

Questions for Zoning Commission from Comment Boxes, Emails/Letters to Chair of Zoning Commission, and Public Meetings

Q/A #1-39

NOTE: The numbers of questions & answers indicate the overall order in which they were received and answered (number simply help us keep track of questions received, to make sure we answer them). The questions/answers were then placed in one of the main categories below, to aid finding related information. The numbers within a category, therefore, are not sequential.

Zoning Purposes & Definitions

Q1: What does Prime Agriculture lands mean—prime for what? Whose definition is being used? The Zoning Law needs to define terms like these.

A1: The Zoning Law uses the term “Prime Farmland Soils,” which is a federal and state designation given to soils best suited for farming. The U.S. Department of Agriculture defines “Prime Farmland Soils” as: *Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable level of acidity or alkalinity, and acceptable content of salt or sodium, and few or no rocks. Its soils are permeable to water and air. Prime farmland is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected from flooding.*

The Zoning Law will include a section on definitions and terminology (currently this is Article XIII Terminology in the 12/28/21 draft zoning law; in future drafts, this section may be moved earlier in the document). You can find a draft of the zoning law posted on the [Town’s website](#); as the draft is revised the version on the website will be updated periodically.

Q4: Will there be a glossary of terms available?

A4: You can find a draft of the zoning law on the [Town’s website](#). The draft Zoning Law includes a section on terminology (Article XIII in the 12/28/21 draft). The Commission is considering moving this content earlier in the next draft, and highlighting throughout the document specific terms that are defined in the glossary, to signal to the reader which terms can be found there.

Q5: What problems are we trying to solve with zoning in the Town of Caroline?

A5: The overarching goal is to preserve what Town residents like about Caroline by ensuring that future growth and development occurs in harmony with the vision described in the Town’s

Comprehensive Plan. The guiding principles of how to achieve that goal are laid out in Article I, especially Section 1.3 Purposes in the 12/28/21 draft zoning law posted on the [Town's website](#). A zoning law will help the Town of Caroline implement its goals as expressed in the Town's Comprehensive Plan, will protect existing neighborhoods and environment features, will facilitate growth that is consistent with the desires of the community, and will offer stability that gives people confidence to invest in the area.

Q7: How does zoning relate to the Town's Comprehensive Plan?

A7: By state law, any zoning proposal must be based on a town's Comprehensive Plan. An effective zoning law will enable the Town to promote the values as expressed in its Comprehensive Plan. Article 1, Section 1.3 Purposes ties the goals of the zoning plan to the town vision as laid out in the Comprehensive Plan (see the draft zoning law on the [Town's website](#)). The Zoning Commission's deliberations, including consideration of public comments throughout the Commission's work, are aimed to develop a final report to the Town Board that reflects the values of the Town's Comprehensive Plan, including:

- Conserving the Town's natural resources and protecting the Town's environment from the effects of excessive and/or insensitive development, including:
 - Protecting the Town's land, forest, air, and surface water resources
 - Safeguarding the Town's groundwater resources and their watersheds
 - Protecting the Town's environmentally sensitive areas to preserve ecological function, maintain open space, and conserve natural habitats
 - Preserving areas of Prime Farmland and other Agricultural Resources
 - Preserving and protecting significant scenic resources
 - Supporting sustainability, discouraging reliance on fossil fuels, and encouraging energy-efficient development
 - Supporting the adaptive reuse of buildings
- Maintaining the rural character of the Town as described in the Comprehensive Plan, including:
 - Fostering and preserving farming and other businesses and activities associated with agriculture
 - Encouraging building design and site layout that blends with the rural residential and agricultural nature of the Town
 - Supporting residential development that is concentrated within designated focus areas, supports community resilience, and is sited in harmony with the rural residential and agricultural nature of the Town
 - Preserving designated historic buildings and sites
- Promoting the Town as a vibrant and desirable community in which to live, including:
 - Avoiding or minimizing adverse impacts to neighboring parcels, public facilities, and community infrastructure when land development occurs
 - Encouraging both existing and new business ventures that provide employment opportunities for Town residents
 - Supporting home-based occupations that are in keeping with the rural character of the Town
 - Encouraging new development to include opportunities for outdoor recreation

- Promoting accessibility for all and enhancing pedestrian ways and bikeways, particularly in hamlets
- Encouraging development that is livable for people of all ages

Q11: The draft zoning law is absurdly long. I suspect that many people who might support some form of limited zoning, say to keep box stores out of Caroline, would find 130 pages of detailed rules and justifications both alarming and unnecessary. Why is it so long?

A11: We appreciate your concerns about length, but keep in mind that length of a document is not the same thing as the degree of regulation. Zoning language that is very specific and clear helps avoid confusion and conflicts down the line but adds to the document's length. Length provides detail and clarity, and clarity leads to fairness and more efficient planning and development processes in the future. Some elements of the draft zoning law are "boiler-plate" that are required by New York State Law and hence add length to any zoning law. In addition, the 12/28/21 draft includes "reader's aid boxes" that add content (and length) but are not required by law. These are intended to help readers understand the law in more lay-friendly language. Some elements of the draft zoning law incorporate, and therefore would replace, existing or proposed Town laws, such as Site Plan Review (see Article V Supplementary Standards, and Article VI Site Plan Review). It is considered best practice to put the Site Plan Review law directly in the zoning law; this adds length to the zoning law but does not add length to overall town laws. In addition, some content, such as "purposes" is repeated at various places in the current version of the draft law as a reminder to readers who may skip around the document rather than reading it in its entirety. The Zoning Commission is sensitive to community concerns about the length of the document. To address these concerns, the Commission may decide to remove some parts of the current draft and recommend they be incorporated into other existing Town laws (for example, "conservation subdivision" content might be moved into a revised Town subdivision law), or remove or reduce repetitive sections in the current draft. The Commission will strive to prepare an effective, legal, understandable document that is as streamlined and user-friendly as possible while providing the clarity needed for fair and efficient implementation.

Q12: The 12/28/21 draft zoning law posted on the Town website seems like a "maximum regulation" approach that the Zoning Commission will then whittle down. I think this is a dangerous approach that could result in a final law that retains undesirable language by either unintentionally overlooking some passages or just giving up on the hard work required to remove such unwanted language without destroying the overall integrity of the document. How is the Zoning Commission addressing this challenge?

A12: The Zoning Commission approached its charge by first focusing a series of its meetings on how zoning, generally, could reflect the purposes and values expressed in the Town's adopted Comprehensive Plan. The next step was to consider language that is required in zoning laws in New York State as well as language that could be included in a Town zoning law to address the purposes and values of the Comprehensive Plan. The Commission also discussed including the Town's current site plan review process within the new zoning law rather than retaining it as a stand-alone law. To enable the Zoning Commission to transition from discussing general philosophy, values, and goals, the Town's consultant drafted specific language reflecting what the State requires, what already exists in various Town laws, and what the Zoning Commission discussed relative to the Town's Comprehensive Plan. Our next step as a Commission is to comment on, revise, edit, and change the draft language and maps to

reflect our deliberations and judgment as Commission members and reflect and respond to public comment the Commission received. We are involved in that process now. The 12/28/21 version of the draft zoning law was only a starting point and will definitely change. The Zoning Commission members are committed to carefully considering every portion of the current draft, and future iterations, in detail, to result in a proposed zoning law for Town Board consideration that reflects the interests of the Town of Caroline as established in its Comprehensive Plan. Public input is welcome. Send comments to the Zoning Commission Chair, Jean McPheeters, with a copy to the Town Clerk: jeanmcpheeters@gmail.com and clerk@townofcaroline.org , or Town Clerk Jessica Townsend, P.O. Box 136, Slaterville Springs, NY 14881.

Q27: Are we doing this work regarding zoning as a precautionary/reaction to a potential lawsuit from Dollar General?

A27: No, work toward appropriate land use and building regulations for the Town of Caroline has been underway for many years. Establishing a Zoning Commission to develop a draft law resulted from many preceding years of work by Town residents, reflecting public input, to develop mechanisms to ensure that land development in the Town of Caroline occurs in harmony with surrounding uses and is consistent with the Town's adopted Comprehensive Plan. The Town's Comprehensive Plan expressed the values and vision for the Town, growing from years of work by town residents on the Planning Board and extensive public input. To build on the Comprehensive Plan, the Town Board appointed a Town Task Force on Land Use and Economic Development to research potential regulatory tools that could be used to promote the goals and values expressed in the Comprehensive Plan. The Task Force, composed of individuals living and farming in the Town, reviewed various options on land use, held multiple meetings open to the public, and obtained advice from various relevant agencies. The Task Force, based on the Town's Comprehensive Plan and its own research and public input received, recommended the Town Board appoint a zoning commission to begin the process of proposing zoning districts and appropriate regulations to be enforced therein, and to adopt a new site plan review process and standards as part of a zoning law.

Impact of Zoning on Taxes and Assessment

Q29: How would this affect property values?

A29: Property value is determined by market conditions. In general, zoning offers stability and predictability and so helps maintain property value. Residents and businesses alike want to make sure that their investment is going to be valuable in the long run. With zoning, local property owners are protected from incompatible businesses opening close to them that would decrease the value of their property. In the long term, zoning, if done well, should add value to properties because it will help Caroline remain a quality place to live and establish businesses.

It is important to realize that because of the NYS Real Property Tax Law, the Tompkins County Department of Assessment must value properties based on the current use (except for properties that are vacant and that have no current use; in that case the properties are assessed based on the "highest and best use"). That means that a residential property will not suddenly be assessed higher if it is located in a district that is zoned commercial in the new zoning law because it will still be assessed as a residence. Likewise, a residential property will not suddenly be assessed lower if it is located in a district that does not allow commercial activity because it was already being assessed as a residence, not for any possible commercial value.

Q30: How would this affect resale/market values?

A30: In general, zoning provides stability and certainty, and real estate markets, including markets for residential dwellings and for commercial enterprises, tend to respond positively to that.

Q37: How would a zoning plan affect my taxes?

A37: There is likely to be no effect on taxes in the short term. The long-term impacts depend on how markets respond to zoning in the town. The amount of tax you pay is the product of the tax rate and the value of your property. The tax rate is determined by the town budget divided by the value of all the property in Caroline. Zoning tends to preserve or enhance property value in general, which would mean a stable or reduced tax rate for the town. For a particular property, whether the amount of taxes paid goes up or down will depend on whether markets value that property more or less compared to the average change for all property.

Zoning will also save tax dollars if it restricts sprawl and keeps down the costs of providing community services. Residential development is by far the costliest to a community like Caroline because of the relatively high cost of services required compared to the amount of increased tax revenue.

Zoning would provide more certainty for businesses which will lead to a greater desire to invest in Caroline. Not all businesses have the same impacts and benefits on our Town, and zoning can ensure that businesses coming to Caroline are compatible with our community and locate in the areas most appropriate for commercial activity.

Q38: How does zoning affect property value?

A38: See Answer 29 (A29), above.

Q39: What's the relationship of Caroline zoning to Tompkins County taxes?

A39: See Answer 37 (A37), above.

Decision-making Processes

Q6: Why was this not brought to all residents of Caroline sooner when everything was started?

A6: Establishing a Zoning Commission to develop a report to the Town Board for its consideration resulted from many preceding years of work by Town residents, reflecting public input, to develop mechanisms to ensure that land development in the Town of Caroline occurs in harmony with surrounding uses and is consistent with the Town's adopted Comprehensive Plan. The Town's Comprehensive Plan expressed the values and vision for the Town, growing from years of work by town residents on the Planning Board and extensive public input. To build on the Comprehensive Plan, the Town Board appointed a Town Task Force on Land Use and Economic Development to research potential regulatory tools that could be used to promote the goals and values expressed in the Comprehensive Plan. The Task Force, composed of individuals living and farming in the Town, reviewed

various options on land use, held multiple meetings open to the public, and obtained advice from various relevant agencies. The Task Force, based on the Town's Comprehensive Plan and its own research and public input received, recommended the Town Board appoint a zoning commission to begin the process of proposing zoning districts and appropriate regulations to be enforced therein, and to adopt a new site plan review process and standards as part of a zoning law. The Zoning Commission meetings are open to the public and include a Privilege of the Floor opportunity to hear from members of the public. The Commission plans to hold multiple information meetings to inform its deliberations. Before sending a final report to the Town Board, the Commission will hold a formal public hearing.

Q19: The residents of Caroline need more time to review this draft zoning law properly and to make sure they are all able to give their feedback. It is a big change being proposed so I would suggest at least 6 months more. I think there is an easy solution to this though which would be to implement just 1 item from the proposed plan which would be section 5.3 on page 41 (12/28/21 draft). Having this in place would control formula business stores while we take the time to discuss all the rest of this zoning plan with the care it deserves.

A19: The Zoning Commission will take the time needed to develop a thoughtful report to the Town Board, informed by public comment and the deliberations of the Commission members. Public input is an important component of the Commissions' work, and the Town Board will solicit additional public input after it receives the report from the Commission. Section 5.3 that you refer to relates to design standards required for trademarked architecture and formula business design. That section could not be a stand-alone law because it does not include various legal details required by the state (for zoning laws) and would not be an effective regulatory tool, nor would such limited language address the overall interests of the Town to implement appropriate tools to promote the goals and values expressed in the Town's Comprehensive Plan. As the Comprehensive Plan was being completed and adopted, the Town Board appointed a Town Task Force on Land Use and Economic Development to research potential regulatory tools to achieve the goals of the Comprehensive Plan. The Task Force recommended the Town Board appoint a zoning commission that would propose zoning districts and a draft zoning law, and also recommended an updated site plan review process and standards be included as part of that zoning law. The Zoning Commission has held two public meetings in December, is posting drafts of the zoning law under consideration (updating as revised writing occurs), soliciting and responding to questions and comments from the public, and will hold additional public meetings and a public hearing before making a final report to the Town Board for their consideration, including another public hearing to inform any vote they take.

Q35: I am contacting you in regards to the proposed new zoning in the Town of Caroline. I believe that the Town of Caroline needs to have an open conversation with the Town residents so that we can all better understand what is being proposed. After starting to review what is being proposed there are some very concerning items that we as property owners need to discuss in more detail. The town meetings that I have tried to be on through zoom rarely worked and then I could only call in and it was hard to hear. Due to COVID it seems that moving forward with this magnitude of change should be put on hold until we can all meet and understand/discuss in more detail the proposed changes.

A35: We recognize concerns about access and involvement in this process, and appreciate you expressing them. Receiving and considering public input is very important to inform the deliberations of the Zoning Commission, and the Commission is striving to provide a variety of ways to read materials

and provide comment; if you have suggestions about additional avenues we can provide, please let us know. Paper copies of the draft zoning law and draft district maps are available at the Town Hall for public review. Comments to the Zoning Commission can be submitted on paper by mailing them to the Town Clerk (Jessica Townsend), P.O. Box 136, Slaterville Springs, NY 14881, or by dropping them off at the Town Hall or in one of the Comment Boxes available at the Dandy Mini Mart, Brookton's Market, the Town Library, and the Town Hall. The public information meetings in December had two versions, one by Zoom for people who preferred to attend that way, and one in-person for people who could not do so or preferred to meet in person. As possible given pandemic concerns, the Zoning Commission intends to hold future public information sessions in dual-format versions. For those who have an internet connection, the [Zoning Commission website](#) has much information available, including a draft zoning law (which is being revised based on public comment and Commission review; new versions will be posted when available), draft district maps (also under review/revision), meeting minutes and videos from all Zoning Commission meetings, FAQs, and presentation materials. One or more additional public information sessions will be held (perhaps in March; details will be announced). Based on on-going public feedback and Zoning Commission deliberations, revisions to the draft law will be made and posted on the website (with paper copies available at the Town Hall) for public review and comment. At some point in the future, a formal public hearing will be held (and additional revisions to the draft law will be made as appropriate) before the Zoning Commission makes its final report to the Town Board for its consideration. Additional public input through another public hearing and perhaps by other means will be solicited by the Board after it receives the Commission's report. Public input on any zoning-related topic is welcome. Send comments to the Zoning Commission Chair, Jean McPheeters, with a copy to the Town Clerk: jeanmcpheeters@gmail.com and clerk@townofcaroline.org, or as noted above, by mail to the Town Clerk or in-person at the Town Hall or a Comment Box.

Residential Density

Q21: (In the 12/28/21 draft zoning law) in Section 3.2 on pages 16-19 it talks about a 3 acre minimum parcel size to build a house in an agricultural district. The stated purpose of this rule is to preserve farmland which is admirable and I agree with the sentiment. However I think that this rule may actually have the opposite effect of its original intent. By requiring such a large parcel size per residence it is actually ensuring that MORE farmland will be used up for houses. Take boiceville cottages for instance. If those had been built under this zoning probably 5 or 6 whole farms would have had to be bought and turned into housing instead of just the one area because it would not have allowed that kind of density. Or look at the farmland right across from the cemetery on Lounsberry Rd in brooktondale. I have seen a couple houses go up there with frontage on Landon recently. But if they had to have 3 acres each it would end up taking most or all of that farmland for that use. I watch fox kits play in those fields regularly, I would like it and other farmland to remain open and it sounds from the stated goals that you would too but I think this rule will have the opposite effect.

A21: The Zoning Commission recognizes the negative effects associated with a minimum residential lot size in agricultural/rural areas, as you point out. For that reason, the draft law does NOT require a 3-acre minimum lot size to build a house; we will work on making this point more clear in the next revision. Instead, the draft law proposes an average residential lot size approach. Average lot sizes allow a variety of lot sizes to be created from a larger parcel. The only requirement is that the overall housing density for the entire (original) parcel does not exceed a certain threshold. For example, a parcel of 100 acres in the agricultural district could accommodate 33 residential lots (average of 3 acres

per lot), but the specific lots could range in size from 1 acre (minimum required by Health Department) to much larger. All (up to 33 on that 100 acres) residential lots could be 1 acre each (for example), leaving 67 acres still available, undeveloped, for farming (depending on the contours and environmental features of the original parcel, of course). The 12/28/21 draft law also includes a detailed section on Conservation Subdivisions (see Section 5.5.12), which would encourage the characteristics you note that are similar to the Boiceville Cottages development approach.

Design Standards

Q16: (In the 12/28/21 draft zoning law) Regarding Section 4.2.A.3, I suggest completely deleting 4.2.a.3a-g because it would lead to inappropriate micromanagement of farming and is counter to the goal of supporting farming.

A16: This section is not intended to pertain to agricultural activity at all. We see how the 12/28/21 version leads to that confusion. Future updates to the draft law will clarify in the headings and sub-headings what it does pertain to. This section is intended to guide non-farm development specifically to minimize impacts on adjacent farm operations and environmental features.

Q17: (In the 12/28/21 draft zoning law) Regarding Section 4.2.A.4, this whole section should be deleted because it has absolutely nothing to do with supporting farming or rural character or fostering population growth. ... You can't have it both ways – either you want to promote population growth (which means home construction) or you want to keep people away. Instead of focusing on where buildings may be located and micromanaging whether or not someone can see your garage, perhaps it would be best to simply restrict certain types and sizes of building construction (such as mobile homes, apartments, or whatever you are trying to restrict). Saying that the siding on your shed needs to match the siding on your house ... really? Have you seen some of the parcels in the area?

A17: The section you refer to, 4.2.A.4 requires clarification and will be revised in the next version of the draft zoning law. Section 4.2.A.4 refers to commercial and major subdivision development, types of activities that require Site Plan Review or Special Use Permits (so it does not pertain to single-family and two-family dwellings). Currently, Section 4.2.A.4 has two major components but they are not explained clearly and that must be improved in the next revision, or the Commission may decide to revise the content substantially in addition to adding clarity; the entire Section IV is under review and discussion. The first intended component of the current Section 4.2.A.4 relates to the siting or placement of a building when a lot is developed as part of a major subdivision, and the second intended component relates to various design elements of structures. Proper siting of buildings on a parcel is important both to protect the environmental conditions that may be present and to maintain the overall rural character of the area. Currently, lots are split off and houses or other structures are built with little to no review except for well and septic regulations from the Department of Health. The first component of this section authorizes the Review Board to review where structures will be placed when in a major subdivision. This is an important task that is part of good planning processes. Siting of structures highly influences environmental features and poor siting can negatively affect features such as wetlands, critical habitats, or stream water quality (for example). Maintaining rural character and protecting environmental resources are key topics in the Town's Comprehensive Plan.

The second component in this section, related to design elements (such as building scale, accessory structures, etc.), is intended to apply only to major subdivisions or uses requiring site plan review or special use permits. That is not clear in the current draft, and will be clarified in revised language (and the entire section may be revised regarding content in addition to providing clarity).

Q24: (In the 12/28/21 draft zoning law) I definitely see a number of issues with section 5.2 which begins on pg 36. I won't go into detail in this email but this is definitely something that needs more review and discussion.

A24: The Zoning Commission is reviewing, and will be revising, section 5.2. Much of the current language comes from the existing site plan guidelines for the Town and the design standards recommendations from the Town's Land Use and Economic Development Task Force. Keep in mind these standards are for commercial structures (not single- or two-family residential dwellings). Public input on this section (and all sections) is welcome. Send comments to the Zoning Commission Chair, Jean McPheeters, with a copy to the Town Clerk: jeanmcpheeters@gmail.com and clerk@townofcaroline.org, or Town Clerk Jessica Townsend, P.O. Box 136, Slaterville Springs, NY 14881.

Q25: (In the 12/28/21 draft zoning law) Section 5.5 starting on page 42 outlines the rules for home businesses. Most of these seem appropriate but items e and f in section 5.5.1 A. on page 42 I have major issues with, particularly item f. I think it is definitely inappropriate to ask a minor home business to comply with all the lighting, parking, and landscaping regulations set out for commercial businesses. The signage and noise I have no problem with but the aforementioned could be quite expensive and inappropriate to implement not to mention significantly change the character of the existing house which just isn't appropriate for a place that is also a residence.

A25: The Zoning Commission is reviewing, and will be revising, Section 5.5. We'll take a close look at 5.5.1.a.6.f as you note.

Q26: Although I prefer not having to deal with zoning requirements I am not necessarily against it and I imagine it is inevitable at some point. ... However I still think we need to think this through carefully because it may have some consequences that are unintended. If we are overly restrictive in our zoning we will actually hurt some of the people and ways of life that the zoning is meant to protect. For instance a lot of the restrictions on styles and ways of building will affect lower income individuals and farmers often fall into that category. A big part of the stated mission of this zoning plan is to protect our agricultural areas and the rural feel and way of life here in Caroline and some of this may have the opposite effect by making it cost prohibitive for rural folks to operate here. ...

A26: Article V, which includes design standards (styles and ways of building that you refer to), applies to commercial uses and other specific uses subject to site plan review and special use permits. These design standards do not pertain to single- and two-family dwelling units, nor to agricultural structures. Based on a number of comments made at public meetings and in writing, this seems to be a key misunderstanding about the content of the draft zoning law, so these sections need to be clarified to make them more understandable. In the next revision, we will strive throughout the document to be more clear about which sections, restrictions, and standards apply only to commercial buildings and

subdivisions, and be clear about what content does not apply to single- and two-family residential dwellings.

Allowed Uses

Q3: Where can I find information on specifics and delineations so I can consider the actual impacts and comment on those?

A3: You can find a draft of the zoning law on the [Town's website](#). The draft Zoning Law includes a section on uses, with specific details. The Zoning Law section on "Uses and Dimensions" contains a table showing all of the (proposed in draft form) permitted uses in the Town of Caroline. The Use Table (see Article III in 12/28/21 draft) is under discussion and will be revised over the coming weeks. The Use Table will show what uses are allowed in each district (e.g., possible hamlet districts, possible agricultural/rural districts, possible commercial districts, etc.). The Dimensions Table (see Article III in 12/28/21 draft) lists (again, in proposed, draft form) numerical standards such as acreage, setback, and size limits for commercial buildings. All of these topics – what districts will be identified, what areas will be included in which districts, and what types of review will be required for which uses, are under active discussion by the Zoning Commission. Public input is welcome. Send comments to the Zoning Commission Chair, Jean McPheeters, with a copy to the Town Clerk: jeanmcpheeters@gmail.com and clerk@townofcaroline.org, or Town Clerk Jessica Townsend, P.O. Box 136, Slaterville Springs, NY 14881.

Q20: (In the 12/28/21 draft zoning law) I have a number of issues with some of the things in section 3.1 "Permitted and Special Permitted uses by district" on pages 11-15.

For instance it says a special use permit would be needed for personal wind turbines in all districts (pg12)....why? that doesn't make sense to me. We aren't talking about the big commercial ones we are talking about for personal or household power generation. My parents have had one for 20 years or more.

Another is bed and breakfast and short term rental needs special use permit. Does this include Air BNB? I assume so since that is a short term rental. I am against this. I don't think the Town of Caroline should be telling folks they can't Air bnb their homes. or do a Bed and Breakfast for that matter. And it's not easy to enforce anyway. Just make it permissible and tax it somehow.

I also noted on page 14 that offices (at least in Brooktondale Center) would need a special permit, even in your own home. I don't agree with this.

A20: The Use Table in Section 3.1 in the 12/28/21 draft zoning law is receiving a great deal of review and attention by Zoning Commission members, informed by public input. Many elements within the currently posted draft will change, so questions and input like yours are very helpful. The draft was only intended as a starting point to stimulate focused discussion among Commission members and the public regarding the allowed uses that would be appropriate for different areas of the Town, and will certainly be revised.

Keep in mind that Special Use Permits are different from Site Plan Review. The site plan describes how the various lot development and structures would be placed in relation to other lands and features nearby. Site Plan Review is intended to promote the health, safety, and general welfare of the Town and to mitigate impacts to neighboring parcels, public facilities, infrastructure, and the natural environment. The Site Plan Review process is intended to guide the Town's physical development so that it occurs in an orderly, efficient, safe, and economic manner reflecting the character of the Town as a rural community. Special Use permits, on the other hand, allow the Review Board to address any concerns that may be associated with the particular use (not the building or structure), to help make sure the proposed use does not interfere or cause harm to existing nearby uses (such as residential homes). Keep in mind that uses requiring a Special Use Permit are allowed, permitted uses; they are permitted (not prohibited), but may have characteristics that need to be reviewed to help that use fit in to existing uses and not create a nuisance for neighbors.

To your specific questions, in the current draft, wind turbines for personal use would be allowed in all zoning districts, as noted in the Use Table in Section 3.1, with a Special Use Permit provided by the Town Review Board. The Special Use permit process allows the Review Board to make sure a proposed wind turbine (for example) takes into consideration any potential negative impacts on neighboring properties.

Air B-n-Bs and other types of short-term rentals or bed-and-breakfasts are under discussion by the Zoning Commission. The Commission may consider two different types of short-term rentals, those that are home occupations (meaning the home owner lives in the home and rents it or a portion of it out periodically) vs. those that are owned by people (some who may live outside of the Town) who buy a house with the intention only of renting the home to many short-term renters over the year but not living in it. In other words, this latter type is an income-producing investment property (like a small inn) but is not the residence of the owner. The Zoning Commission may consider different types of requirements for owner-occupied short-term rental houses (perhaps no restrictions) vs. short-term rental units that are not occupied by the owner and are intended to be only investment properties, not residences (perhaps restrictions related to parking, signage, etc.). These issues are under discussion by the Zoning Commission.

"Offices" that are home occupations would be treated differently (less oversight) than stand-alone offices not associated with a primary residence, and would not require Site Plan Review nor Special Use Permit. So, no, the current table does not indicate that home-based offices (home occupations) require any type of special review or permit. Stand-alone offices buildings would typically require Site Plan Review so that the Review Board can examine plans for parking and other building features to make sure the proposed structure and siting would not be detrimental to the neighborhood or adjacent uses.

Q31: How would this affect anyone who hosts Air B-n-Bs?

A31: Air B-n-Bs and other types of short-term rentals or bed-and-breakfasts are under discussion by the Zoning Commission. The Commission may consider two different types of short-term rentals, those that are home occupations (meaning the home owner or manager of the short-term rentals lives in the home and rents the home or a portion of it out periodically) vs. those houses that are owned or managed by someone who does not live there whose intention is only for renting to many short-term renters over the year. In other words, this latter type is an income-producing investment property (like a small inn) but is not the residence of the owner or manager. The Zoning Commission may consider specifying few or no restrictions for owner/manager-occupied short-term rental houses (home-based

occupations) vs. greater review or restrictions for short-term rental units that are not occupied by the owner/manager and are intended to be only investment properties, not longer-term residences. These issues are under discussion by the Zoning Commission, and no decisions have been made about how to treat these types of uses. Public input on the topic of how different types of short-term rentals should be allowed or restricted is welcome. Send comments to the Zoning Commission Chair, Jean McPheeters, with a copy to the Town Clerk: jeanmcpheeters@gmail.com and clerk@townofcaroline.org, or Town Clerk Jessica Townsend, P.O. Box 136, Slaterville Springs, NY 14881.

Q32: How would this affect anyone wanting to do solar farming/installing personal use panels?

A32: In the 12/28/21 draft of the zoning law posted on the [Town's website](#), see the Use Table in Section 3.1. Small solar energy facilities (such as associate with a single-family home) would be permitted in all zoning districts, without requiring any Review Board permit, approval, or review (a building permit from the Code Enforcement Officer or approvals from other agencies may be required, as occurs currently). Large (> 20 kW) solar facilities are also allowed but would need to comply with the Town's solar facility law and would need to obtain a Special Use Permit from the Review Board. In the 12/28/21 draft of the zoning law these larger systems are only allowed in the agricultural/rural district but this is still under discussion by the Zoning Commission.

Q34: How would this affect potential cannabis farming?

A34: Cannabis farming would presumably occur in the agricultural/rural district; New York State will have sole regulatory authority for cannabis growing. You can read through the draft zoning law on the [Town's website](#) and note the various sections and language that pertains to the agricultural/rural district. You'll also find draft zoning district maps on that website that show possible boundaries for the agricultural/rural district (keep in mind that the maps and district boundaries are under discussion by the Zoning Commission). Other cannabis-related issues (e.g., sales/dispensaries, lounges for personal consumption) could be regulated by the Town, and would be covered under the Use Table in Section 3.1 if the Town decides to allow those uses. However, currently the Town Board has opted out of the New York State program that would allow dispensaries and lounges in the Town. The Town Board could decide to opt in in the future, at which time those uses could be added to the appropriate zoning districts and regulated similar to other retail businesses or food/drink establishments or with other restrictions appropriate to the new uses.

Zoning District Maps

Q10: Why are maps that are being made by the Zoning Commission different from those in the Comprehensive Plan? Shouldn't the maps from the Comprehensive Plan be the only maps used without distortion?

A10: As appropriate, the Zoning Commission refers to and uses maps from the Comprehensive Plan. However, the maps in the Comprehensive Plan do not include some information that is critical to the Zoning Commission's work, such as reflecting deliberations about potential district boundaries (e.g., hamlets, commercial hamlets, commercial district, agricultural/rural district), or portraying various

characteristics in relation to possible district boundaries (e.g., forest core overlay, water resources overlay). You'll find draft maps, still under discussion by the Zoning Commission, on the [Town's website](#). Public input on the maps, and all issues, is welcome. Send comments to the Zoning Commission Chair, Jean McPheeters, with a copy to the Town Clerk: jeanmcpheeters@gmail.com and clerk@townofcaroline.org , or Town Clerk Jessica Townsend, P.O. Box 136, Slaterville Springs, NY 14881.

Q36: Where can I see zoning maps?

A36: You can find draft maps on the [Town's website](#), included at the very end of the 12/28/21 draft zoning law document. In the future, we hope to post the maps as a separate document so they are easier to find on the website. Keep in mind the maps are under active discussion by the Zoning Commission and are likely to be revised over the coming weeks. Public input about the maps (and other issues) is welcome. Send comments to the Zoning Commission Chair, Jean McPheeters, with a copy to the Town Clerk: jeanmcpheeters@gmail.com and clerk@townofcaroline.org , or Town Clerk Jessica Townsend, P.O. Box 136, Slaterville Springs, NY 14881.

Commercial and Business Uses and Zones

Q9: I am opposed to any formula business being located in Caroline. How will the zoning law prohibit formula businesses?

A9: Currently, the Zoning Commission deliberations are focusing on which districts (for example, commercial or hamlet commercial) might allow formula businesses in the Town, and what design standards would have to be met by any formula business locating in the Town. You'll find a draft version of the zoning law on the [Town's website](#), but keep in mind that the Zoning Commission will be continuing to revise it in the coming weeks. See especially Article III on Uses and Dimensions, and Article V on Supplementary Standards, particularly Section 5.1 on General Standards for Commercial Building Design, Section 5.2 Design Standards, and Section 5.3 Trademarked Architecture and Formula Business Design. Public input on this, and all issues, is welcome. Send comments to the Zoning Commission Chair, Jean McPheeters, with a copy to the Town Clerk: jeanmcpheeters@gmail.com and clerk@townofcaroline.org , or Town Clerk Jessica Townsend, P.O. Box 136, Slaterville Springs, NY 14881.

Q22: (In the 12/28/21 draft zoning law) The footprint stated for a commercial building on page 17 of 1500 sq feet seems way too small. This may be in order to stop things like dollar general from going in but I assume there are other ways of doing that and I think it might stop other businesses that we don't intend to. Also a Max building height of 35 feet is mentioned on page 17. What's the purpose of that? Is it necessary? Perhaps rather than just a max height there should be a discussion of blocking others views instead. This might limit building heights in cases where it was blocking others' views and enjoyment of the land around them.

A22: The Zoning Commission is discussing in detail the draft figures indicated under Maximum Building Footprint of Commercial Structures, including reviewing, for comparison, actual square footage of commercial buildings that are currently operating effectively in the Town. The figures you are referring to may be revised in a future draft. The maximum building height is also under discussion, and involves safety (e.g., fire-fighting) issues as well as impacts on neighboring properties.

Q28: Have we offered Dollar General any alternate sites?

A28: Stores like Dollar General are considered types of formula businesses. Currently the Zoning Commission deliberations are focusing on which districts (for example, commercial or hamlet commercial) might allow formula businesses in the Town, and what design standards would have to be met by any formula business locating in the Town. The 12/28/21 version of the draft zoning law addresses issues related to formula business in several sections (see Article III on Uses and Dimensions, and Article V on Supplementary Standards, particularly Section 5.1 on General Standards for Commercial Building Design, Section 5.2 Design Standards, and Section 5.3 Trademarked Architecture and Formula Business Design.

Hamlet Zone(s)

Q2: Where will the boundaries of “Hamlets” be?

A2: A key component of Zoning Commission deliberations is determining what boundaries for hamlets to recommend in its final report to the Town Board. Final boundaries are not yet set. Draft maps showing potential boundaries under discussion, which will be revised over the coming weeks, are posted on the [Town’s website](#). To inform its deliberations about potential hamlet boundaries, the Zoning Commission is considering input received at public meetings it hosts, comments it received during Privilege of the Floor opportunities for members of the public to address the Commission at the beginning of each of its meetings, comments received in comment boxes distributed around Town, comments sent in writing or by email to the Commission Chair and/or the Town Clerk, content of the Town’s Comprehensive Plan, information from the Town’s recent Task Force on Land Use and Economic Development, and other input.

Farmland Protection/Rural-Agriculture Zone

Q13: While I recognize the inevitability of tradeoffs in crafting rules that encompass the preferences of many people, I sense a degree of schizophrenia in the text that reflects an unwillingness to seriously grapple with perhaps the greatest conflict expressed in the draft law. I refer to the conflict between preservation of farmland and the minimum acreage requirements (for new developments). Does the Commission understand that minimum lot sizes gobble farmland that will never be recovered? I fail to see how lot size or acreage averaging addresses this conflict. What we have seen over the years is people buying parcels of better farmland and using it for their houses. Land that is well suited for cultivation is also well suited for house placement as both require good drainage. By establishing minimum lot sizes to avoid the appearance of clutter leads to the gradual removal of productive, and perhaps aesthetically pleasing, open ground.

A13: The Zoning Commission does recognize that minimum residential lot sizes can gobble farmland; for that reason the 12/28/21 draft of the zoning law DOES NOT have a minimum acreage requirement in the areas that include the town’s best farmland. Instead, the draft proposes an average

residential lot size approach; using an average lot size allows the landowner to sell off whatever size lots work best for them. Average lot sizes allow a variety of lot sizes to be created from a larger parcel. The only requirement is that the overall housing density for the entire parcel not exceed a certain threshold (the 12/28/21 draft proposes on average one residence per 3 acres, but that could change). For context, consider that the current density in the Town's rural areas is 1 residential dwelling per 25 acres. Preserving farmland, while balancing and enabling future development (including residential development) in the Town are some of the key purposes of a zoning process for the Town. See the draft zoning law posted on the [Town's website](#), especially Article I on purposes. We agree with you that a zoning law has multiple purposes and goals, reflecting the complex and multiple values for the Town and its future as expressed in the Town's Comprehensive Plan. The Zoning Commission is considering various approaches that could both preserve farmland and allow for some residential development. As discussed above regarding average residential lot sizes, this might include controlling the density of development by specifying an overall density limit while allowing flexibility in lot sizes that are created in the area from large parcels. For large developments, it also might include controlling the layout of development, such as how or where new structures are placed on the land (such as through conservation subdivision requirements) or providing incentives (such as density bonuses) to cluster development in certain areas rather than spread it evenly over extensive farmland. The Zoning Commission is considering a few different mechanisms, which you'll find in the 12/28/21 draft (which is undergoing review and revision):

- An Agricultural/Rural District, for which allowed uses would be different than in districts such as hamlets where residential development would be encouraged (See Article II Districts, and Article III Uses and Dimensions, especially the Section 3.1 table of permitted uses by district, and Section 3.2 table on Dimension Requirements by District). The Zoning Commission is currently (in January/February) discussing these tables in detail in relation to the various goals zoning should help achieve.
- Density Bonuses, described in Section 3.2, are a possible mechanism to help balance the joint desires for preserving farmland and having some residential development in rural areas.
- Section 4.2.A, Standards for the Agricultural/Rural district, are intended to allow for residential development that also minimizes associated land disturbance, including 4.2.A.5, Conservation Subdivisions, which requires that *"All major subdivisions in the Ag/Rural District shall be designed as a conservation subdivision as per the provisions of Article V, Section 5.5.12 with a minimum of 50% of the lot permanently preserved as open space."* Section 5.5.12 provides details about the requirements for Conservation Subdivisions.

Public input on issues related to balancing farmland preservation and residential development is welcome. Send comments to the Zoning Commission Chair, Jean McPheeters, with a copy to the Town Clerk: jeanmcpheeters@gmail.com and clerk@townofcaroline.org, or Town Clerk Jessica Townsend, P.O. Box 136, Slaterville Springs, NY 14881.

Q18: (In the 12/28/21 draft zoning law) Regarding Section 4.2.A.4, an anecdote about locating buildings "in the middle of a field." As a farmer, one often will locate a building or structure in the "middle of the field." This is for practical reasons in farming. ... The big farms are gone. It is up to encouraging more small farmers to move into Caroline to farm the fallow fields. No one will do this, though, if this section applies to new home construction or the construction of farm outbuildings. Perhaps it doesn't, but this is not made clear.

A18: This section applies to non-farm development and does not apply to any farm use. This will be made clear in subsequent drafts of the zoning law.

Q33: How would this affect potential homesteaders?

A33: Presumably, potential homesteaders would be interested in locating in the agricultural/rural district. You can read through the draft zoning law on the [Town's website](#) and note the various sections and language that pertains to the agricultural/rural district. You'll also find draft zoning district maps on that website that show possible boundaries for the agricultural/rural district (keep in mind that the maps and district boundaries are under discussion by the Zoning Commission).

Siting of Specific Projects

Q15: (In the 12/28/21 draft zoning law) Regarding Section 4.1 Regulations for All Districts, Subsection E, Specific Environmental Performance Standards, I think it is inappropriate to deny the construction of a residential home or farm building on slopes with >25% grade. ... May I suggest that instead of micromanaging where exactly on a property to locate a building that the builder is simply required to have a proper soil/erosion plan in place?

A15: The Zoning Commission will be discussing Section 4.1 in detail and will consider your suggestion. The Town's stormwater law already includes some requirements for sloped areas, and other jurisdictions have requirements that pertain to building on slopes as well; for example Tompkins County requires that residential septic systems on slopes greater than 15% be designed by a registered design professional. The Zoning Commission will be considering carefully whether the language in the draft law should be revised.

Related Ordinances/Regulations

Q8: Will the zoning law recognize controls that are already in place, such as from the health department, the state ag & markets agency, the Town's own site planning review process, etc.?

A8: The zoning law will include language that refers to existing regulations at the Town, County, State, or other levels of government that need to be followed in land use and development activities. You'll find some of this information specifically in Article IV Development Standards in the 12/28/21 draft zoning law on the [Town's website](#), but additional mention of other pertinent regulations occurs throughout the document as appropriate. The Zoning Commission is discussing which existing Town regulations (for example, Site Plan Review) should be included within the new zoning law as it is developed, and which existing Town regulations should continue separately from the zoning law per se (though some may benefit from updating).

Q14: Are there any plans for noise ordinances in the Town?

A14: The Zoning Commission's charge does not involve drafting other types of ordinances, such as a noise ordinance; that would be a topic for the Town Board to consider addressing in the future.

However, the draft zoning law under discussion by the Commission includes mention of maximum allowed decibel (noise) levels in specific circumstances and includes certain standards intended to reduce noise-related disturbances particularly related to non-residential uses (for example, in the 12/28/21 draft zoning law on the [Town's website](#), see Article IV, Development Standards, Article V Supplementary Standards, and Article VI Site Plan Review).

Miscellaneous

Q23: (In the 12/28/21 draft zoning law) I had some issues with a few items I will list here with a brief comment: #2 on page 21-Doesn't seem right to make applicant pay for attorneys and engineers hired by town, #5 on page 24-Not sure if this is actually feasible., F on page 26.-Don't agree with this one at all.

A23: The section about paying fees (3.2.D.2) applies to substantial development projects. It is common practice that such costs of attorney, engineer, etc. would be borne by the developer/applicant, and developers expect this and build those costs into their budgets. In addition, many would characterize it as unfair to require taxpayers to cover these costs for a private developer. Section 4.1.D.5 on Light Pollution and Glare is common language in town design standards. Section 4.2.F Change of Use is common language as well, requiring a project to be reviewed if the use of a property shifts from a use that requires no review (e.g., single-family home) to a use that does require review (e.g., retail building). The purpose of that review is to ensure public health, safety, etc. that might otherwise be negatively affected by the new use if that new use is not designed and implemented appropriately.