

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

### Q/A #164-#184

#### Zoning Purposes & Definitions

**Q180:** Thank you for your work in addressing the business and community needs of our town of Caroline. I wanted to write to add my voice in support of the work that the zoning commission has undertaken. Upon review, I see that it is appropriate, that it would maintain the character of our community (which so many of us love), and would positively direct the future of Caroline. Thank you for your diligent work on this matter, and for helping to positively steer our communal future.

A180: Thank you for your comment. We hope you will continue to follow the progress of the Zoning Commission (via Town newsletters and the [Commission's website](#)). We anticipate posting a revised version of the draft zoning law sometime in March, and after that will hold additional public information meetings, likely in late March or so.

#### Impacts of Zoning, Taxes, and Assessment

**Q164:** The latest Q&As suggest that zoning will not impact taxes. I have a counterexample: I have a 6 acre parcel of vacant wooded land with a very large amount of road frontage. I have another 22 acre parcel of vacant wooded land with relatively little road frontage. These 2 parcels are taxed at different per-acre rates. My 6 acre parcel is assessed at about 25K and the 22 acre parcel is about 50K. The smaller parcel is assessed at 50% of the value of the much larger parcel. Furthermore, the 6 acre parcel is heavily sloped, and the 22 acre parcel is not. The market value of the 6 acre parcel probably assumes multiple houses with direct road access, but the zoning restricts it to two houses (average 3 acres) and possibly no houses (slope requirements). If this zoning is passed, this parcel becomes close to worthless and would need to be reassessed (to close to nothing, since it has no practical use).

A164: To clarify, Answer 37 (from a prior posted question/answer set) does not say that zoning will not impact taxes; it says "There is likely to be no effect on taxes in the short term." Depending on how real estate markets respond to zoning in Caroline, longer term impacts are possible. A key point noted in that answer is that the impact on your particular taxes depends on the relative change in your assessment compared to changes in assessments for all properties in Caroline; see Answer 37 for more details. As stated elsewhere in these answers, the Tompkins County Department of Assessment is legally obligated to assess your property at full market value. That is appropriate—it would not be fair to you if you owned a vacant rural property in the middle of Caroline and it was assessed as if it were to be developed into a strip mall. The real estate

market certainly does not indicate that is a likely use! Specifically to the points you raise in your question, you note that “The smaller parcel is assessed at 50% of the value of the much larger parcel.” That is not surprising because that is how markets value rural properties around here; smaller parcels tend to sell at higher per acre prices than larger parcels. This reflects that the most likely use of such parcels is for a small number of housing sites with some significant amount of acreage around each house. The desire for at least some buffer around each house leads to the first few acres being valued more highly than additional acreage beyond that; the additional acreage is still being valued as a buffer rather than for being sold off as additional house sites. In other words, what this market value does NOT reflect is chopping-up properties into many one- or two-acre parcels—if that were the case, the value of a parcel would tend to scale up directly in proportion to its size. Regarding your comment, “The market value of the 6 acre parcel probably assumes multiple houses with direct road access”: without knowing the specific parcel number it is impossible to say for sure, but the Tompkins County Department of Assessment confirms that a 6-acre rural property in Caroline, particularly if steeply sloped, would be assessed on the assumption of one or two housing sites. Therefore, that assumption would not change if zoning set rural housing density at one dwelling per 3 acres (the density set in the 12/28/21 draft; please note that this density limit is still under discussion and may change). As you probably know, the Department of Assessment already takes the steep slope on the smaller parcel into account in its assessed value. If zoning is adopted and in the final version there is a complete prohibition on building on steep slopes, that will get reflected in the assessment as soon as there is information on how much the market value of such a property has changed. However, please be aware that restrictions on slopes and other general design standards are under active discussion by the Zoning Commission and may change. Your comments regarding your property are helpful to those discussions.

## **Decision-making Processes**

**Q165: My husband and I are opposed to the proposed zoning law for the Town of Caroline. The proposed zoning law is too complicated and too restrictive. NO ZONING IS NEEDED OR REQUESTED. Having the few dictate over the rest of the landowners is not just or equitable.**

A165: The [12/28/21 draft zoning law](#) was a starting point from which the Zoning Commission is making revisions based on public input and the Commission’s deliberations. Revisions that the Commission is discussing include making it less restrictive. Some of the sections of the draft law (and therefore length and complexity) are required by the State of New York in all zoning laws. 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 neighbors. Sometimes limits must be placed on our rights so that we don’t infringe on the rights of others. For example, new dwellings in the Town are currently required to secure building permits and approval for water & septic per County Health Department rules. In part, those requirements are for public safety ... both the safety of those who will reside in that dwelling, but also the safety and health of those who live downstream or near that new dwelling. Landowners, currently, are not able to take any action they wish on their land with no oversight. As for potential zoning

regulations, we are working to tailor the draft zoning law to reflect the values and interests of the Town of Caroline as expressed in its Comprehensive Plan.

**Q166: I've been a member of the Caroline community my whole life. Please do not vote to zone my family farm. We have worked the land since the 1800's and done so respectfully and without zoning. Please do not vote to implement this process upon us. Thank you.**

A166: The Zoning Commission is committed to completing its charge as requested by the Town Board, to a) examine existing conditions; b) through a process which encourages and accommodates public input recommend the boundaries of the zoning districts and appropriate regulations to be enforced therein; c) make a preliminary report of this information; d) hold a public hearing on the preliminary report; and e) submit a final report to the Town Board. Authority to discontinue the process of drafting a zoning law rests with the Town Board, not the Zoning Commission.

**Q167: My husband and I stand with the crowd of Town of Caroline landowners firmly opposed to zoning. Zoning kills creativity and hinders small business. The “rural character” of the Town of Caroline is a result of the creative and entrepreneurial spirit of its residents. Zoning in the Town of Caroline is an existential threat to the beloved bucolic charm of the Town. The Site Plan Review process favors wealthy landowners or developers who can afford to hire consultants to guide projects throughout the process, and puts an undue burden on poor landowners and small businesses who do not have the means to hire professionals. We stand with other Caroline landowners who value the freedom to make our own decisions on how we want to steward the land. We cannot support the Zoning Commission and Town Board’s actions to enact zoning in the Town of Caroline.**

A167: 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. Rural communities actually have to work very hard at staying rural and maintaining their bucolic charm; well-crafted zoning is one of the best tools for doing that. Please help us create a zoning plan that will help preserve what you hold dear. Drafting a zoning law is not an aim to kill creativity or hinder small business. Zoning offers stability and predictability and in doing so helps maintain property values. Often, zoning is attractive to businesses because they know with certainty that their enterprise is allowed in a specific area of a town. Keep in mind that the [12/28/21 zoning law draft](#) will be revised over the coming months. One of the sections of the draft law that is under active discussion currently by the Zoning Commission is the Use Table in Article III, describing what types of uses, including businesses, would be allowed in each proposed zoning district. The Zoning Commission is actively discussing expanding the Use Table to allow more uses in more districts. In addition, note that Home Occupations (businesses associated with a residential dwelling) are permitted in all proposed zoning districts, encouraging the creativity and entrepreneurial spirit of town residents. We encourage you to read the next version when available and to offer specific suggestions about content to revise in the coming weeks. The Site

Plan Review process that you mention is already an existing law in the Town of Caroline. Site Plan Review is therefore already required and will continue to be required, whether or not a zoning law is ultimately adopted for the Town.

**Q168:** It has come to my attention that the Town of Caroline's Town Board is trying once again to push an agenda that the majority of the residents do not support. This time using the umbrella protection of COVID restrictions so that the board will not need to face the residents and taxpayers of the Town of Caroline. I cannot see any favorable reason to place into effect the zoning laws that you are proposing. The reasons against implementing Zoning are too numerous to write in one letter. These laws will only discourage and suppress most of the residents from wanting to move into or even remain in the Town of Caroline. If this is your goal - then you are succeeding! On a side note: Is it also true that the "Zoning Draft" has already generated the price tag of \$60,000 to generate it? If so, I believe this money could have been used better towards a much more needed concern. For example, Slaterville Emergency Services. Which in my view, the board has taken way too lightly. Rather than spearheading UNrequested and UNnecessary new zoning laws, the Town Board should be concentrating on the more immediate concerns that they are not addressing. PS: My mother's family has lived in the Town of Caroline for many generations. I lived in Speedsville from the age of 6 months to 20 years of age. We have now owned and paid taxes on two parcels of land in the Town of Caroline since the year 2000. I just received my service plaque for over 45 years in the Speedsville Volunteer Fire Company, Inc. Speedsville has been and will always be my "HOME".

A168: Thank you for your service to the community as a member of the Speedsville Volunteer Fire Company. Establishing a Zoning Commission to develop a draft law resulted from many years of work by and input from Town residents 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 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. The Town Board voted to accept the Task Force report and subsequently voted to appoint a zoning commission. You can find information about the decision-making process for hiring the planning consultants and their contract authorization in the Town Board business meeting notes of [May 12, 2020](#) and [June 9, 2020](#). Please direct any other questions about Town Board budgeting and contracts to the Town Board.

**Q184: Just because this zoning project was started long ago does not mean it is appropriate for today's climate. You all are infringing on the rights of all the property owners in the Town. You have spent the town's money for non-residents and non-landowners to produce a document that is odious and contentious. And you are trying to hire a zoning office before any zoning is adopted. What you are doing is a waste of time and resources and an abuse of power.**

A184: See A168 above. Your comment about trying to hire a zoning office may be referring to a job posting at Tompkins County Human Resources for a "[Zoning/ Fire/Code Enforcement Officer](#)" for the town of Caroline. This is the official title of the position for the Town's code officer, a position which became vacant a few months ago. The title of that position has been in place for quite a number of years; it is not a new position title. The reason for inclusion of "zoning" in the official title is that the Town's code officer must understand any town laws related to land use, such as existing Town laws that include Site Plan Review, Subdivision Review, Telecommunications, and Solar Siting. If you have additional questions about staffing issues for the Town, please contact the Town Board directly.

## **Residential Density**

**Q182: there is a lot of consternation and confusion about the 3 acre average lot size for new residential construction. It might be simpler to base the limit on road frontage. Even requiring 100 foot frontage on a public road would prevent a 30 acre square (non-corner) lot from being subdivided into more than 11 lots.**

A182: Thank you for your comment. There has indeed been some confusion about the proposed 3-acre average lot size requirement in the Agricultural/Rural district and at a minimum a "Reader's Aid Box" explaining the idea needs to be added. The Zoning Commission is actively discussing and revising the Uses and Dimensions tables (Article III of the 12/28/21 draft law) and we will consider your suggestion during our deliberations. Use of an average lot size when parcels are subdivided is a flexible approach that does not dictate lot size, but regulates the total amount of development that may occur. It allows a variety of lot sizes to be created from the original parcel to meet the landowners' needs. Controlling land use through a road frontage limit may unfairly disadvantage some parcels depending on how they are configured, has proven to be ineffective at regulating density, and has resulted in simply spreading houses out in a uniform manner – which diminishes rural character. Road frontage requirements prevent creativity in new lot development and are more suitable for suburban and urban areas, so such an approach would need to be carefully considered.

## **Design Standards**

**Q169: This language in 4.2 (in 12/28/21 draft zoning law): "When possible, garage door openings shall face the side or back of the principal building so as not to be visible from the**

**road." I've seen some homes with garages abutting the road. This is something we've been considering, since the winters can be rough here, and locating a garage close to the road would minimize the amount of shoveling we have to do in order to leave our house—especially a concern in case of an emergency. I guess my question would be 1) Is this something that would be allowed under the current proposal, and 2) would the garage door be able to face the road, or would it have to face to the side (which might perhaps defeat the purpose)?**

A169: Most of the provisions in Article IV (Development Standards) will not apply to single- and two-family residential construction; we apologize for misunderstandings over the applicability to residential construction and will clarify that language in future drafts. In particular, Section 4.2(A)4 (the section that contains the language on garage orientation that you refer to) is for large multi-dwelling residential projects that require site plan review, subdivision review, or a special use permit. In general, single- and two-family residential construction does not require any such review in any district in the town and there is no expectation for any building design standards for single- and two-family residential construction (unless it is a major subdivision project building such future homes). The clause that you refer to was added for large developments to ensure that new, large neighborhoods would have more of a pedestrian feel instead of being oriented towards car use. In many suburban subdivisions, garages are the most prominent feature on a street, which is quite different than what is found in Caroline's traditional neighborhoods. Keep in mind that the Zoning Commission will be discussing that section of the 12/28/21 draft in the coming weeks, and might make revisions to the current language. Note that the draft zoning law includes a limited review for single and two-family homes when the property is in an overlay district (for example, for water resources); in that case, a limited review of the building location would take place to make sure that the natural resources (such as water) targeted by the overlay would not be impacted. Such a limited review, however, would not look at the orientation of a garage or the design of the house or garage.

**Q170: Thanks for the opportunity to contribute to the zoning work. Design standards: The design standards discourage modern architecture. Yet, modern architecture can create better energy efficiency and can be extremely beautiful (to many of us). It is discouraging to try to base building design on the 19th century (Carson example) or in some poorly designed 20th century examples (Dandy Mart) just because they exist here. I would like Caroline to be able to be forward looking in architectural design, not wedded to the past.**

A170: Thank you for providing specific comments about your concerns regarding Article V on Design Standards. Keep in mind that Design Standards apply to commercial and non-residential buildings, not to residential dwellings. That article will be a focus of Zoning Commission discussion and deliberations in the coming weeks. We expect there will be revisions to that Article. Your suggestions are helpful to inform Commission deliberations.

**Q178: Item #4 on page 27 (of the 12/28/21 draft) states “when possible openings shall face side or back.” At least the word “shall” should be changed to “should.” Better yet, the item should be eliminated as this is not zoning but an opinion.**

A178: Thank you for this specific comment about Development Standards in Article IV of the 12/28/21 draft. The Zoning Commission will be discussing Article IV in the coming weeks and will be deliberating about possible revisions. Your suggestions are helpful to inform Commission deliberations.

**Q179: Item 4.2 A4 (of the 12/28/21 draft) “buildings should be in proportion in scale and characteristic to their natural setting ....” This is a vague meaning. Also, “the review board has authority to site the building” should be eliminated as the landowner should make the decision unless there is an identifiable hazard.**

A179: The Zoning Commission will be discussing Article IV in the 12/28/21 draft in the coming weeks. Your suggestions for clarification are helpful to inform Commission deliberations. However, under the Town’s existing Site Plan Review law, the Review Board does indeed have the authority to approve, with or without modification, or disapprove, the siting of a building envelope for projects requiring Site Plan Review. Part of the Review Board’s role is to help the applicant identify potential hazards, as you note, and be able to modify the siting of a structure accordingly.

## **Allowed Uses**

**Q171: Why do BnB's or short term rentals in Agricultural or Commercial zones require special use permits? I can understand the concern with short term rentals in densely populated hamlets, but restricting short term rentals in Ag or Commercial zones seems unnecessary.**

A171: Your question refers to the Use Table in Article III of the 12/28/21 draft zoning law. The basic reasoning behind requiring a special use permit for BnBs and short term rentals is the impact traffic, noise and similar such potential nuisances might have on nearby properties (which may be close even in the Agricultural/Rural zone for some properties). Remember that a Special Use Permit is for allowed uses; that is, Special Use Permits are not used to deny a proposed use but, when necessary, to place conditions on the use so that it does not negatively impact neighboring properties. The Use Table is being discussed by the Zoning Commission and is likely to be revised in the coming weeks. Your comments about BnB’s and short term rentals are helpful in informing the Commission’s deliberations.

**Q172: Hi all! I've been catching up tonight on all the drama regarding the zoning proposal. (My head and heart ache for everyone on the commission dealing with this.) Based on comments I've been seeing in various places online (the town listserv, Facebook, Nextdoor, etc.), I was wondering if it would be useful to address the following concerns:**

- What regulations would be placed on home farm stands?
- Does the Proposal set standards for what the exterior of one's house must look like (either current homes or new constructions)? Paint color, architectural design and detail, what's visible from the road, etc.? Are there specific "design standards" for residential homes and accessory buildings, such as sheds and garages?
- Does the Proposal regulate where we're allowed to park our cars on our (residential) properties?
- Does the Proposal regulate who is allowed to visit/stay overnight at our homes?
- Will the Proposal require us to cut our grass a certain length?
- Does the Proposal set a town-wide noise/nuisance level? (i.e., section 5.5.1 sets the noise level at 55 decibels—does that apply to all homes?)
- Will there be further restrictions on home additions, or building new outbuildings (e.g., garages, barns, sheds) than already required by current law? Will the Proposal regulate where we can place outbuildings, and their size?

A172: There are no restrictions along the lines of your questions. It is not surprising you ask because there are many misunderstandings circulating about what is in the 12/28/21 draft zoning proposal (available on the [Zoning Commission webpage](#)). Some of the misunderstandings are generated by language in the draft that is unclear; we apologize for that and will clarify language in future drafts. Other misunderstandings appear to be generated by referring to extreme examples or stories from other communities, communities that are very different from Caroline and whose zoning is very different from what is being proposed for Caroline. Please be reassured that the Zoning Commission is working to craft a zoning proposal that is appropriate for and specific to the needs and desires of our community. Specifically about what you ask: the zoning proposal has no restrictions on farm stands, does not set any standards for the appearance or architectural design of single- or two-family residences or accessory buildings, does not regulate where one is allowed to park on one's own residential property, does not regulate who is allowed to visit or stay overnight in one's home, does not require grass to be cut at a certain length, does not set a noise level that applies to all homes (the draft noise level in Section 5.5.1 applies to a home-based business), does not restrict the size of residences or outbuildings (size limits in the draft are for commercial structures), and, for the great majority of parcels in the town, does not regulate where residences or outbuildings can be placed. An important exception where there is some impact on siting a building is if the property is in an overlay district; in that case, a limited review would take place to make sure that the resources targeted by the overlay would not be impacted negatively. For example, if the property is in the Water Resources Overlay, the review would focus on determining (and ensuring) that the proposed site of the building was outside the wetland, stream area, etc. that is in the protected area. One concern that has been voiced relates to existing buildings that don't conform to requirements set by the zoning law. For example, in hamlets some existing residences will not meet the proposed setback distances; such buildings are "grandfathered" (allowed to remain as they are) and additions such as porches or decks would be allowed in the setback area.



## **Commercial and Business Uses and Zones**

**Q173:** I briefly reviewed the very long draft zoning regulations. I appreciate the effort that must have been put into this through the effort of volunteers. I also appreciate the value of zoning regulations in protecting residents from dramatic changes in their neighborhood. But, I have a few comments. The restrictions on businesses in Ag zones are much too broad. I don't think anybody would be harmed by a small restaurant, bakery, retailer, private school, Veterinarian or almost any other business being located in an agricultural zone. I live in an agricultural zone and I would actually *\*like\** to have businesses like that near me. It's appropriate to control the *\*size\** of businesses located in an Ag Zone, but that seems to be accomplished by the limit on the size of commercial buildings.

A173: Thank you for your comments. The Zoning Commission is actively reviewing and discussing uses in all the zones. Broadening the uses for the Agricultural/Rural zone is being considered. We appreciate your perspective; your input is helpful as we work on the Use Table (Section 3.1).

**Q174:** According to *the Zoning Commission FAQ* documents: (9) What constitutes a “development”? Development is generally known as the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; and any mining, excavation, landfill or land disturbance may be considered development activities. It seems clear that the activities at 144 Middaugh Road constitute “Development,” in violation of both the spirit of the Zoning Document and its specifics—not to even mention the MORATORIUM ON LAND USE DEVELOPMENT REVIEWS AND APPROVALS, AND UPON ALL COMMERCIAL, RETAIL, BUSINESS, AND INDUSTRIAL LAND DEVELOPMENT ACTIONS. The site is an eyesore; a large commercial trailer sits seemingly permanently on the site; more land was cleared than was permitted for, with many more trees and shrubs cut down than necessary; enormous blocks of stone or concrete are being stored there, along with various (large) vehicles at various times; there was a noticeable increase in heavy truck traffic last fall; there's been no attempt to make the site less ugly; and it's well known that the site is definitely commercial—with ties to the businesses at the corner of Middaugh and the Brooktondale Road that also, I believe, should not be zoned Commercial and should not have been allowed to “develop” into three businesses (especially during the Moratorium), but should be re-zoned as Ag/Rural and Water Resources Overlay, especially given the presence of 6-Mile Creek.

A174: Comments regarding the current moratorium should be directed to the Town Board but we will try to clarify a few things here. The moratorium covers (1) projects requiring site plan review or subdivision review (triggers for review can be found in the [Site Plan Review Law](#) and [Subdivision Review Law](#)), (2) the proposed siting of, or development or use of land for, any commercial, business, retail, manufacturing or industrial use or operations and (3) the issuance of a permit (such as a building permit) for either (1) or (2). The moratorium contains a waiver clause whereby a project facing “undo hardship” can ask for an exemption from the moratorium.

Specifically about the project at 144 Middaugh Road: when initially presented to the Town, the project was not characterized as commercial in nature nor extensive enough to require review. When it later became apparent that the project exceeded thresholds set in the Site Plan Review law, the town ordered the work to stop. As to redevelopment of the property at the corner of Middaugh and Brooktondale Road, a moratorium violation would depend both on the timing of the application for permits and the scope of the work. Please address questions about such details to the Town Board. Finally, regarding your statement that the project on Middaugh Road violates the “spirit of the Zoning Document and its specifics”: the purpose of zoning is to address development from adoption of the law forward, if the Town Board votes to adopt the law. Moreover, the current version of the proposed zoning law is a draft that will go through much revision before it is considered by the Town Board for adoption. The final version may look very different than the current (12/28/21) draft. As the Zoning Commission works on the draft, new text and maps will be posted on the [Zoning Commission webpage](#) and presented at public information sessions. Please look at revised versions as they appear and provide feedback on what you would or would not like to see as boundaries for the various districts and allowed uses in the districts. Your view that the way this property has been developed is not in keeping with the nature of the area will be taken into consideration.

**Q181: I don't believe that commercial activities in an agricultural zone should be restricted other than to limit traffic and pollution. It seems to me that limiting the size (not type) of commercial building is enough for that purpose. I don't think a business operating in a 1500 square foot building would be a problem, even if it has a few employees.**

A181: Thank you for your comments. The Zoning Commission is actively reviewing and discussing uses and size limits in all the zones; broadening the uses for the Agricultural/Rural zone is being considered. At this time the Zoning Commission believes that a size limit alone is likely not enough to meet the goals laid out in Article I as some uses could have significant traffic, environmental, or safety impacts despite having a small footprint. For example, many franchise and/or formula food uses (Starbucks, McDonalds, Taco Bell, ...) often have footprints below 1,500 square feet yet are intensive uses with lots of traffic. Also keep in mind that the dimension limits in Article III refer to the footprint of the structure; a 1500 square foot footprint could hold a multi-story building with much greater total square footage for operations. We appreciate your perspective; your input is noted and will be considered as we work on the Use Table (Section 3.1).

### **Farmland Protection/Rural-Agriculture Zone**

**Q175: I don't understand the purpose of the 3 Acre minimum lot size in Ag districts unless it is to discourage large landowners (e.g. Farmers) from selling their land as residential plots. In that case, I don't think that's fair to the landowners.**

A175: The Dimensions Table in Section 3.2 of the draft law does not specify a minimum lot size for the Agricultural/Rural district. Instead the section specifies an average lot size of 3 acres

considering all the subdivisions of an entire parcel. This means that a landowner can, for example, give one acre of land for a house plot as long as the average lot size over the entire parcel (when considering all dwellings on the parcel) is at least 3 acres. For example, with a 10-acre parcel, up to 3 residential lots (10 acres divided by the 3 acres per lot density) could be created. Each lot could be 3.3 acres, or two could be 1 acre and the third 8 acres, or one could be 5 acres and the other two 3 acres and 2 acres. In other words, lot size variation is quite possible, as long as the average lot size when considering all lots on the original parcel meets the average lot size of 3 acres. Zoning laws do not deny anyone's ability to split their land and sell pieces or sell it as a whole. Keep in mind that subdividing property is already addressed in the Town's existing Subdivision Review Law which requires certain types of review and approval for landowners seeking to sell their land for residential plots under certain conditions.

## **Siting of Specific Projects**

**Q176: Re: Agricultural/Rural Area with Water Resources Overlay, with specific reference to development at 144 Middaugh Road. First, we'd like to thank the members of the Zoning Commission for their work. It's clear to us that the town does need a Zoning law, and we appreciate the hours and hours that have gone into creating the draft documents. Second, we would like to point out that the excavation and land disturbances at 144 Middaugh Road, located in an Agricultural/Rural Area with Water Resources Overlay according to the maps in the Town of Caroline Zoning Law Draft, would appear to violate the following sections of the proposed law: from *Town of Caroline Zoning Law Draft*:**

**Section 2.2 Interpretation of District Boundaries**

**C. No land or building shall be used, occupied, erected, moved or altered unless in conformity with the regulations specified for the district in which it is located.**

**Article III Uses and Dimensions**

**Section 3.1 Permitted and Special Permitted Uses by District**

**Commercial Uses and Customary Commercial Accessory Uses**

**5.5.7 Cold Storage Facility: P, As Part of a Farm Operation Only**

**5.5.3 Service business Not Otherwise Listed in this Table: As Farm sales or Home**

**Occupation Only**

**Article IV Development Standards**

**Section 4.1 Regulations for all Districts**

**A. No land or building shall hereafter be used, occupied, erected moved or altered unless in conformity with the regulations specified for the district in which it is located.**

**Section 4.2 Specific Standards by Zoning District**

**Ag/Rural District Land Disturbance Siting and Lot Layout Guidelines.**

**as per the draft law.**

A176: As noted in Answer 174, the draft zoning law available on the [Zoning Commission webpage](#) is just that: a draft. It will go through much revision before it is considered by the Town Board for adoption and the final version may look very different than the current (12/28/21) draft. A moratorium on most projects in town is in place exactly for the points you raise in your

comment. The purpose of the moratorium is to ensure that projects don't try to "sneak under the wire" and change community character concurrent with the town working to define appropriate uses for different areas of the town. A moratorium such as this is best practice as a town works on or modifies zoning. As noted in Answer 174, the purpose of zoning is to address development from adoption of a zoning law forward in time; if a use is in place at the time zoning is passed that does not conform to the zoning for that district, the use would be "grandfathered-in" (see Article VIII in the draft law). As the Zoning Commission works on the draft, new text and maps will be posted on the [Zoning Commission webpage](#) and presented at public information sessions. Please look at revised versions as they appear and provide feedback on what you would or would not like to see as boundaries for the various districts and allowed uses in the districts.

**Q177: Item #4 on page 34 and item #A3C on page 26 and item #4.2 A & B on page 29 (of the 12/28/21 draft) requires placement of homes at the "forest edge," "in wooded areas or edges of fields," or "along far edges of open fields adjacent to woodland." This does not take into account the importance of winter solar gain. Siting a new home within the winter solar track saves on the use of propane and fuel oil for heating purposes. Item 4.3B2 sounds as if the Town of Caroline is taking possession of the trees within the wooded areas. At the very least, the winter solar track should be included in the building footprint.**

A177: Page 34 refers to siting building envelopes in a proposed Forest Core Overlay. At its early February meeting, the Zoning Commission voted to remove the Forest Core Overlay from the next revised draft of the zoning law, so your concerns about Item #4 have been addressed. Your comments about items on page 26 (in the Agricultural/Rural district) and 29 (in the Hamlet districts) are regarding language that is intended to reduce impact on agricultural lands and operations. Your comments about solar availability and tracking during the winter months are helpful and will be considered by the Zoning Commission in its deliberations. The Commission will be discussing and considering revisions to Article IV in the coming weeks.

## **Miscellaneous**

**Q183: Please publish the following data on the website: (1) Total current number of town taxpayers in Caroline; (2) Number of single family homes newly constructed in the past 40 years in Caroline; (3) Number of new commercial development projects in Caroline in the last 40 years that did not involve existing buildings/sites, breaking out locally owned and not locally owned.**

A183: The precise data you are asking for is not easily accessible but we can provide the following information. (1) The town sends out 1,988 tax bills. The number of taxpayers is much harder to obtain because (a) some landowners own multiple parcels (each parcel generates a separate tax bill), tending to make 1,988 an overcount of the number of taxpayers; and (b) multiple adults often reside in a household (even in cases where multiple names are not listed as parcel owners), tending to make 1,988 an undercount of the number of taxpayers. (2) Based on Tompkins County Department of Assessment data, from 1980 to 2020 there were 454 parcels that

had a single-family home constructed or installed (roughly 25% of the residences were manufacture housing). (3) Teasing out the new commercial projects as you ask, particularly in regards to ownership location and the need to determine what counts as local ownership is more complicated; the Zoning Commission will discuss generating that data. Please understand that some questions are beyond the existing contract that the town has with its consultant so the benefits of obtaining that information must be weighed in comparison to the cost of getting it.