

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

Meeting 9

**November 9, 2020
7:00 PM**

Agenda

1. Privilege of the floor
2. Discussion
3. Review of proposed changes to the Site Plan Review Law

Attendance

Michele Brown; Barbara Knuth; Barbara Lynch; Ellen Harrison; Ken Miller; Tim Murray (Town Board Representative); Mark Whitmer (Town Supervisor); and Greg Colucci (Planner)

Absent from the Task Force were Yusmin Allim, Bill Podulka, and Rebecca Schillenback

Notes

1. Privilege of the floor; no member of the public joined the meeting.
2. Tim Murray reviewed the Town Board calendar for the remainder of 2020 and asked for a report from the Task Force by the December 1 meeting.

Barb Knuth asked how the process for adopting the proposed Site Plan Review Law and Design Standards would be impacted by the Town calendar and related to the expiration of the moratorium.

Mark Whitmer said that the Town Board is primarily expecting recommendations from the Task Force and not necessarily a draft law to review.

3. Continued review of suggested changes to Site Plan Review Law (the Law)

3.020 Specific Standards and Considerations

The Law is an appropriate place to ask for plans or data relating to air quality of the proposed development.

Regarding the impacts of noise, the decibel level in the proposed changes likely came from an unsuccessful noise ordinance. Additional research was needed to verify if these levels are appropriate to regulate.

Impacts on lighting are proposed to be modified by adding language stating that excessive lighting for promotional purposes is not allowed (rather than stating they are discouraged). The curfew for lighting (for projects that fall within the scope of the Law) is proposed to be reduced from 11 PM to 10PM.

Ken Miller suggested that reducing the hours of lighting may adversely affect delivery schedules.

There were comments about not wanting to live next to a business that has late night deliveries.

Greg Colucci said that lighting restrictions can be administered well through zoning so that areas of commercial uses, their lighting impacts, and their regulation can be predictable.

Ken asked if developments going through Site Plan Review need to notify adjacent property owners of the proposed development. Greg said that this currently applies to property in agricultural districts. Developers are typically not required to notify residential properties, unless the Town requires.

Ellen Harrison suggested that the Town should require notification for all developments required to go through Site Plan Review.

Greg said that this can often be exhausting for a Town when there are a lot of development applications. Given Caroline's size it may not be overly burdensome. Greg will draft language for the Task Force to consider.

The Energy Use and Greenhouse Gas Emissions standards are proposed to be moved from the now-Standards document to the Law so as to ground their requirement in law rather than the more "ephemeral" standards document, which, as it is currently, may be adopted by Resolution.

The standard regulating the impact of visual resources is proposed to be modified to state "as seen from the public right-of-way" rather than a public road, so as to capture public trails.

Relating to impacts on plant and animal resources, Tim asked how the proposed standard to "preserve and maintain contiguous mature woodlands of 5 acres or greater" would impact the development of a residential street and subdivision.

Greg suggested that an environmental quality review may be a good mechanism to weigh the impacts of development on woodlands, as cumulative impacts on all environmental resources between projects could vary even if they disturbed similar areas of woodlands.

Forest management operations would not conflict with the proposed standard.

The proposed standard regulating architectural and design features references topics in the currently proposed Design Standards; if the two documents are merged the requirements in the Design Standards would be housed here.

The proposed standard requiring buffer areas does not state numerical distances, which is likely more appropriate given Caroline's lack of zoning.

Section 3.030 Economic and Fiscal Impact

The proposed section allows the Site Plan Review Board to ask for an Economic Impact Assessment of a development proposal.

Greg said that a definition of Economic Impact Assessment will need to be included in the Law.

There was discussion on what should be required to be shown in the Economic Impact Assessment.

Tim asked if the law would preclude a development that was in direct competition with an existing business.

Ellen said the Law wouldn't preclude the new business from developing.

Greg said that the Law may not even have to reference this topic and the Site Plan Review Board may simply be in its right to ask for one regardless whether it's stated or not. Greg referenced an economic impact analysis submitted for a proposal in the Village of Trumansburg and the Village does not specifically require this in any law. If it's stated, it needs to be elaborated more, such as including a definition of Economic Impact Assessment.

3.040 Site Restoration Requirements for Formula Business and Heavy Industry

Ken suggested that this section should be required for all developments coming under Site Plan Review; there were no objections.

3.4 Site Plan Requirements

There were questions about the extent of floodplains needing to be shown on the development plans; Greg said that it would be those regulated by Federal and State agencies.

Ellen suggested that ephemeral streams should also be included with streams requiring to be shown on development plans.

Greg said that requiring this may be overly burdensome on the developer, and ephemeral channels can typically be seen on topographic maps.

Ken asked about language requiring developers to show "suitable habitat" for rare and endangered species is even possible to show.

Barb Knuth clarified that endangered species would also have to be within range of the subject property, not just include suitable habitat for endangered species.

Ellen suggested that asking a developer to do endangered species surveys may be onerous.

Greg said the threatened and endangered species habitat areas can be mapped easily using the DEC Environmental Resource Mapper, but asking for mapped habitat to be shown on plans for Common Birds in Steep Decline, for example, might be a lot to ask of a developer.

Ken asked if there is a fee schedule for permits and Tim answered yes.

Barbara Lynch suggested that solid waste management practices should be required to be shown in submitted plans; there were no objections.

The Task Force concluded with the review of the proposed Site Plan Review Law.

Greg said he would send around examples of Town Environmental Quality Review Acts, as some of the topics in the proposed Site Plan Review Law could be reviewed against a local EQR.

Meeting adjourned at 9:00 PM
Meeting notes prepared by Greg Colucci