

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

The meeting was called to order at 7:33 p.m. by Bill Podulka (acting chair) via Zoom. Chair Jean McPheeters was travelling and still en route to her destination.

Attendees:

Zoning Commission Members: Michele Brown, Ernie Bayles, Barbara Knuth, Bruce Murray, Bill Podulka, Jean McPheeters (once on the ground), Tim Murray (Town Board Liaison)

Others: Town Supervisor Mark Witmer, Consultant Nan Stolzenburg

Excused: Val Warke

Public: There were 30+ people attending via Zoom and in the room, however, I did not take down names (BP).

- 1) Privilege of the Floor: Opportunity to bring forward matters of concern. Only one person at the Town Hall wished to speak; the rest spoke via Zoom.
 - a. Mr. Peter Hoyt objected to part of the acting chair's opening statement in which the acting chair asserted that since zoning plans varied so much from one community to another it made sense to see what a zoning plan for Caroline would look like before asking the question of whether or not Caroline should have zoning. Mr. Hoyt stated that there was no form of zoning that he would find acceptable.
 - b. Ms. Ellen Harrison noted that she appreciated being able to attend and give comment via Zoom as that was helpful to those who found it difficult to attend in person for health, travel, child care needs, or other reasons. She acknowledged that electronic access was a challenge for some in our community but wanted to point out that it was a benefit for others.
 - c. Mr. Brock Gibian said that he bought land in Caroline because he did not want to live in the city. He was concerned that zoning would add costs to the house he was building. If zoning is implemented he asked that it not make too many changes to the way things are now. He mentioned that there were even some urban communities (specifically in the Houston, TX area) that functioned fine without zoning. He wondered whether a zoning plan would tend to direct the rollout of broadband services to commercial districts and not the town as a whole.
 - d. John Morse stated that he felt zoning was a selfish land grab by some that would force out the underprivileged and that zoning was elitist and favored the rich over the poor. He felt that the draft zoning plan placed too many limits on commercial opportunities and that zoning would ruin, not preserve, Caroline's rural character.
 - e. Robin Cisne stated that she disagreed with and was offended by Mr. Morse's contention that zoning was elitist. Robin felt that zoning would be important for preserving the character of the area she chose to move to decades ago. Robin hoped that the Caroline community could find a way to work through our differences without the kind of split that occurred in Lansing when the Village of Lansing felt it necessary to separate from the Town of Lansing because it had different needs regarding controlling development.

- f. Holly McGee said that she felt no zoning whatsoever was needed. She stated that she was suspicious of the motives of the Town Board and Zoning Commission. She also felt that linkage trails as specified in Section 4.2 of the draft zoning law should be made through the houses of Town Board and Zoning Commission members. (Editor's note: The linkage trails Ms. McGee refers to would only apply to new Conservation Subdivision developments and not to single- or two-family residential homes.--BP)
 - g. John Morse spoke again to finish his statement since there was time available. He stated that construction of self-storage units near Celebrations hurt his business but despite that he felt that it was not his place to complain about that or have something like zoning avoid that kind of impact.
- 2) Amended agenda to add a discussion of creating a "Common Misconceptions about Caroline's Zoning Law Draft" sheet. Inserted after the Planning Board report on the condition of being limited to 5 minutes.
 - 3) Approval of Minutes of the February 22, 2022 meeting: minutes were approved with (a) the correction that minor home occupations had three or fewer full-time-equivalent employees and major home occupations had more than three and (b) the intent that Jean would fix the currently unfinished sentence at the end of the Committee A report.
 - 4) Town Council Report: Tim Murray reported that the Town Board would hold one or more forums in March so that "the public could give input on its overall sentiments regarding zoning." Later in the meeting Tim added to his report to acknowledge that Wil Lawrence had resigned from the Zoning Commission for personal reasons and thanked her for her service.
 - 5) Planning Committee Report: The Battery Energy System Storage Law has been delivered to the Town Board along with a cover memo explaining the law as well as a proposed permit that would be used for storage systems of less than 600 kWh.
 - 6) "Common Misconceptions Sheet": the sheet would be different from the existing FAQ in that the existing sheet is very general in nature; this sheet would instead focus on specifics in the draft law that (based on questions asked of the Commission) were commonly misunderstood or did not in fact exist but were often assumed to exist. Barb pointed out that although the same information could be obtained by reading through the questions and answers posted on the Zoning Commission webpage there were now nearly two hundred of those so it would be useful to collect and condense in one place the issues that were most commonly misunderstood. By unanimous consent the Zoning Commission approved creating such a sheet by Barb and Bill, to be reviewed and approved by the Zoning Commission in the near future.
 - 7) Questions remaining from last meeting. The following were unanimous decisions:
 - a. We decided to use just the term "Conservation Subdivision" so that everywhere "Clustered Development" appeared it would be replaced by "Conservation Subdivision." Actual discussion of Conservation Subdivisions was put off until a later meeting.

- b. We kept the division of home occupations to just minor and major rather than adding any other subdivisions. Decided to use the wording “full-time-equivalent employee” rather than just employee. Minor home occupations could have up to three full-time-equivalent employees; more than three would be a major home occupation.
 - c. We confirmed that any home occupation was fine; that is, a home occupation did not need to appear elsewhere in the Use Table to be an allowed use.
 - d. We amended the definition of home occupation to specify that the business owner must reside either on the parcel the business was operating from or on an adjacent parcel.
 - e. We decided to have a single line in the Use Table to cover single-family residences, two-family residences and townhouses and that they would have a “P” in all districts.
 - f. We decided that we still needed more information about “personal wind towers” before we decided whether and how to include them in the Use Table. Ernie volunteered to do that research. Larger wind systems (that is, whatever was larger than a personal wind tower) would not appear in the Use Table (and hence not be allowed) unless and until the Town passed a Wind Power Siting Law.
 - g. We felt we still did not have enough information to decide on whether to set a setback distance for CAFOs that was different from the state’s and, if so, what it should be. Jean volunteered to research this.
8. Continued work on the Use Table
- Sawmill, on Farm:** Confirmed change from “X” to “ASPR” in the commercial district. Kept “X” in Brooktondale Commercial (Brooktondale Central) because there is no Ag District there.
- Autobody Repair Shop:** Changed “As part of home occupation only” to “SPR” for Slaterville Springs, Caroline Center, Speedsville and Brooktondale. Rejected changing “As part of home occupation only” to “SPR” for West Slaterville.
- Automobile Service Station and Repair:** this is a new line inserted by Michele. Accepted the proposal as Michele had it except changed Ag/Rural District from “X” to “As part of Home Occupation Only.” [Subsequent email discussion debated whether we really needed three separate entries (Autobody Repair Shop; Automobile Service Station and Repair; and Fuel-Gasoline Station. I think the sense of the emails is to keep all three though the definitions need to make clear which ones sell gasoline and which ones don’t.)
- Bakery:** Changed “As part of Home Occupation Only” to “SPR” in Slaterville Springs, Caroline Center, Speedsville, and Brooktondale.
- Bank:** Changed from “X” to “SPR” in Slaterville Springs, Caroline Center, Speedsville, and Brooktondale.
- Battery Energy Storage System, Large:** Accepted suggested “SPR” in all districts.

Bed & Breakfast and Short-Term Rental: Changed to “P” in all districts (discussion suggested that if short-term rentals became a problem that town laws outside of zoning could be created to address the issues).

Car Wash: Suggestion was made to not allow anywhere due to concerns over water waste disposal given the lack of town sewers. Decided to table decision pending some further research by Ernie. [Subsequent report from Ernie confirmed cause for concern but also indicated that self-service types might be OK even in areas without sewers. To be discussed at one of our next meetings.]

Campground and Camping Units: Considered allowing in more districts but decided to leave them only allowed in Ag/Rural District for now.

Car and Motorized Sales: Changed from “X” to “SPR” in Slaterville Springs, Caroline Center, and Speedsville. Rejected suggestion to change from “X” to “SPR” in Besemer.

Brewery, Winery, Cidery or Distillery: Changed from “X” to “SPR” in West Slaterville.

9. Next Meetings. Added a meeting on March 15th out of a desire to finish going through the Use Table and Dimensions Table so that they could soon be presented at a public information session. Kept regularly scheduled meeting on March 22. Moved April 12 meeting to April 14 to avoid a scheduling conflict at the Town Hall. Second meeting in April will remain on April 26.
10. Due to continued uncertainty with when we will finish revising the Use Table and Dimensions Table we again put off deciding on a date for a public information session but confirmed that we will do so as soon as we can.
11. Bruce addressed the Zoning Commission to voice his objections to Val’s continued participation on the Zoning Commission given that he has not attended recent meetings or otherwise provided input since he left for sabbatical. Bill noted that he had received one email from Val regarding zoning. Bruce stated that he was disgusted what Val wrote: “Before I left, I discussed with Mark the idea of keeping a foot in the door, and definitely trying to vote at the crucial time. I guess we'd have to find a way to do it by proxy, or if I know exactly when it might occur, I could try to arrange an appearance.” Ernie and Bill both also expressed reservations about whether Val should continue as a voting member, though Bill, Michele, and Jean all felt that Val was just trying to be helpful and encouraged Bruce to view Val’s suggestion that way. There was also a discussion about adding members to the Zoning Commission; concern was expressed over whether a new member or members could catch up so that he or she could participate well. Jean pointed out that the matter was in the Town Board’s hands and it was up to them whether or not to appoint new members.