



March 22, 2023
Town of Taghkanic
Town Board Meeting

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

6:37 pm: The Taghkanic Town Board held a Special meeting on the above date to continue with the review of the Draft Zoning Code. Attendance as follows:

Town Board:

Present:	Ryan Skoda	Supervisor	
	Joyce Thompson	Deputy Supervisor	ZOOM entered at 7:07
	Elisabeth Albert	Board Member	
	Kara Gilmore	Board Member	
	Linda Mirabelli	Board Member	
	Cheryl Rogers	Clerk	ZOOM
	Elizabeth Craig	Board Member	entered 7:19 pm

Public Audience: Via Zoom
Barbara Hermance

- A. **Supervisor Ryan Skoda:** Attorney Fitzsimmons sees no issues with a R3 corridor along Route 27 as long as the Planning Board makes sure that no land is land locked if subdivided..
- B. **Board Member Kara Gilmore** used Claverack’s home-based business regulations as a model to rewrite our Section 60-E. Edits made during this meeting appear in green type.

Add definition:

Home-Based Business. Any gainful occupation permitted by this Zoning Code conducted within a dwelling or structures by the residents thereof, and persons employed by the resident(s), in a manner that is clearly secondary to the residential use, and that does not change the residential character of the property.

Use table: Add HBB1 & HBB2

60-E. Home-Based Business

Intent and Purposes. 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. This Section 60-E permits a Home-Based Business Level One (HBB1) in any Zoning District where a dwelling exists. This Section 60-E may permit a Home-Based Business Level Two (HBB2) in any Zoning District where a dwelling exists, with a Special Use Permit from the Planning Board in accordance with Section 80 of this Zoning Law. Furthermore, the Use Table in Section 40-B sets forth specific commercial activities

that do not meet the definition of HBB1 or HBB2, that may be permitted with a Special Use Permit from the Planning Board in accordance with Section 80 of this Zoning Law. The provisions of this Section 60-E. allow residents of the community a broader choice in the use of their homes as a place of livelihood or for supplementing household income, while protecting and maintaining the character of the community, its neighborhoods, and to ensure traffic safety on rural Town roads through adherence to the following limitations:

1. General Limitations on a Home-Based Business

- a. A home-based business, as defined in Section 20, shall be clearly subordinate to the residential use, shall be owned and carried on by one or more residents of the dwelling unit, and shall meet all requirements for habitable space.
- b. No alteration of the residential appearance of the premises to accommodate a home-based business is allowed. Exterior visual evidence of a home-based business shall be limited to one sign in accordance with Section 60-D.5.a., herein.
- c. ~~No~~ materials, equipment or goods shall be available for rental.
- d. ~~There shall be no sharing, letting or subletting of space for use by others in the conduct of a home-based business.~~
- e. Services or instructions offered shall be limited to not more than ten (10) clients or customers at a time, or to no more than six (6) children in a day care facility, as defined herein, at one time. Adequate off-road parking shall be provided for customers.
- f. Home-based businesses that bring customers, clients, or students to the premises for sales, instruction, or service shall not be allowed in multi-family or two-family dwellings, ~~nor in accessory dwelling units.~~
- g. Except for ordinary everyday deliveries from the US Postal Service, UPS, and FedEx, delivery and pick-up of materials or commodities to and from the premises by a commercial vehicle shall not exceed five (5) trips per week. Delivery and pick-up of materials or commodities shall not restrict traffic or consist of larger vehicle types, as specified in Section 60-E.1.I., than would be normal for a residential neighborhood.
- h. In no case shall a home-based business be open to the public earlier than 7:00 AM nor later than 7:00 PM.
- i. No home-based business shall be allowed which requires the presence in the home or on the premises of machinery or equipment normally associated with heavy industrial activities, such as those activities that have the potential to exceed the Environmental Performance Standards found in Section 60-B. of this Zoning Law.
- j. Specialized vehicles, where permitted herein, are non-typical residential character vehicles including but not limited to large commercial motor vehicles, large equipment and machinery, and equipment trailers. Such vehicles, where allowed, are to be for the use of the home-based business. Personal use vehicles like those typically found at a residence, such as automobiles, pick-up trucks and like vehicles are not to be characterized as specialized vehicles for purposes of these regulations.

Comment [NP1]: Delete (c), (e) and (g) because addressed separately/differently in HBB1 and HBB2

Comment [NP2]: Moved this section here because it fits with preceding section.

Comment [NP3]: Delete last sentence - creates confusion by suggesting that these are the only things that are not "heavy industrial activities."

Comment [NP4]: Replaced section on vehicle limit (23,001 lbs) with language from Claverack code on "specialized vehicles"

- k. No home-based business shall be allowed which is hazardous to the public or which creates offensive noise, vibration, smoke, electrical interference, dust, odors, heat, glare or other nuisance.
 - l. Home-based businesses shall be required to submit a completed Home-Based Business Checklist to the Town Code Enforcement Officer, on a form approved by resolution of the Town Board. The applicant for the Home-Based Business shall sign the Checklist which must contain a detailed description of the proposed use. Upon review of the Checklist, the Town Code Enforcement Officer will determine whether a Special Use Permit or Variance is required or if a Home-Based Business permit can be issued directly.
 - m. ~~A Home-Based Business shall be conducted in conformance with the New York State Building Code.~~
2. **Examples of Home-Based Businesses.** When conducted in accordance with the requirements stated herein, home-based businesses shall include but are not limited to the following: antique shop, art gallery or artisanal use, telecommuting, computer repair, computer instruction, plumber, electrician, dressmaking, millinery, home cooking, musical instruction, financial advising, travel agency, barber shop or beauty shop with not more than two (2) customer service chairs, small appliance repair, furniture repair, a micro-farm not subject to New York State Agriculture and Markets Law, and day care for no more than six (6) children and not requiring a New York State license. In addition, home-based businesses shall include but are not limited to the office or studio of a physician, dentist, accountant, artist, musician, lawyer, architect, engineer, teacher, insurance agent, realtor, computer programmer or other similar professional person.
 3. **Prohibited Home-Based Businesses.** Businesses which do not meet all of the requirements stated in Sections 60-E.1. and 60-E.2., herein, are prohibited as home-based businesses. **(Move following sentence to the end of #3)** See Use Table in Section 40-B. for specific commercial activities that are permitted in residential districts with a Special Use Permit from the Planning Board in accordance with Section 80 of this Zoning Law. In addition, the following occupations are specifically prohibited as home-based businesses because of road safety and parking requirements and other issues of land use and neighborhood compatibility: ambulance, limousine or similar service; automobile-related business or motorboat-related business, including repair, parts, sales, upholstery, body work, fueling, painting or washing service; junkyards; beauty salon or barber shop with more than two (2) customer service chairs; house of worship; funeral home or mortician; alternate care facility, group musical or dance instruction; restaurant, take-out food services, or tavern; video store; retail stores (except as otherwise permitted), commercial servicing of construction equipment, including but not limited to backhoes, bulldozers, and trucks; trucks used for business purposes requiring a USDOT registration; public stable; kennel; animal hospital; storage facility; ~~plumbing or electrical shop~~; or a similar trade or business.
 4. A Home-Based Business Level One (HBB1) may be conducted only if it complies with all of the following conditions:

- a. The home-based business may only be conducted in the primary dwelling/residential unit.
 - b. Only the person or persons who occupy the dwelling and one (1) additional person may be employed in the home-based business.
 - c. No more than 15% of the total floor area of the dwelling unit may be used in connection with the home-based business. Floor area requirements refer only to heated and habitable rooms within the dwelling unit.
 - d. There shall be no exterior storage of materials to be used in conjunction with a home-based business.
 - e. No accessory structure(s) may be used for the home-based business.
 - f. There shall be no specialized vehicles upon the property utilized for the home-based business.
5. Home-Based Business Level Two (HBB2) - HBB2 operations may be conducted only if they comply with all of the following conditions:
- a. The home-based business may only be conducted in the primary dwelling/residential unit, an accessory structure on the same property, or otherwise on the same property as the principal dwelling/residential unit, where the business will be appropriately screened from neighboring residences.
 - b. Only the person or persons who occupy the dwelling and not more than four (4) additional full-time or full-time equivalent people may be employed in the home-based business, and not more than four (4) employees and the occupants of the dwelling may be working on the property at the same time.
 - c. No more than 15% of the total floor area of the principal dwelling unit may be used in connection with the home-based business. Floor area requirements refer only to heated and habitable rooms within the dwelling unit. In an accessory structure, the entire floor area of the structure may be used for the home-based business.
 - d. Exterior storage of materials to be used in conjunction with the home-based business must be screened or stored in a manner such that the materials are not visible from the public way or adjacent properties. An accessory ~~structure that meets the requirements of Section ___~~ may be used for such storage purposes.
 - e. Up to three (3) Specialized Vehicles may be stored on the premises, if screened or stored so as not to be visible from the public way or adjacent properties. An accessory ~~structure that meets the requirements of Section ___ may be used for such storage purposes.~~

- f. Adequate parking shall be provided for all home occupants, employees and customers so as not to cause parking congestion or a visual disturbance to the character of the neighborhood.

Board Member Linda Mirabelli argued against the allowance of “large commercial motor vehicles” on Taghkanic’s small local roads, citing the narrow, curvy nature of our roads and the danger this would pose to pedestrians, bicyclists and other vehicles, as well as the damage to the roads. There should be some limitations on size and weight.

Supervisor Ryan Skoda: agenda for April 10, 2023

- A. **Board Member Elizabeth Craig:** draft an introduction for Section 40 stating that uses that require permits or review do not include the home-based businesses that are outlined in Section 60.
- B. **Supervisor Ryan Skoda:** Zoning District Map. How to separate parcels into R3 and R7 along Route 27 to avoid possible issues if parcel is subdivided. Frontage required in R-3 is 250 feet; depth could be 520 feet from edge of ROW. Board agrees on 300 feet depth from ROW in Mixed Use District.
- C. **Board Member Elizabeth Craig:** progress of rewrite of STR Regulations for Attorney Fitzsimmons review.

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

April 10, 2023 6:30 PM

With no further business, on a motion by **Board Member Elizabeth Craig**, seconded by **Board Member Kara Gilmore** the meeting was adjourned at 7:50 **pm**, carried unanimously by all members present. The next Regular Town Board meeting will be **April 3, 2023** at the Taghkanic Town Hall.