

Approved
2-14-2022

January 17, 2022
Town of Taghkanic
Town Board Meeting

Note all documents in these minutes may be clicked on and enlarged for easier reading

6:30 pm: The Taghkanic Town Board and Zoning Commission held a Special meeting on the above date, attendance as follows.

Town Board: - Via Zoom

Present:	Ryan Skoda	Supervisor	
	Elisabeth Albert	Board Member	
	Elizabeth Craig	Board Member	Absent
	Kara Gilmore	Board Member	
	Linda Swartz	Board Member	
	Cheryl Rogers	Clerk	

Zoning Commission: - Via Zoom

Present: Joyce Thompson Co-Chair
Excused:

Public Audience: Via Zoom

Clara Cordato Joe Cordato Sherrill Kurland Barbara Hermance Steve Smollens

Supervisor Ryan Skoda opened the meeting; we have a little house keeping to be done.

- ✚ **2019 and 2020 LOSAP Draft Financial Statements:** *Clerk Rogers* I sent the Board Members 2019 and 2020 LOSAP Draft Financial Statements and letters. *Board Member Linda Swartz* motion to authorize *Supervisor Ryan Skoda* to sign the Representation Letter to be returned to *Emily Silengo, CPA Manager* Teal, Becker & Chiramonte CPAs PC. for the final Financial Statements to be issued, seconded by *Board Member Kara Gilmore*

Approved 4 Aye (Ryan, Elisabeth, Kara, Linda)
0 Nays
1 Absent (Elisabeth)

- ✚ **Drafting Local Law 1-2022 Fee Schedule:** *Clerk Rogers*, Dennis Callahan has suggested changes for the fee schedule, would like permission to have *Attorney Andrew Howard* draft Local Law 1-2022 to be presented to the Town Board at the next regular meeting. *Board Member Linda Swartz* motioned to grant permission for *Clerk Rogers* to have *Attorney Andrew Howard* draft Local Law 1-2022, seconded by *Board Member Elisabeth Albert*.

Approved 4 Aye (Ryan, Elisabeth, Kara, Linda)
0 Nays
1 Absent (Elisabeth)

✚ **WT Diner LLC d/a/West Taghkanic Diner waiver 30 Day Notice for On-Premises Beverage License:** *Board Member Kara Gilmore* motioned to grant permission for *Supervisor Ryan Skoda* to sign the letter waiving the town's rights to the 30 day hold and consents to the processing and issuance of the Miller's Tavern Liquor License, seconded by *Board Member Linda Swartz*

Approved **4 Aye** **(Ryan, Elisabeth, Kara, Linda)**
 0 Nays
 1 Absent **(Elizabeth)**

✚ **Test Kits:** *Supervisor Ryan Skoda:* the town has received 50 test kits, the Town Board at the Regular meeting held January 10, 2022 decided to reserve the test kit received for the town Employees. *Supervisor Ryan Skoda,* I have been informed by the Columbia County Health Department the town should be receiving test kits weekly. If we do receive more test kits should we distribute on a first come first served? A limit of 1 or 2 kits per household?

Supervisor Ryan Skoda turned the meeting over to *Board Member Joyce Thompson Co-Chair of the Zoning Commission:*

Zoning Commission Chair Joyce Thompson asked for the Board's concerns, changes, and recommendations starting at Section **110 Zoning Board Appeals; Zoning Commission Co-Chair and Secretary, Linda Swartz,** made all duly noted changes, concerns and recommendations in her attached minutes.

In-person and ZOOM attendance, as well as meeting opening and adjournment times, as per Town Clerk's Minutes.

Section 110 Zoning Board of Appeals

- 110-B.2.a. (Use Variances) The language in Section VIII.D.4.b. of the current code states that "In no case shall a variance be granted solely for the reason of additional financial gain on the part of the owner of the land or building involved" while the draft code says that the applicant must show that they "cannot realize a reasonable return..." We will ask the land use attorney to review this language.
- 110-B.3.d. (Area Variances) It was suggested that "environmental conditions" as stated in this regulation be clearly defined so that the reader knows specifically what environmental conditions this refers to.
- 110-C.1. The word "also" will be deleted from the fourth sentence ("An affirmative vote of a majority plus one (1), i.e., at least four (4) members, shall be required if the action taken by the ZBA..."). It is further recommended that a super-majority vote be required when the action taken by the ZBA is contrary to the recommendation from the County Department of Planning. We will ask the land use attorney for guidance.
- 110-C.4. (Public Notice and Hearing) This regulations does not make it clear how the is notice given to the Appellant. To ensure that this important task does not fall through the cracks, the first and second sentences are changed as follows: "Upon acceptance of the application, the ZBA shall fix a reasonable time and place for a public hearing on any such appeal. The ZBA Chair shall give notice to the Appellant of the hearing date and of the fact that at such hearing he or she shall appear in person or be represented by an attorney or other agent."

- 110-C.4.e. We will ask the land attorney for their opinion on the term “exact conformance” as it is used in this regulation.
- 110-C.8. Kara asked if “Expiration of Approval” appears in the current code. (Yes; it is in Section VIII.D.3. on Page ZO-54.) B. Hermance said in her experience, it has never been used. Linda suggested that the language be amended to say that if necessary, a hardship appeal could be made to the ZBA before the one-year deadline.

No comments on Sections 110-D., 110-E., and 110-F.

Section 120 Amendments:

- 120-A.2. Add “or Zoning Board of Appeals” (*“By resolution of the Planning Board or Zoning Board of Appeals, ...”*)
- 120-D.1.a. “fifteen (15) calendar days” will be changed to “thirty (30) calendar days”. The same change will be made in 120-D.1.b. and 120-D.1.c.
- 120-D.4.a. will require a supermajority vote. (See the note found 110-C.1., above.) We will ask the land use attorney for guidance.
- 120-D.5. and 120-D.6. will both be deleted.

Section 130 Interpretation and Application:

- 130-C. (Conflict with Other Laws) The last sentence of this paragraph is not applicable to Taghkanic and will be deleted. B. Hermance suggested that this regulation be reworded in plain language. Joyce said that much of this language is basic boiler-plate, and Kara recommends that we ask the land use attorney to pay particular attention to this section.
- 130-E. (Periodic Review Required) This regulation requires that the Planning Board review the Zoning Code at least once every five years. We had a long discussion as to whether this Zoning Law should require such a review be made by the Planning Board or the ZBA on a five-year basis, or should those Boards simply inform the Town Board annually or as needed about problems with the code that need attention or with trends that might necessitate an amendment to the code. The result of the discussion was that this Code will require that the CEO, Planning Board Chair and ZBA Chair make a report to the Town Board on an annual basis about any problems they have experienced with the code, or trends that need to be addressed in the Code. Linda will draft a revised Section 130-E. for review at the next meeting.

Linda has been going back through the draft code and making all the changes discussed to date and adding to the List of Tabled Items as questions or issues come to mind.

Next Meeting: January 31, 2022 beginning at 6:30. We will begin review of Appendix A: Subdivision Regulations

February meetings Set: Monday, February 7 and Monday, February 28. Both meetings will begin at 6:30 p.m.

Executive Session: none

The Town Board set the following for Joint Special Meeting with the Zoning Commission:

January 31, 2022 at 6:30 pm
February 7, 2022 at 6:30 pm
February 28, 2022 at 6:30 pm

With no further business, on a motion by **Board Member Linda Swartz**, seconded by **Board Member Kara Gilmore** the meeting was adjourned at 9 **pm**, carried unanimously by all members present. The next Regular meeting will be **February 14, 2022** at the Taghkanic Town Hall.

List of Tabled Items:

(Updated 12/28/21)

Section 20: Definitions that need to be developed:

- Greenhouse, commercial (limit size)
- Industry or Industrial (be sure to cross-ref to “Light Industry/Manufacturing”)
- Manure Storage (9/23/21) (Suggested: “Any area where animal manure is stored or processed.”)
- Road, edge of (Minutes of 8/4/21)
- Small-scale Sawmills (not portable). Also need to create regulation; require Site Plan (Minutes of 8/18/21)
- Tenancy or Tenant

Temporary Structure is defined but email dated 8/24 (attached to Minutes of 8/18/21) CEO Callahan says he does not issue permits for temporary structures, they are not allowed in the current code and he prefers that they not be in the new code (except perhaps as a temp living quarters when, say, someone’s house has been destroyed by fire and they are rebuilding)

Section 30:

- Revisions to map

Section 40:

- Need to go through all uses and consider appropriateness of requirements.

Section 50-B:

- See Minutes of July 8, 2021. Is 5% lot coverage adequate? E. O’Donnell was going to do some sketches, but I don’t think we ever saw any.

Section 60-E.:

- Need to carefully review language for Home-Based Business.
- Registration? Sign permit would serve to inform town/emergency responders of the business. (60-E.1.o. Minutes of 7/13/21). What to do about pre-existing non-conforming business?
- Weight limit for home-based business vehicles was 14,001. Ryan suggested 23,001 but has since found out that a local electrician’s trucks are not more than 14,001. Leave it at 14,001?

Section 60-J.

- Are farms subject to setback requirements (as long as they are not more restrictive than any setbacks required for non-ag uses)?
- 60-J.8. Greenhouse on a Farm. See Minutes of 8/16/21. Impacts on neighboring properties if setbacks are minimal or if there is no visual barrier, especially in or abutting R2 and R3.
- Commercial Horse Boarding (seasonal, small, non-farm) Need to define. Regulations? Should it be treated any differently than dog boarding?

Section 60-R.

- See Minutes of 9/23/21. Tighter time frames for permitting and enforcement of Excavation.

Section 80-D:

List of special care housing uses tabled pending decision on minimum lot size, setbacks, and maximum number of guests, outdoor lighting requirement and public address systems, and other items as noted:

- 80-D.4. Housing: Assisted Living or Nursing Home.* What scale is appropriate for Taghkanic?
- 80-D.5. Housing, Group Home
- 80-D.6. Housing, Senior Citizen (Ted to check on legality of adding “preference given to parents of residents” See Minutes of 10/14/21)
- 80-D.8. Conference Center
- 80-D.15. Resort or Lodge, and paragraph h.: public address systems; use same language as in 80-D.3.f.?
- 80-D.16. Hotel or Motel*
- 80-D.20. Hostel
- 80-D.23. Inn

**Uses marked with an asterisk require water and septic and the necessary infrastructure. Ted was to craft language for these uses. (See Minutes of 10/14/ and 10/20/21)*

- 80-D.6.f. What is Affordable Housing Plan? What does it include? (Minutes of 10/14/21)
- 80-D.11. Make Printing into two or three usage levels? Small (home based), Medium, and Large Commercial Offset (Minutes of 10/6/21)
- 80-D.12. Recreation Area, Commercial and Non-Commercial: Two separate sets of regulations. (Minutes of 10/6/21)
- 80-D.13. Need to decide on whether or not Automobile Repair Shops will be permitted in residential districts. If it will be permitted in residential areas, we will need two sets of regulations; one for residential and one for MU. (10/20/21)
- 80-D.19. Farm Industry Many changes here made in 60-J. that can impact this section. (as noted in Minutes of 10/20/21)

Section 90:

- TB recommends that Sections A through G be pared down, simplified, better organized, weed out what belongs in the Subdivision Regs rather than in the Zoning Code. Was to be sent back to consultant. See Minutes of 11/3/21 for full discussion.
- 90-C. First paragraph seems to indicate that every project needs to go through Site Plan process, but second paragraph lists several uses that do not require Site Plan review. Rewrite or delete paragraph and regulations 1-8? (Minutes of 10/27/21)
- 90-E. Does application go to CEO or PB? Rewrite paragraph. (Minutes of 10/27/21) Last sentence of third paragraph was rewritten (11/3/21 Minutes) and Board members were instructed to read it for discussion at “next” meeting)
- 90-E.4. At the 12/1/21 meeting, this section was rewritten to read: “When alterations will be made to principal site elements listed below, the following shall be considered by the Planning Board.” Lighting and signage was to be removed from the list. On 12/9 I sent an email to Board members disagreeing with totally removing any of this because some of the elements might be significant enough to require Planning Board review. Since the elements are only some of the items to be “considered” by the Planning Board, what’s the harm in keeping it in here?

- Boxed area, Section 90, Page 7 regarding deeded declarations for residential development within 500' of a farming operation, needs discussion and resolution.
- 90-F.2.h.(2) Elizabeth Craig wanted time to consider the necessity of this paragraph. It was to be discussed at the "next" meeting. Ryan suggested that Elizabeth look at a SEQR form; Joyce said there was value in keeping it here. (12/1/21 Minutes)
- 90-F.8. needs to be reworded. Who defines "minimal degradation" and "irreplaceable land types"?
- 90-G.5. First sentence was rewritten (12/17/21) but remainder of the paragraph also needs rewrite because timeline is off.

Section 100:

- Suggested rewrite of 100-K. sent via email to Board members 11/23/21

Correspondence: to be addressed after the Town Board is finished with their review.
Barbara Hermance



Law Office of Mitchell Khosrova



Linda Swartz Oct 25, 2021, 9:38 PM

to Ryan, me, Joyce, Kara, Elizabeth

Two zoning code issues have recently come to my attention:

1. I spoke to Phil and Becky Schnackenberg who are, of course, worried about how the new zoning code will impact their business.

- Existing code has conflicting language (what a surprise!) between the General Provisions on Page ZO-15 (allows up to four employees) and the Definition on Page ZO-63 ("carried on solely by the inhabitants").
- NYS Residential Building Code is pretty vague but it does set limits. I've attached a copy of the relevant page.

But I wondered if Phil uses the barn/garage for anything more than storing his equipment and materials. Does he just pack up his truck and go out to a job somewhere? If that's the case, is what he has a home-based business at all? I think when we prohibited "plumbing and electrical shops" we envisioned those shops as places where there were people working and fabrication going on, like cutting and welding or soldering of materials.

I suggest we think about what a "business" or "home occupation" really is. Maybe we need to have more than one level of home based business. Claverack's code (which you can find on the town's website) has two types which I think maybe we can borrow from.

2. Tonight at the ZBA Meeting, Kent Sammons indicated that he would be at our meeting on Wednesday to defend his right to have the seasonal horse boarding operation. So I looked at the draft code and I see we made numerous changes to the "Farming on Non-Farm Parcels in 60-J., but what he has fits more into the definition of Commercial Stable, which includes boarding among other things (80-D.3.) However, I see a huge difference between a "Commercial Stable" and a private horse boarding operation on a residential property. Maybe the easiest way to address this is simply to add a definition for Private Horse Boarding and set some simple regulations. See you Wednesday (twice!!) Linda.

On Sat, Oct 30, 2021 at 9:20 AM Becky Schnackenberg <beckyschnackenberg@gmail.com> wrote:

Dear members of our town board and town supervisor: Linda, Joyce, Elizabeth, Kara, and Ryan,

Many thanks for your hard work as you represent us and seek to preserve the natural beauty of our town through tireless hours working to update the zoning. We do not take your work lightly.

As we have recently been able to review the zoning proposition and your changes to it, we wanted to share some thoughts we have. My husband and I moved here 5 years ago and have since added 5 children, both biological and foster, to our home. Phil is a self-employed electrician, and we greatly value the opportunity our children have to be involved with his work through the nature of a home-based business.

We realize the zoning proposition looking to preserve the natural beauty and history of Taghkanic does not support tradesmen operating out of residential districts (section 60-E prohibits "plumbing or electrical shop"). However, the Intent and Purpose of section 60-E reads:

"It is the intent of the Town of Taghkanic's Home-Based Business regulations to foster income-producing activities within residents' homes in accordance with New York State and local laws. In any Zoning District where a dwelling exists, a home-based business is permitted....To support the local economy, help nurture small businesses, and recognize the needs of various types of businesses."

We understand from recent conversation that the prohibition of home-based trades utilizing garage or shop space is based on reference to a NY state law defining home occupations as "The use of a portion of a dwelling unit for nonresidential purposes by a resident thereof" and subsequent regulations surrounding this definition that prohibit use of other structures. This cited regulation can be found under "home occupation" at <https://dos.ny.gov/system/files/documents/2021/06/2017-uniform-code-supplement.pdf>. This "Uniform Code" is a "fire prevention and building code." It has nothing to do with NY business zoning. We would urge the board to refrain from using substance from the Uniform Code to guide you in zoning for home residential businesses.

While we understand that many people who have lived in Taghkanic far longer than us value the peace and tranquility of our town, we would challenge that if this tranquility comes at the cost of home-based businesses, then it overrides the legacy and character of our town. See http://www.usgennet.org/usa/ny/county/columbia/taghk/history_tagh.htm for an account describing the rich history of Taghkanic which includes home based businesses.

We believe it is us, the people who live in and work in our town, that live out the heartbeat of Taghkanic's legacy and we urge our board to support us in every way possible by minimizing restrictions to home-based businesses. Specifically section 60-E prohibited businesses, "plumbing or electrical shop; or a similar trade or business" as this would appear to force all trades and craftsmen, including family-run businesses like ours, out of Taghkanic.

We love our diverse neighborhood and the impact the people have on our family. While we do believe the tradesman and craftsman are a culturally and historically significant part of our town, we also think the diversity that comes through mixing people from various financial, political, and professional backgrounds helps dissolve the segregation and polarization we see so much in our country at large. We believe that imposing overly constraining restrictions with a goal of removing certain people or demographics will result in the gentrification of our town. We want to see Taghkanic resist this destructive movement through healthy and thoughtful adjustments to our zoning proposition.

We trust you will make the right decisions and preserve our town's heritage and community.

Phil & Becky Schnackenberg

Linda Swartz

to Becky, Supervisor, Kara, Joyce, Elizabeth, me

Becky and Phil.

Please understand that it has never been the intention of the Zoning Commission to remove "certain people or demographics" nor to move toward the gentrification Taghkanic in the development of the draft zoning code. The Zoning Commission is made up of residents just like you who live here and want to keep the town rural and friendly and affordable, and we want the residents and their children to be able to thrive here.

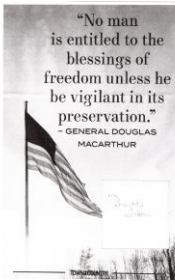
The state's rule about home based business pre-exists the draft code and has long been enforced by the Code Enforcement Officer, who was a member of the Zoning Commission and took an active part in these discussions.

As I explained when I met with you, I will be working with the Town Board and the Zoning Commission to come up with a clear idea of what is meant by home-based business and what types of businesses fit into residential areas, and I have sent an email stating this to the Town Board for consideration during the review process.

Thank you for putting your concerns in writing; I will include your email in the Zoning files.

Linda.

Karen Lansing White



Dear Honorable Board Members,
I am writing to you regarding the proposed changes to the zoning code. I am a resident of the town and I am concerned about the impact these changes will have on our community. I believe that the current zoning code is the best way to maintain the character of our town and to ensure that our residents can live in a safe and healthy environment. I am hoping that you will take my concerns into consideration and make the necessary adjustments to the code.

Thank you for your time and consideration. I am looking forward to hearing from you again.

Letter from Sam Pratt #1



Dear Board Members,
I am writing to you regarding the proposed changes to the zoning code. I am a resident of the town and I am concerned about the impact these changes will have on our community. I believe that the current zoning code is the best way to maintain the character of our town and to ensure that our residents can live in a safe and healthy environment. I am hoping that you will take my concerns into consideration and make the necessary adjustments to the code.

Thank you for your time and consideration. I am looking forward to hearing from you again.

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Letter from Sam Pratt #2



Dear Board Members,
I am writing to you regarding the proposed changes to the zoning code. I am a resident of the town and I am concerned about the impact these changes will have on our community. I believe that the current zoning code is the best way to maintain the character of our town and to ensure that our residents can live in a safe and healthy environment. I am hoping that you will take my concerns into consideration and make the necessary adjustments to the code.



Thank you for your time and consideration. I am looking forward to hearing from you again.

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