

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

Q/A #150-163

Zoning Purposes and Definitions

Q150: Residents of Caroline live here because it's rural and have freedom. How much more freedom are you trying to take away from us with zoning?

A150: The short answer is as little as is necessary to protect everyone's rights. Now the longer answer. It is absolutely true that in the United States owning property grants certain rights and freedoms associated with that land. Along with the right to hold property comes the duty to not cause harm to the community. The same rights and freedoms you have are also possessed by your neighbor. Sometimes limits must be placed on our rights so that we don't infringe on the rights of others. Look at it this way: my car is my property, but that does not give me the right to operate it any way that I want. I have to have a license and I have to obey rules and regulations about how to drive, not only so that I don't harm myself but also so that I don't harm others. The Zoning Commission is committed to creating a zoning plan for Caroline that minimizes intrusion on using one's personal property but that adequately safeguards the health and welfare of the community and adequately protects what the community cherishes (Article I in the 12/28/21 draft zoning law, available on the [Town's website](#), discusses the goals and purposes for Caroline's zoning). Sensible land use controls enhance rather than diminish property values; try selling a home next to an asphalt plant, junk yard, or other noxious use! Without zoning, citizens have no voice when out-of-town corporations or big developers run roughshod over local values and traditions. Done well, Caroline zoning will provide landowners and the marketplace with predictability and certainty, will protect critical resources, and will preserve or enhance property values.

Q151: In the Comprehensive Plan is there a definition of terms? For instance, rural character, scenic views, regulate?

A151: In the Comprehensive Plan terms that are defined are defined in the text of the document. For example, the first sentence of the Scenic Resources section defines a "scenic view" as "an area of special visual appeal, whether natural or human-made" and goes on to list and define the three categories of scenic views used in the Tompkins County scenic resources inventory. The Rural Character section of the Comprehensive Plan notes how difficult it is to define "rural character" but does list the qualities most mentioned by Caroline residents as being part of rural character. A Comprehensive Plan is a vision and values document that does not have regulatory authority. In contrast, a zoning law is a regulatory document. For that reason, the zoning plan will have an extensive section with

very precise definitions of the terms used in the zoning law. In the 12/28/21 draft zoning law (available on the [Town's website](#)) those definitions are near the end in Article XIII; in future drafts this important section may be moved closer to the front of the document. "Community Character" and "scenic resources" are among the terms defined there. The Zoning Commission will be discussing and revising the definition section throughout this process with the goal of making it as complete and clear as possible. If there are terms missing or that you think are unclear, please bring them to our attention.

Decision-making Processes

Q162: I have lived in Caroline all of my life and have enjoyed the land and the people of the town. I do not believe that zoning is needed here, we have building permits, sewer permits, laws regarding water, solar panel systems, code enforcement laws, and other town and state ordinances. When I have met new residents in the area ... the first comment I would always here is what a beautiful place, a breath of fresh air, I'm moving away from the hustle and bustle, how different we are. Please keep us that way. Please vote to have our town retain its freedom of land ownership, and let the owners enjoy their property without zoning which is not needed. ... It is my opinion that we have all the necessary protections to keep our properties safe with the permits listed above. Thank you for all of your work, but please do not zone our town. I feel this would be a mistake, what we have is working.

A162: Yes, a number of existing laws and regulations at the town, county, state, and federal levels exist to protect personal safety, public health, community and societal interests, environmental quality, etc. Land ownership is not with total freedoms for the individual landowner in order to provide these various societal benefits. You, like many other town residents, love Caroline and like it the way it is; for some, that motivates opposition to zoning but for many others that is exactly why they support zoning. Zoning is a particular type of regulation that helps focus and facilitate growth in a community consistent with other community values such as preserving the availability of agricultural lands for future generations and supporting the Town's vision for the future as expressed through its Comprehensive Plan, rather than having growth and development occur in ways that could be detrimental. Zoning allows the Town to establish guidance for land uses that vary from place to place within the Town, to guide different levels of intensity of development in different parts of the town, to help keep Caroline, as you note, "a beautiful place, a breath of fresh air."

Q163: I would like to make it known that I am upset by the proposed zoning laws in the Town of Caroline. It would have been nice to have had a mailing to all town residents to notify them about this possibility, what it meant, and hold a public vote as to whether this is something that should be done PRIOR to spending our tax dollars on a consultant. The information on the website is not accessible to all residents, nor do people check the website routinely. While I understand the desire to try to preserve the environment, I

think it could be done without such a restrictive plan. It doesn't make sense to me that the town should have a say about where a house should be built on a piece of land, or how tall it stands. If someone is worried about their view, I suggest they purchase enough land to ensure they have the view they desire. I also don't understand why adding any kind of business in our town would be a bad thing. Businesses pay taxes, create jobs, provide services, and make it easier for our residents who might not have a vehicle or who wish to drive less. This proposal should be voted on by ALL Town of Caroline residents. Any decision of this magnitude shouldn't be made by such a small representation of the town.

A163: The topic of zoning has been included in several Town of Caroline mailings to town residents, in local newsletters such as The Old Mill, and paper copies of the 12/28/21 draft zoning law and draft maps are available for review at the Town Library. Work toward appropriate land use and building regulations for the Town of Caroline has been underway for many years, including many preceding years of work on the Town's Comprehensive Plan and through the Task Force on Land Use and Economic Development, not to mention the regular work of the Town Board on related issues. There cannot be a vote by all Town residents on a draft zoning law; there is no legal process in New York State for a community to adopt a zoning law (or any land use law) by means of a community vote or "permissive referendum." Permissive referendums are allowed for certain things like creating a sewer district or a water district or the like. Land use laws, however, are adopted as a local law and the only way to do that in New York State is by a vote of the town board. However, the adoption of a local law requires a public hearing, County Planning Board review, and an environmental analysis – all of which the Town Board must complete prior to adoption. The Zoning Commission will have additional public information meetings and a public hearing prior to submitting their final report to the Town Board, and the Town Board will have a public hearing before making a final decision regarding a zoning law.

Allowed Uses

Q152: Why not welcome Dollar General to our town to support all those less fortunate residents that live in Caroline?

A152: The 12/28/21 draft zoning law (available on the [Town's website](#)) does not prohibit a Dollar General or stores like Dollar General from locating in Caroline. There are design standards that would apply, see Section 5.3 "Trademarked Architecture and Formula Business Design" in the 12/28/21 draft ("Formula Business" is a term for chain-stores like Dollar General that prefer to look the same everywhere they set up shop). The "Use Table" (Section 3.1 in the 12/28/21 draft) specifies allowed uses by district; the only districts (in the 12/28/21 draft) that would not allow a Formula Business are the agricultural-rural zone and the Besemer-Brooktondale hamlet. The Use Table is under review and discussion by the Zoning Commission and we would be happy to get comments from the public on uses that should be allowed or disallowed in each district.

Rural and Historic Character

Q153: Will zoning address historic structures?

A153: Yes. One of the goals for zoning in Caroline is the preservation of historic buildings and sites (see Section 1.3 12/28/21 draft zoning law posted on the [Town's website](#)). General performance standards and site plan review require the consideration of historic resources (see Sections 4.1(E) and Article VI in the 12/28/21 draft zoning law). Commercial design standards for major subdivisions require the identification and preservation of historic structures (see Section 5.5.12 in the 12/28/21 draft zoning law) and those for lodging promote the preservation and adaptive reuse of historic structures (see Section 5.5.15 in the 12/28/21 draft zoning law).

Businesses and Commercial Uses

Q154: How will you minimize/eliminate zoning restrictions for landowners who want to be able to have appropriate small scale business of any kind in the rural non-hamlets?

A154: The allowed uses for each kind of zone are found in the "Use Table" (see Section 3.1 in the 12/28/21 draft zoning law that is available on the [Town's website](#)). Note that there are no restrictions on farm operations or farm-related businesses. While some Town residents have indicated they would like there to be no restrictions on the types of businesses allowed in the agricultural-rural zone, other Town residents, including some who live in the rural area, would like there to be some restrictions on the types of business that could move in next to them. The Use Table is the Zoning Commission's best effort to harmonize the different views in the Town on what should be allowed where. It's not clear what you might be referring to as "small scale business." Home-based Occupations, regardless of type, are allowed in all proposed zoning districts (see the 12/28/21 draft). Businesses of various kinds are allowed in the agricultural-rural zone, with some limits; see the Use Table for more details. Hamlets and the proposed commercial zone allow a wider range of business types than the agricultural-rural zone. The Zoning Commission is reviewing and revising the Use Table and is seeking input on whether the table accurately reflects community desires.

Q155: What's the definition of a small business?

A155: "Small" in the context of a zoning proposal for Caroline could include a Home-based Occupation, or if on a property not associated with a residence, "small" would be determined by building footprint, not gross proceeds or some other monetary measure.

The Terminology section at the end of the 12/28/21 draft zoning law (available on the [Town's website](#)) defines Home Occupations and the Use Table in Section 3.1 indicates Home Occupations would be allowed in all proposed zoning districts. Keep in mind that the Zoning Commission is discussing definitions and may expand the definition of Home Occupations to be more inclusive. The "Dimensions Table" (see Section 3.2) lists the proposed maximum commercial building footprints for each zoning district. The Zoning Commission acknowledges that "small" is a subjective measure—one person's "small" may be "large" (or "too small") for someone else. The agricultural-rural zone and most of the hamlets have an upper size limit of either 1,500 sq. ft. or 3,000 sq. ft. (see the Dimensions Table for the specific number for each zone). Note that the size limit does not apply to farm buildings or farming-related structures. The Slaterville Hamlet and the Commercial Zone have a larger (5,000 sq. ft.) maximum size. These size limits are under active review and discussion by the Zoning Commission. Public input on these important size limits 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.

Q156: What happens with new businesses that want to come in?

A156: If the town institutes zoning, the situation for a new business would not be all that different than it is now under the town's Site Plan Review Law, which requires new business structures (except for Home Occupations) to meet certain design and development standards. One important difference, of course, is that the very first step would be to check the zoning law to see if a business of the proposed type is allowed in the zone where the business would like to locate. For uses that are allowed (and many are – see the Use Table in Section 3.1 in the 12/28/21 draft zoning law on the [Town's website](#)), some uses would be "permitted by right" in which case the applicant just has to go to the building inspector and get a building permit; in other cases the site plan must be reviewed and approved by the Review Board (just as is true now). Once site plan approval would be granted, the business developer would then take that permission to the building inspector to get a building permit (as is true now).

Non-Conforming Uses/ "Grandfathering"

Q157: How will existing corporate properties located in non-hamlet areas be protected so they can continue to develop their property commercially or sell their investment property to a new company for commercial development?

A157: Existing uses that do not conform to the zoning regulations for the zone they are in fall under the "Non-Conforming Uses and Structures" provisions (see Article VIII in the 12/28/21 draft zoning law that is available on the [Town's website](#)). In the 12/28/21 draft,

non-conforming commercial uses are allowed to expand up to an additional 25%. The expansion can be in size (for example, in building footprint) or intensity (for example, in the amount of traffic coming and going). Commercial uses may continue on the property across changes in ownership. In the event a nonconforming use is discontinued it would take two years before the property reverted to the zoning of the underlying district, so the nonconforming use on a property could take a “pause” for up to two years and still be able to restart and then continue into the future. This section of the draft law is under review and discussion by the Zoning Commission. Public input on this and all aspects of zoning 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.

Q158: Will there be grandfather clauses in regard to existing businesses?

A158: Yes. The “grandfathering” (Non-Conforming Uses and Structures) section is Article VIII in the 12/28/21 draft zoning law that is available on the [Town’s website](#). See Answer A157 above for more details.

Miscellaneous

Q159: Does New York State DOT take zoning regulations into account when setting speed limits? Can zoning be useful in setting appropriate district speed limits?

A159: The short answer is “maybe.” It’s very difficult to get speed limits changed in New York State and speed limits are not simply a land use issue (land use is what zoning deals with). DOT looks at how the road is designed (for example, you could have a highway going through a village and DOT looks at the width of the lanes, the kind of shoulder, the nature of the street—the overall design) as well as at traffic patterns and intensity. However, the consultant working with the Zoning Commission reports there are places where communities have used their planning to get DOT to pay attention to community desires and may result in, for example, DOT requiring the developer to add lanes, lights, or traffic controls (not necessarily to change speed limits). So zoning can help influence DOT’s decision, but what DOT does largely depends on the kind of road that it is and the types of traffic uses that occur.

Related Ordinances and Regulations

Q160: Is there a zoning law you can point to as an example of an ideal zoning law for Caroline?

A160: It would be a mistake to look elsewhere for a zoning law that is ideal for Caroline. Done properly, zoning reflects the local conditions, needs, trends, and the vision the

community has of what it would like to be. Therefore, an ideal zoning law for Caroline is one that is developed specifically for Caroline, by the Caroline Zoning Commission with input from Caroline residents, and that enables the goals and vision of the Town's Comprehensive Plan to be reached. The Zoning Commission is working with an experienced planner who has extensive experience with other rural towns that considered or developed zoning, and who is able to pull in relevant pieces from various zoning laws for the Zoning Commission and residents to consider their potential relevance for Caroline. The Zoning Commission has looked at various zoning laws including those of nearby towns such as Danby and Dryden but we are crafting a zoning plan that is unique to Caroline and reflects the Town's Comprehensive Plan.

Q161: The moratorium before the present one has a Section 5 that eliminates almost all new construction of any kind except residential. The present one is an extension of it, which makes Section 5 still applicable, yet much other construction has been going on besides residential in Caroline. Why isn't this unlawful?

A161: Correct, the moratorium (and the extension of it) does not allow commercial development (except as noted in its Section 7 which allows property owners or applicants who may suffer an extraordinary hardship as a result of the temporary limitation in the moratorium law to apply for a waiver). To the best of the Town Board's knowledge, two projects have taken place (without such approved waiver) that may have been in violation of the moratorium. The Town is looking at the permitting process through the Code Enforcement Office to examine whether violations have been made and, if so, what remedies the Town should pursue. If you know of any project that you have reason to believe is or was a violation of the moratorium, please bring it to the attention of the Town Board.