

TOWN OF TAGHKANIC
ZONING COMMISSION MEETING
May 29, 2017

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

The Meeting was called to order at 4:12 by Joyce Thompson. (Meeting held earlier due to holiday.)

Approval of Minutes:

A motion to accept the Minutes from May 15, 2017, was made by Kathy Bainer and seconded by Donn Critchell.

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

Article 70: Editing Review:

Kathy suggested that Article 70 overall be stated in a more positive way; say what a person can do, not what they can't do. This might make the entire article easier to understand.

70-A.4. Delete "or longer" from the end of the first sentence. (End after "...one (1) calendar year.") ZC agrees that there should be a cap on the time limit for extensions. Could the ZBA extend for an additional term? How long and how many times? If a non-conforming use lapses for more than the required period, they would have to go to the ZBA for a use variance. Joyce was concerned that there could be a legitimate reason why a use might cease for a period of time (such as a long-term care situation). Could there be a waiver? Ted suggested leaving cap period open, then each year full public notice and public hearing would be required prior to approval.

Final paragraph of 70-A.: ZC had a lengthy discussion about the closing paragraph of this section. It should be broken into two paragraphs; the first sentence is the first paragraph and the second paragraph begins with "Further, nothing contained herein..." The word "permitted" in the first sentence should be in *italics* in order to make it stand out. The last sentence is deleted. Numerous other possible edits were mentioned during the discussion. Ted will re-work the entire paragraph.

70-B. Repair or Alteration of Non-conforming Buildings: Discussion clarified that this does not allow for enlargement of a non-conforming building ("*...provided that such action does not increase the degree of, or create any new, nonconformity with regard to setbacks, height, lot coverage...*"). Elizabeth asked about the first sentence; "*prevent or require Board of Appeals or Planning Board approval...*" saying that it sounds weird and she feels that it should be either "prevent" or "require" but not both. The last sentence of this paragraph will be deleted.

70-D. Termination of Certain Uses and/or Structures.

Per Ted's note, this section is only needed if there are any such uses found in the town, and then only if the town wishes to eliminate them through amortization. The ZC looked at the List of Prohibited Uses found in Article 40-C. If they exist, many could be terminated in compliance with Article 70-A.4.

The ZC discussed what types of uses can be passed with the land and what cannot pass with the land. If someone has a non-conforming use, can they sell the right to have a similar business or should the non-conforming use terminate with the transfer of the land? Should a non-conforming business be allowed to continue if the property changes hands? The article should be clear about this. Ted said that a non-conforming use cannot be terminated just because the property transfers.

A manufactured home on a non-conforming lot may be replaced by another manufactured home, but it is recognized that older manufactured homes are much smaller than what is available today. In such a situation, the setbacks can be reduced if the owner can demonstrate to the ZBA that the replacement home is the nearest in size to the original home that is being replaced. If the original manufactured home is replaced with a stick-built home, the new home could be up to 20% larger, and it must meet setbacks.

Kathy said that there are several very old "trailer" homes on the Lido property (separate parcel from the hunt club). Since manufactured housing parks are not permitted due to water and sewer issues, could a sun-down date be set for their removal? Ted cautioned about eliminating affordable housing possibilities. The trailers mentioned are very old and cannot be replaced without securing a building permit, so this will likely remedy itself in time.

Moisha suggests that end of the first sentence in the first paragraph of 70-D. be changed to read "... *the harmonious, safe and orderly development of such district.*"

70-F. Increase in Volume of Use: It was clarified that this section does not refer to the physical size of the building footprint size, but to volume of business (customers, income).

70-G. Existing Undersized Lots:

- 70-G.1. Change first sentence to read "*Any lot in a subdivision where application began prior to xx, 20xx, may be built...*". End this paragraph at the end of this first sentence and begin a new paragraph with "*Any lot held in single and separate ownership...*"
- 70-G.1.b. The ZC had a long discussion about existing undersized lots in Taghkanic. There are more than a few that are considerably smaller than one-acre. The shape of a parcel is also an issue. It could be very long and narrow or oddly shaped which might create problems for water and sewer as well as for building/placing a home. Department of Health has jurisdiction and will likely disallow if there is any water/sewer issues.
- Delete 70-G.1.b. and keep 70-G.1.c. Renumber all items as needed.
- 70-G.3. Rewrite as follows: "*A vacant lot that is non-conforming as to minimum size for the District in which it is located may be sold only if such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owner's or owners' property or properties.*"

Kathy suggests that any property owner who has an undersized lot adjoining their larger property should be required to join them to eliminate the undersized lot. The question was raised that if the undersized property was sold to someone other than an adjoining owner, how would the buyer know that the property cannot be legally developed?

Ted will consider what has been said and come up with something.

New or Continuing Business:

From the Commission: None

From the Public: None

Next Meeting:

The next Zoning Commission meeting is scheduled for **Monday, June 5, 2017 beginning at 5 p.m. at the Town Hall.**

- Take a closer look at Articles 70-H. and 70-I.
- Think about Mixed Use District and discuss potential impacts to homes on CR10 if the MU district is extended in that direction.

Elizabeth will not be at the June 19, 2017 meeting.

Motion to adjourn: Donn Critchell

Seconded by: Moisha Blechman

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

Meeting adjourned at 6:28.

Public audience: none

Prepared by: Linda Swartz