

TOWN OF TAGHKANIC  
ZONING COMMISSION MEETING  
May 14, 2016

This special full-day ZC Meeting was called to order at 10:15 a.m.

**Members present:** Chairperson Joyce Thompson; Members: Donn Critchell, Kathy Bainer, Al Huehnel, Elizabeth O'Donnell; ZC Secretary Linda Swartz, and ZC Consultant Ted Fink.

**Excused:** Dennis Callahan, Moisha Blechman, John Roberts

**Use Table Work:**

The draft Use Table will be corrected to show "S" rather than "SP" for Special Use Permit. Linda has compared the draft Use Table with past Minutes and her notes and will send an e-mail to Ted and ZC members of noted discrepancies.

The draft Use Table and Article 60.J. are in conflict in regard to permitting Agriculture in the Mixed Use District. It is less confusing to have a longer list of uses or that to explain with footnotes. Change to "Agriculture, commercial" to differentiate from non-commercial (private/home) agricultural use.

Elizabeth noted that since garages are not listed in the table, would the CEO deny. Ted explained that the Use Table as developed lists only principal uses, but he will add another section to Article 40 for Accessory Uses; it will be identified as Article 40.C. and Prohibited Uses will be moved to "D".

Recreation Facility: Commercial recreation area is listed under Business Uses. Recreation Facility under the General Uses section needs to be corrected to "Non-Commercial" and the Supplemental Regulations reference needs to be changed to 80.D.21. (which still needs to be developed). In both Commercial and Non-Commercial instances in the Use Table, the word "Facility" should be changed to "Area" to correspond to our definitions.

The term "Building Inspector" is no longer recognized by the state. Code will show "Code Enforcement Officer (CEO)".

Donn reviewed Agricultural Uses:

- Roadside Stand: He noted that the regulations in Article 60.J.8. and 60.L.3. in regard to sale of produce which is raised on the property from which it is being sold are in conflict. Article 60.J.8. will be changed to refer the reader to Article 60.L.
- Large commercial sawmills are prohibited in the draft code (an industrial use). We discussed small-scale portable saw mills, which must be allowed per Ag & Markets. According to "Right to Practice Forestry" anything that affects forests must be sent to DEC, which will offer advice to the municipality. We will improve our definition and regulations will clarify that this is a non-commercial, small-scale, temporary saw mill and that it must be tied to a project on the property on which it is located and is not allowed as a home occupation. Consider setting a time limit to minimize noise impacts?
- Stables, both commercial and private are okay as they appear in the Use Table.
- Timber Harvesting was covered at our May 2 ZC meeting.

Ted spoke about Commercial Nursery: Our regulations say it must be in an Ag District. Ag & Markets considers this an agricultural use. Commercial Nursery will be removed from the Use Table and our definition of "Plant Nursery" will be changed to "Commercial Nursery" which will refer the reader to "Agriculture", defined in part as "The production, processing, keeping or maintenance for sale or lease, of plants and animals useful to man . . ." Sale of products is retail.

Kathy reviewed:

- Group Home/Community Residence. Our definition will state that Group Homes and Community Residences should resemble a single-family dwelling. (Ted will get a copy of State regulations which might address neighborhood compatibility.) These most commonly move into an existing dwelling and are not usually new construction. They are regulated by federal, state or county agencies and are not run by an ordinary home owner.
- Home Occupation: The definition will state that this use is "In accordance with NYS Building Code" and we will emphasize in public information meetings that we are not the bad guys – we must adhere to NYS regulations, but we have sent a letter to the Department of State urging a change in the law to allow home occupations to be conducted from an accessory structure on the property.

- Housing, Alternate Care: State regulations apply. Definition will be changed to say “up to five” not “5 or more”.
- Housing, Assisted Living and Nursing or Convalescent Home: This type of housing should be located in denser areas which are usually close to other services and activities; ZC feels that MU, 2A and 3A districts are appropriate. Regulations in 80.D.7. and 80.D.8. to be developed; may need to set controls for size. Ted will get examples of how other communities have handled this.
- Manufactured Housing: Definition and Use Table are okay as is. This use is for a single unit on a single property; manufactured housing parks are prohibited.
- Planned Residential Development will be removed from the Use Table and from the definitions and replaced with Traditional Neighborhood Development, for which Donn provided a definition. Joyce said a Greenway Grant would allow us to develop a master plan for development of the business district and the Route 82 corridor, and a TND could possibly be located there in an overlay area.
- Senior Citizen or Elderly Housing: Remove the word “rental” from our definition since these units could be owned by the occupants, like condominiums. (NOTE: Need to talk about setting a rationale for this type of use as well as for Alternate Care and Assisted Living.)
- Townhouse: Consider a maximum size and require that it be part of a TND (see above). Require a percentage (5%) of the units to be “affordable”. Townhouses and manufactured housing should both be listed under Affordable Housing, Article 60.Q. Affordable housing is not the same as welfare housing; there are specific requirements.

John’s review:

- Carnivals and Circuses: We don’t necessary want to prohibit these events, but they are unlikely and could be handled through a permit issued by the Town Board, rather than through zoning. Both uses will be removed from the Use Table. Ted will get some examples of the permit process done by town boards in other communities.
- Car Washing Station: Allowed only in MU district and special requirements apply.
- Contractor’s Yard will be changed to “Construction Contractor’s Yard” in order to differentiate between this kind of larger use and a smaller contractor operation like lawn maintenance. Requirement for access to county or state road will be made the second regulation under Item 15 in Article 80.D.

Elizabeth suggested that we consider having a category for a home-owner-run home-based business that does not create an appreciable impact on the neighborhood, but which is larger than the State’s definition of home occupation. Such activities could be conducted from an accessory building, would not be large, and would have a minimal impact on the neighborhood, we would set limits for the number of employees and size and number of vehicles as well as storage of equipment, and other possible restrictions. **Joyce asked that the ZC read the section on Home Occupations and think about the types of home-based business that we might want to allow which are not allowed under “home occupation”. This will be a topic for the June 7 ZC meeting.** Ted will try to get advice from an attorney as to whether or not we can do this.

- Convenience Store: Not in residential districts; Special Use Permit in MU. If the use includes gas sales, DEC and federal regulations for bulk fuel storage apply. (Add to Article 80)
- Day Care Facility/Day-Nursery: Permitted in all districts with Site Plan Approval. Requires state licensing. Need to include adult day care in our definition.
- Eating Establishment: ZC feels this could be allowed in all districts with a Special Use Permit. (Add to Article 80) Establish different limits in each district; minimum acreage, number of tables, hours of operation.
- Excavation, small-scale: Special Use Permit in all districts. (LL#2-2011)
- Gasoline Filling Station: Allowed only in the MU district with Special Use Permit and state and federal regulations for bulk fuel storage apply. (Add to Article 80)

John suggested that the Use Table for convenience store, gas station and motor vehicle repair shop be consistent because they all handle petroleum products.

Al began his review:

- Kennel: Special Use Permit in all districts. Regulations will disallow outdoor caging the MU and 2A zones and set a limit of 20 dogs.
- Under the Lodging Heading: Boarding House and Conference Center are okay as shown on the Use Table. Dormitory and Hostel should be split into two separate items; (80.D.31.a.for Hostel and 31.b for Dormitory); hostel needs to be defined; regulations for dormitory will be developed; both will be allowed in all districts with Special Use Permit. We decided to eliminate "Hotel" from the code (prohibited simply by its omission from the code) because a hotel would typically be too large for our MU district and there would be sewer and water concerns. We will allow an Inn in the residential districts with a Special Use Permit and in the MU district with Site Plan Approval. Lot size and setback requirements would limit the size of a Motel, but they would be allowed in the MU district with Site Plan Approval (not allowed in residential districts).
- Medical Facilities would be allowed in the MU with Site Plan Approval.
- Motor Vehicle Repair Shop would be allowed in the MU with Site Plan Approval.

**Next Meeting:**

The ZC will hold its regular meeting on Monday, May 16, 2016 beginning at 5:30 p.m. Use Table review work will continue, beginning with "Printing, Retail".

***Motion to adjourn:*** Donn Critchell

***Seconded by:*** Elizabeth O'Donnell

***Ayes:*** 5 (Critchell, O'Donnell, Huehnel, Bainer, Roberts)

***Nays:*** 0

***Abstained:*** 0

***Meeting adjourned at 3:55.***

***Public audience:*** Susan Raymond was the only resident who stopped in for part of the meeting.

***Prepared by:*** Linda Swartz