

TOWN OF TAGHKANIC  
ZONING COMMISSION MEETING  
November 28, 2016

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

The Meeting was called to order at 5:37 by Chair Joyce Thompson.

**Approval of Minutes:**

Elizabeth O'Donnell motioned to accept the Minutes from the September 12, 2016 ZC Meeting; seconded by Moisha Blechman.

**Ayes:** 5 (O'Donnell, Blechman, Bainer, Roberts, Huehnel)      **Nays:** 0      **Abstained:** 1 (Critchell)

Moisha Blechman motioned to accept the Minutes from the October 24, 2016 ZC Meeting; seconded by Al Huehnel.

**Ayes:** 5 (Blechman, Huehnel, O'Donnell, Bainer, Roberts)      **Nays:** 0      **Abstained:** 1 (Critchell)

**Article 50:**

- **Section A. Purpose:**
  - Elizabeth suggested that the Purpose include statement in support of the Comprehensive Plan and preserving rural character. Ted will take care of it.
- **Section B. Density Control Schedule:**
  - Title will be changed from "Density Control Schedule" to "Area and Bulk Schedule", and Ted will change all references accordingly.
  - Item 2 "Existing Non-conforming Lots of Record" will be eliminated since it's covered in Article 70. The ZC discussed contiguous lots where one (or both) is non-conforming. Do they have to be combined to make them conforming before they can be sold or developed? The zoning code could require that contiguous non-conforming lots be combined before development, and that all setbacks must be met. If there are several undeveloped non-conforming lots which are under the same ownership, they cannot be sold individually – the sale would have to be enough land to make a conforming lot. What if the properties are not under the same ownership? Elizabeth stated that the setbacks must be met, and if they cannot be met, then the person must make application to the ZBA for a variance. This would give the town some control. Kathy pointed out that no NEW non-conforming lots can be created in Taghkanic through subdivision. The ZC talked about the existing non-conforming lots throughout our town, particularly in the Pumpkin Hollow area where the small lot sizes have resulted in the Department of Health setting specific requirements for water and septic. The ZC recognizes that these small lots provide an affordable alternative for people who cannot afford larger parcels. Maybe this could become a hamlet. Adding more houses where there are already several houses situated in close proximity to each other, is not going to substantially change the character of the neighborhood. Ted suggested that these situations be reviewed on a case-by-case basis.  
*It was decided that Item 2 will be removed from Article 5-B since Article 70-G also covers "Existing Undersized Lots".*
- **Section C. Density Requirements:**
  - This title will be changed to "Area and Bulk Requirements"
- **Section D. Corner Lots:**
  - Donn asked if this refers to only the obstructions within the setback. Ted said the purpose of this section is to prevent any obstructions, whether in the setback or beyond the setback, for the purpose of traffic safety. Site distance requirements are addressed in the subdivision regulations; current subdivision regulations say site distance is 300'.
  - Elizabeth recommended that there be a section in the code which lists things that are allowed within the building setback area; such as fences, flagpoles, signs, etc. Ted will make sure that a paragraph is devoted to that.
  - Joyce will ask George about driveway specifications.

- Section E. Height Limitations:
  - Changes will be made to the first sentence in Number 2 in this section as follows (changes are underlined here: *“Spires, belfries, chimneys, cupolas, skylights, parapets or railings, elevator bulkheads, stair bulkheads, are conditional units or similar small-scale building elements that are not to be used for human occupancy ...”*)
- Section F. Distance Between Principal Buildings on Same Lot:
  - Will be deleted. Dennis Callahan advised that this is covered in the Building Code and not needed in zoning. (Dennis was not present, but he sent in written comments.)
- Section G. Accessory Structures:
  - Will be renumbered as Section F.
  - Under the first item (1.) sentences b., c., and d. will be removed and sentence a. will be incorporated into the introductory paragraph. The word “residence” will be changed to “residential”.
  - The ZC had a discussion about the height of accessory structures. Elizabeth feels that they should be smaller than the principal structure. John feels that the Town’s 35’ height restriction should apply to all structures. The ZC decided to leave G-1.a. as it reads in the draft (*No such structure shall exceed twenty feet in height in any residential district.*) and that if anyone wants a taller structure, they can apply for a variance from the ZBA.
  - Under Number 2, the words “or Certificate of Occupancy” will be deleted from the introductory paragraph. Dennis Callahan also commented that he feels that a building permit is necessary even in the case of small portable accessory buildings (such as sheds) in order to ensure proper placement and proper construction of the structure.
  - G.2.e. requires that all other elements of Zoning are fully met, and this includes setbacks.
  - Under Number 3, the second half of the sentence will be deleted (*“where in compliance with the standards provided in this Zoning Law”*).
  - **Fence height may depend on material used for construction. (Is it a fence of solid material or a wire fence?) Think about this for the next ZC meeting.**

**New or Continuing Business:**

**From the Commission:** None

**From the Public:** Zita Kobos had been instructed by the CEO/ZEO to attend the ZBA Meeting on this date to find out whether or not she could construct a horse barn on her property, but no ZBA meeting was being held. However, the ZC happened to be discussing a matter relative to her situation. Although the ZC’s discussion was relative to the draft code rather than the existing code, members of the ZC who also serve on the Planning Board and on the ZBA were able to provide Zita with some guidance.

**Next Meeting:**

The next meeting of the Taghkanic Zoning Commission will be on December 5, 2016 beginning at 5:30.

ZC members are instructed to carefully review the Area and Bulk Schedule and be prepared to discuss it. Also review Article 70, Non-Conforming Buildings, Uses and Lots. Joyce will re-send it to the ZC.

***Motion to adjourn:*** Al Huehnel

***Seconded by:*** Kathy Bainer

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

***Abstained:*** 0

***Meeting adjourned at 7:45.***

***Public audience:*** Zita Kobos

***Prepared by:*** Linda Swartz