

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

Q/A #197 – 207

### Zoning Purposes & Definitions

**Q197: I want to thank the Zoning Commission for the monumental task that they have taken on and for their patience in managing the community's responses. I am sorry for the rude and disrespectful behavior that you have all had to deal with. Despite what some people think, the entire town is not against zoning and the 132 page document is not nearly as daunting as they would like people to believe. I have listened to all of your meetings and have read all of the questions and the current zoning draft. I find your deliberations to be thoughtful and generally fair. I think you have done a wonderful job answering the questions that have been proposed. The draft was fairly easy to understand after watching the meetings and the answers to the questions have done an adequate job of clearing up many of the misunderstandings. I grew up in Dryden and I think zoning may be the most effective way to prevent Route 79 from becoming Route 13 and Caroline a generic town filled with storage units, solar panels, and dollar stores. I know there have been many comments that the Besemer-Brooktondale Hamlet and the 79 corridors should have more commercial businesses because that is generally where they currently exist. Carson has done a nice job renovating the large barn and Celebrations is a lovely facility but the storage units (although run by a great friend of mine) do nothing to promote the beauty and character of Caroline. These businesses are fine but I certainly don't want to see more of them pop up. I know [the owner of Celebrations] mentioned that, even though it negatively impacts his business, he would never have considered trying to prevent them from being placed there. Well, I certainly would have! As you continue through this process, I would encourage you to be the least intrusive to individual expression and freedoms as possible.**

A197: Thank you for taking the time to read the draft document, listen to meetings, and read the posted questions/answers. The Zoning Commission will consider your encouragement to enable individual expression and freedoms. Many parts of the draft zoning law refer only to commercial and business uses (for example, design standards), not to single-family and two-family residential uses where individual expression can flourish.

**Q198: One thing I haven't seen is the cost to residents if this plan is enacted. I know the draft cost us around \$60,000.00 but what comes after that? Will it be necessary to hire a zoning commissioner, inspector, enforcer? Will it require another office or building? Are we as residents expected to file papers on things we see our neighbor doing that does not conform? If violations come to be, does the committee send out their inspector? Does this employee have the right to trespass on legally posted property to investigate said violations? Do the taxpayers need to have a worker compensation policy for said employee? What if this employee has an accident while**

**investigating, does the landowner need to hire legal counsel to prove their innocence? Questions like these among others have given me more than a few sleepless nights.**

A198: To date the Town has spent about \$30,000 for planning assistance related to the work of the Zoning Commission. Your other questions about the details of the consultant contract and associated expenditures should be directed to the Town Board. If zoning is enacted, the review, appeals, and enforcement processes would be shared between the Town's Code Enforcement Officer (an existing, paid position) and the Town's Review Board (an existing, volunteer board). See Article IX "Enforcement and Administration" in the 12/28/21 draft zoning law, available on [Zoning Commission webpage](#) but note that the Zoning Commission has not yet discussed this section of the draft and it may change. Typically, the Review Board would handle the planning stages (by reviewing subdivision and site plan applications for commercial proposals and doing abbreviated site plan reviews for select other projects) and the Code Enforcement Officer would handle the permit applications and building and zoning code violations. The exact division of labor will depend on the final version of the zoning law. Although it is not possible to predict with total certainty, it is not anticipated that the increased work for the Code Enforcement Officer will be significant. Having zoning does not require another office or building. There is nothing in the draft zoning law that would require or encourage residents to report activities conducted by other residents. As is true now for other laws, residents may, if they are concerned, report activities that they think violate an existing law, but they are not compelled to do so. If a potential zoning violation comes to the attention of the Town, typically the Code Enforcement Officer would first contact the party carrying out the possible violation to get more information. If it is determined that a site visit is necessary, the Code Enforcement Officer or other town official would have that right, just as is true now for a building inspector. The Town already has a workers' compensation plan that covers the Code Enforcement Officer. Taken together, your questions indicate that you are concerned that zoning will be very intrusive on everyday life. We hear your concern. The Zoning Commission supports coming up with a zoning plan that is the least intrusive it can be while it fulfills the goals laid out in Section 1.3 of the draft plan: conserve the Town's natural resources and protect the Town's environment from the effects of excessive and/or insensitive development; maintain the rural character of the Town as described in the Comprehensive Plan; and promote the Town as a vibrant and desirable community in which to live.

**Q199: There is a lot of confusion as to what happened to the money? If the commission is all volunteers. Were the consultants really paid 60,000 dollars? That seems like a lot of money for a draft that was already put together so you could steal bits and pieces from it! So who's bank account did the money really end up in? Where are the receipts? Proof of purchases? What was the money used for specifically? Seems like the money could be in any one of your bank accounts and how would we know otherwise?**

A199: Questions about the details of the consultant contract and associate expenditures should be directed to the Town Board but see also A198 as your stated cost is much higher than the actual total. The consultants have performed many tasks as part of their contract with the Town, including analyzing data and trends of land use, creating maps summarizing important

environmental and physical resources in the town, proposing and revising zoning district boundaries, researching and providing information on topics the Zoning Commission needed or wanted more information about, attending and advising during Zoning Commission meetings, presenting information the community at the December public information meetings, helping with the written answers that appear on the Zoning Commission website in response to questions (such as yours) received from residents, and writing a draft zoning plan for the Town. Your statement that the draft “was already put together so you could steal bits and pieces from it” is incorrect. The draft was created for Caroline at the request of the Zoning Commission and is based on the discussions of the Zoning Commission about zoning in Caroline. See also Answer 201.

**Q200: Has Floating Zoning been discussed?”.**

A200: The Zoning Commission has not spent time discussing floating zoning; thank you for suggesting it. According to the [American Planning Association](#) (APA), “A floating zone is a zoning district that delineates conditions which must be met before that zoning district can be approved for an existing piece of land. Rather than being placed on the zoning map as traditional zones are, however, the floating zone is simply written as an amendment in the zoning ordinance. Thus, the zone “floats” until a development application is approved, when the zone is then added to the official zoning map.” The APA notes that “Critics, however, argue that floating zones undermine the ability of citizens to rely on the predictability of the zoning map and can favor private development over the public interest.”

**Q201: So if the current zoning draft is not a “first draft” by the zoning commission and they are just using it as a reference to pull information from for the real first draft - which is how they are doing it from my understanding. Then where did the original 132 page zoning draft originate from? What township was this 132 page draft taken from? Also, wouldn’t it make more sense to start from scratch instead of trying to mold a draft that does not fit this town at all.**

A201: The draft zoning law was not taken from any other township. It was written by the town’s consultant from scratch for Caroline based on the Town’s Comprehensive Plan, extensive Zoning Commission input, and from the Town’s population and land use data. It reflects the discussions of the Town of Caroline Zoning Commission which began meeting in March, 2021. In December 2021, the Zoning Commission asked the consultant to create a draft zoning plan so that the Commission could see how the ideas we had been discussing fit together into an actual plan. The 12/28/21 zoning draft posted on the [Zoning Commission webpage](#) reflects the Zoning Commission discussions; it is not a law from some other town and it is not a generic zoning law for Anywhere, USA. The draft law is, however, a rough draft prepared as a starting point with the intention that it would undergo substantial changes as the Zoning Commission deliberated and discussed each of the specific elements that would be included in a zoning law. The Zoning Commission is currently going through the 12/28/21 draft and revising it section by section; a next draft will be prepared as the Commission works through this process. This is a standard procedure for creating any law; multiple revisions are typically prepared as the deliberating body debates and

works through the details. There will be public information sessions on revised sections of the draft zoning law as they become available. Based on public input after those information sessions, the Commission will revise the entire draft again, at least one more time, before presenting a draft for a public hearing (a formal process of public input required for any proposed law). Based on input from the public hearing, the Zoning Commission will make final revisions to the draft plan before giving it to the Town Board for their consideration (see Answer 203 for what the Town Board must do before having a vote on whether or not to adopt the zoning plan).

**Q202: I have been a resident here in Caroline since 2021. I moved here from California, where zoning is more or less a nuisance. I have been going through the public questions and comments. I find the answers very disappointing as the questions and concerns are quite generic while the questions and concerns are very detailed. The answers are not transparent enough and the community wants to know everything that is happening because much is at stake. I understand that zoning is for structure, rules and laws however I honestly do not believe that is needed at this time and if it is put in place, it will only benefit very few people and not be beneficial to many. People are concerned about the direction that zoning laws will take them, their rights and property.**

**While there is no way to know, I believe it is best for now to listen to the community. The questions and concerns from our members of the community are sincere and very valid. Yet it feels like the decision has already been made and makes the community feel powerless. There is a lot of tension and division happening in the community over this issue. I am a person of color and if that wasn't enough, I feel like I have been thrown into the mixed dilemma of "are you for or against zoning? Are you one of them or one of us?". The community feels quite threatened and as this drags on it's getting worse.**

**I would love to see an end to this and right now from my observations I strongly oppose zoning myself because it has caused quite an upheaval in the community. Caroline needs to be a united community where people listen to each other. When we have issues, we speak to each other directly and work it out like adults. We don't have to go through zoning since this community is mature enough to communicate. Since communication is key, I feel that communication between the board and community is absolutely not happening in a way where it is productive or beneficial. Even if the zoning is revised to cater to the community... you've already lost their trust and support through your actions (namely posting that law enforcement job officer job ad which can be seen as provocative) and words based on these generic responses to their questions.**

A202: The draft zoning law being developed for the Town of Caroline pertains to Caroline; it does not draw from or copy any other community's zoning law, especially not one from California, so keep in mind that your experiences in California may not pertain to the Town of Caroline. The Zoning Commission, composed of volunteers, has been trying our best to provide meaningful answers to questions and concerns from community members, including referring to specific sections of the draft zoning law with detailed information in response to questions. Please

note also that one of the functions of these “Questions and Answers” is for residents to communicate suggested changes to the Zoning Commission. For such comments the response is often “thank you for your comment; the Zoning Commission will consider your input when we discuss that section.” This may come across to you as “general” but is the appropriate answer here because that is indeed what will happen: the Zoning Commission is working through the draft from beginning to end and public comments on whatever section we are working on become part of our discussion at that time. It is also not clear what you are referring to when you say you feel like “the decision has already been made.” No decision has been made about whether or not to adopt zoning in the Town of Caroline. The Town Board made the decision to appoint a Zoning Commission to develop a draft zoning law specifically reflecting the Town of Caroline and its comprehensive plan so it would be clear what a zoning law might look like for the Town. The Commission’s role is to produce a draft law and submit it to the Town Board for their consideration. The Town Board will then hold a public hearing and decide whether to enact a local zoning law or not. That decision has not been made. The Town Board in March and April is holding information sessions to hear directly from Town residents regarding opinions about zoning in general. The draft law that will be produced by the Zoning Commission provides specific language regarding what a zoning law written for the Town of Caroline might entail. We understand that some individuals are totally opposed to zoning no matter what content is included in a zoning law. Other individuals seek to be informed about what the details of a zoning law for the Town of Caroline might include, and then develop their opinions based on that information.

## **Decision-making Processes**

**Q203: I wonder if we will even be voting for this at all—and when?**

A203: There is no legal process in New York State for a community to adopt or reject a zoning law (or any local 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. 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. Note, though, that the adoption of a local law requires the Town Board to hold a public hearing (this is in addition to the public hearing mentioned in Answer 201 that is held by the Zoning Commission), to submit the law to Tompkins County for review, and to perform an environmental analysis – all of which must be completed prior to the Town Board voting on whether or not to adopt the law.

## **Allowed Uses**

**Q204: Do Residential Accessory Structures include horse barns? We have 18 acres in the Besemer-Brooktondale Hamlet with another 8-acres of horse pasture on our adjacent Town of Dryden parcel. My “temporary” barn and riding arena are on our residence/Town of Caroline**

**parcel and I plan to re-do the barn and cover the arena at some point. Is this a permitted use or will it require trying to obtain a variance? There are several small “farms” in this Hamlet.**

A204: Agricultural and farm activities, as well as agricultural structures, are allowed uses in all zoning districts, as reflected in the Use Table (Article III) under discussion by the Zoning Commission. The definition of agricultural operation (see Article XIII Terminology in the 12/28/21 draft zoning law) includes the “raising, production, and storage” of livestock (among other things). Horse barns fit within this definition.

## **Hamlet Zones**

**Q205: A campground is currently listed as “two or more” units/sites and are not allowed in the Besemer-Brooktondale Hamlet. I would encourage you to raise this to “four or more” so that people in this Hamlet could have two or three cabins/glamps/tent sites on their property. I am glad this area is considered residential, but many of these parcels are large, wooded, have beautiful views and could easily sustain a few of these as “dreaded short-term rentals” without being noticeable or intrusive.**

A205: Thank you for raising this point. Another resident (see Q90 in a previous set of questions) commented that the County Health Department defines a campground as more than four campsites. The Zoning Commission will be discussing the Terminology section of the draft law (Article XIII) soon, and will consider including in the definition of campgrounds the larger number of units/sites that you recommend.

## **Siting of Specific Projects**

**Q206: While I do not have strong feelings either for or against zoning, I do have strong opinions about limiting formula businesses in Caroline, particularly in the proposed Besemer-Brooktondale Hamlet.**

A206: Thank you for your input. The Zoning Commission recently revised the Use Table (which shows what uses are allowed in what zoning districts) to add a line specifically about Formula Businesses. The Zoning Commission’s proposal is to allow Formula Businesses in the Slaterville Springs, Caroline Center, Speedsville and Commercial zoning districts and not allow Formula Businesses in the Agricultural/Rural, Besemer, Brooktondale, Central Brooktondale, and West Slaterville zoning districts. Zoning district names and boundaries are different from what appears in the 12/28/21 draft zoning law posted on the [Zoning Commission webpage](#) due to changes the Zoning Commission has made since the draft was posted. Other parts of the zoning plan that affect Formula Businesses include the Dimensions Table (Article III in the draft zoning law), which sets the maximum size any business could be in each district; design standards (Articles IV and V in the draft zoning law) that impact how businesses look; and site plan review

(Article VI in the draft zoning law) that empowers the Review Board to review and potentially modify the site layout. Section 5.3 is specifically about trademarked architecture and Formula Business design. Section 5.3 in conjunction with the other design standards in Articles IV and V mean that any Formula Business being built in Caroline must not look like the business's standard design but instead use a design that fits in with whatever Caroline neighborhood they are locating in.

## **Protecting Environmental Resources**

**Q207: I may have missed it in the Q&As, but [xxxx xxxx] has brought up “trail linkages” with the false assumption that personal property is somehow becoming public domain several times now and several friends have ranted about this prospect on Facebook. This is a huge misconception and I was hoping you were going to answer [xxxx xxxx] in the latest group of questions.**

A207: You are right, public property becoming public domain is a misconception. Nothing in the 12/28/21 draft zoning law (available on the [Zoning Commission webpage](#)) would allow the town to create or extend trails through private property. Public access language such as that found in Section 4.2(A)12 relates only to newly-built Conservation Subdivisions, which are larger housing developments that entail at least 5 subdivisions of a parcel. The proposal in the draft zoning plan is for Conservation Subdivisions to leave at least half of the acreage in the original parcel as undeveloped open space. This component of the draft zoning law relates to the role of the Town's Review Board in reviewing draft site plans for the development of a new Conservation Subdivision. Based on their review of the site plan and other open space in the area, the Review Board might require publicly-accessible pedestrian paths, trails, or bike routes in the subdivision. In no case would this apply to private land outside the subdivision. The Zoning Commission has not yet discussed Conservation Subdivisions; the specific requirements for Conservation Subdivisions and whether they are included at all may change in future deliberations of the Commission.