

**Approved
4-11-2022**

**March 31, 2022
Town of Taghkanic
Town Board Meeting**

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

6:34 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
	Kara Gilmore	Board Member
	Linda Swartz	Board Member
	Cheryl Rogers	Clerk

Zoning Commission: -

Present: Joyce Thompson Co-Chair Alvin Huehnel

Excused:

Public Audience:

Barbara Hermance Robert Fitzsimmons William Hilscher

Chief William Hilscher, Taghkanic Volunteer Fire Company submitted the Taghkanic Fire Co. 2021 LOSAP points' record for approval for the 30-day posting. Motion to approve was made by **Board Member Elizabeth Craig**, seconded by **Board Member Linda Swartz**.

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

Town Board Interviewed: *Robert Fitzsimmons*, for the position of Land Use Attorney.

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 Affordable Housing; **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.

Affordable Housing Forum

On Wednesday, March 30, 2022, the Columbia County Economic Development Corporation (Ryan Skoda, Chair), in cooperation with Hudson Valley Pattern for Progress, presented Columbia County's Housing Brief in an on-line forum on Affordable Housing. There is a large gap between the median income and the cost of housing in Columbia County, and housing inventory is very low. Towns need to make an effort to identify development partners and then challenge a developer to come up with an income sensitive housing development plan.

Draft Zoning Review

In alignment with the housing needs outlined in the Columbia County Housing Brief and discussed in the Affordable Housing Forum, this meeting will focus on the Zoning District Maps in the Draft Zoning Code; specifically, the Mixed Use District and the R2 and R3 districts, in order to create possibilities for income-sensitive housing.

The ZC had carefully considered several different plans for revising the zoning districts before approving the map dated July 30, 2020, which was presented to the Town Board with the Draft Zoning Code. The Town Board accepted the change of a small area in the northeast corner of town (which is an environmentally protected area) from R3 to R2. However, the Board does not agree with the proposed reduction of total area in the R3 district and corresponding increase in the R-7 district; a plan that is contrary to the idea of providing smaller lots which would be more affordable. The Town Board feels strongly that it is very important to have more areas designated as R2 and R3 in order to establish as much affordable parcel inventory as possible.

The draft Zoning District Map proposes that the Mixed Use District be extended up into County Route 10 and into Livingston Road for a short distance, thereby widening the existing business district and giving it a "walkable" feel. The ZC discussed, but did not approve, the idea of lengthening the MU District westward along Route 82 to the Taghkanic/Livingston town line. However, employing this option would allow for the possibility of two-family or multi-family housing or a business with an attached apartment. Elizabeth Craig said that both scenarios are good, and suggested that we use both of them in order to optimize expansion of the MU district, allowing for more businesses and more affordable housing opportunities.

Linda will check with the Town Assessor, Craig Surprise, to determine if changing a zoning district from residential to business will impact the assessment or property tax for that parcel.

Linda will also try to get a county map that shows new tax parcels (maps are updated once a year, in August), and will look for Soil Maps.

Supervisor Ryan Skoda: Clerk Rogers emailed you with three estimates for the drilling of a well at the Highway Department that Superintendent Rob Burns has provided as the well there now is not sufficient.

1. **16,461.37** well deepening 150' deep, 125' casing, 3gpm drilled 1965 deepen to 500'
2. **22,963.64** new 6" well & constant pressure pump system 500' deep
3. **35,851.14** new 8" well & constant pressure pump system 500' deep

Supervisor Ryan Skoda I suggest we look into someone who is a licensed dowser to locate a good water source before we start drilling. All agreed.

Supervisor Ryan Skoda: Superintendent Rob Burns has submitted a reservation to go to the 2022 Highway Superintendent School June 6 – June 8, 2022 in Ithaca NY and is asking if the

town will pay for the school, hotel and travel expenses. **Board Member Linda Swartz** motioned to cover the 2022 Highway Superintendent School, hotel and travel expenses, seconded by **Board Member Elizabeth Craig**.

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

Board Member Elisabeth Albert: I just received a text from a resident who owns on Ronadale Lane applauding the Board's choose for the Appointed Highway Superintendent. He met with the resident on a Saturday exempld what needed to be done on the road to help the highway dept. to provide better service. All the resident were very impressed with how he presented his idea and are willing to have the road widen.

8:08 pm Executive Session: **Board Member Linda Swartz** motioned to enter Executive Session for contract discussion, seconded by **Board Member Elisabeth Albert**.

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

8:17 pm Executive Session: **Board Member Linda Swartz** motioned to exit Executive Session, seconded by **Board Member Elizabeth Craig**.

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

With no further business, on a motion by **Board Member Linda Swartz**, seconded by **Board Member Elizabeth Craig** the meeting was adjourned at 8:17 pm, carried unanimously by all members present. The next Regular meeting will be **April 11, 2022** at the Taghkanic Town Hall.

8:25 pm Supervisor Ryan Skoda reopened the meeting to set dates for review meeting, a Long Term Financial Planning meeting and to appointment for the Land Use Attorney.

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

April 27, 2022 6:30 pm

The Town Board set the following for a financial long term planning meeting:

April 15, 2022 6:30 pm

Board Member Elizabeth Craig motioned to appoint Robert Fitzsimmons as the towns Land Use Attorney, seconded by **Board Member Elisabeth Albert**.

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

8:40 pm Board Member Linda Swartz, seconded by **Board Member Elizabeth Craig** the meeting was adjourned at 8:17 pm, carried unanimously by all members present.

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.

Dear Mr. Board,

As requested, I have prepared the draft for the 2022 Zoning Code. The code is attached to this email. I have also attached a copy of the code with my comments. I have also attached a copy of the code with my comments. I have also attached a copy of the code with my comments.

Thank you for your time and attention. I am available for a meeting to discuss the code if you have any questions.

Sincerely,
Mitchell Khosrova

Barbara Hermance:

LAW OFFICE OF MITCHELL KHOSROVA

October 27, 2021

Dear Mr. Board,

I have prepared the draft for the 2022 Zoning Code. The code is attached to this email. I have also attached a copy of the code with my comments. I have also attached a copy of the code with my comments.

Thank you for your time and attention. I am available for a meeting to discuss the code if you have any questions.

Sincerely,
Mitchell Khosrova

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.

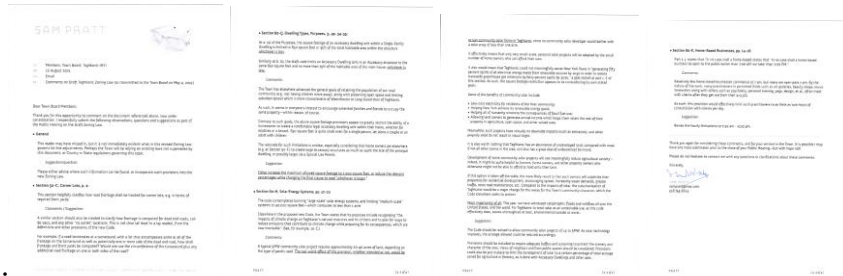
As I explained when I met with you, I will be working with the Town Board and the Zoning Commission to come up with a clear idea of what is meant by home-based business and what types of businesses fit into residential areas, and I have sent an email stating this to the Town Board for consideration during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

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

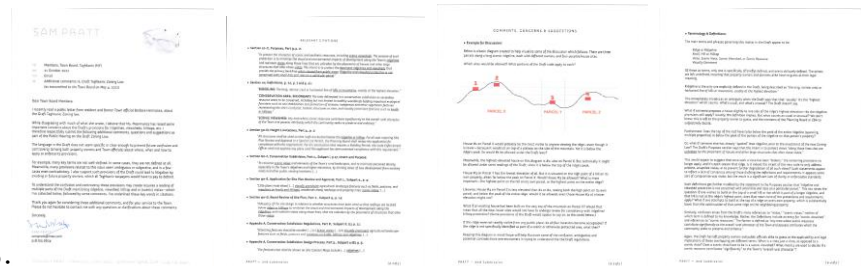
Linda.



Karen Lansing White:



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 Taghkanic 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.

February 27, 2022

From Al Huehnel, Taghkanic Zoning Committee Member

To: Taghkanic Town Board
c/o Cheryl Rogers, Town Clerk, crogers42857@gmail.com

I am writing to express my concerns about our overly restrictive proposed zoning law. I completely agree with the letters you have recently received from property owners who have similar concerns.

Looking back to when our town’s comprehensive plan was being developed, the town received over two hundred letters opposing ridgeline building restrictions, which therefore were deleted from the comprehensive plan.

Fast forward to today and we have a new proposed zoning ordinance where the whole thrust of the regulations is the preservation of our town while ignoring the economic effects. One example is preserving scenic viewsheds by using ridgeline building restrictions. This would seriously devalue the lands with the best views and shift more of the tax burden to homeowners. The restrictions could be viewed as a taking of property values without compensation.

Therefore, I would suggest removing “ridgeline” and “scenic viewshed” from our definitions and anywhere else they appear in our proposed zoning law. Then I would look at all the other issues that Barbara Hermance and others raised in their letters and address those also, with an eye toward streamlining and reducing our regulations rather than increasing them.

Thanks for your consideration,
Al Huehnel

P.S. – Cheryl, please notice the other Town Board members. Thanks a lot.

Barbara Hermance

Case of Patient	Diagnosis
<p>1. Intermittent claudication is the pain in the feet or legs that occurs when walking or exercising and is relieved by rest. It is caused by a narrowing of the arteries that supply blood to the legs. The most common cause is atherosclerosis, a condition in which the arteries become hardened and narrowed over time. Other causes include blood clots, peripheral artery disease, and vasculitis.</p> <p>2. Peripheral artery disease (PAD) is a condition in which the arteries that carry blood from the heart to the legs become narrowed or blocked. This can lead to a variety of symptoms, including leg pain, numbness, and weakness. PAD is often caused by atherosclerosis, but it can also be caused by other conditions such as diabetes, high cholesterol, and smoking.</p> <p>3. Diabetes is a chronic condition in which the body's ability to use insulin is impaired. This can lead to a variety of complications, including nerve damage, kidney disease, and heart disease. Diabetes is often caused by a combination of genetic and environmental factors.</p> <p>4. High cholesterol is a condition in which the level of cholesterol in the blood is too high. This can lead to atherosclerosis, a condition in which the arteries become hardened and narrowed over time. High cholesterol is often caused by a combination of genetic and environmental factors.</p> <p>5. Smoking is a major risk factor for atherosclerosis and PAD. Smoking damages the arteries and increases the level of cholesterol in the blood. Quitting smoking can significantly reduce the risk of these conditions.</p>	<p>1. Intermittent claudication is the pain in the feet or legs that occurs when walking or exercising and is relieved by rest. It is caused by a narrowing of the arteries that supply blood to the legs. The most common cause is atherosclerosis, a condition in which the arteries become hardened and narrowed over time. Other causes include blood clots, peripheral artery disease, and vasculitis.</p> <p>2. Peripheral artery disease (PAD) is a condition in which the arteries that carry blood from the heart to the legs become narrowed or blocked. This can lead to a variety of symptoms, including leg pain, numbness, and weakness. PAD is often caused by atherosclerosis, but it can also be caused by other conditions such as diabetes, high cholesterol, and smoking.</p> <p>3. Diabetes is a chronic condition in which the body's ability to use insulin is impaired. This can lead to a variety of complications, including nerve damage, kidney disease, and heart disease. Diabetes is often caused by a combination of genetic and environmental factors.</p> <p>4. High cholesterol is a condition in which the level of cholesterol in the blood is too high. This can lead to atherosclerosis, a condition in which the arteries become hardened and narrowed over time. High cholesterol is often caused by a combination of genetic and environmental factors.</p> <p>5. Smoking is a major risk factor for atherosclerosis and PAD. Smoking damages the arteries and increases the level of cholesterol in the blood. Quitting smoking can significantly reduce the risk of these conditions.</p>