

**Minutes of the Zoning Commission of the Town of Caroline
Meeting on Tuesday, February 8, 2022**

The meeting was called to order at 7:24 p.m. by Jean McPheeters via Zoom.

Attendees:

Zoning Commission Members: Michele Brown, Ernie Bayles, Barbara Knuth, Bruce Murray, Bill Podulka, Wil Lawrence, Jean McPheeters, Tim Murray (Town Board Liaison)

Others: Town Supervisor Mark Witmer

Excused: Val Warke

Attendees: There were 20 or more people on Zoom, however, I did not take down their names.

- 1) Privilege of the Floor: Opportunity to bring forward matters of concern. (3-min each) 15 min.
 - a. Holly Magee said that there is no need for zoning and the process should stop now.
 - b. John Morse stated that he was disappointed but not surprised that neither the Zoning Commission members nor the Town Supervisor were at the Town Hall, but rather on Zoom.
 - c. Bonnie Crispell Hargreaves presented several questions about how particular draft zoning regulations would affect different sized properties.
 - d. Ellen Harrison spoke in favor of zoning and of protecting soil and water particularly.
- 2) Approval of Minutes of the January 25, 2022 meeting (Knuth, Bayles) unanimously approved.
- 3) Town Council Report: Tim Murray reminded everyone that the Town Board is now meeting on the 1st and 2nd Wednesdays of the month at .
- 4) Planning Committee Report: No report.
- 5) Committee Reports: Committee A: Michele Brown, Bruce Murray, Bill Podulka
 - a. Bill Podulka presented for the committee. We first looked at the maps of the hamlets and Bill outlined the changes that the committee is suggesting. He offered this motion from the Committee:
 - i. Zone Boundaries
 - Break the Besemer-Brooktondale Hamlet into "Besemer" and "Brooktondale" sections; rename "Hamlet Commercial" to "Brooktondale Commercial", "Brooktondale Center" to "Brooktondale" and "Besemer-Brooktondale" to "Besemer".
 - ii. Specific property changes:
 1. West of Brooktondale Center:
 - a. On the north side of Brooktondale Road, redesignate properties south and east of Besemer Road (ones that are currently in the Besemer-Brooktondale Hamlet) as "Brooktondale".
 2. On the south side of Brooktondale Road, redesignate properties south and east of Middaugh Road (two there are currently Hamlet

Commercial, the others are Besemer-Brooktondale) as "Brooktondale".

- a. Redesignate the property northeast of the Middaugh Road/Brooktondale Road junction (currently Hamlet Commercial) as "Besemer" (this is parcel 14.-1-5.3 and is NOT the one that has a structure on it.) (Bill noted that *"it is vacant, as far as I can tell."*)
3. East of Brooktondale Center:
 - a. Redesignate all the properties currently in the Besemer-Brooktondale Hamlet as "Brooktondale".
4. Break Slaterville Hamlet into West Slaterville Hamlet and Slaterville Springs Hamlet.
 - a. Redesignate the properties between West Slaterville and Slaterville Springs that contain Prime Farmland as part of the agricultural-rural zone. (Specifically parcels 1.-1-57.2, 1.-1-58 (Mulks Cemetery), and 8.-1-7).
 - b. Redesignate some of the properties along Rt. 79 between Landon Road and Besemer Hill Road as "Agricultural-Rural" rather than "Besemer".
Specifically 9.-1-1 (active farmland, in ag district), 9.-1-2.2 (active farmland, in ag district), 9.-1-3 (residential property that is mostly vacant, in ag district, growing up in shrub), 9.-1-7.61 (access strip), and 9.-1-7.62 (active farmland, though not in ag district). Note that none of these are Prime Farmland.
 - c. Note that the 2 areas

Motion to accept the outside borders of the hamlet map as defined above, but without talking about the commercial parts of it, are the borders acceptable.

Ayes: Michele Brown, Ernie Bayles, Barbara Knuth, Bill Podulka, and Jean McPheeters;

Nays: Bruce Murray

Abstentions Wil Lawrence.

Overlays

Bill The motion is to include the Water Resources Overlay in the Zoning Regulation;

Ernie: A motion to remove the Forest core overlay.

Discussion: Asked Ann to explain the overlay again and to try to give examples that would inform some of the questions asked by Ms. Hargreaves under privilege of the floor. The overlay does not change the zoning in the area, but it affects siting within the zone by orienting siting so as to not affect water quality, and affects density in that it removes the area that is not buildable. For instance, if you had 20 acres of land, but 7 acres are affected by the water resources overlay or on slopes greater than 25 percent (section 3.2—net buildable acreage), you would have 13 acres of buildable land. If we kept the 3-acre density qualification, then you could have four house building sites.

Bill also asked that there be an overlay of Prime Farmland (and perhaps Prime Farmland lands if drained). Discussion: Why don't we have a prime farmland overlay? Nan says that she included it in the mapping of where the agricultural/rural district is, and tried to include it as a matter of course in that district. Ernie noted that preserving farmland is critical and we have a prime farmland overlay and have forest core as a second concept that a review committee would look at. Barb: in favor of seeing another map where prime farmland as an overlay and prime of drained on one map; in favor of the water resources overlay—very important for our ecology; against the forest overlay, not meaningful ecologically because of the amount of land we would really need. Also, the town really needs more shrubland and grassland. Bruce is in agreement with Barb. Bill and Michele are also in agreement. Bruce also asked a question about where the water resources overlays denote. There are small tributaries. Maps are not perfect at this point. All water resources have to be delineated through a field check. DEC classifies all water bodies in New York State. This map shows Class C streams and higher.

Also, a discussion to create an Important Farmland overlay that (at least initially) is made up of the significant patches of Best/Prime Farmland soils. We also pass along a recommendation that the town's Agriculture Committee give advice on any additional farmland that should be included in the Important Farmland overlay. (Intent: create a simple mechanism for triggering at least a light level of review for any subdivision of the best farmland.)

Notes from discussion:

- If you own a 120-acre parcel you could have 40 housing lots.
- Amount of dwelling ties to the original lot.
- Existing lots don't disappear because of zoning. If you have a one-acre lot [and you can get approval from the County Health Department for water and sewer], you can build a house.
- There is a non-conforming section in the draft.

Vote to Retain a Water Resources Overlay and that we will look at the overlay clarifications later. All in favor.

Vote to Not have a Forest Core Overlay: All in favor.

Ag Land Discussion

Include prime land that is available for farming. Talk to the ag committee also about lands that are being farmed successfully without being denoted by the state as prime farmland. We may not get this overlay done immediately. Could be delayed until after the ZC sends our report to the town. Ernie asked what would it mean for development if there was land included in this overlay. Bill suggested that that would be a review and a suggestion to avoid building on this land.

Ask Ag committee for recommendations, and if there are recommendations by the time we get to a final draft, we will include it. Tim will ask the ag committee to advise on a good farmland overlay (not so much soils, but what is being farmed as well as prime farmlands, lands if drained.)

- PARKING LOT: Wil has questions about mapping that she will bring back to us.

- Discussion about Public Meetings and Public Information:

Barb spoke in favor about a public information meeting that would include Articles II and III (Bill added definitions to this as well.). Wil added that it would be good to highlight the clarifications that were made tonight. Perhaps we should put some information on the website. Wil volunteered to write up something.

We are looking at the end of March at this point in order to have our Draft II of these sections posted for two weeks.

- Questions and answers are broken up into topics on the website.
- Jean gave Cyrus a chance to make a public comment. His mic wasn't working at the beginning.
- Tim expressed his deepest thanks on behalf of the Town Board to the ZC members of the massive amounts of work we have done. They know it is a big lift and they are very grateful.
- Asked Nan to draft some definitions of all terms in the use table.
- Homework for the committee: Read the document, particularly Section III and definitions. Put all your comments in the doc, so that we can move ahead.
- Discussion about meeting with the public in person, safety, civility, hybrid meetings.
- Bruce asked a question of Tim to ask the town lawyer about how zoning commissions conform to state open meeting law, whether they be completely open or hybrid. Tim said that it is completely legal to have these meetings in NYS at this time and that they have discussed this with the town's attorney for the Zoning Commission.

The meeting adjourned at 9:31 p.m. The next scheduled meeting is on Tuesday, February 22.

Respectfully submitted,

Jean McPheeters