

TOWN OF TAGHKANIC
ZONING COMMISSION MEETING
July 2, 2018

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

The Meeting was called to order at 5:02 by Joyce Thompson.

Approval of Minutes:

A motion to accept the Minutes of June 25, 2018 was made by Donn Critchell and seconded by Moisha Blechman.

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

Continuation of Article 40 Review:

Uses 51 through 60:

- Use 51: Medical; Urgent, Dental, or Eye Care Clinic – No concerns with the regulations for this use.
- Use 52: Motor Vehicle Repair Shop, Commercial – Moisha feels that a motor vehicle repair shop might have a negative profit impact on other uses in the MU, which is a mix of business and residential.
 - Al said that there are many businesses that aren't compatible with residential use. He suggested that we call the district along the state highway "Business" rather than "Mixed Use", and allow the mixed business/residential use to develop in other areas.
 - The Dianda house, Courtleigh Manor (Yvonne's house), and Millers Tavern, as well as other existing houses along the highway, have the potential to be true mixed use, with a business on the first floor and an apartment on the second floor.
 - Per a suggestion made by Elizabeth, this use will be **FLAGGED** as a use that might need more restrictions and which might not fit in well with residential uses. More discussion is needed.
 - How we see the Mixed Use district needs to be clearly defined. It might be a good idea to put this idea before the public for discussion.
 - John pointed out that under Article 40, a motor vehicle repair shop requires site plan approval, while a gas station needs a Special Use Permit. The ZC decided that the Special Use Permit requirement will be applied to both uses.
 - The regulations for Motor Vehicle Repair Shop would fall under Article 80-D.22. which is titled "Gasoline Filling Station/Convenience Store. Joyce suggested that Article 80-D.22. be re-worded to include motor vehicle repair shops.
- Use 53: Printing, Retail or Wholesale – No concerns with the regulations for this use.
- Use 54: Recreation Area, Commercial – **FLAGGED** This use is prohibited in all residential districts and requires a Special Use Permit in the MU district. There is a minimum acreage requirement of 5 acres and increased setbacks. With its topographical limitations, the MU district is not big enough for this use; why don't we just prohibit it? Kathy feels that the market will decide if it's practical for someone to spend the money to develop a commercial recreation area.
- Use 55: Shops, Craftsman or Artisan – No concerns with the regulations for this use.
- Use 56: Storage Facility – **FLAGGED** This use is allowed in the MU district only, and requires site plan review and access to a state highway. Moisha feels it does not fit in with how we want the MU District to develop nor with our vision of Taghkanic's overall development. The regulations require vegetative screening, which Moisha feels would look unnatural, and the limited space in the MU district would make it difficult to do. There are storage facilities in nearby towns; do we need/want one in Taghkanic?
- Use 57: Tavern – This was changed from P*‡ (Site Plan, highway access required) to S‡ (Special Use Permit, highway access required) at the June 25, 2018 meeting. No further concerns with the regulations for this use.
- Use 58: Cemetery – This use requires that the Town Board issue a Special Use Permit. Moisha feels that a cemetery is inappropriate in the MU district, however, what we can do is somewhat limited by law.
 - The ZC thought about the religious group that now occupies the old motel on Route 82: can they have a cemetery? The answer is yes, and they might want to have one since many of their worshippers come from metropolitan areas.

- Use 59: Church or other place of worship: The Religious Land Use and Institutionalized Persons Act (RLUIPA) is a federal law that gives churches and other religious institutions a way to avoid burdensome zoning law restrictions. Therefore, we have limited authority. The ZC considered the following:
 - A church or religious retreat that provides overnight lodging could be in a residential district, but a motel must be in the MU district. Does the overnight lodging change the use? Is it totally exempt from zoning and review as a religious use?
 - Department of Health regulations for water and sewer and NYS building and fire codes would apply and they would be part of the Special Use Permit review.
 - The majority of the ZC feels that this use should require state/county highway access; Donn disagrees and feels it should not be restricted.
- Use 60: Civic or Other Public Use – Permitted in every district.
 - Moisha feels that such uses are not rural in character and should be allowed only in the MU district.
 - There are two different types of civic or public use: town parks, recreation, trails would be one type; municipal buildings and highway garage would be another more intense municipal use. Trails (which appear in the definition for Civic or Other Public Use and the definitions for Recreation Area, Commercial Outdoor and Recreation Area, Non Commercial, would be appropriate in residential areas, while town buildings might be more appropriately placed in the town's business center. Ted will split this category into two separate uses.
 - Some uses will be restricted to state highway access; some can be state or county highway. Donn suggested that the Use Table show a double dagger symbol (‡) for state highway access, and a triangle (Δ) for those uses which require access to state or county highway. Ted will take care of this.

Uses 61 through 66:

- Use 61: Club, Membership is divided into Indoor and Outdoor but the definitions have not been fully developed. An Indoor Membership Club would be S in R2, R3 and MU and prohibited in R7. Joyce recommends that a minimum lot size be considered since it is permitted only in the smaller districts. An Outdoor Membership Club is S in R7 and prohibited in the other districts. Joyce noted that the wording of articles 80-D.12. and 80-D.13. is nearly identical.
 - The ZC had a lengthy discussion about outdoor shooting ranges. Per John, there are more than 30 such ranges in the county already and it is not likely that anyone is looking to build another one. Donn suggested that we permit indoor shooting range only; set conditions in 80-D.14. (Club, Indoor Membership) stating that "indoor shooting range shall meet acoustical standards." Outdoor shooting ranges (includes trap and skeet) are prohibited. Definitions for Hunt Club and Shooting Preserve must be clearly written even if the use is prohibited.
 - Elizabeth suggested we look to codes in neighboring towns so that we are not left wide open for this type of development if it is prohibited or heavily regulated elsewhere.
 - There are also motorcycle clubs and other clubs that might be too noisy for residential areas. A club would have a base of operations – a clubhouse or a meeting location. Ted will work to clarify this requirement in the definition and regulations.
- Use 63: College – There are no additional regulations for this use (General Standards only). Some minimum acreage might be a good idea.
 - There are college campuses and on-line colleges with a small testing facility building; the definition needs to make clear that this is about buildings. Ted will use the word "campus" in the definition.
 - Will be changed to prohibited in all residential districts (X) and Site Plan Approval (P*) in the MU.
- Use 64: Theater – Allowed with site plan approval in MU only. Parking would be limited due to topography and parcel size; self-limiting. Regulations are satisfactory.
- Use 65: Public Utility – Planning Board has full authority to establish conditions, but are the guidelines enough?
 - Regulations state no radiation. Elizabeth suggested that the regulations in 80-D.26. say "electromagnetic radiation" rather than just "radiation". Ted will have to check to see if we can do that under federal guidelines.
 - Changed to "S" in all districts.

Joyce will send ZC and Ted notes from CAC clean energy meeting.

Comments:

From the Public: None

From the Commission: None

Next Meeting:

The next ZC meeting is scheduled for July 16 beginning at 5:00. We will finish the Article 40 review and begin going through comments from Jeff Tallackson.

Motion to adjourn: Al Huehnel

Seconded by: Elizabeth O'Donnell

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

Meeting adjourned at 7:10 p.m.

Public Audience: None

Minutes Prepared by: Linda Swartz