

**Town of Caroline
Land Use and Economic Development Task Force**

Meeting 1

September 14, 2020

7:00 PM

Agenda

1. Introduction of the Task Force members
2. Review of the Task Force Resolution
3. Review Action Items in the draft Comprehensive Plan relating to land use tools that the Task Force will research
4. Planner will outline goals of the Task Force for the remainder of the year

Attendance

Yusmin Allim; Jonathan Bates; Michele Brown; Barbara Knuth; Rebecca Schillenback; Kathryn Seely; Ken Miller; Bill Podulka (Planning Board representative); Tim Murray (Town Board representative); and Greg Colucci (Planner); a few members of the public

Absent from the Task Force were Ellen Harrison and Barbara Lynch.

Notes

1. Tim Murray opened the meeting by welcoming all who joined the meeting. Tim gave an overview of the meeting schedule and format; meetings will be held on a regular basis and remotely using Zoom software for the remainder of the year. Tim discussed meeting logistics, etiquette, and procedures moving forward.

Task Force members introduced themselves and gave general background information about themselves including how long they have lived in Caroline, their professional background, and general interest for being part of this advisory committee to the Town.

2. Tim stated that the Task Force was created in response to issues arising in land and economic development planning in the Town, and as a means to promote the vision of the revised Comprehensive Plan (currently under review).

Tim stated the duties of the Task Force as outlined in the Resolution, noting that researching solar and wind siting laws have been removed from the charge of the Task Force; Energy Independent Caroline has agreed to pick up this task and work with the Planning Board on these energy topics.

Tim said that the Task Force was created in the middle of a 6 month “pause” on Site Plan review, i.e., a moratorium, with the intention of presenting an array of land use tools and steps for their implementation to the Town Board in early November.

3. Tim reviewed and discussed bulleted Action Items in the draft Comprehensive Plan that relate to the land use tools to be researched by the Task Force.

Livability

Tim stated the first bulleted Action Item:

Explore and enact land-use planning regulations such as zoning, design guidelines, and formula business regulations that encourage locally-owned businesses that integrate with the rural residential and agricultural nature of the town, and discourage commercial development that would negatively affect local agriculture, business, and residential communities.

Tim asked Greg Colucci to explain formula business restrictions. Greg stated that formula businesses (e.g. McDonalds) are those that have a set design formula for their external and internal appearance, including their merchandise. Land use restrictions pertaining to formula businesses are generally aimed at businesses external design.

Rebecca Schillenback asked for a definition of zoning. Greg explained that zoning is the regulation of the use of land. He stated that zoning is a powerful tool available to towns through the New York State Zoning Enabling Act to control the types of uses allowed in a town, where those uses are allowed, and how those uses develop.

Tim stated the second bulleted Action Item:

Develop a process to strengthen reviews of significant commercial development to include economic impact reviews.

Tim asked Greg to explain economic impact review laws. Greg stated that economic impact review laws pertain to the town's economic viability by setting thresholds for the number of similar businesses that may be allowed in the town.

Tim stated that developing a strategy for cell tower siting, which is one of the Livability Action Items, will not be part of the charge of the Task Force.

Barbara Knuth asked whether the Action Item pertaining to residential development guidelines will be part of the Task Force duties. Tim acknowledged that they will be.

Environmental Protection and Natural Resources

Tim stated the first bulleted Action Item:

Require review of a significant project to consider its impact on the natural resources of the town ... Specific areas of concern are open space, visual resources, air, water, noise, light, and climate change impacts.

Tim stated that this is more of a quality aspect (of development) than a quantity aspect; Greg agreed.

Ken Miller asked if these requirements would be part of Site Plan Review or Zoning and Greg answered that they could be part of either.

Tim explained the background of the second bulleted Action Item:

Require an “escrow fund” or similar assurance from significant projects developed on new sites to provide for site remediation in the event the site is abandoned rather than taken over by another business.

Tim stated that the third bulleted Action Item would be a longer term goal:

Create a town-level environmental review law (TEQR) so that the thresholds that trigger an environmental review can be made appropriate for Caroline.

Tim stated that the fourth bulleted Action Item would be a shorter term goal that could be included within Design Guidelines as well as Zoning (longer term):

Design guidelines should be reviewed to make sure they encourage sustainable over nonsustainable designs, durable over cheap designs, and flexible designs over single-use designs.

Tim stated that the seventh bulleted Action Item may or may not be something that the Task Force takes on:

Create an Environmental Justice statement to help guide land use planning decisions.

Ken asked for the definition of an Environmental Justice Statement and Tim answered that it pertains to social justice issues in regards to land development. Jonathan Bates pointed to the draft Comprehensive Plan (page 14) that uses excerpts from the EPA; the goal of environmental justice will be achieved when everyone enjoys the same degree of protection from environmental and health hazards, equal access to the decision making process, and to have a healthy environment in which to live, learn, and work. (Later in the meeting Greg referenced the Environmental Justice Areas as delineated by New York State: <https://www.dec.ny.gov/public/911.html>)

Yusmin Allim asked for clarification about language regarding watershed boundaries in the draft Comprehensive Plan (page 16). Tim explained that based on topography and stream networks, water either flows north to the Saint Lawrence Seaway or south to the Chesapeake Bay depending on location in the Town.

Rural Character

Tim stated the fourth bulleted Action Item:

Enact legislative land regulations which would preserve rural character in the face of development pressure, i.e. nodal development/development focus zones, traditional zoning, and/or formula business restrictions

Tim stated the fifth bulleted Action Item:

Empower the Review Board to utilize Design Guidelines to reach determinations regarding projects subject to Site Plan Review

Ken asked about nodal development and Bill answered that there concentrated places of development, i.e. nodes, that occur in specific areas of Town; focusing development in these areas could help preserve open space between the nodes. Tim said that certain areas of Caroline, such as Slaterville Springs and Speedsville, can be considered nodal development.

Ken asked about Right to Farm provisions and if Tompkins County has a law that if someone buys a house next to a farming operation they would have to sign a document to acknowledge that there will be farming activities next door. Bill said that he does not believe that such a document exists, but that Caroline is a Right to Farm community. Jonathan mentioned that Right to Farms laws are indicated in the draft Comprehensive Plan as a protection tool. Bill suggested to put any comments in writing and submit to the Planning Board as they review the draft Plan. Greg said that a signed document would only benefit the new homeowner and that a farmer is protected under the New York Agriculture and Markets Law. In other words, those buying a new home have an obligation to perform due diligence on where they are buying the home, and that Right to Farm laws protect farming operations from general nuisance claims (e.g. odor, noise).

4. Greg presented his approach to the Task Force stating that there are generally two paths to work towards: the first being to educate the Town Board on specific land use controls, and their implementation strategies; and the second would be to recommend approval of at least one by the time the moratorium has expired.

Tim mentioned that the Task Force could recommend extension of the moratorium if a preferred land use tool is too complex to be adopted in a short amount of time, but the Task Force should not prioritize this.

Greg suggested getting everyone up to speed in the next couple of weeks on the relevant land use controls available. This will be done through researching the specific tools recommended for research in the Task Force Resolution, and others as deemed necessary.

Greg explained that typical land use regulation is adopted after a Comprehensive Plan in the form of a Zoning Ordinance; zoning is a useful regulatory tool to help accomplish the policies set forth in the Comprehensive Plan. Greg said that once zoning is adopted, more specific land use controls -- often by use or district/area -- can be adopted by a

municipality to further accomplish land use goals. Caroline is going through the vital step of revising its Comprehensive Plan, however because it does not have a Zoning Ordinance, it lacks a strong regulatory tool to help realize its land use goals envisioned in the Plan. Consequently, Caroline is in need of short-term land use controls while it develops long-term solutions. Greg suggested that commercial design guidelines are likely the best short-term course of action and that a Zoning Ordinance should be developed in the long-term; however, the Task Force will ultimately decide how best to proceed with its recommendations to the Town Board.

Tim said that after reading a few articles by the next meeting, the Task Force might be able to decide on certain topics to further investigate by the end of the meeting.

Kathryn Seely asked if there would be specific directives given for the readings. Tim answered that the goal for the readings is to provide a common background for the Task Force on the land use controls. The Task Force will ideally be able to come to a consensus on not only which topics to investigate, but which ones to not investigate.

Barbara pointed out that the Task Force is charged with researching specific land use tools bulleted in the Resolution and not just design guidelines and zoning. Greg acknowledged this point of clarification and re-iterated that it would be a committee decision on how to best proceed.

Michele Brown asked how the Task Force should be expected to report on the readings; Greg suggested taking note on what it may take for Caroline to adopt the restrictions we read about and whether they would be short-term or long-term steps.

Jonathan offered his understanding that without zoning some of the land use tools may not work and that some tools could be attached to laws that Caroline already has, such as design guidelines; he suggested this may be a good way to filter topics to work on.

Tim closed the meeting by stating that we will be working on short-term and long-term solutions as part of the Task Force duties; for now the committee will do some readings to come to a common ground and understanding on specific land use tools.

Meeting adjourned at 9:00 PM

Meeting notes prepared by Greg Colucci