

TOWN OF TAGHKANIC  
ZONING COMMISSION MEETING  
March 5, 2018

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

**Excused:** Donn Critchell

The Meeting was called to order at 5:10 by Joyce Thompson.

**Approval of Minutes:**

Although there was no issue with the content of the February 19, 2018 Minutes as prepared (the Minutes accurately reflect the discussion), the following comments were made:

- Moisha suggested that the Zoning Code state that the short-term rental permit be revoked rather than "not be reissued" in the event of violations and/or complaints.
- Under the heading "Questions to be considered", Moisha said that Airbnbs are, in fact, commercial in nature.
- The Minutes state that "Joyce feels that a permitting process for Airbnb is the best option we have." Elizabeth asked "Why?"
- Moisha feels that there should be a semicolon between the motion and the second in the Minutes rather than two separate sentences.

Joyce said reminded everyone that the Minutes are approved based on the accuracy of the record, and that these comments should be held for later discussion.

A motion was made by Kathy Bainer to accept the Minutes from February 19, 2018; seconded by Al Huehnel.

**Ayes:** 4 (*Bainer, Huehnel, Roberts, O'Donnell*)      **Nays:** 1 (*Blechman*)      **Abstained:** 0

**Presentation of Draft Zoning Code to Dennis Callahan, ZEO/CEO:**

Dennis had taken some time to read through part of the material he was given in advance of this meeting. Dennis's comments appear below preceded by a bullet.

- Airbnbs are not regulated by NYS. They are built as single-family residences and have no rules. The term "Single-family" is key. Resident Susan Raymond said that there is a law before the NYS Assembly to regulate Airbnbs. (The law relates to taxing Airbnbs.)

John outlined the proposed zoning district map changes.

- Dennis asked why the ZC didn't extend the MU district to include the Janet Lasher building. John explained the ZC's desire to keep the district boundaries on both sides of Route 82 roughly even (mixed use on both sides).
- Dennis noticed that the 7-acre zone has been increased in size, and pointed out the difficulty this would cause for people looking to purchase affordable property. The ZC explained that there are many smaller (non-conforming) properties within the proposed 7-acre zone which will eventually be available for sale. In addition, the draft code allows for accessory dwelling units and for residential use within the MU district. These new rules will offset the district changes to provide affordable housing/properties. Elizabeth suggested that it might be helpful to count the number of small properties in the area that is being changed from R-3 to R7.

John read from the existing zoning code Section VI. Non-Conforming Buildings, Uses and Lots. Section VI.G.a. indicates that a non-conforming lot which adjoin another lot held under the same ownership should be joined together. Joyce suggested that the ZC consider the implications of changing an R3 to an R7 property.

- Dennis noted that the Business District is in the flood plain (which is about 200' surrounding the stream), where businesses will not be able to build new or expand existing structures without proving to the Planning Board that the improvement will meet the Flood Zone Regulations, and that flood insurance would be costly. (Town must have established flood plain regulations in order that people in the flood zone can get flood insurance.)

Joyce asked if the town has Flood Zone Regulations? Ted said that it's "cleaner" to address this in the zoning code, but it can be done as a local law. Current zoning code Section V. J. Area of Flood Concern was read. Elizabeth suggested that the ZC make another map which shows the proposed MU district with an overlay of the flood plain. Dennis said that Columbia County hasn't updated their flood maps in many years; the most recent ones can be obtained from FEMA.

- Dennis asked if this is the only area the ZC is considering for Mixed Use. Linda asked Dennis if there was any other area that he thought a mixed use area should be. He had no specific recommendations.

Linda introduced the Comparison Table, explaining that it would not be part of the code, but was created only for discussion. Many of Dennis's questions on the Comparison Table resulted from the fact that Article 20 (Definitions) was omitted from the material he was given prior to this meeting. He was given a copy of the Definitions and he will look at the table again along with the Definitions.

- Dennis pointed out that the definition for roadside stand says "farm to which it is accessory". This should be changed to "property to which it is accessory".
- Dennis asked about traffic and parking. Ted read the regulations.
- Why does the code allow for small-scale portable saw mills? It would be hard to enforce. Discussion resulted in some changes to Article 60-P.2. (No-fee permit will allow use for not more than 30 days from the date the permit is issued and that there shall be only one such permit per calendar year; more than that will require site plan approval.)
- How is accessory dwelling unit in the same structure different from a two-family dwelling? Ted said that an accessory dwelling unit is subordinate to the principal, while a two-family dwelling is roughly equal in size. Also, an accessory dwelling unit would require that the property owner occupy one of the two units, while a two-family dwelling does not require that the owner live on the premises. Dennis will check the NYS Building Code.

**Code Enforcement and Violations:**

Dennis suggested that the amount of the fine for repeat offenders be increased. Town Justice Jeff Tallackson said that it's all in the way the code is written. If the code uses language like "a fine of not less than \$250" or "up to \$250", or "not exceeding \$250", there can be some discretion on the part of the court. If the language is firm and reads "A fine of \$250", then that is the amount of the fine with no room for negotiation. Dennis read the section in the current code regarding violations (Section X.C.) which requires a "fine not exceeding \$250 or by imprisonment for not more than 15 days, or by both..." Dennis recommends that "Compliance Order" in the draft code be changed to "Notice of Violation".

Ted read part of Article 100-Q in the draft zoning code which addresses violations.

The ZC thanked Dennis for his time and contributions to this process and asked that he put all of his comments in writing and send them to Joyce Thompson by March 16.

**Comments:**

**From the Public:** None

**From the Commission:** None

**Next Steps:**

- March 19: Presentation to Town Board Member Arthur McGuire and Town Assessor Craig Surprise

**Next Meeting:**

The ZC will meet on March 19 at 5 p.m. The ZC will present an overview of the code to Town Board Member Arthur McGuire and Town Assessor Craig Surprise.

The ZC will hold a full-day Saturday Workshop on April 7. There will be a regularly scheduled ZC meeting on April 16. If another meeting is needed, the ZC will meet on April 30, but Elizabeth will not be able to attend.

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

***Seconded by: Moisha Blechman***

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

***Nays: 0***

***Abstained: 0***

***Meeting adjourned at 6:58 p.m.***

**Public Audience:** Jeff Tallackson, Susan Raymond

**Minutes Prepared by:** Linda Swartz