

TOWN OF TAGHKANIC
ZONING COMMISSION MEETING
August 15, 2016

Members present: Joyce Thompson, Chair; Donn Critchell; Kathy Bainer; Al Huehnel; Elizabeth O'Donnell; John Roberts; Dennis Callahan; ZC Secretary Linda Swartz; ZC Consultant Ted Fink
Excused: Moisha Blechman

Approval of Minutes:

A typo noted by Joyce will be corrected. Approval of Minutes is tabled until the next meeting.

Elizabeth referred to discussion in the August 1 Minutes about enforcement, which lead to a lengthy discussion about the enforcement process. Dennis said he sends a "Notice to Remedy" when there is a violation and the property owner has a set time by which they must correct the violation. If the violation is not corrected, they can be taken to court and may be fined. They may appeal the decision and this could go on forever, but the town cannot compel them to actually do anything to correct the problem. Linda said Taghkanic cannot afford to get into a "Casino" type situation, referring to the chronic violator and scofflaw in Copake who has thumbed his nose at local, state and federal regulations for 18 years, at great cost and frustration to the Town of Copake. Ted said that in some cases, towns have put a lien on a property or added the fine to the property tax bill. Joyce said that because enforcement is a serious issue, the new zoning code must be very clear.

Article 60 Editing Work Continues:

Kathy's review and discussion:

- 60-Q. Affordable Housing
 - Page 29, 1.a. Item which appears in bold type as "ZC Note": The ZC agreed that in order to encourage accessory dwelling units in primary and accessory structures, a Special Use Permit should not be required.
 - Page 30, 1.b. This section applies to an accessory dwelling within the primary home (not in an accessory structure). The ZC debated the requirement that the home owner live in one of the units. To require that the homeowner occupy one of the units could become a hardship if the homeowner is an elderly person who goes into assisted living or dies and property ownership passes to a family member who chooses not to live in the house. ZC considered whether the property could be rented as two units or as a single unit only. Concern was expressed about maintenance of the property when the landlord is not present. If owner is not living in one of the units, the entire property could be rented to one renter, but that renter cannot sublet the other unit. We need to find out what rights a property owner might have in this regard. Rewrite second sentence of b. as follows: *"Should the owner have a place of residence other than the premises, the premises can be rented as one unit only."*
 - Page 31. 2. Remove the word "accessory" whenever it appears before "Dwelling Unit in Accessory Structure". First sentence is rewritten as follows: *"Dwelling Unit in Accessory Structure. A dwelling unit in an existing accessory structure or as new construction on a single-family lot is permitted in all zoning districts."*
 - Page 31. 3.b. Words added: *The two-family dwelling with units of equivalent size shall occur ..."*
 - Page 31. 3.e. Refer to the discussion above in 1.b. Ted will work on these sections per ZC discussion. We will keep the "owner occupied" requirement for now and get guidance on whether or not rental by owner can be in any way regulated by the town.
 - Page 32. 5.b. ZC has not created a hamlet overlay; discussion required.
 - When Version 14 is drafted, it will include another item: 60-Q.6. Townhouses.
 - If small scale mining is adopted into the zoning code, the local law will have to be repealed.
 - Page 38. 1. The last sentence in the intro paragraph is changed as follows: *"...require a conservation subdivision for ten or more lots where it find any one of the following elements present.."*. Also on Page 38, the ZC has not identified any "scenic view sheds" as mentioned in Item 1.ix. Such areas would be disclosed during SEQRA review. It was suggested that the Town's Conservation Advisory Committee (CAC) could do this. Ted will send Joyce information on the process for identification of view sheds.

- Al said that every sizeable property would have a number of the features listed in this section and that would seem to make it impossible to do a conservation subdivision. Joyce pointed out that the purpose of this list is only to ensure that these elements are given consideration when a property is developed. The Planning Board is not required to automatically deny an application because of the existence of any of these features, but they will be reviewed and discussed before approval is granted. Al argued that the property owner might be unfairly limited in his rights to develop and sell his property. Elizabeth said this is only one method and it bears consideration; it is a better way to develop a property. Environmental issues are a more important part of the conversation today than they were in the past. The seller might want greater freedom and the purchaser might want greater protection. Al noted that many "cluster type" developments that started back in the 80s still have lots that have not been sold.

Ted will go through Page 38 to make sure it is in line with the regulations that the ZC has already drafted.

Kathy suggested that the building inspector have a "cheat sheet" that he can hand out to people who are seeking a building permit. The "cheat sheet" would provide guidance about environmental aspects of a property.

Joyce asked that Ted try to incorporate the ZC's thoughts into this Article.

Kathy suggested that the Appendix contain copies of the Application for Building Permit, the Notice of Planning Board Decision, a Special Use Permit, and the Notice of Violation.

New or Continuing Business:

From the Commission: None

From the Public: None

Next Meeting:

The next meeting of the ZC is scheduled for August 29. Article 60 editing work will continue.

Motion to adjourn: Al Huehnel

Seconded by: Donn Critchell

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

Nays: 0

Abstained: 0

**Dennis Callahan left the meeting at 6:30*

Meeting adjourned at 7:45.

Public audience: None

Prepared by: Linda Swartz