shall be issued for a property in violation of this Zoning Law unless the granting of a special use permit and site plan approval will result in the correction of the violation.

Section 8.7 Deemed to be conforming

Any use for which a special use permit may be granted shall be deemed a conforming use in the district in which the use is located, provided that the special use permit shall affect only the lot, or portion of the lot, which is the subject of the special use permit application.

Section 8.8 Expansion of special use

The expansion of any special use shall require amendment and approval by the Review Board in accordance with the procedures set forth in this Zoning Law for special uses. For purposes of this section, expansion shall be interpreted to mean an increase except for de minimus changes in the floor or lot area allocated to the special use, an increase in development coverage, increased hours of operation, a change in time of day of operation, or an increase in the intensity of the use, e.g., an increase in traffic or need for on-site parking.

Section 8.9 Factors for consideration and Conditions

- A. In authorizing the issuance of a special use permit, the Review Board shall take into consideration the public health, safety, and welfare of the community, the purposes of this Zoning Law, the Town of Caroline Comprehensive Plan, and the following factors. The Review Board shall establish appropriate project conditions and safeguards to ensure the proposed use's scale, intensity, design, and siting are compatible with adjoining properties, with the natural and built environment, with the character in the area, and to ensure that the following factors of 8.9 (C) are met.
- B. Restrictions and/or conditions may include those related to the design of structures or operation of the use (including hours of operation) necessary either to ensure compatibility with the surrounding uses or to protect the resources of the Town.
- C. The Review Board shall consider:
 - 1. The proposed special use is consistent with the requirements for site plan approval established in Article VII.
 - 2. The proposed special use protects natural environmental features and will have no greater overall impact on the site and its surroundings than if the property were developed by uses permitted by right, considering environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare or any other nuisances.
 - 3. The proposed special use is consistent with the policies of the adopted Town of Caroline Comprehensive Plan.
 - 4. The proposed special use shall not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood or district.

Draft as of November 2022

5. The proposed special use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
 6. The establishment, maintenance, or operation of the proposed special use shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use.
 7. The location, arrangement, size, nature, intensity of operations, and design of the special use, including all principal and accessory structures associated with that use, shall be in harmony with the orderly development of the district and shall be compatible with the neighborhood in which it is located and with the rural and small town character of Caroline, with any existing agricultural activity in the district, and shall safeguard the values of surrounding properties from noise, glare, unsightliness, or other objectionable features.
 8. The special use shall not significantly negatively impact historic or scenic features.
 9. The level of municipal and other services required to support the proposed use is, or will be, available to meet the needs of the proposed activity or use. This consideration shall include the suitability of water supply and sanitary sewage facilities, transportation and other infrastructure to accommodate the intended use.
- B. The Review Board decision shall include reasonable assurance that their conditions and safeguards can be monitored and enforced.

ARTICLE IX NON-CONFORMING USES AND STRUCTURES

READER'S AID: Some existing lots, buildings or uses will not be able to conform to the new requirements established in this law. Lots, uses and buildings that do not conform to this law at the time of its enactment are considered "non-conforming". This section details how these lots, buildings or uses can be continued (commonly known as "grandfathering").

Section 9.1 Nonconforming Buildings, Uses and Lots May Continue

- A. Any lawful lot, building, structure, or use of premises existing at the time of enactment of this Local Law, or of any subsequent amendment to this Local Law may be continued even though the lot, building, structure, or use of premises does not conform to the provisions of such local law.
- 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 no variance shall be required to develop such lot provided that all applicable laws and regulations related to potable water and sewage disposal facilities as required by the Town of Caroline, Tompkins County Department of Health, New York State Department of Health, and/or the New York State Department of Environmental Conservation are satisfied.

Draft as of November 2022

- C. In any district where residences are permitted, such undersized nonconforming lots may be used for not more than one single family dwelling. However, any existing under-sized nonconforming lot shall be allowed to be subdivided once to create two nonconforming lots provided that all other requirements for such use and lot can be met and all applicable laws and regulations related to potable water and sewage disposal facilities as required by the Town of Caroline, Tompkins County Department of Health, New York State Department of Health, and/or the New York State Department of Environmental Conservation are satisfied.
- D. No lot shall be reduced in area so that it creates a nonconforming size or use in violation of any regulations contained in this Local Law.

Section 9.2 Discontinuance of Nonconforming Use

- A. When any nonconforming use is discontinued for a period of more than three years, the nonconforming status of that use shall be terminated. When a nonconforming use is terminated, it shall then be replaced only by a conforming, permitted use.

Section 9.3 Changes, Expansions, Alteration, Restoration

- A. No use, building or land shall be permitted to revert to a nonconforming use once it has been changed to a conforming use.
- B. If the only nonconformity is related to dimensions of a parcel or of a building on a parcel (size, height, minimum setback, yard, building size, etc.), then in the event a nonconforming building is destroyed by flood, fire, or other natural disaster, it may be rebuilt only to be the same footprint of the prior building.
- C. Both a nonconforming use and a nonconforming building may be expanded up to an additional 25% of the existing operation or size, whether measured by building size, or by volume or intensity of the operation that existed at the time of the adoption of this Local Law. However, such expansion shall be required to be approved by the Review Board as a special permitted use and with an approved site plan pursuant to Article VII and VIII of this Local Law. In such case, the special use standards and current site plan requirements of the particular zone shall be met.

Section 9.4 Necessary Maintenance and Repairs

Nothing in this Local Law shall prevent the renovation, repair or maintenance of a nonconforming structure or lot made necessary by ordinary wear and tear. All buildings or structures related to a nonconforming lot, building or use may be repaired or restored to a safe condition.

ARTICLE X ENFORCEMENT AND ADMINISTRATION

Reader Aid Box: Towns are empowered to create any or all of three different enforcement officers. The Zoning Enforcement Officer is authorized to issue zoning permits, inspect, and enforce this zoning law. The Building Inspector is authorized to issue building permits, inspect, and enforce the New York State Uniform Fire Prevention and Building Code and the New York State Energy Conservation Construction Code. The Code Enforcement Officer is similar to the Building Inspector but has broader duties and is tasked with the enforcement of the Building Code of New York State as well as all other local laws, and ordinances dealing with building construction, renovations (interior and exterior), and building demolition and removal. These duties may be held by individual staff or combined into one staff position. This section details how this zoning law will be enforced and by whom.

- A. This Local Law shall be enforced by the Code Enforcement Officer (CEO) who shall be appointed by the Town Board. No building permit or certificate of occupancy shall be issued by him or her, except where all the provisions of this Zoning Law have been complied with. Enforcement procedures shall include all requirements of Local Law 1 of 2013 (Administration and Enforcement of the NYS Uniform Fire Prevention and Building Code).
- B. The Code Enforcement Officer shall have the following powers and duties related to this Zoning Law:
1. To receive and review all applications for land uses and building permits including for a special use permit, site plan review or subdivision review pursuant to the provisions of this Zoning Law for compliance. If the Code Enforcement Officer determines that the application meets the requirements of the Zoning Law and is a use that requires Review Board approval, the CEO shall forward the application to the Review Board for further review in accordance with the provisions of the Zoning Law and/or Subdivision Review Law. If the Code Enforcement Officer finds that the application does not comply in one or more respects with the provisions of the Zoning Law, the Code Enforcement Officer shall deny the application and notify the applicant that he/she may appeal the Code Enforcement Officer's determination to the Zoning Board of Appeals in accordance with the provisions of Article XI of this Zoning Law.
 2. Upon Review Board approval of any application for a special use permit, site plan approval, or for any other change in use requiring the issuance of a building permit, the Code Enforcement Officer is authorized to issue a permit without additional application by the project sponsor. The Code Enforcement Officer shall ensure that all standards and conditions imposed by the Review Board have been met.
 3. To conduct inspections necessary to investigate complaints and all other inspections required or permitted under any provision of this Zoning Law, and to request and inspect any records or documents authorized pursuant to the provisions of this Zoning Law.
 4. To issue stop work orders, notices of violations and compliance orders, and to revoke permits issued pursuant to Local Law 1 of 2013. The Code Enforcement Officer is authorized to issue stop work orders pursuant to this Article for any work that is determined by the Code Enforcement

Officer to be conducted in violation of the Zoning Law, including, but not limited to, work being conducted on land and/or work being conducted on a building or structure for which a special use permit or site plan approval is required but has not been obtained. When a stop work order is issued, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work that is the subject of the stop work order.

5. To accept complaints of violations from citizens and public officials related to land uses regulated by this Zoning Law, to document and follow up on violations encountered during the course of inspections or through general observation in the community, to investigate potential violations, and where necessary at the discretion of the Town, to commence enforcement of the Zoning Law.
 6. To issue orders pursuant to this Zoning Law.
 7. To maintain records.
 8. To collect fees set by the Town Board.
 9. To pursue administrative and civil enforcement actions and proceedings and/or criminal proceedings to enforce the provisions of this Zoning Law.
 10. To consult with the Town Attorney about pursuing such legal actions and proceedings as may be necessary to enforce the provisions of the Zoning Law.
 11. To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this Zoning Law and Local Law 1 of 2013 (Administration and Enforcement of the NYS Uniform Fire Prevention and Building Code).
- C. Complaints. The Code Enforcement Officer shall 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 shall include any of the following steps the Code Enforcement Officer may deem to be appropriate:
1. Performing an inspection of the property, conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
 2. If a violation is found to exist, providing the owner of the affected property, and any other person who may be responsible for the violation, with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner authorized in Article X, Section F (Violations) of this Zoning Law;
 3. If appropriate, issuing a stop work order and/or compliance order;
 4. If a violation that was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing the report with the complaint; and

Draft as of November 2022

5. Notify the complainant about the outcome of any investigation initiated as a result of their complaint.
- 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 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 Code Enforcement Officer shall periodically check all reports and plans to ensure that appropriate action, if needed, is taken.

The 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, 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;
 6. All complaints received;
 7. All investigations conducted;
 8. All other features and activities specified in or contemplated by this Section of the Zoning Law; and
 9. All fees charged and collected.
- E. Program Review and Reporting. The Code Enforcement Officer shall annually submit to the Town Board a written report and summary of all business conducted by the Code Enforcement Officer office related to this Zoning Law, including a report and summary of all transactions and activities and a summary of all appeals or litigation pending or concluded.
- F. Violations. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on, or about any building, structure, property or premises in violation of this Zoning Law. Upon finding that any violation exists, the officer shall issue a compliance order. The compliance order shall:
1. be in writing;

Draft as of November 2022

2. be dated, shall identify the Code Enforcement Officer, and be signed by the Code Enforcement Officer;
3. specify the condition or activity that violates this Zoning Law;
4. specify the provision or provisions of this Zoning Law that is/are violated by the specified condition or activity;
5. specify the period of time the Code Enforcement Officer believes is reasonably necessary for achieving compliance;
6. direct that compliance be achieved within the specified period of time; and
7. state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.

The Code Enforcement Officer shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by registered or certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof; to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by registered or certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

- G. Appearance tickets. The Code Enforcement Officer is authorized to issue appearance tickets for any violation of the Zoning Law.
- H. Civil penalties. In addition to those penalties authorized by State law, any person who violates any provision of this Zoning Law shall be liable for a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted by the Town of Caroline.
- I. Criminal penalties and enforcement. Any violation of the Zoning Law is hereby declared to be an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six (6) months, or both, for conviction of a first offense; upon conviction of a second offense, both of which were committed within a period of five (5) years, punishable by a fine not less than \$350, nor more than \$700, or imprisonment for a period not to exceed six (6) months, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of five (5) years, punishable by a fine not less than \$700, nor more than \$1,000, or imprisonment for a period not to exceed six (6) months, or both. For the purpose of conferring jurisdiction upon the Courts and judicial officers generally, violations of the Zoning Law shall be deemed misdemeanors and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- J. Injunctive relief. An action or proceeding may be instituted by the Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this Zoning Law. No court action or proceeding shall be commenced without the appropriate

authorization from the Town Board. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of this Zoning Law, or any Stop Work Order, Compliance Order or other order obtained under this Zoning Law, an action or proceeding may be commenced in the name of the Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions.

- K. Remedies not exclusive. No remedy or penalty specified in this Article shall be the exclusive remedy or penalty available to address any violation described in this Article, and each remedy or penalty specified in this Article shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified this Section or in any other applicable law. Any remedy or penalty specified in this Article, including stop work orders, may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Article or any other applicable law.

In particular, but not by way of limitation, each remedy and penalty specified in this Article, including stop work orders, shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of Section 381 of the New York State Executive Law (Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code and the New York State Energy Conservation and Construction Code), and any remedy or penalty specified in this Article, including stop work orders, may be pursued at any time, whether prior to, or simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of Section 381 of the New York State Executive Law.

L. Permits

1. Building permit. For zoning purposes, no new structure shall be built, nor an existing structure enlarged or moved, no use of space shall be changed, unless a building permit for such action has been issued by the Code Enforcement Officer. A building permit shall expire one year from the date of issue.
2. Prior to commencing any use on any property, the owner of such property shall contact the Code Enforcement Officer to seek the review and issuance of the appropriate permit for permitted uses or referral of the matter to the appropriate Board for review.
3. For new construction without public sanitary sewers, no building permit shall be issued unless the method of sewage disposal is approved by the Tompkins County Board of Health.

ARTICLE XI ZONING BOARD OF APPEALS

READER'S AID: Every Zoning Law requires an appeals process. This section details what this appeals process is and establishes the criteria for when the Zoning Board of Appeals (ZBA) can grant an area or use variance. The Zoning Board of Appeals (ZBA) is also authorized to make interpretations of the Law. An appeal to the ZBA may be made by an applicant after a permit is denied by the Code Enforcement Officer. Two types of variances can be issued by the ZBA – a use or an area variance. These variances are only issued by the Zoning Board of Appeals if the application meets specific criteria as established in this

Law and in New York State law. Any person has a right to appeal a zoning decision to the New York State Supreme Court through an Article 78 Proceeding described in this section.

- 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 X of this Zoning Law.
- B. Membership. The Board shall consist of three (3) members appointed by the Town Board for staggered terms of three (3) calendar years pursuant to NYS Town Law 267 (Zoning Board of Appeals).
1. All members and alternate members of the Zoning Board of Appeals shall be residents of the Town of Caroline. No person who is a member of the Town Board shall be eligible for membership on the Zoning Board of Appeals.
 2. The Town Board shall appoint at least one (1) person as an Alternate Member of the Zoning Board of Appeals for a term of three calendar years. All provisions of this Zoning Law relating to zoning board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards shall also apply to alternate members. The Chairperson of the Zoning Board of Appeals may designate the alternate member to substitute for a member who is unable to participate in deliberations and decisions of the Zoning Board of Appeals due to conflict of interest on an application or matter before the Board. That designation of the Alternate Member shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board; shall be allowed to participate in discussions of the proceedings; and shall be allowed to vote. At all other times, an Alternate Member may participate in discussions of the proceedings but may not vote except due to the disqualification of a regular member and a designation of substitution by the Chairperson.
- C. Terms of members now in office. Members now holding office for terms which do not expire at the end of a calendar year shall, upon the expiration of their term, hold office until the end of the year and their successors shall then be appointed for terms which shall be equal in years to the number of members of the Board.
- D. Training and attendance requirements.
1. Each member of the Zoning Board of Appeals and each Alternate Member shall complete, at a minimum, four (4) hours of training each year designed to enable such members to carry out their duties more effectively. Training received by a member in excess of four (4) hours in any one (1) year may be carried over by the member into succeeding years in order to meet this requirement. Such training shall be approved by the Town Board and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.

Draft as of November 2022

2. To be eligible for reappointment to the Board, a member or alternate member shall have completed the required training.
 3. No decision of the Zoning Board of Appeals shall be voided or declared invalid because of a failure to comply with this training requirement.
- E. Vacancy in office. If a vacancy shall occur otherwise than by expiration of term, the Town Board shall appoint a new member for the unexpired term.
- F. Removal of members. The Town Board may remove, after public hearing, any member or alternate member of the Zoning Board of Appeals for cause. Cause for removal of a member or alternate member may include one or more of the following:
1. Any undisclosed or unlawful conflict of interest.
 2. Failure to attend 33% of the meetings during the course of one calendar year.
 3. Failure to complete mandatory training requirements.
- G. Chairperson. The Town Board shall appoint one of the Zoning Board of Appeals members as chairperson to preside at all meetings and hearings and to fulfill the authorized duties of that office. The Chairperson shall annually appoint one of the Zoning Board of Appeals members as Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall act as Chairperson and shall have all the powers of the Chairperson. The Vice Chairperson shall have such other powers and duties as may be provided by the rules of the Board. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as the board may determine. The Chairperson, or in his or her absence, the Acting Chairperson, may administer oaths to applicants, witnesses, or others appearing before the board and may compel the attendance of witnesses.
- H. Zoning Board of Appeals Clerk and public record. Upon recommendation by the Zoning Board of Appeals in coordination with the Review Board, the Town Board shall appoint a Zoning Board of Appeals Clerk who shall attend all proceedings of the Zoning Board of Appeals and, upon request, the proceedings of any of its committees.
1. The Clerk shall keep minutes of the proceedings of the Zoning Board of Appeals, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep record of its examinations and other official actions.
 2. The Town Clerk shall provide for keeping a file of all records of the Zoning Board of Appeals, and those records shall be public records open to inspection at reasonable times and upon reasonable notice.
- I. Board of Appeals procedure.
1. Meetings, minutes, records. Meetings of the Zoning Board of Appeals shall be open to the public 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. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member

upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

2. Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board of Appeals shall be filed in the office of the town clerk within five (5) business days and shall be a public record.
3. Assistance to Zoning Board of Appeals. The Board shall have the authority to call upon any department, agency or employee of the town (e.g., the Building Department) or professional consultants including but not limited to architects, engineers, and attorneys for such assistance as the Board deems necessary. All costs incurred by any department, agency or employee for providing assistance in a particular proceeding shall be borne by the applicant.
4. Hearing appeals. Unless otherwise provided in this Zoning Law or other local law, generally the jurisdiction of the Zoning Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the administrative official charged with the enforcement of any ordinance or local law adopted pursuant to Article 16 of New York State Town Law. For the purposes of this law, the administrative official charged with enforcement shall include the Code Enforcement Officer as applicable pursuant to the provisions of this law and that officer shall be referred to collectively in this Article of the Law as "Enforcement Officer". The Zoning Board of Appeals shall have the power, upon appeal from a decision or determination of the Enforcement Officer, to grant use and area variances. Where a proposed special use, site plan, or subdivision contains one or more features which do not comply with these zoning regulations, application may be made to the Zoning Board of Appeals for an area variance without the necessity of a decision or determination by the Enforcement Officer.
5. Filing of administrative decision and time of appeal.
 - a. Each order, requirement, decision, interpretation or determination of the Enforcement Officer charged with the enforcement of the Town of Caroline Zoning Law shall be filed in the office of such Enforcement Officer, within five (5) business days from the day it is rendered and shall be a public record.
 - b. All appeals must be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the Enforcement Officer by filing with the Enforcement Officer and with the Zoning Board of Appeals a notice of appeal. The notice of appeal shall: specify the grounds for such appeal; the relief sought; identify specifically the section of the Zoning Law or other code or law involved; describe precisely and in detail either the interpretation claimed or the variance or other relief that is sought and the grounds upon which it is claimed the relief should be granted. The notice of appeal shall be accompanied by a short or full Environmental Assessment Form as required by the State Environmental Quality Review Act (SEQRA), by an Agricultural Data Statement as required by NY AML 25-AA, and by other documents relevant to the appeal specified by the Zoning Board of Appeals. The appellant shall also be required to pay a filing fee at the time of the filing of the appeal in an amount to be established by the Town Board. The cost of sending notices relating to such appeal by certified mail, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Zoning Board of Appeals prior to the hearing of such appeal.

Upon receiving a notice of appeal, the Enforcement Officer shall transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed from was taken.

6. Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Enforcement Officer determines and certifies in writing to the Zoning Board of Appeals, after the notice of appeal shall have been filed with the Enforcement Officer, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. Should such a certification be made, the proceedings shall not be stayed other than by a restraining order granted by the Zoning Board of appeals or by a court of record on application, on notice to the Enforcement Officer from whom the appeal is taken and on due cause shown.
7. Public Hearing. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it. The appellant and any other parties to the appeal shall be given written notice of the hearing date and of the fact that at such hearing he or she may appear in person or be represented by an attorney or other agent. Said notice shall be provided at least ten (10) days in advance of the hearing and shall be provided to the appellant by certified mail. The Zoning Board of Appeals shall additionally provide notice as follows:
 - a. The Zoning Board of Appeals shall give public notice of such public hearing by publication in an official paper of general circulation in the town at least ten (10) days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Board prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.
 - b. If a New York State Park shall be located within five hundred (500) feet of the property affected by the appeal, at least ten (10) calendar days prior to such public hearing, the Zoning Board of Appeals shall send notices to the regional State Park Commission having jurisdiction over the State Park.
 - d. If the land affected by the appeal lies within five hundred (500) feet of the boundary of any other municipality, the Clerk of the Zoning Board of Appeals shall also submit at least ten (10) calendar days prior to the public hearing to the municipal clerk of such other municipality or municipalities a copy of the notice of the substance of every appeal, together with a copy of the official notice of such public hearing.
 - e. In any application or appeal for a variance, the Clerk of the Zoning Board of Appeals shall provide written notice of the public hearing, along with the substance of the variance appeal or application, to the owners of all property abutting, or directly opposite, that of the property affected by the appeal; and to all other owners of property within five hundred (500) feet of the property which is the subject of the appeal. Such notice shall be provided by certified mail at least ten (10) calendar days prior to the date of the hearing. Compliance with this notification procedure shall be certified by the Clerk.
 - f. The names and addresses of surrounding property owners to be notified in accordance with the foregoing shall be taken from the last completed tax roll of the Town.
 - g. Provided that there has been substantial compliance with this provision, failure to give notice in exact conformance herewith shall not be deemed to invalidate an action taken by the Zoning Board of Appeals in either granting or denying a variance from a specific provision of this Zoning Law.

8. Referrals and Notice to Tompkins County Planning Board & Town of Caroline Review Board.
 - a. At least ten (10) days before such hearing, the Board of Appeals shall mail notice to the Tompkins County Planning Board as required by Section 239-m of the New York State General Municipal Law. The notice shall be accompanied by a full statement of the proposed action, as defined in subdivision one of Section 239-m of the General Municipal Law. No action shall be taken by the Board of Appeals until an advisory recommendation has been received from the County Planning Board or thirty (30) calendar days have elapsed since the County Planning Board received such full statement. In the event that the Tompkins County Planning Board recommends disapproval of the requested variance or the attachments of conditions thereto within such time period or at a later date prior to final action by the Zoning Board of Appeals, the Board of Appeals shall not act contrary to such recommendation except by a vote of a majority plus one (1) of all the members after the adoption of a resolution fully setting forth the reasons for such contrary action. Within thirty (30) days after such final action, the Board of Appeals shall file a report of the final action it has taken with the Tompkins County Planning Board.
 - b. The Zoning Board of Appeals shall transmit to the Town of Caroline Review Board a copy of the appeal or application and shall request that the Review Board submit to the Board of Appeals its advisory opinion on said appeal or application. The Review Board shall submit a report of such advisory opinion prior to the date of the public hearing. The failure of the Review Board to submit such report within thirty-five (35) days from the date the Zoning Board of Appeals transmitted their request for an advisory opinion with a copy of the appeal or application to the Review Board shall be interpreted as a favorable opinion for the appeal or application.
9. Compliance with State Environmental Quality Review Act (SEQRA). The Board of Appeals shall comply with the provisions of SEQRA under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title Six, Part 617 of the New York Codes, Rules and Regulations.
10. Time of decision. The Board of Appeals shall decide upon the appeal within sixty-two (62) days after the hearing is completed. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board.
11. Voting requirements.
 - a. Decision of the board. Except for the voting requirements for rehearing in Article XI (l) (13) below, every motion or resolution of a Board of Appeals shall require for its adoption the affirmative vote of a majority of all the members of the Board of Appeals as fully constituted regardless of vacancies or absences. Where an action is the subject of a referral to the county planning agency the voting provisions of Section 239-m of the New York State General Municipal Law shall apply.
 - b. Default denial of appeal. In exercising its appellate jurisdiction only, if an affirmative vote of a majority of all members of the Board is not attained on a motion or resolution to grant a variance or reverse any order, requirement, decision or determination of the enforcement official within the time allowed by this Law, the appeal is denied. The board may amend the failed motion or resolution and vote on the amended motion or resolution within the time

allowed without being subject to the rehearing process as set forth in Article (I) (13) of this Law.

12. Filing of decision and notice. The decision of the Board of Appeals on the appeal shall be filed in the office of the Town Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
 13. Rehearing. A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision or determination of the board not previously reheard may be made by any member of the Board. A unanimous vote of all members of the board then present is required for such a rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the Board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.
- J. Permitted action by the Zoning Board of Appeals.
1. Orders, requirements, decisions, interpretations, determinations. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the Enforcement Officer charged with the enforcement of such ordinance or local law, and to that end, shall have all the powers of such Enforcement Officer from whose order, requirement, decision, interpretation or determination the appeal is taken.
 2. Use variances.
 - a. The Zoning Board of Appeals, on appeal from the decision or determination of the Code Enforcement Officer, shall have the power to grant use variances.
 - b. No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,
 1. the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 2. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 3. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 4. that the alleged hardship has not been self-created.
 - c. The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship

proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

3. Area variances.

a. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Zoning Enforcement Officer, to grant area variances as defined herein. In addition, the Zoning Board of Appeals shall also have the power to grant area variances which are necessary in the course of site plan, special use permit and subdivision application for which application for such area variance may be made directly to the Zoning Board of Appeals without the necessity of a decision or determination of an administrative official charged with enforcement of the zoning regulations as authorized by Town Law Sections 274-a(3) [site plan], 274-b(3) [special use permits] and 277(6) [subdivisions].

b. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such a determination the Board shall also consider:

1. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
3. whether the requested area variance is substantial;
4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance.

c. The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

4. Imposition of conditions. The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Zoning Law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community

K. Relief from Decisions. Any person or persons, jointly or severally aggrieved by any final decision of the Zoning Board of Appeals, may apply to the New York State Supreme Court for review by a proceeding under Article 78 of the New York Civil Practice Law and Rules. Such proceeding shall be governed by the specific provisions of CPLR Article 78 except that the action must be commenced as therein provided within thirty (30) days after the filing of the decision of the Zoning Board of Appeals in the office of the Town Clerk

Draft as of November 2022

- L. **Strict Construction.** All provisions of this Article pertaining to the Zoning Board of Appeals shall be strictly construed. The Zoning Board of Appeals shall act in strict conformity with all provisions of law and of this Article and in strict compliance with all limitations contained therein, provided however, that if the procedural requirements set forth in this Article have been substantially observed, no applicant or appellant shall be deemed deprived of the right of application or appeal.
- M. **Other Provisions of New York State Town Law Section 267-a.** All other provisions of New York State Town Law Section 267-a with regard to Zoning Board of Appeals procedure not set forth herein, are incorporated herein by reference and shall apply to the Zoning Board of Appeals.

ARTICLE XII REVIEW BOARD

- A. **Establishment.** The Review Board created under the Town of Caroline's Subdivision Local Law of 2000 to administer Subdivision Review is hereby imbued with all requisite authority to also administer Site Plan Review, Abbreviated Site Plan Review, and Special Use Permit approvals pursuant to this Local Law.
- B. **Appointment of Members; Chairperson.** The Review Board shall consist of five members, each of whom shall be appointed by the Town Board. The Town Board shall appoint members of the Review Board to staggered full five-year terms. The Town Board shall, by resolution, annually, designate the chairperson thereof. No person who is a member of the Town Board shall be eligible for membership on the Review Board, and no public officer or employees of the Town, or of any other governmental agency, who are ineligible for appointment due to conflicts of interest or compatibility of offices rules may be so appointed or remain upon such Review Board. Review Board members shall be residents of the Town of Caroline.
- C. **Alternate Members.** The Town Board may appoint an alternate member to the Review Board for such term as designated by the Town Board for the purpose of substituting for a Review Board member when, in the reasonable determination of the Chairperson, the regular member is unable to act, is not present, is recused, or is deemed to have a conflict of interest. When so designated, the alternate member shall possess all the powers and responsibilities of a Review Board Member. Such designation shall be entered into the minutes of the Review Board meeting at which the substitution is made. All provisions of this local law applying to Review Board members shall also apply to alternate members.
- D. **Powers and Duties.** The Review Board shall have the following powers and duties:
 - 1. Administering the Site Plan review regulations of the Town as provided herein.
 - 2. Administering the Subdivision regulations of the Town as per the Town of Caroline Subdivision review law of 2000.
 - 3. Administering the Special Use Permit regulations of the Town as provided herein.
 - 4. Administering all other duties as detailed in this Local Law.

Draft as of November 2022

5. To hear, review and offer recommendations to the Zoning Board of Appeals when required or requested for variances.
 6. Recommending to the Town Board amendments to this local law.
- E. Responsibilities of Review Board Members. Review Board members shall, per each year of service on the Review Board, participate in four (4) hours of training or continuing education courses related to their duties as required by New York State Town Law Section 271. No Review Board member shall be eligible for reappointment if they have not completed this training as required. Failure to attend and complete any required training or continuing education courses shall be grounds for removal from the Review Board. Tracking member(s) completion of training requirements shall be done by the Town Clerk, and a report shall be presented to the Town Board in November of each year. Review Board members are expected to attend all meetings.
- F. Vacancy in Office. If a vacancy shall occur other than by expiration of a term, the Town Board shall appoint any member for the unexpired portion of the term.
- G. Removal of Members. The Town Board shall have the power to remove, after public hearing, any member of the Review Board for cause as governed by the requirements of New York State Public Officers Law, including failure to comply with the minimum requirements for annual training and attendance at meetings.
- H. Chairperson Duties. All meetings of the Review Board shall be held at the call of the Chairperson and at such other times as the Review Board may determine. The Chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses.
- I. Appointment of Agricultural Member
The Town Board may appoint one or more agricultural members to the Review Board. If so, requirements for appointment of an agricultural member pursuant to NYS Town Law 271 (11) shall be followed.
- J. Voting Procedures. The concurring vote of at least three (3) members shall be necessary for any action by the Board, pursuant to New York State Town Law Section 271(16). Where an action is the subject of a referral to the Tompkins County Planning Board, and in the event that the Tompkins County Planning Board recommends disapproval of the application within the thirty (30) day time period allowed them, the Review Board shall not act contrary to such recommendation except by a vote of a majority plus one (1) of all the members after the adoption of a resolution fully setting forth the reasons for such contrary action. Within thirty (30) days after taking final action on an application, the Review Board shall file a report of the final action it has taken with the Tompkins County Planning Board.
- K. Decisions
1. Decisions. Every decision of the Review Board shall be by resolution and shall expressly set forth any limitations or conditions imposed or use authorized.
 2. Final decision. All deliberations and decisions of the Review Board shall occur at meetings open to the public and shall state any special circumstances or conditions.

3. Notification of decision. Within five (5) business days following the final decision on any action before the Review Board, a notice of such decision shall be mailed to the applicant and such decision shall be filed in the office of the Town Clerk.
 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.
- L. Conflicts.
No member of the Review Board shall participate in the hearing or disposition of any matter in which he or she has an interest. Any conflict of interest prohibited by Article 18 of the New York State General Municipal Law shall disqualify a member.
- M. Appeals.
Any person or persons, jointly or severally aggrieved by any final decision of the Review Board, may apply to the New York State Supreme Court for review by a proceeding under Article 78 of the New York Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of the decision of the Review Board in the office of the Town Clerk.

ARTICLE XIII AMENDMENTS

READER'S AID: Only the Town Board is authorized to make changes to this Zoning Law. Any change requires a public hearing, referral to the County Planning Board, and an environmental review (State Environmental Quality Review). Amendments can be suggested by the Town Board, Review Board, Planning Board, or on petition by a member of the public. This section details the process for approving an amendment.

- A. Procedure. The Town Board may, from time to time, on its own motion, or on petition, or on recommendation from the Planning Board or Review Board, amend the regulations and districts established under this Law after public notice and hearing in each case. All petitions for any amendments to the regulations or districts herein established shall be filed in writing in a form required by the Town Board.
- B. Advisory Report by Review and Planning Boards. Every proposed amendment, unless initiated by the Review or Planning Boards, shall be referred to the Review and Planning Boards. The Review and

Draft as of November 2022

Planning Boards shall report their recommendations to the Town Board, accompanied by a full statement of the reasons for such recommendations, prior to the public hearing. If the Review or Planning Board fails to report within a period of 45 days from the date of receipt of notice or such longer time as may have been agreed upon by it and the Town Board, the Town Board may act without such report.

- C. Public Notice and Hearing. The Town Board, by resolution, shall fix the time and place of the public hearing and cause notice to be given as follows:
 - 1. By publishing a notice of the proposed amendment and the time and place of the public hearing in a newspaper of general circulation in the Town not less than 10 days prior to the date of the public hearing.
 - 2. By giving written notice of hearing to any required Municipal County, Regional, Metropolitan, State or Federal Agency in the manner prescribed by law.
- D. Protest by Owners. If a protest against the proposed amendment is presented to the Town Board, duly signed and acknowledged by the owners of twenty percent or more of the area of land included in such proposed amendment, or by the owners of twenty percent or more of the area of the land immediately adjacent extending 100 feet, or by the owners of twenty percent or more of the area of land directly opposite and extending 100 feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of at least 3/4 of the members of the Town Board.
- E. Publication and Posting. Every Amendment to the Zoning Law, including any map incorporated, and adopted in accordance with Town Law shall be entered in the minutes of the Town Board. Further, an abstract of the amendment, exclusive of any map incorporated therein, shall be published once in the official newspaper of the Town; and a copy of such amendment together with a copy of any map incorporated therein, shall be posted on the Town's official website and in the Office of the Town Clerk. Affidavits of the publication and posting thereof shall be filed with the Town Clerk.

ARTICLE XIV EFFECTIVE DATE

This law shall become effective upon filing with the New York State Department of State.