

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

Q/A #208 - 212

Decision-making Processes

Q208: I've delayed sending my thoughts regarding the zoning that the town is in the process of implementing. As almost a life long resident of the Town of Caroline I don't think it's needed at this time. I think the Town has done fine all these years without it. I'm sad to say that I don't think that any of my thoughts will make any difference in the upcoming decision. My thoughts on the Comprehensive Plan that's referenced in the information, I do not think that it represents what all the town residents feel or wanted. I know personally when I completed it this last time I didn't feel that it gave me the opportunity to express my thoughts. I felt that it had been written to lead me to answer what whoever wrote it wanted. I also felt that the last one did the same. I realize that now it's too late to really express my thought on it. I admit that I have not read through all of it as I had intended to. I personally am against zoning the Town of Caroline! Thanks for reading this and sharing some of my thoughts.

A208: Thank you for sharing your thoughts. It is unfortunate that you do not think any of your thoughts would make a difference in the process of developing a draft zoning plan for the Town Board's consideration. The Zoning Commission has received many comments, and consideration of those comments has contributed to many revisions to be made in the 12/28/21 draft zoning law posted on the [Commission's website](#). The writing process for producing a revised draft is underway for several articles of the draft law, ahead of anticipated public information sessions in the coming weeks. In the coming months, the Zoning Commission will continue work on other articles of the draft law, and welcome public input to those deliberations as well.

Q209: Maybe you should put at the top of the draft "once enacted no changes can be made by the board ever" because we all know what's going to happen if this passes! No one in this town wants anyone on they're land period - subdivisions or not. We are the majority! So stop pushing zoning on us! XXX said to me at the protest: "but what if your neighbors doing something you don't like?" - there are neighbors doing things I don't like! It's you people. I have not had any issues with anyone in this town except the zoning commission and the town board. Maybe the zoning clause should be created to stop zoning from coming to town! That would be the only type of zoning I would agree to! No zoning wanted! No zoning needed!!!!!!

A209: Thank you for continuing to express your opinions. Comments related to adopting a draft zoning law for the Town of Caroline should be directed to the Town Board, which has the authority to make such a decision.

Siting of Specific Projects

Q210: Forest core overlay & water resources overlay what exactly do those terms mean for the piece of property pictured? What will this prevent us from doing with our land? According to the “proposed” zoning draft will we still be able to build a house on the land if it’s located in the agricultural section? And what about this property in Slaterville springs (where it is fully covered by the water resources overlay) and also in a hamlet zone. What are the restrictions in the so called proposed zoning draft for this property. I say “so called” because the entire town knows you all are going to put zoning thru anyways and that you have plotted it from day one. We already know who is voting yes on it and who is voting no on it. And we know the majority of the residents are still against it and have been from the beginning! But anyways whats going to happen to my properties when zoning passes? How screwed over will we be according to the “proposed” zoning draft? And don’t sugar coat it – we want the truth! We are done with the lies! If you people must have zoning at least give it to us straight!

A210: Landowners will still be able to build houses on land in the “agricultural section”; all zoning districts, including the agricultural/rural zoning district, allow residential construction. The Zoning Commission is in the process of revising the 12/28/21 draft of the zoning law and eliminated the Forest Core overlay earlier this year.

The Water Resources and Flooding Overlay is designed to alert landowners and developers that there are important water resources nearby that may require special protection. Activities in the overlay area require some kind of review: most activities, including residential construction, would require Abbreviated Site Plan Review (a one-meeting process to guide placement of buildings on a parcel); large disturbances and commercial projects would require a full Site Plan Review. See Article VI for details of the Site Plan Review Process; Abbreviated Site Plan Review is Section 6.10. Section 4.3.A lists the general standards for the Water Resource and Flooding Overlay; see also Section 6.10.D.4 for review criteria for anything that requires Abbreviated Site Plan Review.

The Water Resources and Flooding Overlay is made up of wetlands (regulated by NYS or at the federal level), buffer areas around some of those wetlands, important streams, buffer areas around those streams, and currently regulated flood zones. From a zoning law perspective, the specific review requirements, protections and development standards would depend on the resource that may be affected by building. Note that review does not mean construction or other activities are not allowed within the overlay; the purpose of the review is to ensure that the layout of the site protects the important water resources in the overlay to the extent possible with the proposed development of the site.

With regard to the specific properties you asked about: the first image shows a large parcel that includes a roughly circular patch of the proposed Water Resources and Flooding Overlay that reflects an existing wetland. Please note that all wetlands are already protected by either state or federal law; the 12/28/21 draft zoning law does not propose any additional protections to those wetlands beyond those that are already in place due to those existing laws.

The overlay alerts the landowner or project developer that a wetland is there, that the appropriate agency must be contacted and their regulations met, and any required permits obtained.

For your second image (the parcel entirely in the proposed Water Resources and Flooding Overlay) the overlay is due to a buffer placed along important perennial streams (in this case, Six Mile Creek which is a state-designated Class A stream and also provides drinking water for Ithaca). Specific details about the overlay are still under discussion by the Zoning Commission. According to the 12/28/21 draft zoning language, setbacks would mean there could be very little building or land disturbance within 50 feet of the top of the stream bank (see the section on “Riparian Buffer” in Section 4.3.A.4) and only minor building or land disturbance in the next 50 feet further out (see the section on “Setback Area” in Section 4.3.A.4) (the Zoning Commission has not discussed Article IV yet and these distances may change). If the total area of a parcel was located within the proposed Overlay, the draft zoning law (Section 8) explains that some building would be allowed.

On the property you asked about, there are two existing buildings at the back of the property located in the Setback Area. These buildings would become “non-conforming uses” (see Article VIII). What this means is that the existing buildings could be used, maintained, repaired or even expanded by some amount (currently by up to 25% in the 12/28/21 draft, but this section also has not been discussed yet by the Zoning Commission and that number may change). In addition, if the buildings were destroyed in a flood, fire, or other natural disaster they could be replaced to the original building footprint. The non-conforming use ties to the property, not the landowner, so if the property is sold the new owners also could use, maintain, repair, and expand (within the limit noted above) the buildings or replace them in the event of a natural disaster. A building in the Water Resources and Flooding Overlay that is outside the protected Riparian Buffer or Setback Area is a conforming use, the restrictions on non-conforming building expansion do not apply, and new building anywhere inside the Water Resources and Flooding Overlay requires an Abbreviated Site Plan Review.

Q211: Can you please explain to me how I am supposed to know what sections of the draft are specifically meant for subdivisions. This is where the confusion is stemming from. Someone on Facebook said the entire draft was only for subdivisions. I do not think this is a true statement because what about the sound restriction section 55dB? is that only for subdivisions too? Seems like that would be for everyone. I honestly don't have time to read the draft from page 1 to page 132. If there are certain segments that are for certain things only for example subdivisions then maybe you could used different color coding for those certain areas in the next draft to make it easier to differentiate. For example: Green print only for topics that are for subdivisions aka trails ect. Or blue print for agricultural. And black print for hamlet zones. Or something such as this so people are not forced to start at the top of the draft and read the entire thing. Then when we see a different color print we will know what your refereeing to like subdivisions or hamlets only or agricultural. Otherwise I have no idea what your referring to. I may not be the smartest person in this town. I wouldn't say I'm an idiot, and I don't think I'm stupid either. I did do a few years of college. so all's I'm saying is if I'm having trouble with this then lord knows the majority of the residents are not following it either. Thank you for your time.

A211: We agree that in some sections it is unclear what provisions apply to what; this is particularly true for Article IV. As the Zoning Commission revises those sections we will work to make the applicability more clear. Thank you for suggesting color coding; we will keep that in mind along with layout, titling, expanded Reader's Aid Boxes and anything else we can come up with to help make the content more clear and understandable. Language can be challenging; "subdivisions", for example, might mean splitting any parcel into two or more pieces, but also is a term often used to mean a housing development. The zoning law addresses a variety of development activities including subdivision, but also addresses developments that don't create new lots but that have multiple buildings, commercial buildings, and others. The Town currently has a subdivision law that regulates lot splitting. Currently many lot line adjustments and small subdivisions that occur in Caroline are exempt from that review process. The zoning law is not a subdivision law but the two are related and should work together.

Until the Zoning Commission produces a revised version of the draft zoning law, here are a few examples that might help clarify applicability. Let's call things like building a house on an existing lot, making an addition, converting a garage into an apartment and similar common activities of Caroline residents "typical residential activities." These types of "typical residential activities" do not require Subdivision approval, Site Plan Review or a Special Use Permit under current Town law, nor would they under the draft zoning law. Any section of the draft zoning law that pertains to a proposed major subdivision or a Conservation Subdivision also does not apply to "typical residential activities" because "typical residential activities" are not treated the same as large housing developments. Note, however, that under some limited conditions Abbreviated Site Plan Review (a different thing than a Full Site Plan Review) may apply to some typical residential activities (see, for example, Answer 210).

Finally, it may be helpful to think of the zoning law as an encyclopedia rather than a novel: it is not something to read end to end, but a reference work where specific sections are read when relevant. To some extent the Table of Contents can help you find what you are looking for, but the Zoning Commission is aware that just using the Table of Contents is not adequate. We are brainstorming other ways to help residents find their way around the document; any suggestions are welcome.

Protecting Environmental Resources

Q212: Related to the 23 acres that we own. For your reference, our land sits at the corner of XXX. Let me say that I favor zoning and am really impressed with the thoughtful plan that the Zoning Commission has put together.

We have more wetlands than maps of our land indicate. A couple of years ago, XXX from TCSW, walked the land with me and confirmed that we have wetlands on 3 acres along XXX. Those 3 acres don't show up on any maps - but the wetness of the land and the plants growing there - confirmed in his mind that they were indeed wetlands. In addition, the wetlands that do show on the water resource overlay, have been expanded since that site visit.

After that site visit, Upper Susquehanna Coalition walked our land and subsequently installed 3 new (large) pools. They had grants to do this work, in order to prevent as much erosion as possible and provide further for area wildlife. As you can imagine, this has changed our wetlands in a positive way.

While I know that wetlands are generally protected at the State and Federal levels, enforcement can be an issue. My husband and I would like to see our wetlands protected by the Town Zoning Plan, if possible. Do you know what the procedure will be for (hopefully) amending the Water Resources overlay?

A212: As you note, wetlands are generally protected at the State and Federal levels. Your wetlands are not covered by state law because the DEC only regulates wetlands 12.4 acres and larger but all wetlands are protected by federal law regardless of size and whether or not they are mapped. Though the 12/28/21 draft zoning law does not add any protections to those already present in existing state and federal laws, inclusion in the Water Resources and Flooding Overlay would help make sure those laws are followed. The overlay would alert a future landowner or project developer to the presence of the wetlands. Construction inside the overlay area would require an Abbreviated Site Plan Review, which provides an opportunity to make sure that the appropriate permits have been applied for and that the wetland will be appropriately protected with proper siting of new buildings. Regarding amending the Water Resources and Flooding Overlay: the wetlands included in the overlay were those identified and mapped by the Tompkins County Water Resources Council. Additional wetlands could be added; what is required is a wetland delineation done by a professional to provide the accurate survey data needed to add the wetlands to the overlay. Thank you for taking good care of the water resources on your land.