

**Minutes of the Zoning Commission of the Town of Caroline APPROVED
Meeting on Tuesday, March 21, 2023**

Attendees:

Zoning Commission Members: Ernie Bayles, Michele Brown, Barb Knuth,
Bruce Murray, Jean McPheeters, Bill Podulka

Clm. Tim Murray, liaison to the Zoning Committee

Others: Town Supervisor Mark Witmer and Nan Stolzenburg

Note: Ernie Bayles, Bruce Murray, Jean McPheeters, Barb Knuth, and Supervisor Mark Witmer were inside the Town Hall. Therefore, four members attended in an announced place, thereby establishing quorum. Michele Brown and Bill Podulka joined us via Zoom.

Nan Stolzenburg attended by Zoom.

Jean McPheeters opened the meeting at 7:06 p.m. and asked if anyone would like to speak for Privilege of the Floor.

Peter Hoyt said that there is great opposition to zoning in the Town. That a group opposed to zoning had presented a petition with "some 1200" signatures to the Board at their recent meeting.

Renate Ferro spoke to a comment she identified as from Bruce Murray during the last Zoning Commission meeting regarding a commercial zone near the Caroline School on Route 79. Renate said that she had taught at the school for several years and that Janie Clark had developed a standard model of outdoor education at the school. She spoke in opposition to commercial activity in that area because many students play outdoors and live near Route 79. She also said that many students are from the Besemer neighborhood, which has many homes in a beautiful area. She had counted 111 homes within ¼ mile of Route 79 between Besemer and the school. She wants this area to be used by many diverse families and offer good wells and water to these families.

Bruce Murray replied that he did not say that at the last meeting.

Ernie Bayles said that it was he who had talked about this. Bruce went on to say that he counted only 23 houses in that same area. Bill Podulka pointed out that Renate and Bruce used different standards for counting the number of houses: Renate counted houses within a certain distance of Rt. 79 whereas Bruce counted only houses that had driveways that connected to Rt. 79. It wasn't that one of them was "right" and the other was "wrong"; the different methods just led to different answers.

[N.B. Renate Ferro sent a note of apology to the Zoning Commission members after the meeting for misidentifying the speaker.]

Approval of the minutes of March 7(Knuth/Brown) unanimous.

Councilman Tim Murray conveyed his and the Town Board's appreciation for the work of the Zoning Commission and their diligence.

The Zoning Commission then proceeded to go through its compiled notes of issues and concerns from the public hearings and from the comments that were submitted in writing.

- 1) Barb Knuth asked to remove her suggestion regarding "Staging, Storage or Parking Areas.
- 2) (Podulka/Bayles) moved to change the definition of "Enclosed/Covered Staging, Storage or Parking Area" to "An area that is screened from view from the public way or adjacent

properties, by landscaping or other means, whatever is stored within..." This was then withdrawn.

- 3) (Podulka/Knuth) moved to add a section to the Final Report that listed an array of options for the Town Board to consider regarding the Riparian Buffer width. Bayles offered an amendment to add to the list the option of reducing the restrictions in the Riparian Buffer (approved unanimously). The motion changed Riparian Buffer Area to Inner Buffer Area and Riparian Buffer Setback Area to Outer Buffer Area everywhere in the document to make this clearer to readers and residents. See page 66 of Final Draft Law.
- 4) (Podulka/Knuth) moved:
 - a. to strike section 6.5.1.A.5.d "Meet all outdoor lighting, signage..., and add 6.5.1.B.5 "Meet all signage, parking and outdoor lighting requirements of Section 6.2" for Minor Home Occupations.
 - b. To change 6.5.1.C.2 "Be allowed to use up to 100% of an Accessory Building provided all relevant design standards..." by striking the rest of the sentence after Accessory Building (as a requirement for Major Home Occupations).
 - c. Insert 6.5.1.C.3 "Meet all relevant Design Standards of Section 6.2 and appropriate Standards- of Article 7.4 of this Zoning Law as determined by the Review Board." And renumber the other clauses appropriately. (As a requirement for Major Home Occupations).

Following discussion, this was passed with all voting yes, except for Brown who abstained.

- 5) (Podulka/Knuth) moved to add clarifying language (in italics below) to Section 5.1.A so that it now reads "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, *except as allowed in Article IX for lawful lots, buildings, structures, or uses of premises existing at the time of enactment of this Local Law.*" Approved unanimously.
- 6) (Bayles/Podulka) Delete the "Maximum Building Footprint of a Single Non-Residential Commercial Structure" row in the Use Tables. Passed 4-2. The two nays were B. Murray and Brown.
- 7) We then discussed making changes to the Single Building Maximum commercial building footprint. (Podulka/Knuth) moved to change the single building sizes and the total max sizes; that motion failed 3-3. We then voted to remove the single building line (unanimous) and then changed some of the Total commercial footprint per parcel limits: in Besemer District increased from 2,000 to 4,000 sq. ft. and in Ag/Rural increased from 6,000 to 7,500 sq. ft. Total allowed commercial footprints in the other districts were left the same. Passed 5-1; Brown voted Nay.
- 8) (Podulka/Knuth) moved to change the minimum commercial lot size in the Center Brooktondale and Slaterville hamlets to 0.5 acres. Approved unanimously.
- 9) (Podulka/Knuth) moved to change the zoning district of parcel 9.-1-29.2 from West Slaterville to Ag/Rural and continue the W. Slaterville hamlet district boundary along the edge of parcel 9.-1.29.4. Approved unanimously.
- 10) (Murray/Podulka) moved to reopen discussion of adding parcels to the Focused Commercial District. After discussion, this motion was rejected 5-1 (Murray voting nay.)
- 11) We had a short discussion about whether we needed to discuss suggestions that we did not support, and agreed that we would not do that unless we had a motion and a second.

- 12) (Bayles/Brown) moved it be made clear that an Artist Studio Complex/Instructional Space is meant for uses that are not a home occupation. Unanimous.
- 13) Discussed the agritourism definition. (Knuth/Ernie) moved to remove the second sentence in the definition (which required agritourism to be secondary to the primary farm use of the property). Unanimous approval. In addition, in the agritourism definition "farm operation as defined by New York State Agriculture and Markets Law" was changed to "Agricultural or Farm Operation" (the latter being defined in the zoning law).
- 14) Open Space definition: (Knuth/Bayles) Changed the definition to Open Space - Open space is land or water that is undeveloped (free from residential, commercial, industrial, or institutional use). Open space can be either private or publicly owned and includes areas such as forests, agricultural field, public parks and preserves, and coastal lands.
- 15) Next meeting: We asked Nan to make all the changes agreed upon tonight and to send a Final Version of the Draft Law to us as soon as possible so that we could read it and find any errors or typos. We agreed to meet again on Monday, March 27.

Meeting was adjourned at 9:09 p.m.

Respectfully submitted,
Jean McPheeters

Minutes approved on 4/5/23