

TOWN OF TAGHKANIC
ZONING COMMISSION MEETING
June 1, 2015

Meeting called to order at 6:35 by Joyce Thompson.

Members present: Co-Chairs Joyce Thompson and Linda Swartz; Members Kathy Bainer, Al Huehnel, Moisha Blechman, Donn Critchell, Elizabeth O'Donnell, John Roberts

Also Present: ZC Consultant Ted Fink, GreenPlan

Excused: Dennis Callahan

Approval of Minutes

A motion to approve the Minutes of May 18, 2015, was made by Donn Critchell and seconded by Kathy Bainer.

Ayes: 4 (Critchell, Bainer, Blechman, Huehnel) Nays: 0 Abstained: 2 (Roberts, O'Donnell)

Supplementary Regulations Review:

Ted feels that it would be a good idea to send our proposed language for the farming section on to Ag & Mkts for review. They have a person in their office who provides guidance to local government on these types of issues.

Elizabeth suggested that "should" be changed to "shall", particularly in 60.J.2. with regard to manure storage (in order to protect wells). Ted said that this is technically an Ag & Mkts issue, but Ag & Mkts will back off if there is a public health or safety reason (such as well contamination).

In Section 60.J.6.b. Elizabeth feels that not all farm structures should be exempt from setbacks; that this doesn't protect adjacent non-farm property owners. Since we are going to have the Ag & Mkts people review this, why not just put that in and let them tell us if it is no good. Ted feels we shouldn't do it that way; there needs to be a risk to public health and safety to put in a restriction. Ted suggested that we a setback distance that is equal to the height of the structure, which might be defensible. Ted will work on the language.

60.K. Keeping Farm Animals on Non-Farm Parcels: Our definition of farm animals includes fowl. Do you need 3 acres for a single chicken? Need to clarify. Need to address proper storage and disposal of animal waste. Regulation will require "adequate" fencing.

60.L. Roadside Stands:

- We have defined Farm Stand/Produce Stand, Farmers Market, and Roadside Stand: review these for their differences and decide if we need all three.
- The title and first sentence of this section will be expanded to "Roadside Stands for Non-Farm Parcels".
- The maximum size of roadside stands will be 100 square feet.
- The word "pavement" as it appears in numbers 2 and 4 of this section will be changed to "traveled way" since many of our roads are not paved.
- Number 3 will be changed to include the words "or processed" (. . "agricultural products grown or produced". .)

Ted read Ag & Markets Law Article 25-AA Section 305-A, which is attached to and made part of these minutes.

60.M. Lighting Regulations:

- Last sentence in number 2 should also be included in the "purpose" paragraph at the beginning of this section.
- Also in 2: Move 1,600 lumens to the beginning of the sentence and also use wattage reference.
- Limit the amount of bulbs?
- Add a comment about "up-lighting". Purpose of lighting is to light the ground plane, not the sky.
- Delete 3.a. (lighting in swimming pools and other water features) since this lighting is muted and contained.
- Change 3.e. to "less than 45 days".
- 3.f. should be moved to 4. "Additional Requirements".
- 4a: "Should" will be changed to "shall". Discussion about height of pole; 20 feet may be too high and could allow for light to trespass onto adjacent properties. Ted will work on this part and we will discuss it at the next meeting.

Noise Law:

The changes to the proposed Noise Law were reviewed. Linda will type up the revised document and send it to the ZC for review and discussion at the June 1 ZC Meeting. We hope to have this ready for recommendation to the Town Board at the June TB Meeting.

New Business:

From the Commission: None.

From the Public: None

Next Meeting:

Monday, June 15, 2015 beginning at 6:30 at the Town Hall. Be prepared to discuss and finalize language for the Noise Law. Continue review of Article 60 with Section O. Storm Water and Section P. Green Building Standards. Ted did not include this section at this point because he would like our input before he works on it. There are three approaches to consider:

Encouraging "green" practices

Incentives to engage in "green" building (what types of incentives might we require?)

Or require certain types of "green" building practices

US Green Building Council established LEED requirements, but the standards are extensive and filing is expensive and complicated.

Elizabeth will research how close the LEED standards get people to NYS Energy Standards. Where does demolition material go? What products are "certified"?

Motion to adjourn: Donn Critchell

Seconded by: Al Huehnel

Ayes: 6 (Critchell, Huehnel, Blechman, Bainer, O'Donnell, Roberts)

Nays: 0

Abstained: 0

Meeting adjourned at 8:40

Public in attendance: None

Prepared by: Linda Swartz

New York State Agriculture & Markets Law Article 25-AA Section 305-A
Coordination of local planning and land use decision making with the agricultural districts program

Policy of local governments. a. Local governments, when exercising their powers to enact and administer comprehensive plans and local laws, ordinances, rules or regulations, shall exercise these powers in such manner as may realize the policy and goals set forth in this article, and shall not unreasonably restrict or regulate farm operations within agricultural districts in contravention of the purposes of this article unless it can be shown that the public health or safety is threatened. b. The commissioner, upon his or her own initiative or upon the receipt of a complaint from a person within an agricultural district, may bring an action to enforce the provisions of this subdivision. 2. Agricultural data statement; submission, evaluation. Any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval by a planning board, zoning board of appeals, town board, or village board of trustees pursuant to article sixteen of the town law or article seven of the village law, that would occur on property within an agricultural district containing a farm operation or on property with boundaries within five hundred feet of a farm operation located in an agricultural district, shall include an agricultural data statement. The planning board, zoning board of appeals, town board, or village board of trustees shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district. The information required by an agricultural data statement may be included as part of any other application form required by local law, ordinance or regulation. 3. Agricultural data statement; notice provision. Upon the receipt of such application by the planning board, zoning board of appeals, town board or village board of trustees, the clerk of such board shall mail written notice of such application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location, and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation for the said project. The cost of mailing said notice shall be borne by the applicant. 4. Agricultural data statement; content. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within five hundred feet of the boundary of the property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement. – See more at: <http://codes.lp.findlaw.com/nycode/AGM/25-AA/305-a#sthash.PMfnKwrO.R2U5z9MA.dpuf>

(Attachment to Town of Taghkanic Zoning Commission Meeting June 1, 2015)