

TOWN OF TAGHKANIC  
ZONING COMMISSION MEETING  
October 5, 2015

Meeting called to order at 6:37 by Joyce Thompson.

**Members present:** Co-Chairs Joyce Thompson and Linda Swartz; Members, Al Huehnel, Moisha Blechman, Donn Critchell, Kathy Bainer, Elizabeth O'Donnell, John Roberts, Dennis Callahan, and ZC Consultant Ted Fink

**Approval of Minutes**

A motion to approve the Minutes of August 31, 2015 was made by Kathy Bainer and seconded by Moisha Blechman

**Ayes:** 5 (*Bainer, Blechman, Critchell, Huehnel, Roberts*)      **Nays:** 0      **Abstained:** 2 (*O'Donnell, Callahan*)

A few minor edits to the Minutes of September 28, 2015 were suggested and accepted. A motion to approve the Minutes as amended was made by Donn Critchell and seconded by Elizabeth O'Donnell.

**Ayes:** 6 (*Critchell, O'Donnell, Bainer, Blechman, Huehnel, Roberts*)      **Nays:** 0      **Abstained:** 1 (*Callahan*)

**Training Opportunity:**

Linda, Joyce and Kathy will attend land Zoning and Planning Case Law Update training in Kingston on Wednesday, October 14.

**From the ZBA Meeting:**

Elizabeth and Moisha reported that resident Leonardo Polito and his son came before the ZBA asking to establish a micro-brewery on their property on County Route 10 adjacent to the Parkway. The proposed building would be fairly large. This could be seen as an industrial use in a residential zone. Since the property is not a farm and does not qualify for an ag exemptions, it would not qualify for ag tourism even if they locally source their ingredients. An ag exemption requires that there be at least 7 acres of tillable land which must be farmed by the property owner, which would then allow for ag tourism. Further, the building would have to be on the property that has the ag exemption. *Agricultural Districts* are determined by an act of the county legislature and can change from year to year. An ag exemption may exist outside of the ag district.

**Review of Use Table with an eye on Special Use Permits:**

Dave Brennan was in the audience at this meeting. Dave had also attended the Town Board/Zoning Commission Meeting on Saturday, September 19, 2015. Joyce asked Dave to talk about what his concerns are with regard to zoning. Dave repairs equipment and old cars and doesn't want to be zoned out of business. Dave said that this type of business is common in rural areas like Taghkanic. Dennis said his business would be grandfathered; he would have a pre-existing non-conforming use. Such use does not transfer when the property is transferred. Dennis also said that there can't be more than one unregistered car on the property unless it is stored in a garage or barn. Dave noted that it could be very difficult for a young person to start up this kind of business here and they will have to go someplace else. NYS licenses automobile repair shops and sets specific limits and requirements, and they set limits on the amount of noise that can be emitted from a muffler.

A major hurdle is that NYS regulations prohibit home-based businesses in accessory structures.

Joyce told Dave that once the ZC comes up with some of the specifics for this use and for grandfathering, we will send him an e-mail for his comments. Dave's e-mail is [onedandydave@gmail.com](mailto:onedandydave@gmail.com).

We discussed agriculture and farm animals. Some animals are more offensive in terms of odor, and they might not be appropriate in the smaller residential zones. We need to be sure that our definition for Agriculture blends with the definition of Farm Animals.

Elizabeth feels that we need to re-visit the grandfathering paragraph in the code and an attorney should review it to be sure that it is in line with current case law. Think of the zoning in terms of what someone can do with their property, rather than what they can't do, but they need to take other things into consideration; think of the use first, then consider that use within the site. A Special Use Permit adds conditions to minimize impacts to a permitted use. Moisha pointed out that the ideal is to preserve the value of real estate, allow people to earn a living and enable everyone to enjoy where they live.

Ted suggests that we go over Article 80 before we go through the uses and that should clarify what the general conditions are. Then we can look at the Use Table.

Where could we have an overlay? Kathy feels that if we establish a business overlay, it should be limited to state and county roads to minimize traffic impacts in on local roads.

Elizabeth wonders how towns are regulating in the new “sharing economy”; things like Air B&B and VRBO (Vacation Rental By Owner). Dennis checked with the State and found out that there is no restriction for renting out a single family home as a VRBO; but an Air B&B must be owner occupied and would be a business use and therefore it would be regulated.

A contradiction was noticed in the Accessory Dwelling Unit: The Use Table allows this as a permitted use but the Definition does not. We need to review these carefully for potential conflicts.

**New Business:**

**From the Commission:** None

**From the Public:** None

**Next Meeting:**

October 19, 2015 at 6:30 p.m. at the Town Hall. Assignment: Read Article 80 and take one item that you are familiar with and think about what is reasonable for a permit and what the town needs to require.

***Motion to adjourn:*** Dennis Callahan

***Seconded by:*** Moisha Blechman

***Ayes:*** 7 (*Callahan, Blechman, Critchell, O'Donnell, Huehnel, Bainer, Roberts*)

***Nays:*** 0

***Abstained:*** 0

Meeting adjourned at 8:40

*Public in attendance:* Dave Brennan

*Prepared by: Linda Swartz*