

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

### Q/A #40 – 66

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

### Zoning Purposes & Definitions

#### **Q40: What exactly will the zoning laws regulate? What does zoning do?**

A41: In general, zoning allows a Town to establish guidance and rules for land uses that vary from place to place within the Town. Zoning can establish different densities or intensity of development in different parts of the town or add development standards to help ensure new uses are being careful when building in environmentally important or historically significant areas. Without zoning, any land use regulation is required to apply to the entire town equally; with zoning, regulations can be different in one region of the town (or zone) than another. Currently, Caroline's subdivision law requires review and approval of proposed subdivisions of land that would be more than 5 lots, and the Town's site plan law requires review and approval for siting commercial buildings and their accessory uses. There are no other local laws in Caroline oriented to protecting environmental or community resources. Zoning regulations typically say what land uses are allowed or not allowed in each zone. For example, they may allow larger commercial buildings in one part of the town compared to another, or they may have guidelines for how buildings need to be sited on a piece of land to protect water resources or other features important to the Town.

#### **Q41: Why is Caroline even looking at zoning? What are you trying to control?**

A41: The overarching goal is to preserve what Town residents like about Caroline by ensuring that future growth and development reflects the vision described in the Town's Comprehensive Plan. The guiding principles of how to achieve that goal are laid out in Article I, especially Section 1.3 Purposes in the 12/28/21 draft zoning law posted on the [Town's website](#). A zoning law will help the Town of Caroline implement its goals as expressed in the Town's Comprehensive Plan, will protect existing neighborhoods and environmental features, will facilitate growth that is consistent with the desires of the community, and will offer stability that gives people confidence to invest in the area.

#### **Q42: How is zoning used to segregate a town along racial and economic lines?**

A42: There has been an unfortunate history where zoning has contributed to such segregation in urban areas. This has happened when large areas of land are zoned for single family uses separated from multi-family uses – resulting historically in segregated neighborhoods. Fortunately, the consultant working with the Zoning Commission says this same problem has not arisen in any of the rural communities she has worked with, and Caroline’s draft zoning law allows a wide variety of housing types in all locations and they are not segregated. To the best of our ability the Zoning Commission will create a zoning plan that will not foster segregation. If there is something in the draft zoning law that you believe will cause segregation please bring that to our attention. You can find a draft of the zoning law posted on the [Town’s website](#); as the draft is revised the version on the website will be updated periodically.

**Q43: We've had a comprehensive plan for the last 20 years without any issues. What is the reason for changing now?**

A43: Yes, Caroline has had a comprehensive plan in place for a while now. The original comprehensive plan was adopted in 2006; an updated and revised version of that plan was adopted in 2021. A comprehensive plan is a visionary document that articulates values and goals for a community and tries to look into the future and evaluate whether or not the community is on a path consistent with those values and goals. One reason to have a comprehensive plan is to avoid suddenly finding out that many of the things loved about a community have disappeared by “a thousand cuts,” a little bit here and a little bit there. Caroline’s revised comprehensive plan identified some growth and land use issues that indicated that without some action being taken, many things residents say they like about Caroline would increasingly be threatened over the next 10 to 20 years. For that reason, the 2021 Comprehensive Plan suggested that stronger land use tools, such as zoning, be considered. It is also important to realize that a comprehensive plan is a guidance, not a regulatory, document. In other words, town land use laws must be consistent with a town’s comprehensive plan, but the comprehensive plan itself has no rules or regulations on land use that have to be obeyed. If one wishes to enforce the vision and goals of a comprehensive plan, laws and ordinances must be passed.

**Q44: The Task Force on Land Use and Economic Development did an outstanding job revising the town’s Site Plan Review Law. Why hasn’t the town implemented the revised site plan to see how strong it is and how well it can work?**

A4: Yes, the Task Force proposed some important and significant changes to the Site Plan Review law. The Task Force also recommended that the town appoint a Zoning Commission and advised adopting the revised site plan law as part of zoning. It is important to understand that zoning is different than site plan; the two have different functions and different capabilities. Site plan reviews how and where uses (buildings and parking lots, for example) are placed on a parcel of land but site plan review is not allowed to consider the use (what the building is used for) itself. Nor can site plan address size, intensity, or density of uses. In contrast, zoning can consider the use, neighboring uses, and can have guidelines that vary from one region of the town to another (to name just a few things zoning can help accomplish). Site plan review is one important piece of how the town can meet its development goals but the advice of land use professionals (and the recommendation of the Task Force) is that site plan review functions best in tandem with zoning.

## **Decision-making Processes**

**Q45: Will residents themselves be able to vote on whether the zoning plan moves forward?**

A45: 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.

**Q46: Why won't there be a “permissive referendum” on zoning?**

A46: See Answer A45 above.

**Q47: How was the Task Force for Land Use and Economic Development created? Was it appointed by the board without an opportunity for all tax payers to be on the task force? If that is the case, then the fact that the task force made the decision to move forward with potential zoning for the town should have a legal opinion.**

A47: To clarify, the Task Force did not make the decision to potentially move forward with zoning. The Task Force recommended that the Town Board appoint a Zoning Commission; the decision to do so was made by the Town Board. The distinction is important because the Town Board is elected, whereas the Task Force was appointed. Regarding how appointments were made to the Task Force, the Town Board followed its normal practice for Town task force membership by inviting applicants through a public process that included announcements at Town Board meetings, on the Town website, and on the Town listserv. The Town Board initially appointed ten members but two people dropped off because they had too much going on. One of the task force members did not live in Caroline but did agricultural work within the Town; the other members were all Caroline residents.

**Q48: How did the Town Board select the Task Force on Land Use and Economic Development (the committee who suggested that we rewrite our site plan review law and develop zoning)?**

A48: See Answer A47 above.

**Q49: Is there anyone on the Zoning Commission that is against zoning? Don't we think there should be?**

A49: The Zoning Commission was established as a result of a public call by the Town Board for applications. When evaluating the applications and interviewing the candidates, the Town Board did not consider whether an applicant was for or was against zoning. Note that by state law, a

zoning commission's charge is to present a draft of a recommended zoning law to the municipal authority (for Caroline, the Town Board). Whether or not to disband the commission before it produces a draft and whether or not to adopt the draft once the Commission presents it to the Board are decisions to be made by the Town Board, not the Zoning Commission. Members of the Zoning Commission have diverse views on the subject of zoning as can be seen during Zoning Commission meetings (links to videos of meetings are available on the [Town's website](#)).

**Q50: Why don't you have more farmers or agricultural people on the commission or a separate committee of farmers to advise you on agricultural matters?**

A50: The Town did recently create an agriculture committee, currently chaired by Don Barber. The agriculture committee needs more members and anyone interested is invited to apply. Applications to be on the committee are available on the town website or can be obtained from the Town Clerk. The Zoning Commission was established as a result of a public call for applications from residents of Caroline. Unfortunately, no farmer who was a resident of Caroline applied to be on the Commission.

## **Residential Density**

**Q52: Is the population of Caroline growing?**

A52: Yes, the population of the Town is growing. From 2000 to 2010, the Caroline population increased by 13%, making it the fastest growing town in Tompkins County during that period. Population growth in the Town was slower in the next decade from 2010 to 2020 but the exact rate is hard to determine due to pandemic-related issues with the 2020 census (2020 census population count likely does not include a significant fraction of the student population that was counted in previous censuses). Using 2017 American Community Survey data, Caroline's population grew about 4% from 2010 to 2017 (effective 10-year rate of 5.7%), making us the second-fastest growing town in Tompkins County. In terms of housing, outside of the Boiceville Cottages development (which added 140 units over a 7 year period) on average six to eight residential units have been added each year in each of the last 10 to 15 years.

**Q53: How do you set density for areas without public water or sewer, particularly in something like an agricultural-rural district?**

A53: One answer is that without public water and sewer, minimum lot sizes are determined by the Tompkins County Health Department which typically requires about one acre per residence. However, that is not the whole answer because there are engineered systems that allow for a cluster of homes to use a common water or septic system and thereby allow denser development than for a set of independent residences. The capacity of the land to supply water and absorb waste from such a development is a key concern. In the 12/28/21 draft zoning law on the [Town's website](#), residential density is considered differently for the agricultural/rural district than for the hamlet districts. In the 12/28/21 draft law, the approach is to have less residential density overall in the agriculture/rural district and higher residential density in the hamlets to focus growth there.

In addition, any development of more than five lots qualifies as a “major subdivision;” major subdivisions may be required to do a hydrological study to verify the area’s capacity to handle that many residences (see Section 4.2(B)(8) in the 12/28/21 draft).

## **Design Standards**

**Q54: How might design standards be integrated or not into zoning, such as Formula Business restrictions or other means of achieving goals regarding design appropriateness?**

A54: Design standards are usually oriented towards commercial buildings. They address things like roof lines, location of parking lots, signage, and the aesthetics of the construction of the building. They are used to make sure that commercial building and lot designs fit in with the character of the community. Proposed design standards can be found in Articles IV and V of the 12/28/21 draft zoning law on the [Town’s website](#). The Zoning Commission is aware that the language in these sections needs to be clarified to better indicate that nearly all of these standards apply only to commercial projects. Regarding Formula Business restrictions, the Zoning Commission is currently deliberating on which districts (for example, commercial or hamlet commercial) might allow formula businesses in the Town, and what design standards would have to be met by any formula business locating in the Town. The 12/28/21 version of the draft zoning law addresses issues related to formula business in several sections (see Article III on Uses and Dimensions, and Article V on Supplementary Standards, particularly Section 5.1 on General Standards for Commercial Building Design, Section 5.2 Design Standards, and Section 5.3 Trademarked Architecture and Formula Business Design).

**Q55: Is it practical to apply some design standards in the rural areas by using site plan review to mitigate excessive impacts that can be based on implementation, not type of business. For example, extreme security lighting, signage, or truck weights that damage a smaller road.**

A55: Yes, site plan review is a very powerful and helpful tool for doing exactly what you ask. That is why site plan is a critical part of zoning; zoning says what uses are allowed where and site plan enables the community to look at how the use is being placed on the land. Together, zoning and site plan allow a community to have development but make sure that development is consistent with the goals and vision of the community (as expressed in its comprehensive plan).

## **Allowed Uses**

**Q56: There seems to be no zoning for commercial zones. Should not formula businesses such as a Dollar General be zoned as their own district, which seems to be totally in agreement with the Task Force recommendations and public input recently?**

A56: The Zoning Commission has been revising maps and districts based on our deliberations; public feedback such as this is an important input to those deliberations. The 12/28/21 draft zoning law (available on the [Town’s website](#)) has both a “commercial” district (for larger

commercial uses) and “hamlet commercial” districts (for smaller commercial uses). Maps can be found on the last pages of the 12/28/21 draft though will also soon be available separately on the website in order to make them easier to find.

## **Zoning District Maps**

**Q51: Why are maps that the Comprehensive Plan designated being changed by the overlay maps? Aren't the Comprehensive Plan maps supposed to be followed?**

A51: As appropriate, the Zoning Commission refers to and uses maps from the Comprehensive Plan. However, the maps in the Comprehensive Plan do not include some information that is critical to the Zoning Commission’s work, such as reflecting deliberations about potential district boundaries (e.g., hamlets, commercial hamlets, commercial district, agricultural/rural district), or portraying various characteristics in relation to possible district boundaries (e.g., forest core overlay, water resources overlay). You’ll find draft maps, still under discussion by the Zoning Commission, on the [Town’s website](#). Draft overlay maps being used by the Zoning Commission use the same underlying data to produce the maps as were used for the comprehensive plan maps. Public input on the maps, and all issues, is welcome. Send comments to the Zoning Commission Chair, Jean McPheeters, with a copy to the Town Clerk: [jeanmcpheeters@gmail.com](mailto:jeanmcpheeters@gmail.com) and [clerk@townofcaroline.org](mailto:clerk@townofcaroline.org) , or Town Clerk Jessica Townsend, P.O. Box 136, Slaterville Springs, NY 14881.

## **Hamlet Zone(s)**

**Q57: There are vital residential areas that have not been identified in your initial Hamlet labeling, most particularly the Snyder Hill, Deerfield Lane, Landon Road area. Will these be considered at some point, can residents recommend other resident areas that they want urgently included in your initial plans?**

A57: Absolutely. The Zoning Commission has been revising maps and potential districts based on our own observations and public feedback such as this. In the 12/28/21 draft zoning law (available on the [Town’s website](#)) maps are on the final pages of the document; many of the hamlets show expanded boundaries compared to the original maps. The areas you mention are now included (in the 12/28/21 version) in the Besemer-Brooktondale Hamlet. The Zoning Commission will continue to consider public comments and to revise these maps to best reflect the vision of the Caroline community. Please continue to provide this kind of important input.

**Q58: What are the differences between the hamlets districts shown on the map?**

A58: The differences are found in the “Use Table” and the “Dimensions Table” (see Sections 3.1 and 3.2 in the 12/28/21 draft zoning law that is available on the [Town’s website](#)). The Zoning Commission is in the process of a careful review of the Use Table and Dimensions Table and welcomes public input. Proposed dimensions vary somewhat among the hamlets, based on analyzing the existing conditions (which differ among hamlets). Because the table is long it can be

hard to see how hamlets differ; here is a “broad brush” overview of what is different between the districts as proposed in the 12/28/21 draft. The Slaterville Hamlet and the Brooktondale Hamlet Commercial districts would allow the most commercial activity. Because its location on Rt. 79 can better support larger businesses, the Slaterville Hamlet has a larger maximum commercial building footprint (currently proposed as 5,000 sq. ft) than the Brooktondale Hamlet Commercial districts (currently proposed as 3,000 sq. ft). The Besemer-Brooktondale hamlet would be geared towards being mostly residential in nature and hence has the fewest allowed uses in the table. Proposed uses for the Brooktondale Central, Caroline Center and Speedsville hamlets would be in between the more permissive Slaterville and Brooktondale Hamlet Commercial districts and the more restrictive Besemer-Brooktondale Hamlet. Home-use occupations would be allowed equally in all the hamlets. Keep in mind that all of this is still under discussion by the Zoning Commission and may change. Public input on this topic is encouraged.

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

**Q59: A specific question about Slaterville Hamlet: there is prime farmland along Route 79; would it be allowed to be densely developed or would it be protected?**

A59: The Zoning Commission strongly supports protecting prime farmland. The Zoning Commission has been revising maps and districts based on our own observations and public feedback. In the 12/28/21 draft zoning law (available on the [Town’s website](#)) the farmland you ask about (the prime farmland between Slaterville Springs and West Slaterville) is shown as included in a hamlet district, but more recent discussions of the Zoning Commission suggest it may be removed from the hamlet district and placed in the agricultural-rural district (see the maps that are at the end of the draft zoning law on the website). This topic is still under discussion. If it is designated agricultural/rural, the rules of that type of district will apply. If it is designated hamlet, the farmland can be maintained as a farm with any sort of farm-related uses as long as desired, but should the land ever be sold for non-farm use, any uses allowed in the hamlet district could take place there. The proposed protections for the agricultural/rural district do not prevent all construction on prime agricultural land but are meant to maximize the availability and quality of prime farmland for future generations. See Sections 4.2(A)6, 4.2(B)7 and 5.5.12(A)6 in the draft law.

**Q60: If you initiate an agricultural zone, does it mean you will have control over the farmer's land and tell them what they can do with their prime ag land?**

A60: Absolutely not. Zoning laws do not have the authority to regulate farming. Farming activities themselves are governed by the New York State Town Law 25-aa if you are in a New York state agricultural district (most of Caroline’s active farmland is in an ag district). Due to State Town Law 25-aa, a community cannot regulate the operation of a farm in a NYS Agricultural District. This includes not only farm activities like the production of the crops or raising animals, but covers direct sales that a farmer might have on-site for their farm products and other secondary farm-related businesses that might be on the farm. However, if the farmer wanted to subdivide, sell, or use their land for something other than agricultural uses they would then have to meet the development standards or rules that are established for the rural/agricultural zone. In the

12/28/21 draft zoning law (available on the [Town's website](#)) there are some proposed protections for prime farmland that do not prevent construction on or subdivision of prime agricultural land but are designed to maximize the availability and quality of prime farmland for future generations. See Sections 4.2(A)6, 4.2(B)7 and 5.5.12(A)6 in the draft law.

**Q61: Will farmers have the ability to sell land to remain in business? Usually farmers look for their worst land, specifically non-prime ag land. Will you control non-prime ag land or will farmers be able to sell non-prime ag land for its highest and best use?**

A61: Zoning laws do not deny anyone's ability to split their land and sell pieces or sell it as a whole. Caroline's draft zoning proposal (see the 12/28/21 draft zoning law that is available on the [Town's website](#)) certainly does not do that. Subdividing property is covered by the already-existing Caroline Subdivision Review Law so for some types of subdivisions nothing would change regarding selling non-prime ag land if zoning is put in place. One change proposed through the 12/28/21 draft is that for large subdivisions (subdividing a parcel into more than five pieces) the zoning draft proposes a "Conservation Subdivision" approach designed to foster the preservation of open space associated with developing that type of major subdivision and encourages flexible sizing of lots through an average lot size approach (see Section 5.5.12 in the 12/28/21 draft zoning law).

### **Siting of Specific Projects**

**Q62: Are there any zoning limits on where renewable energy resources could be located, perhaps size dependent?**

A62: The Use Table (Section 3.1 in the 12/28/21 draft of the zoning law posted on the [Town's website](#)) lists what uses are allowed in which zones. The Use Table is still under discussion by the Zoning Commission and may change but here is a summary of how renewable energy resources are handled in the 12/28/21 draft. Small solar energy facilities (such as those associated with a single-family home) would be permitted in all zoning districts and would not require any Review Board permit, approval, or review. (Just as is true now, someone wishing to build a small solar energy facility would need to fill out a Unified Solar Permit Application and submit it to the Code Enforcement Officer in order to obtain a building permit.) Medium and Large (more than 20 kW) solar facilities are allowed only in the agricultural-rural zone, would need to comply with the Town's solar facility law, and would need to obtain a Special Use Permit from the Review Board. (Uses requiring Special Use Permits are allowed but may be subject to restrictions or conditions put on the use to minimize potential negative impacts on neighboring properties.) Wind turbines for personal use would be allowed in all zoning districts but require a Special Use Permit. Large wind towers are allowed only in the agricultural-rural zone and again would need to obtain a Special Use Permit. Large systems (20 MW and greater for solar, 25MW and greater for wind) are reviewed and approved by the State.

### **Protecting Environmental Resources**

**Q63: Will there be any protected view sheds?**

A63: The current (12/28/21) draft of the zoning law (available on the [Town's website](#)) addresses scenic resources in Section 4.1.E.2, under specific environmental performance standards. The Review Board would include in their review of projects their impacts on scenic resources to provide an opportunity to mitigate negative impacts.

**Q64: There should also be an aquifer protection overlay zone. This is especially important for Slaterville Springs, where the aquifer confinement layers flow to the surface. The USGS aquifer studies were not able to identify the recharge area for the confined aquifers.**

A64: The Zoning Commission is still discussing zone boundaries and overlay zones and will consider this suggestion. Unfortunately, as you note, we don't know the recharge area for the aquifers. However, the 12/28/21 draft zoning law addresses aquifers in several ways. Aquifer capacity and impacts would be evaluated when a proposed use is in the water resources overlay area (see the maps included at the very end of the 12/28/21 draft law document), water resource issues must be considered and evaluated as part of a conservation subdivision plan or for other specific uses (such as a commercial car wash), and water resources and potential water withdrawals are part of the site plan review considerations.

**Q65: Our dark sky is beautiful. Will the Zoning Commission give thought to how lights are sited?**

A65: Yes. The current (12/28/21) draft of the zoning law (available on the [Town's website](#)) mentions dark skies, and dark sky compliant fixtures are specified in design standards (see Sections 5.2.12 and 5.5.11) and site plan review (see Section 6.4(A)14). Note that in general these standards apply to commercial buildings and multi-family developments, not single-family or two-family residences.

**Q66: Have the Unique Natural Areas identified by the Tompkins County Environmental Management Council in Caroline been taken into account?**

A66: In general, habitat protection is included in the 12/28/21 draft law (available on the [Town's website](#)), in the purpose statements, the forest core overlay, site plan review, and site analysis of the conservation subdivisions. Unique Natural Areas are included in site plan review considerations specifically, and are addressed in Specific Environmental Performance Standards (Section 4.1.E.) and mentioned elsewhere in the draft document.