

## Minutes of the Zoning Commission of the Town of Caroline Meeting on Tuesday, March 22, 2022

The meeting was called to order at 7:31 p.m. by Jean McPheeters.

### Attendees:

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

Others: Town Supervisor Mark Witmer

Excused: Val Warke

Attendees: There were approximately 15 people on Zoom and 3 people attending at Town Hall.

- 1) Privilege of the Floor: Opportunity to bring forward matters of concern.

Peter Hoyt of Creamery Road spoke in favor of having new people (2 or 3) appointed to the Zoning Commission. He suggested that they be farmers or entrepreneurs. He also said there is no need for the Zoning Commission to move rapidly.

- 2) Approval of Minutes of the March 8, 2022 meeting (Knuth, Bayles) Approved unanimously.
- 3) Town Council Report: Tim Murray reported that the first of 3 public listening meeting was held by the Town Council on Saturday, March 19, at the Speedsville Fire Station. The audio of that meeting is on the Town Council's page under Documents on the Town Website. The second meeting will be held on March 26 at Town Hall and will be both in person and on zoom. The third meeting will be on April 2 at the Brooktondale Fire Station. The commission was urged by Bruce Murray to listen to the audio of the meeting.
- 4) Planning Committee Report: Bill Podulka announced that the Battery Energy Storage Law draft has been presented to the Town Council for their approval. The planning board has no other work at this time. Jean congratulated the Planning Board for their work.
- 5) Committee A report:

We began with a discussion of home windmills. Ernie Bayles had done a great deal of research on these. The chair expressed the Commission's thanks to Ernie. After some discussion we agreed that the maximum height of a windmill should be 80 feet, and not less than 100 feet from a property line, and the height should not exceed 1-1/3 the distance from any property line.

Bill Podulka and Michele Brown continued with the report from Committee A on the use tables. We went through the Use Tables and made changes to some areas. There was discussion about possible location of Day Care/Child Care Centers and Event Facilities. We discussed how to ensure that readers would understand that Home Occupations are allowed in all zones. The updated use table is attached. Please note that this is not a final version. We are updating this as a 2<sup>nd</sup> draft for the public information meeting(s), which we hope to hold in April.

The updated (to this point) use table is attached below to these minutes. We did not finish page 7.

We ended the meeting by reminding everyone that there is an extra meeting on March 29, and our April meetings will be on April 14 and 26.

The meeting was adjourned at 9:15.

Respectfully submitted,

Jean McPheeters

### Attachment

| Section Reference if Specific Standards Are Established | Use   | Ag/Rural District   | Hamlet - Besemer | Hamlet-Slaterville Springs | Hamlet – W. Slaterville | Hamlet – Caroline Center and Speedsville | Hamlet– Brooktondale | Hamlet-Brooktondale Commercial |
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|   | Key   | <p>P = use not requiring any Review Board permit, approval, or review. However, a building permit from the Code Enforcement Officer or approvals from other agencies may be required.<br/>           SPR = A use subject to Site Plan Review and approval by the Review Board.<br/>           SUP = Special Use Permit review and approval by the Review Board required<br/>           ASPR = Abbreviated Site Plan review and approval by the Review Board required pursuant to A (6.10).<br/>           X = Prohibited except as a Home Occupation (minor or major)</p> |                  |                            |                         |  |                      |                                |
| <b>Residential Uses and Customary Residential Uses</b>  |   |   |                  |                            |                         |  |                      |                                |
| 5.5.2   | Accessory structures customary to residential uses (pools, garages, tennis court, etc.) | P   | P                | P                          | P                       | P  | P                    | P                              |
| 5.5.2   | Accessory apartments in single family houses  | P   | P                | P                          | P                       | P  | P                    | P                              |
| 5.5.2   | Accessory apartments in accessory structures  | ASPR  | ASPR             | ASPR                       | ASPR                    | ASPR                                     | ASPR                 | ASPR                           |
| 5.5.12  | Clustered Residential Subdivision or Conservation Subdivision <sup>1</sup>              | ?   | ?                | ?                          | ?                       | ?  | ?                    | ?                              |

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| 5.5.1   | Home occupations (minor)   | P  | P                | P                          | P                       | P  | P                    | P                              |
| 5.5.1   | Home occupations (major) <sup>2</sup>                                  | ASPR   | ASPR             | ASPR                       | ASPR                    | ASPR                                     | ASPR                 | ASPR                           |
| 5.5.11  | Multi-family Dwelling including Multi-building Residential Development | SUP  | SUP              | SUP                        | SUP                     | SUP                                      | SUP                  | SUP                            |
|   | Single-family dwellings, Two-family dwellings, and Townhouses          | P  | P                | P                          | P                       | P  | P                    | P                              |
| 5.5.7   | Small Battery Energy Storage System                                    | P  | P                | P                          | P                       | P  | P                    | P                              |
| 5.5.6   | Small Solar Energy Facility  | P  | P                | P                          | P                       | P  | P                    | P                              |
|   | Wind towers for personal use <sup>3</sup>                              | ASPR   | ASPR             | ASPR                       | ASPR                    | ASPR                                     | ASPR                 | ASPR                           |
| <b>Agricultural Uses</b>                                |  |  |                  |                            |                         |  |                      |                                |
|   | Agri-tourism   | P  | P                | P                          | P                       | P  | P                    | P                              |
|   | Agricultural or Farm Operation   | P  | P                | P                          | P                       | P  | P                    | P                              |
|   | Agricultural Structure   | P  | P                | P                          | P                       | P  | P                    | P                              |

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|  | Concentrated Animal Feed Operation (CAFO) <sup>4</sup>         | ASPR   | X                | X                          | X                       | X  | X                    | X                              |
|  | Farm Brewery, Winery, Cidery or Distillery                     | P  | P                | P                          | P                       | P  | P                    | P                              |
|  | Farm Market  | ASPR   | ASPR             | ASPR                       | ASPR                    | ASPR                                     | ASPR                 | ASPR                           |
|  | Farm Stand   | P  | P                | P                          | P                       | P  | P                    | P                              |
| 5.5.9  | Farmworker Housing   | P  | P                | P                          | P                       | P  | P                    | P                              |
|  | Food Processing (on-farm)                                      | P  | P                | P                          | P                       | P  | P                    | P                              |
|  | Greenhouse/nursery   | P  | P                | P                          | P                       | P  | P                    | P                              |
|  | Sawmill, as part of a farm operation <sup>*5</sup>             | P  | ASPR             | ASPR                       | ASPR                    | ASPR                                     | ASPR                 | X                              |
| <b>Commercial Uses and Customary Commercial Accessory Uses</b> |  |  |                  |                            |                         |  |                      |                                |
|  | Accessory structures customary to commercial uses <sup>6</sup> | To be reviewed and permitted as part of Site Plan Review and/or Special Use Permit Processes. Existing commercial structures shall require SPR.  |                  |                            |                         |  |                      |                                |
| 5.5.5  | Adult Uses <sup>7</sup>  | X  | X                | X                          | X                       | X  | X                    | X                              |
|  | Artist studio/Instructional Space/Makerspace <sup>23</sup>     | SPR  | SPR              | SPR                        | SPR                     | SPR                                      | SPR                  | SPR                            |
|  | Auction House  | X SPR  | X                | X                          | X                       | X  | X                    | X                              |



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|   | Brewery, Winery, Cidery or Distillery (Not Part of a Farm Operation) | SPR  | X                | SPR                        | SPR                     | SPR                                      | SPR                  | SPR                             |
|   | Cold Storage Facility  | P, As Part of a Farm Operation Only  | X                | SPR                        | X                       | SPR                                      | SPR                  | SPR                             |
|   | Commercial Kennel <sup>11</sup>                                      | SUP  | X                | SUP                        | X                       | SUP                                      | X                    | X                               |
|   | Commercial Kitchen <sup>12</sup>                                     | P, As Part of a Farm Operation Only  | X                | SPR                        | X                       | SPR                                      | SPR                  | SPR                             |
|   | Composting Facility  | SUP  | X                | X                          | X                       | X  | X                    | X                               |
|   | Convenience Store  | X  | X                | SPR                        | X                       | SPR                                      | SPR                  | SPR                             |
|   | Day care -home day care  | P  | P                | P                          | P                       | P  | P                    | P                               |
|   | Day care- day care center  | SUP  | SPR              | SPR                        | SPR                     | SPR                                      | SPR                  | SPR                             |
|   | Event facility (wedding venue, etc.)                                 | SUP  | X                | SUP                        | X                       | SUP                                      | SUP                  | SUP                             |
|   | Food and beverage  | ASPR, As part of Farm Operation Only   | SUP              | SPR                        | SUP                     | SPR                                      | SPR                  | SPR                             |

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| 5.3   | Formula Business 14                                     | X  | X                | SPR                        | X                       | SPR                                      | X                   | X                              |
|   | Fuel – gasoline station 15                              | X  | X                | SUP                        | X                       | SUP                                      | SUP                 | SUP                            |
|   | Fuel – Electric Vehicle Charging Station 16             | X  | X                | SUP                        | X                       | SUP                                      | SUP                 | SUP                            |
|   | Funeral Home  | X  | X SUP            | SUP                        | SUP                     | SUP                                      | SUP                 | SUP                            |
|   | Government or institutional offices or facilities       | X  | SPR              | SPR                        | SPR                     | SPR                                      | SPR                 | SPR                            |
|   | Health/Medical Clinic/Laboratory                        | SPR  | SPR              | SPR                        | SPR                     | SPR                                      | SPR                 | SPR                            |
|   | Hunting Preserve and Shooting Club (outdoor)            | SUP  | X                | X                          | X                       | X  | X                   | X                              |
|   | Indoor recreation, commercial                           | SPR  | SPR              | SPR                        | SPR                     | X SPR                                    | SPR                 | SPR                            |
|   | Industrial Light Manufacturing 17                       | SUP  | X                | SUP                        | X                       | SUP                                      | SUP                 | SUP                            |
| 5.5.9   | Junk, Scrap or Salvage Yard                             | X  | X                | X                          | X                       | X  | X                   | X                              |
| 5.5.3   | Natural Gas and Petroleum Extraction and Exploration 18 | SUP  | X                | X                          | X                       | X  | X                   | X                              |

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|   | Nursing home  | SUP   | SUP              | SUP                        | SUP                     | SUP                                      | SUP                 | SUP                            |
|   | Offices   | X   | X                | SPR                        | X                       | SPR                                      | SPR                 | SPR                            |
|   | Outdoor recreation, commercial                      | SUP   | X                | SUP                        | X                       | X  | X                   | X                              |
|   | Pop-up business 19                                  | P   | P                | P                          | P                       | P  | P                   | P                              |
|   | Public parks, trails, playgrounds                   | P   | P                | P                          | P                       | P  | P                   | P                              |
|   | Retail sales Not Otherwise Listed in this Table     | As Farm sales or Home Occupation Only   | X                | SPR                        | X                       | SPR                                      | SPR                 | SPR                            |
|   | Retreat Center                                      | SUP   | SUP              | SUP                        | SUP                     | SUP                                      | SUP                 | SUP                            |
|   | Sawmill, portable                                   | P   | P                | P                          | P                       | P  | P                   | P                              |
|   | Sawmill, Commercial                                 | SUP   | X                | X                          | X                       | X  | X                   | X                              |
|   | School, private                                     | X   | X                | SPR                        | X                       | SPR                                      | SPR                 | SPR                            |
|   | Self-storage facility                               | X   | X                | X                          | X                       | X  | X                   | X                              |
|   | Service business Not Otherwise Listed in this Table | As Farm sales or Home Occupation Only   | X                | SPR                        | X                       | X SPR                                    | X SPR               | SPR                            |
| 5.5.6   | Solar Energy Facility, Small                        | P   | P                | P                          | P                       | P  | P                   | P                              |



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| 5.5.6   | Solar Energy Facility, Medium | SUP  | X                | X                          | X                       | X  | X                   | X                              |
| 5.5.6   | Solar Energy Facility, Large  | SUP  | X                | X                          | X                       | X  | X                   | X                              |
| 5.5.4   | Telecommunication Tower 20    |  |                  |                            |                         |  |                     |                                |
|   | Veterinarian                  | X  | X                | SPR                        | X                       | X SPR                                    | X SPR               | SPR                            |
|   | Wind towers 21                | SUP  | X                | X                          | X                       | X  | X                   | X                              |

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SPR/SUP = Both Site Plan Review and Special Use Permit review and approval by the Review Board required.

ASPR = Abbreviated Site Plan review and approval by the Review Board required pursuant to Article VI (6.10).

X = Prohibited Use

1 Need clarification on subdivisions. See Committee B comment on draft.

2 Suggest major and minor home occupations be combined.

3 Per Ernie, wind towers less than 80'; more than 100' from property line be allowed.

5 Delete on farm?

4 Wil's question: Why allow CAFO in Commercial but no Commercial in Rural/Ag?

6 To be reviewed and permitted as part of Site Plan Review and/or Special Use Permit Processes. Existing commercial uses shall require SPR

7 Date on law should be 1999. Which districts would allow Adult use? Suggest same as Auction House.

8 Committee A recommends: Large is up for discussion though as long as a site can meet all the fire access and other safety requirements of the law it would not be unreasonable to allow them in all zones, as well. Discussion of full commission?

9 Retreat centers separated from campgrounds and allowed in all districts with SPR.

10 Per Ernie, only allow car wash with public sewer.

11 Need definition of commercial kennel. How many dogs?

12 Need definition of commercial kitchen. Why not permit everywhere at least as home occupation?

13 Per Bill, this row can be deleted. "The solar siting law makes no distinction between commercial and non-commercial solar. I think this row can be removed. Solar law specifies small, medium and large."

14 This is a new row. I took a guess at where Formula Businesses would be allowed.

15 Barb suggests allowing auto mechanic in same districts as gas station, but I can't find a row for auto mechanic, just auto body.

16 If electric vehicle charging station is allowed in W. Slaterville, why not Besemer?

17 I suggest allowing Light manufacturing in all hamlets with SPR since it can utilize existing, large buildings and may not emit fumes or noise. See the last of the scenarios I devised.

18 Conventional drilling only.

19 Added per Barb.

20 Is there anyway we can control siting?

21 Need to be differentiated from Wind towers, Personal.

22 Automobile Service and repair can include Fuel, gas so permitting is the same.

23 Per Nan's comment on Home Occupation Scenarios, suggest adding this row.

Other comments:

Please note that the Bakery row got split and needs to be read carefully.

Should there be a row for Studio/Instruction space?

From Wil: Why would changes in commercial use require an SPR if the building is already existing and there are no exterior changes?

Ernie Bayles: A change of a building's use is highly regulated by the building codes. If the change does not require a building permit, (most do--like changing a business use to residential) then any zoning law

isn't likely to be enforced. I'd suggest that we allow changes where a permit is not required with an abbreviated site plan review process if no exterior changes (or changes in traffic volume or hours of use) were proposed. Otherwise, full SPR.

DR