

TOWN OF TAGHKANIC
ZONING COMMISSION MEETING
March 7, 2016

Meeting called to order at 5:36 p.m.

Members present: Chairperson Joyce Thompson; Members: Donn Critchell, Kathy Bainer, John Roberts, Al Huehnel, Elizabeth O'Donnell, Moisha Blechman, ZC Secretary Linda Swartz, and ZC Consultant Ted Fink. Dennis Callahan arrived at 6:50.

Approval of Minutes

A typo in the Minutes of February 15, 2016, was noted and will be corrected by the secretary.

A motion to approve the Minutes with the correction was made by Donn Critchell and seconded by John Roberts.

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

Schedule Saturday Workshop:

A Saturday ZC Workshop is scheduled for May 7, 2016 at the Town Hall from 10 a.m. til 3 p.m. Coffee and snacks will be available throughout the day. The ZC plans to walk to JoJo's for lunch (weather permitting). This will give us an idea of the "walkability" of this stretch of Route 82 through our Business District. This Saturday Workshop is an additional meeting; the regular ZC meeting schedule in April and May is unchanged (April 4 and 18 and May 2 and 16).

Climate Smart Communities as it pertains to land uses:

Joyce read the Climate Smart Communities Pledge resolution created by DEC and used by the Town of Ancram in adopting this initiative. The pledge sets forth ten elements in a plan for climate action including increasing the use of renewable energy, climate-smart solid waste management practices, supporting the development of a green innovation economy, climate-smart land use policies, and preparing for the effects of climate change. The ZC has given considerable thought to climate issues in terms of land use, such as renewable energy, walkability of our business district, open space and farming, conservation easements, and supporting broadband so that people can work from home. At the urging of the Conservation Advisory Committee, the Town Board authorized DEC to conduct a culvert survey, and the report is due later this year. The ZC supports the idea behind the Climate Smart Communities initiative, but we will not at this time make a recommendation to the Town Board in support of signing the Pledge.

Review of Consistency Table:

- 1.1 Joyce asked that Ted cite the CAC and DEC natural and cultural resources inventories as was discussed in the February 17 meeting.
- 2.1 Per Donn's suggestion, some words in second sentence under "How" column will be eliminated; will now read "*New regulations have been formulated including accommodations for building setbacks...*" Elizabeth asked if we can offer incentives for protection of land. Al pointed out that there is an ag exemption. An Ag Protection Plan is recommended in the Comp Plan, but if the county adopts one, it wouldn't be necessary for the town to do it. Kathy said that an ag protection plan is important for someone looking for grant money. Either way, this is not a zoning issue. Ted said that we will need to review our regulations on plant nurseries; per DEC they are farms and cannot be regulated through zoning.
- 2.2 Protection of soils:
 - Ted said that there is a serious nitrate problem in Dutchess County where residential development occurred on prime farmland soils which allows rapid movement of septic waste into soil.
 - Our draft zoning is more liberal in regard to roadside farm stands, which is an incentive.
 - CCLC has a program which matches existing farmland with people who want to farm but don't want to or cannot afford to buy land. One example Ted mentioned was a business called "The Moveable Beast" which is a business that moves cows from one farm to another, providing a healthier diet for the herd and healing and enriching the land. Joyce said that having comments like these in the table would make it more interesting.
- 2.3 Joyce thinks protection of ag areas by means of conservation easements and purchase of development rights is in the existing zoning; she will try to locate it.
- 2.4 Elizabeth asked if someone who has property that is not formally classified as a farm can take advantage of the incentives extended to farmers. Our definition does not make reference to ag districts, so as far as the town is concerned, you don't have to be in an ag district to get zoning advantages as a farm as long as you are using sound ag practices as defined by the State.

- 2.5 First sentence in the “How” column is removed at Donn’s suggestion. We should mention state tax breaks for forestry.
- 2.6 Specify which local and regional agencies. Ted spoke about governmental immunity from zoning which can be absolute or limited. Nine criteria of Monroe Test will determine whether or not action of a governmental agency is “immune” from zoning. NYS Town Law for comprehensive plans has a statement that says whenever a capital plan is formulated, it must consider the comp plan for that community. Ted will give us more in writing.
- 3.1 Need to address overlays. Introduce and define concept. Can be used in different ways. Offer both permissive and restrictive examples. Al wondered if this is too complicated for our little rural town, can’t we just allow or prohibit the use? Joyce said that Taghkanic has changed and will change more over time and this is a tool that can address that change. Overlay districts would be developed as a need arises. They would be flexible and do not need to be complex. Try to encourage a certain type of development, it can free up that area. Establish them in cross-road or hamlet areas. An overlay at a crossroads might allow for building at a greater density or for a mixed use in that particular area that would not be permitted under the regular zoning for that location. A landowner in an overlay area would not have to make any changes in their property if they didn’t want to, but they would be able to take advantage of the flexibility of the overlay if they chose. Elizabeth asked what is the advantage? Ted said that an overlay can be over an area you want to protect, such as aquifers, ag districts, historic districts. Dennis added that Claverack has created a well-head protection district where no building is allowed. Example: You have property in an area where zoning would typically permit a gas station, but an aquifer is identified and an aquifer protection district is defined and an overlay is created to protect the aquifer, thereby prohibiting gas stations within the aquifer protection overlay area. An overlay would be mapped, but it is flexible and may be changed in size and shape as information and needs change.
 - The first bullet under 3.1: what uses have been eliminated and what new uses are proposed?
 - Second bullet: What were the dimensional requirements in the Comp Plan?
 - Third bullet: Commercial design guidelines: not part of zoning.
- 3.2 Existing commercial development remains. NYS DOT is not likely to make significant improvements to Route 82 unless the road is damaged by flooding or some other disaster, but it’s better to have a plan in place if/when it happens.
- 3.3 Elizabeth wonders if we call it a home-based business rather than a home occupation, would we be able to allow greater scale and allow the use in accessory structures. We would have to carefully define the use and set regulations that would limit impacts to neighbors. Dennis could not locate the specific definition for home occupation in the NYS Residential Building Code, but he’s sure it’s in there and will try to find it.
- 3.4 Housing on smaller lots:
 - First bullet: (Density Bonuses) add *“except as listed below with conservation subdivision.”*
 - Second bullet: (Conservation Subdivisions) Okay
 - Third bullet: (Incentive Zoning) Refer back to the advantages of conservation subdivisions (closer development means less road construction)
- 3.5 Remove *“will also be considered”* from end of paragraph under “How” column.
- 4.1 through 4.5: Not part of zoning, but important issues which should be considered by the Town Board.
- 4.6 “How” column should state simply *“See above.”* (Remainder of sentence should be eliminated.)
- 4.7 Development of a Citizen’s Guide to Land Use and Development Regulations is a future project for the town.
- 4.8 Administration of zoning ordinance: Okay as is.
- 4.9 through 4.12: Not part of zoning, but important issues which should be considered by the Town Board.
- 4.13 Energy generation and communication technology: Okay as is.
- 4.14 Senior Services: Joyce said the Office for the Aging has a new commissioner who is very enthusiastic. Joyce will try to get OFA and Economic Development to support the development of better transportation.

Article 40 Use Regulations:

ZC received copies of new Article 40 which was prepared by Ted. Please review it for discussion at the next meeting.

New Business:

From the Commission:

- Linda said that she recently saw a news article that the City of Las Vegas passed a law setting a minimum limit on short-term rentals (AirBnB and VRBO) to 30 days to address concerns of the hotels, motels and B&Bs that they were losing weekend and week-long customers to private homeowners using short-term rental sites. The ZC does not want to unnecessarily restrict a homeowner's ability to make money from their property, but this problem was mentioned at a 2015 ZC meeting by Loretta of Changing Times B&B. Ted saw an article on this topic in a recent planning magazine; he will send it to us.
- Dennis said he has received a number of applications from people who want to build a storage shed on vacant land. He has not approved any of the applications since a primary structure (house) would be necessary before there could be an accessory structure (shed). The purpose for the sheds is apparently to store equipment for maintenance of the property. Joyce told Dennis to come up with some standards and make his recommendation to the Town Board. It is important that the buildings be temporary in nature (no permanent foundation) and cannot be used as hunting cabins

From the Public: None

Next Meeting:

March 21, 2016 **beginning at 5:30 p.m.** at the Town Hall.

- Review Use Table work from Kathy.
- Review of Article 40

Motion to adjourn: Dennis Callahan

Seconded by: Donn Critchell

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

Nays: 0

Abstained: 0

Meeting adjourned at 7:46.

Prepared by: Linda Swartz