

**APPROVED**  
**3-14-2022**

**February 7, 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**

<b>Present:</b>	Ryan Skoda	Supervisor	
	Elisabeth Albert	Board Member	
	Elizabeth Craig	Board Member	
	Kara Gilmore	Board Member	
	Linda Swartz	Board Member	
	Cheryl Rogers	Clerk	left zoom at 7:30 pm

**Zoning Commission: - Via Zoom**

**Present:** Joyce Thompson Co-Chair

**Excused:**

**Public Audience: Via Zoom**

Clara Cordato Barbara Hermance

*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 Appendix A; *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.**

**Appendix A: Conservation Subdivision Regulations Continued**

At the January 31 Meeting, the reference to "land trust" was deleted from 5.a., but Linda reports that "land trust" also appears in the lead paragraph for 2. and in 2.g. Does the Board want all references to land trust deleted? What is meant by "land trust" and what might be the legal issues? Board Members agree that we need to get a definition and a better understanding of land trusts in order to make a decision as to its appropriateness in the code. Linda will look for information.

When will this Board address the questions that have been submitted from the public? Ryan recommends that we complete the review, finishing up Appendix A, and then clean up the list of outstanding discussion items first. Joyce agrees with this approach, stating that many of the comments/questions/concerns are based on the initial draft, and may have been resolved through changes made during this review.

## 5. Conservation Subdivision Design Process.

### • 5.c. Four-Step Design Process for Subdivisions.

- (1) Step 1: Delineation of Undeveloped Lands. On Page A.7 the fourth line from the top provides for “consultation with the Planning Board and Conservation Advisory Committee” to create a list of resources to be conserved. Kara asked if involving the CAC in this process is something that is currently done. Joyce said the CAC does not consult with the Planning Board on these matters now, but it would be a good idea to have them involved; they are very involved in resource mapping for the town. This regulation only provides that the CAC would serve in an advisory capacity to the Planning Board and does not give the CAC any decision-making authority in the subdivision planning process. Kara and Elizabeth will rework this paragraph and email the suggested language out to this Board for review and discussion at the next meeting.
- The illustrations that appear on Page A.7 and A.8 (and on other pages throughout the draft code) are difficult to see. Can they be enlarged by the reader just clicking on them in a pdf? Click and open in new window? Enlarge them and put them together in one place (like an appendix)? (Add to List of Tabled Items)
- (2) Setbacks from Primary Conservation Areas are 100’, and 50’ from Secondary Conservation Areas. How does this actually apply in practice? How big would the parcel have to be to make this work? It would be based on topography and geology. Water and septic within the building site is decided by the Board of Health. Where the house is built is the “footprint”.
- Build-out cannot exceed density limits. Conservation Subdivision is required for subdivisions of ten lots or more; there is no need for “incentives” like a “bonus lot”.
- Should there be a standard minimum lot size? (Add to List of Tabled Items)
- Steps (2) and (3), Location of House Sites and Alignment of Roads and Trails, respectively, seem to be about collective undeveloped land rather than individual land.
- All of Section 5 needs to be thought through in light of this discussion.

## 6. Dimensional Standards.

- The Board considered the percentages of Minimum Required Undeveloped Land as shown in the box on Page A.8. Ryan noted that if the total parcel was 77 acres, the 75% minimum undeveloped land would reduce the buildable area to 19.25. In the R7 District, you could have 11 house sites, but each one could only be 1.75 acres. Does this fit with Bulk Requirements found in Section 50? R2 and R3 Districts both require 50% minimum undeveloped land. Joyce will look at this and have suggestions at the next meeting.
- 6.b. says “No more than 10% of any given acre should be covered with impervious surface”. This will be changed to 20% (as it appears in the current Zoning Code).
- 6.c. is deleted.
- 7.d. and e. relate to footprint as discussed earlier in 5.c.(2)
- Further discussion on 6. is tabled pending new percentages from Joyce for undeveloped land minimums, as noted above.

## 7. Standards for Protected Undeveloped Lands.

- 7.a. Elizabeth will draft new language
- 7.c. delete end of sentence (“, or that it be managed to encourage natural forest succession through “no-mow” policies and the periodic removal of invasive plant and tree species.”) and check against previous edits.
- 7.e. Rewrite sentence as follows: “No portion of any house lot may be used for meeting the minimum required undeveloped land unless encumbered as a restricted area on the plat and lot.”

Executive Session: *none*

The Town Board set the following for Joint Special Meeting with the Zoning Commission:  
**February 28, 2022 at 6:30 pm**

**Update on RFP for Land Use Attorney:**

Submissions were due by January 30; none were received although one firm requested the package. Joyce said she would be interested in knowing why the firm who requested the information did not submit a proposal.

**Board Member Elizabeth Craig** motioned to re-notice the RFP for a Land Use Attorney, seconded by **Board Member Elisabeth Albert**.

**Approved**      **5 Aye**      (**Ryan, Elisabeth, Elizabeth, Kara, Linda**)  
                         **0 Nays**  
                         **0 Absent**

**With no further business,** on a motion by **Board Member Elizabeth Craig**, seconded by **Board Member Linda Swartz** the meeting was adjourned at 8:25 **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:

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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](mailto: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](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.

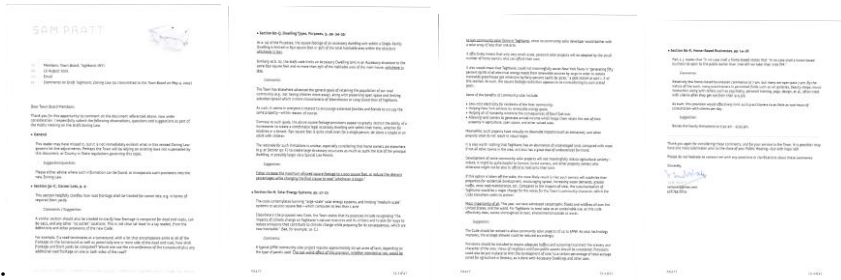
As I explained when I met with you, I will be working with the Town Board and the Zoning Commission to come up with a clear idea of what is meant by home-based business and what types of businesses fit into residential areas, and I have sent an email stating this to the Town Board for consideration during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

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

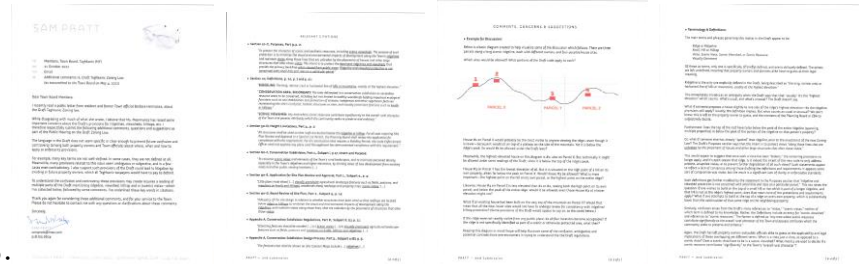
Linda.



Karen Lansing White:



Letter from Sam Pratt #1:



Letter from Sam Pratt #2:



Jasvinder Khaira Jan 24, 2022  
 586 Martindale Road

I am a landowner in the Town of Tagkhanic having purchased ~345 acres for personal use roughly two years ago. I am writing to the zoning board, planning committees and town to express my disappointment and disagreement with the overall direction of the proposed new zoning laws and restrictions and the infringement on individual property rights related thereto.

I believe that these new proposed restrictions will devalue the land and negatively impact the town economically by lowering its tax-revenue. I am specifically concerned about 1) the adoption of "Ridgeline and viewshed protections" that would run against the current permitted uses and create ambiguity, and potentially create an environment of favoritism in the permitting and approval process for new development and 2) the creation of zoning purposes that aspire to address climate change and support conservation but are without clear standards and definitions, and so would create an end result where enforcement is subjective and personal -- which is a path toward pitting property owners against each other.

I strongly believe that this will result in wasteful legal expenses for the town and all involved to defend vague and subjective new standards that go against individual property rights. Thank you for your consideration.