

TOWN OF TAGHKANIC
ZONING COMMISSION MEETING
July 15, 2019

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

*Joyce Thompson was participating in a meeting on the second floor concerning time clocks; John Roberts filled in as facilitator until Joyce arrived at 6:15.

The ZC meeting was called to order at 5:11 p.m. by John Roberts.

Approval of Minutes:

Approval of the July 1, 2019, Minutes will be addressed at the next ZC meeting.

Miscellaneous:

Linda handed out copies of an article that appeared in the Sunday supplement to the Register Star which explained ECHO Units (Elder Cottage Housing Opportunities). The temporary housing unit is placed on the property and shares the address and utilities of the primary home on the property. Once the ECHO unit is no longer needed at that address, it is moved to another location where it is used by another elderly person in need. Funding grants in some areas may help to offset the cost of the unit.

Linda also reported that the town received an inquiry today from a solar/wind development firm seeking to lease property in Taghkanic. Town Board is working on a local law for solar energy systems.

Continuing Review of Section 60:

Section 60-E.1.h. limits commercial vehicle traffic for pick up from and delivery to home-based businesses to not more than four trips per week; and 60-E.1.k. limits the weight of vehicles used in home-based businesses to not more than 14,000 (to protect town roads). Donn suggested that 60-E.1.h. refer to the restrictions provided in 60-E.1.k. Also the regulation should include a statement that acknowledges posted weight limits (like, "except where there is a more restrictive posted weight limit").

Section 60-E.1.i. sets the hours for operation of a home-based business which is open to the public at 7 a.m. to 9 p.m. The ZC feels that 9 p.m. is too late, and hours of 7 a.m. to 7 p.m. are more in keeping with the residential nature of the area.

Section 60-E.3. Lists specifically prohibited home-based businesses, one of which is a house of worship. Donn asked zoning can prohibit a house of worship. Ted said that houses of worship are permitted in any district with a Special Use Permit, but they can be prohibited as a home-based business.

Also in Section 60-E.3., kennels are prohibited as a home-based business but are permitted with a Special Use Permit. Kathy asked if this is contradictory. Ted said there are many uses that are prohibited as home-based businesses but which are allowed with a Special Use Permit. This regulation specifically says the listed uses are prohibited as home-based business but it does not prohibit the uses outright.

Section 60-F. Conservation Subdivision: Moisha sees an ideal conservation subdivision as one that would encourage interaction between residents and which would include a store, a community garden, a community gathering place, etc. Audience member Elizabeth Craig asked for clarification on the conservation subdivision concept and John explained.

Section 60-G. Water Supply and Sewage Disposal Requirements: Elizabeth asked Ted why this section is here. Ted said it is to inform people that they must comply with Department of Health and Department of Environmental Conservation regulations. Elizabeth asked if it would be better placed in Section 60-B. Environmental Performance Standards and Ted said that Section 60-B doesn't apply to agriculture and forestry so everything would have to be changed. Kathy said it is fine where it is because it is clearly listed on the Table of Contents.

Section 60-H. Solar Energy Systems: ZC will hold off reviewing this section until the Town Board signs the local law addressing solar energy systems. The language contained in the local law will be the same language used in Section 60-H.

Section 60-I. Sets requirements for screening. The ZC finds this section to be adequate.

Section 60-J. Agriculture. Elizabeth asked if a new farm comes into existence next to residential area, how can neighbors be protected from loss of quality of life due to storage of noxious things like manure and chemicals. Ted said that the state has guidelines. He will post the NYS Department of Agriculture guidelines into drop box for review by ZC.

Kathy reviewed the changes that were previously made in Section 60-J.6.c. (See Minutes of 5/20/19 and 6/03/19.) Elizabeth said she would prefer that applicants submit a "drawing to scale" rather than "a sketch" (Section 60-J.6.c.i.). She said that in the past, people have brought in sketches that are not to scale and which don't show setbacks and other features. There are other places in the code that require a "sketch" and Elizabeth suggested that they all be changed to require a "drawing to scale". Ted will do a global search and replace.

Section 60-J.7.d. Agri-tourism. John again mentioned a program called Harvest Host program which allows tourists to park an RV overnight (without utility hook-ups) on an active farm. A fee is paid and the tourist is encouraged to purchase the products from the farm. Al noted that not all farms are in an agricultural district.

Section 60-J.10.b. Donn pointed out that this section requires that commercial stables have a setback of at least 50 feet from any lot line or at least 100 feet from an existing neighboring structure, and Section 60-K.3. Farming on Non-Farm Parcels requires not less than 100 feet from any lot line and not within 150 feet of the nearest neighboring residence. The ZC decided to use the greater requirements (100 feet and 150 feet respectively) for both 60-J.10.b. and 60-K.3.

Section 60-M.2. Elizabeth recommends that the code clearly state a maximum number of lumens allowable for the property; the total light output. Ted said this is covered in Section 90 Site Plan Review and Approval. Ted will include a requirement in Section 90 that an applicant must submit a photometric plan. ZC will look at this again during Section 90 review.

Section 60-N. Bed and Breakfast: Ted will add the word "Inn" following "Bed and Breakfast"

To allow the ZC to continue discussion of accessory building height, discussion of Section 60 ended at this point. The next meeting will begin on Page 60:24. (Section 60-N. Bed and Breakfast regulations and Section 60-O. Storm Water Management).

Building Height Under Section 50-E.1.:

John sent out an email stating his thoughts on maximum height for accessory structures. That email is made part of these Minutes.

Moisha thinks the code is not clear about the difference between an accessory building and a garage.

These regulations will address future construction, but we must also recognize the types of accessory structures that exist today. There are larger buildings that currently serve as a garage or storage, but they could be converted to an accessory dwelling. Joyce said that as we think about restrictions for new buildings, we should think about them in the size range that already exists.

Elizabeth Craig said that she understands that the ZC is trying to preserve the scenic and rural views, but reminded us that personal taste cannot be legislated. There are many buildings in Taghkanic which are very big and yet they add to the beauty of the property. Then there are others which, regardless of size, do nothing to make the property attractive. You can't guarantee that a 20' height limitation will make something beautiful. 20' is too restrictive and will not accomplish what you are trying to do.

What it is that makes the accessory building subordinate? Is it the use? The square footage? Height?

We need to take another vote on this, but Joyce does not think we are ready to do that right now. Linda asked what would make us ready? So far, we have seen only the photos provided by Elizabeth O'Donnell; we need more examples. Joyce suggested that everyone look at what's out there. Take pictures and measurements if you can. Be ready to discuss at the next meeting.

Next Meeting:

Monday, July 29, 2019 at 5:00 p.m.

Motion to adjourn: Moisha Blechman

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

Seconded by: Donn Critchell

Nays: 0 ***Abstained:*** 0

The meeting was adjourned at 7:20 p.m.

Public Audience: Elizabeth Craig

Minutes Prepared by: Linda Swartz

John Roberts

Tue, Jul 9,
10:54 PM (9
days ago)

to Joyce, me, Alvin, Moisha, Elizabeth, Paul, Donn, Ted

1 s. My primary reason for this is that one of the things we have stated over and over again the last several years is that we wish to make affordable housing available as an option for the residents of Taghkanic. One of the options for affordable housing has been an apartment over a garage. The 20 foot height makes this option impossible as an affordable option unless the structure has a virtually flat roof. The most common accessory structure in this area has a sloped roof (expressed in terms of pitch such as 4/12, 6/12, etc. The first number in these pitch expressions is the amount of change over a 12 inch horizontal run, i.e. 4/12 pitch would change 4 inches for every 12 inches, 6/12 changes 6 inches for every 12, etc.) In looking up the pitch of roofs, I found that for conventional materials such as asphalt shingles or standing seam metal, 4/12 is the minimum pitch, anything less than that requires special materials to properly seal the roof. Also we need to keep in mind that the less pitch a roof has the larger the support members (rafters) are needed to handle the snow load of the flatter roof.

With that understanding, a two car garage measuring 24 feet by 24 feet with a 20 foot maximum height would not leave enough room to put an apartment upstairs with an 8 foot ceiling: if there is an 8 foot ceiling downstairs, there is about 1 foot of structure in the ceiling (there has to be fire resistant material, joists that are about 9 inches and flooring upstairs) leaving 11 feet to the maximum height minus another foot of roof structure or a total of 10 feet at the absolute peak of the roof. Taking into account the pitch of the roof, using 6/12 the roof line drops 6 inches for every foot of horizontal distance so at four feet from the center we are down to 8 feet height and at the outer wall only 4 feet of wall height. If the roof is a 4/12 pitch we hit the 8 foot ceiling mark at 6 feet from the center and a 6 foot height at the outer wall.

If we work the math backwards, using 8 feet for the garage ceiling, one foot for the ceiling structure, one foot for the roof structure and an 8 foot ceiling height at the outer wall for the upstairs we need to start with a wall, including roof, of at least 18 feet. Using the 6/12 pitch example the center height of the building has to be at least 24 feet, if the pitch is dropped to 4/12 the peak is 22 feet.

A couple of other factors to consider in all of this: an 8 foot ceiling for a garage is minimum, if you have a standard garage door of 7 feet tall, one foot is required for space above that for a conventional garage track, if you want a garage door opener, another several inches is needed (mine measures 8 foot 4 inches at the opener motor plus another couple of inches for the hanging brackets). If the garage needs an 8 foot high door because of the vehicle owned (such as a van or truck with a high cap as would be needed for a business use- we are trying to open our town up to home based business or a van for handicap use) the ceiling height has to be adjusted accordingly

Taking all of this into account, the minimum I would accept is 25 foot as a height, but I would rather have a bit more than that so we are not sending a lot of variance requests to the ZBA.

I hope I have explained this so all can understand my point of view, I do not have a graphics program to include pictures but if anyone would like them I can draw some up to bring to next weeks meeting.