

TOWN OF TAGHKANIC
ZONING COMMISSION WORKSHOP
April 13, 2019

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

This special full-day Zoning Commission workshop, which began at 10:00 a.m. is for the purpose of continuing review of the definitions in Section 20.

Review of Definitions (Section 20):

If there is a definition for a use or term which does not appear anywhere in the code, the definition should be eliminated. Tight definition is key to avoiding the need for ZBA interpretation.

Only those prohibited uses which are listed in **Section 40-C. Prohibited Uses** should be defined. Defining a prohibited use which does not appear on the list could lead to confusion. Does having a list of Prohibited Uses weaken the fact that those uses not listed are also prohibited simply by their omission from the code?

Add CONFINED ANIMAL FEEDING OPERATION (CAFO) and HARD ROCK QUARRYING to prohibited list.

BUNGALOW COLONY: Does this use exist in today's world or is it outdated? A colony would be more than one structure. Should it be removed from Definitions or listed in Section 40-C? After much discussion, the ZC decided to remove BUNGALOW COLONY from the Definitions (making it a prohibited use).

CABIN: Is a cabin an accessory structure? A single off-the-grid hunting cabin would be okay, but not more than one cabin on a property. A building permit would be required and a certificate of use would be issued (different from a certificate of occupancy.) The cabin might, in time, become a principal structure or an accessory to a newly constructed principal structure. The code will allow for a single cabin on a parcel. Definition for CABIN will be rewritten to make it clear that this is "A single structure designed for seasonal use . . . "

CAMP and CAMPGROUND should be removed from Definitions as they are both prohibited. (They do not appear in 40-C.)

CAR WASHING STATION: In the definition, change "washing" to "cleaning".

CELLAR: Last sentence "A cellar is not counted in determining the permissible number of stories."

CIRCUS: "A temporary exhibition and events of wild and trained animals . . ."

CLUB MEMBERSHIP: Need both Indoor and Outdoor as they both appear in the use table. See Minutes of August 28, 2017. Indoor clubs could have some passive outdoor events and activities like picnics and horseshoes and a playground for children. Also should cross-reference to "Recreation Area".

CODE ENFORCEMENT OFFICER: Use NYS Definition.

COLLEGE: Delete definition language and cross reference to "School".

CONFINED ANIMAL FEEDING OPERATION (CAFO): Change "means" to "is".

CONDOMINIUM: Condos and Town Houses are a form of multi-family housing. Condominium and Town House do not appear in the Use Table. Delete definition for CONDOMINIUM. Add Town House to DWELLING, MULTI-FAMILY. Need to keep the definition of TOWN HOUSE since it will appear in the regulations for multi-family dwelling. Town House development can be done through conservation subdivision regulations.

CONFERENCE CENTER: "An establishment used for business or professional conferences and seminars that may include rooms for lodging, eating, and recreational activities."

CREMATORIUM: Needs to be underlined.

DAY CARE FACILITY/ADULT DAY HEALTH CARE: Remove underline from definition language.

DISTRICT: "See "Zoning District Map"

DRIVEWAY SETBACK: Change definition as follows: "The minimum distance that a driveway shall be set back from an adjoining lot line, measured to the edge of the driveway." (Delete last part of sentence.)

DUMP: "Any land used for disposal . . ." At the end of the first sentence, following "of any kind", add "without cover material." Dumps must be in accordance with the NYS Solid Waste Regulations.

DWELLING:

- Delete DWELLING GROUP
- Add "Town House" to definition of DWELLING, MULTI-FAMILY
- Add the word "facilities" at the end of the definition for DWELLING UNIT ("sanitary facilities")

ECHO UNIT: Change "home" to "accessory dwelling unit".

Add underline beneath ELECTRIC VEHICLE CHARGING STATION:

EXOTIC PETS: Change "vicious, venomous" to "harmful".

FAÇADE: "The outward face of a building."

FARM MARKET: "A retail facility accessory to the farm operation, larger than a roadside farm stand, operated by the owner or operator of the farm. . . ."

GOLF COURSE: End this definition after "accessory driving ranges." Put miniature golf courses under RECREATION AREA, OUTDOOR.

GREENHOUSE: Change as follows: "A structure in which seeds and plants are grown for transplanting or for production for use as stocks, for budding and grafting, or for sale."

GROUP HOME/COMMUNITY RESIDENCE: This definition appears again under HOUSING, SPECIAL NEEDS, where the ZC feels it should be. The definition as it appears here is preferable and will therefore replace the definition which appears on the third bullet below HOUSING, SPECIAL NEEDS. We will keep this entry (GROUP HOME/COMMUNITY RESIDENCE) with a note to "See HOUSING, SPECIAL NEEDS".

HABITABLE AREA: Change as follows: "An area within a building that is in conformance with New York State Building Codes and is usable for human living purposes."

HARD ROCK QUARRYING: Change to "QUARRYING, HARD ROCK" and move to appropriate place in alpha listing, and cross reference to "Excavation".

HERBICIDE: Cross reference to PESTICIDE.

HOME BASED BUSINESS: Delete "In accordance with the Building Code of New York State"

HOT TUB: Change as follows: "A tub of hot water, sometimes referred to as a "spa".

HOUSE LOT: Change this to LOT, HOUSE and include in the list under LOT. Arrange the list to separate those with a comma from those without a comma (like LOT FRONTAGE, LOT LINES, LOT WIDTH).

Add "MINE/MINING: (see EXCAVATION)".

MOTOR VEHICLE REPAIR SHOP: change to MOTOR VEHICLE REPAIR SHOP, COMMERCIAL:

Change MOTOR VEHICLE RACE TRACK to RACE TRACK, MOTOR VEHICLE and delete last part of sentence pertaining to animals. Place in correct alpha order.

Underline NURSERY, COMMERCIAL:

NURSING HOME OR CONVALESCENT HOME: See HOUSING, SPECIAL NEEDS.

PATIO needs to be defined as setbacks would apply.

PEAK HOURS OF OPERATION is out of alphabetical order. Also, add the word “and” after “non-residential use,”.

PERMITTED USE: Cross reference to PROHIBITED USE.

PERSON: Remove this definition and include the language within the definition for APPLICANT.

PESTICIDE: Cross reference to HERBICIDE.

PET CEMETERY: Change “interring” to “interment”.

PIPE YARD: End sentence after “pipeline”.

Delete PLANNED RESIDENTIAL DEVELOPMENT.

PLANNING BOARD: Add “Special Use Permits” after “site plans”.

PLANT NURSERY: Change “as” to “for” where it occurs prior to “stocks”, and delete the word “for” where it occurs after “stocks”.

PRIMARY CONSERVATION AREA is changed to CONSERVATION AREA, PRIMARY and placed in the correct alpha order. Change “to have” to “as”. Similarly, SECONDARY CONSERVATION AREA will be changed to CONSERVATION AREA, SECONDARY.

Change PRIME FARMLAND SOILS to SOILS, PRIME FARMLAND and place in correct alpha order.

PRINCIPAL BUILDING: *“A building where the principal use of the lot on which it is located is conducted.”*

PRINTING, RETAIL and PRINTING, WHOLESALE should be combined (they appear as one in the Use Table).

PROHIBITED USE: Add a second sentence: *“Any use that is not specifically permitted or allowed by Use Variance is prohibited.”* Cross reference to PERMITTED USE.

QUARRY: Add “See EXCAVATION”

The definition for RECREATION AREA must make it clear that no public overnight accommodations are allowed. Climbing Wall and Miniature Golf will be added to the listed activities. At the end of **Outdoor**: change to “Golf courses are prohibited.”

RECREATIONAL VEHICLES: *“. . . which are used for off-road recreational or property maintenance purposes.”* Also, change “TRAVEL TRAILER OR TENT TRAILER” to “TRAILER, TRAVEL OR TENT” to match the definition.

RESIDENCE: End sentence after “permanent occupancy.” Cross reference to “DWELLING”.

Delete RESIDENTIAL

Change RESORT HOTEL, RESORT RANCH, RESORT LODGE to RESORT OR LODGE to match Use Table. End first sentence after "*compensation*" and begin next sentence with "*It may have a public lobby . . .*"

RIGHT OF WAY: Cross reference to EASEMENT.

ROAD: Last sentence: "*The term "Road" shall also include, but is not limited to, "street", "highway" . . . "*"

Next Meeting:

Monday, April 15 We will begin with the "S" definitions at the April 15 meeting.

The ZC will complete the review of the Definitions at the Monday, April 15 regular meeting. Once we have completed review of the Definitions, Ted can put together a complete zoning document. Ted said he would have the complete document available to the ZC during the week of April 29. The ZC will then spend May and June reviewing the complete code. The final draft document in its entirety will be presented to the Town Board at their July 8 meeting.

Moisha expressed concern that the code might not do enough to protect water, trees, wildlife habitats and ridgelines. Once we have the complete code, you will be able to search by word to find all related entries in the document. By doing this, we will all have a better idea of how these issues are addressed in the code.

Joyce will send the Dump and Junk Yard laws which the Town Board is currently working on to the ZC.

Workshop adjourned at 3:25 p.m.

Public Audience: None

Minutes Prepared by: Linda Swartz