

**Minutes of the Zoning Commission of the Town of Caroline
Meeting on Tuesday, March 7, 2023**

The meeting was called to order at 7:03 p.m. by Jean McPheeters, chair.

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 7:02 p.m. and asked for approval of the minutes.

(Knuth/Bayles) 4 affirmatives; 2 abstained (Murray and Podulka), approved.

Clm. Tim Murray reported that he wanted to thank the Zoning Commission members on behalf of the Town Board for holding and running the Public Hearings.

Ernie Bayles reminded Jean that she hadn't called for Privilege of the Floor. Jean apologized and asked for speakers. Nelson Mix had sent a letter to Jean McPheeters and the Town Clerk via email in January; however, Jean had not received it. The letter had listed a number of changes he asked the Zoning Commission to make to the 2nd draft. He had written again on Monday night, March 6, and Jean received that. He asked the Zoning Commission to review his request and get back to him. Jean explained the situation, and that she had written to the Town Clerk asking if she had received that letter. She said she would get back to Mr. Mix. [Note: we are not responding individually to all writers or speakers, but Bill Podulka volunteered to get back to Mr. Mix.]

We then began discussing items that were brought to our attention during the public hearings. The written comments have been sent to us by email and we are reading them. (Mark and the town clerk will arrange to get printed copies for ZC members if desired.)

Bill has compiled a list for us, and we will add other items as we go along:

1. Increase the size of commercial space: Bill showed us a map of potential areas in Besemer hamlet area, and we have received a note about space on the corners of 79 and Ellis Hollow Road & 79 and Midline Roads. After discussion, we agreed to consider possible areas and to

send each other our thoughts by Thursday, March 9, and to discuss them again at our next meeting.

2. We then discussed whether to include a statement in the report about the types and amount of opposition or support for the Preliminary Report or for zoning in general. Knuth/Brown offered a motion that it be noted that support for and opposition to zoning was expressed in the oral and written comments. Discussion continued about the quality and quantity of the expressions. Whether we should include a tally. Whether there was any legal justification for supporting a survey or reporting in that form. The motion failed 3 to 3. Nays were Bayles, Murray, and Podulka. Jean offered to write another motion for us to consider.
3. Knuth/Podulka offered a motion to define **Family** as " One or more people sharing the entire dwelling unit who live and cook together as a single non-profit housekeeping unit, sharing expenses for food, housing (e.g., rent, mortgage), utilities, or other household expenses. Persons in the family unit may or may not be related by blood, marriage, or legal adoption." This will be included in the definitions. Passed unanimously.
4. Brown/Podulka offered a motion to Change "**Artist Studio/Instructional Space**" to "Artist Studio complex/Instructional Space" and modify the definition so that it is clear this refers to group use of a building and not a home occupation. I suggested adding a second line so that there are 2 lines in the use table. Amendment accepted. Passed unanimously. Nan S. will make this change.
5. **Water Resources Overlay** Bill had written the various changes that were suggested from eliminating it entirely, to eliminating the riparian areas, to modifying the riparian areas. Knuth/Brown moved that we keep the water resources overlay areas as they are, but that we make the map easier to understand by showing the 3 types of data (wetlands, flooding, riparian zones). There was discussion about what that meant—one map or 3 or 4 different maps. We agreed that it made sense to leave the overlay as it is and to ask our consultants to create 3 info-only maps showing the 3 data types separately. Passed unanimously. Nan will work on this with Rick. Also, we may want to suggest to the Town Board something about the width of riparian areas in various zoning areas.
6. **We then considered adding more commercial possibilities in the hamlets and passed these additions by making motions and passing them.**
 - i. **Bakery:** added permitted with SPR to Ag/Rural, Besemer, and W. Slaterville (Knuth/Bayles) Passed unanimously.
 - ii. **Commercial Kitchen:** add Permitted with SPR to Ag/Rural as not part of a farm operation, and to Besemer, West Slaterville. (Knuth/Brown) Passed unanimously.
 - iii. **Convenience Store:** add as a Permitted Use to Besemer, Caroline Center, Caroline, and Sneedville, Brooktondale. (Knuth/Podulka) Passed unanimously.

- iv. **Industrial Use, Light:** add as a Permitted Use with SUP to all the zones. (Knuth/Podulka) Passed unanimously.
 - v. **Offices:** add as a Permitted Use to all the zones. (Knuth/Podulka) Passed unanimously.
 - vi. **Commercial Recreation Facility, Outdoor:** We are moving this in the definitions and the use table so that the phrase starts with Commercial. Add with SUP to all the zoning areas except Center Brooktondale. After discussion, we are also adding the phrase “non-motorized activity” to the definition. (Knuth/Podulka) Passed unanimously.
 - vii. **School, Private:** add with SPR to all areas (including Ag?) (Knuth/Murray) Passed unanimously.
 - viii. **Bank.** Add with SPR to Besemer, W. Slaterville. (Murray, Knuth) Passed unanimously.
 - ix. **Campground/Camping Units:** Added with SUP to Focused Commercial. (Murray, Podulka). Discussion, Passed Unanimously.
 - x. **Car Wash:** Added with SUP to Besemer and W. Slaterville. Discussion. (Murray, Bayles) Discussion. Ernie Bayles noted that it was very unlikely that any car wash could get enough water to be approved by the County Health Department until there is a water distribution system in the town. Passed (4 Ayes: Murray, Bayles, Podulka, Brown; Nay: McPheeters; abstention: Knuth).
 - xi. **Brewery,** added with SPR to Besemer. (Murray, Knuth) Passed unanimously.
7. **Several items are moved forward to next week:**
- i. **Staging, storage, or parking areas** as a non-residential, non-agricultural use for vehicles, equipment, or materials, whether temporary or permanent not associated with a home occupation or otherwise Permitted Use with SUP. We discussed this, but felt we needed more information about sizes. We will do some research and come back next week.
 - ii. **Restaurants, Farm to Table:** add a line to use table and a definition (Nan) add to all areas with SUP. (Podulka/McPheeters) Decided we needed to know more. Come back next week. Nan will write a definition.
 - iii. **Dimensions Table:** Discussion about dimension size of commercial buildings. Ernie Bayles suggested that there are many uses where 15,000-20,000 sq. ft. are needed such as breweries, storage. Bill and Ernie are going to do some research and send us information about the size of buildings in the area so that we can better understand these sizes.
8. **Article VI—Supplementary Standards**
- i. **6.2.8 – Parking.** (Knuth/Bayles) delete item A; item B remains but needs to be renumbered. Passed Unanimously.

- ii. **6.5.1.B – Minor Home Occupations:** (Knuth/Podulka) Change the wording to “Have more than 50% of floor area of the Dwelling Unit and/or an Accessory Structure used for the Minor Home Occupation (or Residential Secondary Business). Passed Unanimously.
 - 1. We discussed this a great deal because it seems to override part of the NYS Building Codes. Nan told us that many zoning codes in rural areas do this to encourage home businesses and because of the conditions in the area.
- 9. In **Article VI** we discussed **6.5.1.A6d** regarding outdoor lighting, signage, landscaping, and parking requirements. (Podulka/Bayles) began to offer a motion on this, but decided after some discussion to postpone this until the next meeting.
- 10. In Article VI we discussed **6.5.1.A.4** regarding inventory and supplies. We also postponed this until the next meeting.
- 11. We accepted all the noted typos in Bill’s report and asked Nan to make those changes. Clm. Murray also noted that he had forwarded a few typos and Nan will make those changes also.
 - i. Typos Zoning map legend: Change "Hamlet – Slaterville" to "Hamlet – Slaterville Springs" p. 7 in the Preliminary Report: change "Dandy Mart in Slaterville" to "Dandy Mart in Slaterville Springs" P. 34 in Zoning Law (p. 53 in the Preliminary Report), Article III Districts, Reader's Aid Box: Change "Overlay Districts" to "Overlay District" [or put off pending decision on overlay] Add "Focused Commercial" to the second sentence list of types of districts. Capitalize "Agricultural/Rural" in second sentence. Clause 6.1.B.1: change "6.21" to "6.2" Clause 6.5.14.D.3 change "Slaterville" to "Slaterville Springs" (two occurrences)
 - ii. Reader's Aid Box for Article VII: change "Some uses require only Site Plan Review and approval while other uses that require a Special Use Permit also require a Site Plan Review done at the same time." to "Uses that require a Special Use Permit also require a Site Plan Review; typically, the two reviews are done at the same time."
- 12. We briefly mentioned Article IX, Non-Conforming Uses and Structures and will come back to that next week.

The next meeting will be on Tuesday, March 14 at 7:00 p.m. at the Town Hall.

The meeting adjourned at 9:33 p.m.