

Minutes of the Zoning Commission of the Town of Caroline Meeting on Tuesday, October 11, 2022

The meeting was called to order at 7:05 p.m. by Jean McPheeters, chair.

Attendees:

Zoning Commission Members: Michele Brown, Barbara Knuth, Bill Podulka, Bruce Murray, Jean McPheeters;

Clm. Tim Murray, liaison to the Zoning Commission (arrived about 7:20 pm)

Others: Town Supervisor Mark Witmer (left around 8:15 pm), Nan Stolzenburg

Excused: Ernie Bayles,

Note: Barb Knuth, Bruce Murray, Jean McPheeters and Supervisor Mark Witmer were inside the Town Hall; Bill Podulka was in the parking lot of Town Hall. Four members were in attendance at announced places, thereby establishing quorum. Michele Brown joined us by Zoom.

Nan Stolzenburg, and Clm. Tim Murray attended by Zoom.

1. Privilege of the Floor:

- a. Kim Whetzel (in person) spoke of his concern about how the Town (Board) has done this (the Zoning process). He said that it is difficult for citizens to participate in the process. Also feels that citizens are not being listened to. Said that the Zoning Commission and Board acts as if they are listening, but they aren't. Asked several times what this process is costing the Town.
 - i. Supervisor Witmer told Mr. Whetzel that he could get those figures by presenting a FOIA request to the Town Clerk.
- b. Paul Gologoczy (on Zoom) Thanked the Zoning Commission for their work. Asked how the Water Resources Overlay was determined. How can the Riparian areas be delineated? Will the town of Caroline apply for money (grant money) to pay for this use of private land? Also asked whether the City of Ithaca receives money from the City of Ithaca for its protection of the City's water. Asked that we please examine payments that would incentivize landowners for the riparian protection.
 - i. Supervisor Witmer noted that the Town of Caroline, Town of Dryden and Town of Ithaca partner together in a water monitoring station, but that money is not exchanged.
 - ii. ZC member Bruce Murray noted that he has had his assessment reduced by pointing out to the Tompkins County Assessment Department that portions of his land should be valued at a lower rate because they are not buildable or usable because they are streams, riparian areas or wetlands.

2. Minutes of September 27 and October 4 were moved (Brown, Knuth). Bruce noted that he had not had a chance to read the minutes of September 27. Jean noted that he is noted in those minutes and gave him her copy. We postponed voting on September 27, ultimately until the next meeting, but passed the October 4 minutes unanimously.
3. Town Council Report: Councilman Murray reported that the Town Website was down at the moment. Supervisor Witmer had noted that earlier before Councilman Murray joined the meeting. Nothing else to report.
4. Water Resources Overlay: We discussed that there are many questions about the Water Resources Overlay. Bill Podulka explained that the WRO includes three different types of water resources: 1) flood zones, which are delineated by the federal government; 2) wetlands, which are delineated by the NYSDEC and by the federal government. It depends on the amount of land that is designated as a wetland; and 3) Riparian areas, which are streamside areas: perennial streams have a 50-foot buffer on either side and intermittent streams have a 25-foot buffer on either side. Our ZC has added the riparian areas because of the Comprehensive Plan's focus on preserving water quality in the town.
 - a. **Bill Podulka and Barb Knuth volunteered to write and edit respectively a description of the WRO and how it was developed.** This will be circulated widely before our next Public Information session and will be posted on the website.
5. Barb Knuth then moved a new definition for **Accessory Apartment**; seconded by Bruce Murray— 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.*
 - a. **BACKGROUND:** We propose this modification to the Accessory Apartment definition after receiving a question from a Caroline resident about this topic. Reflecting the Town's goals and values, we believe the proposed approach with this revision (though somewhat unusual in typical zoning laws) will address some low-income housing concerns in the Town as well as inter-generational concerns (e.g., parents wanting to provide affordable housing for a child). This is not a "typical" approach in zoning (in most cases single-wides and double-wides would not be considered accessory, detached apartments and would instead require subdivision of a parcel and therefore all the requirements that pertain to a parcel subdivision). We believe the proposed language above better reflects the overall values of the Town of Caroline.
 - b. Adopted unanimously.

6. We then went on to Articles IX through the end of the document. We made a few changes in the Google document. Most of these sections are language required by New York State. We discussed the number of people we would recommend to be on the Review Board (5) and the Zoning Board of Appeals (3 plus an alternate). We completed the document.
 - a. Nan Stolzenburg joined us midway in the meeting and we went back over some portions to ensure that she could capture the changes in the final Word document.
 - b. Article VIII, Section 8: We made these changes highlighted in yellow. Moved by Podulka, Knuth, unanimous.

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.

7. We had been asked to consider where slaughter-houses (abattoirs) would be allowed. They are, of right, allowed on any farm operation. After discussion we agreed that they should be allowed in the Ag/Rural district, subject to site plan review. (Podulka, B. Murray); unanimous.
8. We then discussed that we hope to be able to hold two Public Hearings by the end of November (one on Zoom and one in person). We should be able to do this and have Articles V through the end on the website for two weeks before the meetings.
 - a. We would then review comments, consider changes to the document, have a Public Hearing publicized, hold the public hearing, reconsider the document, and then turn it over to the Town Board as part of a report of our work.
- 9. Jean will work on a list of what needs to be recommended to the Town Board, and what other topics may need to be discussed.**
- 10.** Next meetings are on October 18, October 25, and November 1.
11. Meeting was adjourned at 9:23 p.m.

Respectfully submitted,

Jean McPheeters