

**Town of Caroline  
Land Use and Economic Development Task Force**

**Meeting 11**

**November 23, 2020  
7:00 PM**

Agenda

1. Privilege of the floor
2. Proposed edits to the Site Plan Review Law
3. Zoning Discussion
4. Recommendations of the Task Force

Attendance

Michele Brown; Barbara Knuth; Barbara Lynch; Ellen Harrison (Site Plan Review Board Member); Rebecca Schillenback; Ken Miller; Yusmin Allim; Bill Podulka (Planning Board Member); Tim Murray (Town Board Representative); Mark Whitmer (Town Supervisor); and Greg Colucci (Planner)

Public: Renate Ferro

Notes

1. Privilege of the floor; Renate Ferro voiced her support for a Town Zoning Ordinance.
2. Greg Colucci reviewed the latest proposed edits to the Site Plan Review Law

*Definitions*

- Agricultural Operations  
Includes "...practices that allow land used for agricultural activity to lie fallow for a period not exceeding five consecutive years"

This means that if agricultural land is fallow for more than 5 years, it is not an Agricultural Operation anymore. It would still be an Agricultural Resource.

*Site Plan Standards and Considerations*

- Sound
  - Barbara Lynch advocated for including decibel levels; she will do more research and propose decibel levels
  - A Nuisance Law can address sound levels town-wide, rather than regulating sound via Site Plan Review or zoning.
  - Agricultural operations are exempt
- Transportation
  - "The development shall not result in significantly increased traffic on local roads..." might be unpractical, as all development will likely increase traffic to some degree.

- Language will be modified: The Development shall not result in a significant decrease in the quality of the road and increased negative impacts on the safety all users of the road.
- The Site Plan Review Board has discretion to ask for a Traffic Impact Analysis.

#### *Economic and Fiscal Impact*

- Proposed Section 3.030 requires a development to submit an Economic Impact Assessment at the Site Plan Review Board's discretion
  - The Department of State advised that if the Town wants to have specific information shown in an Economic Impact Assessment, the Town should prepare an economic baseline analysis.
  - The Site Plan Review Law can ask for a "data sheet" of all characteristics of the development that may help the Review Board understand the economic and fiscal impacts of the development.

#### *Site Restoration Requirements*

- Proposed Section 3.040 allows the Site Plan Review Board to require an escrow fund of development to mitigate the financial effects on a Town of an abandoned development.
  - The requirement may need to be applied to a certain threshold of development rather than having it be discretionary.

Greg proposed that the word "density" should be removed from Section 3.020 (Site Plan Standards and Considerations) and Section 4.34 (Site Plan Checklist) because this refers to lot coverage, which is not explained or regulated anywhere in the proposed law. The word "density" is often referred to in a zoning context as well. The word "placement" of buildings adequately addresses the issue of reviewing a building's placement on the lot.

### 3. Zoning Discussion

Mark Whitmer asked Greg what is unique about zoning versus the other land use tools that have been considered by the Task Force.

Greg explained that the uniqueness of zoning is that it can regulate the location of land uses whereas other land use tools cannot. Zoning can allow regulations to be tailored to uses in their separate zone districts. Zoning can also establish procedures for review boards together in one document rather than having separate local laws.

Bill Podulka reminded the committee that some of the goals of the Comprehensive Plan may not be attainable without zoning, such as protection of open space and environmental resources and concentrating more intensive uses in specific areas. He suggested a simple zoning ordinance may be enough.

Rebecca Schillenback commented that there also need to be incentives in addition to zoning.

Overlay zoning applies to specific, delineated areas with their own set of regulations in addition to an underlying zone district. Examples of overlay zone districts include floodplain, historic, lakeshore, and others.

Most agricultural zone districts allow for single family homes to be built by right. Other uses in agricultural zone districts may be allowed by right or by another procedure, such as Special Use or Site Plan Review, or both.

Ken Miller asked if property zoned commercial could still be used for agricultural uses while the property owner waits to sell it for commercial uses. Greg answered “yes” because the Town is a Right to Farm community meaning that farming is a use by right no matter what other land use laws there are.

The degree of flexibility of zone districts will need to be discussed by the Town if the process of Zoning commences.

Rebecca asked if there is another land use tool to use to encourage nodal development without zoning. Greg said not really and Bill followed up that there may be certain tax policies to create incentive for developing in the nodes.

There are a few types of zoning: Euclidian (use-based), performance, and form-based zoning, or a combination of these types. Euclidian zoning was the traditional model as it regulated where certain land uses can be located. Now form-based zoning is becoming more widely used. Form-based zoning essentially regulates developments based on the form of buildings – density, height, massing, for example – under the philosophy that the *form* of development should be mitigated more heavily than the *use* of a development.

#### 4. Recommendations of the Task Force:

Adopt the revised Site Plan Review (inclusive of Design Standards)

The committee agreed that this should be adopted in a Zoning Ordinance, otherwise it should be adopted as a stand-alone Local Law.

Adopt a Zoning Ordinance

Other recommendations:

Economic Baseline Analysis

Nuisance Ordinance (for sound)

Junk Ordinance

Scenic Resources Inventory

Meeting adjourned at 9:10 PM

Meeting notes prepared by Greg Colucci