

TOWN OF TAGHKANIC
ZONING COMMISSION MEETING
December 17, 2018

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

The Meeting was called to order at 5:08 by Joyce Thompson.

Approval of Minutes:

A motion to accept the Minutes of December 3, 2018, was made by Donn Critchell and seconded by Al Huehnel.

Ayes: 5 (Critchell, Huehnel, Bainer, Roberts, Blechman) **Nays:** 0 **Abstained:** 0

Ag & Markets Material in Drop Box:

Ted placed the following documents in Drop Box (on-line) prior to this meeting:

- Guidelines for Review of Local Zoning and Planning Laws (Farm Operations)
- Guidelines for Review of Local Laws Affecting Farm Marketing Activities
- Guidelines for Review of Local Laws Affecting Farm Operations Which Produce, Prepare and Market Crops for Wine, Beer Cider and Distilled Spirits

According to the guidelines, the requirement to apply for a permit is generally not considered by Ag & Markets to be unreasonable. Site plan review and a permit are reasonable requirements if the operation becomes larger than just the farm. These rules apply to farms that are within the agriculture district. Agricultural districts are determined by the county legislature and are reviewed on an annual basis, with designations added to or deleted as appropriate.

It is important for the Zoning Commission to know which areas are currently designated as being in an ag district. Farms that had been removed from the Ag District due to discontinuation of farming might now be starting up again and should be considered for the designation. These farms may not be entitled to the tax exemption, but the zoning should not deny the right to farm and related activities. Ag Tourism activities might be restricted to an Ag District.

The ZC decided to change Ag Tourism to P* (permitted, expedited site plan review) in all residential districts. It is prohibited in the MU district.

Article 60, Version 17:

The ZC used the Use Table, Article 40, to guide the review of Article 60. (It is noted that the word "Article" is being replaced by the word "Section" in all future versions of the zoning code.) Uses on the Use Table between Stable, Private and Business, Service which are not specifically mentioned in these Minutes as being changed, were accepted "as is" by the ZC.

Farming on a Non-Farm Parcel 60-K.1.c. Change "sunrise to sunset" to "sunset to sunrise".

Timber Harvesting: The ZC discussed the impacts on wildlife when large areas are fenced off to protect tree farms and orchards. Wildlife is an important component of the Comprehensive Plan. The draft definition for "farm" includes "plantations"; John read the dictionary definition of "plantation" which includes tree farms. Ag & Markets might set limits for how this can be regulated.

Accessory Dwelling Unit: Resident Susan Raymond questioned the reference to "empty nesters" and "seniors" in the regulations. The intent was to show that the zoning code provides for affordable housing, but this language seems to limit accessory dwellings seniors and empty nesters. The ZC decided that to clear this up, this sentence in 60-Q.1. will be deleted.

60-Q.1.b.7) will be changed to read "*The accessory dwelling unit shall be separated from the principal dwelling by at least the average height of the principal and accessory structure.*"

60-Q.4.b. will be split into two separate entries as follows:

- b. A minimum lot size of three acres shall be required.
- c. The maximum number of units within a multi-family dwelling shall be four (4) per building in the R2 district.

The remaining items will be re-lettered accordingly.

60-Q.4.c. (now d. as a result of the above noted change) limits multi-family dwelling units in the R2 district to not more than two units for the first acre, with one additional unit for each additional acre; while in the MU district, multi-family dwellings are limited to not more than four units for the first 4 acres, with one additional unit for each additional two acres of lot area. Ted will check the math and re-work the language in 60-Q.4. as needed.

60-Q.1.b.3) discusses preservation of historic features during conversion of an existing structure more than 50 years old. Al said that 50 years should not be considered as historic; it only would date back to the late 1960s.

60-Q.1.b.7) requires a 50' separation between the accessory dwelling unit and the principal dwelling unit. John asked: "What if the accessory dwelling is over a garage that is connected by a breezeway?" Ted thought the separation requirement might be in the fire code. The sentence will be changed to read as follows: "The accessory dwelling unit shall be separated from the principal dwelling by at least the average height of the principal and the accessory structure."

Version 13 of the Use Table shows that a Bed and Breakfast Inn is P (permitted) in all districts. Linda said that the Minutes of November 6, 2017 indicate that Bed & Breakfast would require site plan review (P*).

Article 60-E.1.d. In the last sentence, change "Outdoor display of articles produced on the premises are permitted..." to Outdoor display of articles produced on the premises is permitted..."

Ted is in the process of rewriting Article 80, Special Use Permits. Once he sends out Version 10, the ZC will review the regulations for Housing, Assisted Living or Nursing Care; Housing, Senior Citizen; and Adult Use, Passive.

Business, Professional or Administrative Office shows a note in the Special Conditions column on the Use Table for setbacks. Per the Bulk Regulations, 20' is required in the MU district. Adjusted setbacks may not be necessary. The ZC will discuss this at another time.

Business Retail: The Minutes of August 20, 2018, state that Retail and Wholesale Business were to be combined and a new definition would be created. Retail operations might include some wholesale component. The maximum floor area of 5,000 sf of floor would serve to limit the size of the business. Kathy suggested that the two uses could be combined and the restriction for state highway access could be removed.

Comments:

From the Public: None

From the Commission: None

Next Meeting:

The next ZC meeting is scheduled for January 7, 2019. We will continue review of Article 40 beginning with 35, Business, Service. Ted hopes to be able to give us a new version of Article 80 in time for the meeting.

Motion to adjourn: Donn Critchell

Seconded by: Al Huehnel

Ayes: 5 (Critchell, Huehnel, Blechman, Bainer, Roberts)

Nays: 0

Abstained: 0

Public Audience: Susan Raymond, Jeff Tallackson, Chris Tallackson

Minutes Prepared by: Linda Swartz