

TOWN OF TAGHKANIC
ZONING COMMISSION MEETING
February 20, 2017

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

Excused: Al Huehnel; ZC Consultant Ted Fink

The Meeting was called to order at 5:07 by Joyce Thompson.

Approval of Minutes:

One typo was pointed out and will be made by the Secretary. Kathy Bainer motioned to accept the Minutes from the February 6, 2017 ZC meeting, with the correction as noted. The motion was seconded by Donn Critchell.

Ayes: 3* (Bainer, Critchell, Roberts) **Nays:** 0 **Abstained:** 1 (O'Donnell)

*Moisha Blechman did not arrive until after this vote.

Continuing Review of Article 80 Version 6 with Discussion of Outstanding Issues and Questions:

The ZC discussed the questions previously raised and itemized in the February 6, 2017 Minutes and other questions and concerns raised during this review:

- 80-B.6. Elizabeth questioned the wording of this item. Should it read "Where a proposed Special Use Permit contains one or more features which do not comply with the **zoning regulations** ..." Elizabeth recommends that the jurisdiction of the Planning Board and ZBA be made clear.
- 80-B.9.c. Rewritten as follows: *Any use for which a Special Permit may be **considered, must** be deemed a conforming use in the district in which it is located. Such Permit shall affect only the lot or portion thereof for which such Permit has been granted.*
- 80-B.9.d. and e. These two items concern expiration and renewal of a Special Use Permit and seem to be fairly restrictive. A Special Use Permit can be revoked if the permittee has not complied with the special conditions. Is a time limit necessary? Should there be other conditions? The Planning Board should be able to decide to not renew a Special Use Permit if, for instance, a change in circumstances renders the permit no longer appropriate. Another numbered item here could address the conditions for revocation of Special Use Permit if it becomes inappropriate or to allow for new circumstances.
 - In 80-B.9.d. The word "specific" is removed from the second sentence.
 - In 80-B.9.e. change "obtain" to "apply for".
- 80-C.8. Remove the words "Except for" at the start of this item.
- 80-C.9. The second sentence is changed as follows: *"This consideration shall include ensuring sufficient quantity and suitability of the water supply and sanitary sewage facilities to accommodate the intended use, and protection from pollution of surface water or groundwater."*
- 80-D.3.c. Why should the setback requirement for stables be less than the standard? Change this first sentence to require a 100' setback both from any boundary line and from a neighboring residence.
- 80-D.7.c. The minimum 50% undeveloped space requirement stated in this item is inconsistent with the lot coverage maximum of 20% in all districts. Do parking lots count as open space? Are developers being allowed to build more densely as an incentive? Should this item be eliminated? Need to talk to Ted about this.
- 80-D.8.b. Rewritten as follows: *"No motor vehicle sales **or repairs** shall take place at a car washing station."*
- 80-D.9. Conference Center: Need to set maximum building size at some point.
- 80-D.10. Construction Yard: This appears as "Contractor's Yard" in the definitions, the Table of Contents for Article 80, and in the Use Table. The ZC agreed that "Contractor's Yard" is a better term for this use. It is not permitted in any residential district per the Use Table and therefore the beginning phrase of Item 10.b. must be removed. The word "fabrication" in Item 10.d. should be removed since it is inconsistent with the definition.
- 80-D.12. Change references to "dog runs" in items b. and c. to "outdoor dog space". The ZC discussed requiring walls around kennels to lessen noise, but decided that the cost to the kennel owner would be prohibitive. Anyway, noise mitigation is addressed by Item c. which allows the Planning Board to increase setbacks where necessary to mitigate noise impacts and protect public health and safety.

- 80-D.14.c. Kathy suggested, and the ZC agreed, that public address systems should not be allowed and that “other special effects” should also be eliminated from this item. These references should also be removed from 80-D.15.c. and 16.b. (Also in 16.b. the word “outdoor” appears twice in a row and one of them should be removed.)
- 80-D.14.d. This item excludes motorized vehicles, firearm ranges and similar uses due to noise impacts. Donn Critchell argued that vehicles that are powered by electrical motors would not produce the same noise as vehicles that are powered by internal combustion engines. Similarly, vehicles that are powered by man or animal would not be noisy – but are they “vehicles”? Perhaps “vehicle” needs to be defined. Discussion resulted in agreement that all vehicles, powered by either motor or engine should be excluded and Item d. will be re-written to make that clear. This change should also be made in 80-D.15.d.
- 80-D.17. Need to set a minimum lot size for Resort or Lodge.
- 80-D.20. Donn said that the placement of telecommunications towers below a ridgeline could impact the service. The ZC feels that less emphasis should be placed on camouflaging the towers and more emphasis should be placed on siting the towers where they will cause little or no visual impact. This concept should be made clear throughout this article. The ZC specifically reworded Article 80-D.20.h.(2). as follows: “*The new telecommunication tower shall be **located** to eliminate, to the greatest extent practicable, the visibility of the proposed facility as viewed from a residence, public road or pathway, public park, or other public area.*” (All other sentences in this item are eliminated.)
- 80-D.20.m. The ZC is concerned that the town could be left on the hook for the cost of removal of a tower and restoration of the land if the tower becomes obsolete or is otherwise abandoned by its owner. To address this, the ZC would like to have some language in this section of the code that requires the applicant to provide “appropriate escrow as determined” for removal of the tower if warranted.
- 80-D.22. We need a definition for “hostel”. How is a hostel different from an inn? Number of rooms? Hours of operation? Are cooking facilities provided?

First Review of Article 30 Version 1, Establishment of Districts:

ZC feels that Article 30 is too verbose. The differentiation between districts is not clear. The term “rural” must be clarified throughout the code. What is “rural”? Farms, fields, forests, streams. Does it include homes?

New or Continuing Business:

From the Commission: None

From the Public: None

Next Meeting:

The next meeting of the Zoning Commission is scheduled for **Saturday, March 4, 2017 from 10 a.m. until 3 p.m. at the Town Hall.**

Motion to adjourn: Donn Critchell

Seconded by: Moisha Blechman

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

Nays: 0

Abstained: 0

Meeting adjourned at 7:15.

Public audience: none

Prepared by: Linda Swartz