

TOWN OF TAGHKANIC
ZONING COMMISSION MEETING
August 5, 2019

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

Excused: Kathy Bainer, ZC Consultant Ted Fink

The meeting was called to order at 5:10 p.m. by Joyce Thompson.

Approval of Minutes:

A motion to accept the Minutes of July 1, 2019, was made by Donn Critchell and seconded by Al Huehnel.

Ayes: 5 (Critchell, Huehnel, Roberts, O'Donnell, Blechman) **Nays:** 0 **Abstained:** 0

A motion to accept the Minutes of July 15, 2019, was made by Donn Critchell and seconded by Al Huehnel.

Ayes: 5 (Critchell, Huehnel, Roberts, O'Donnell, Blechman) **Nays:** 0 **Abstained:** 0

Continuation of Review of Complete Zoning Document:

Moisha expressed some concern with Section 60-P.1., Forest Management: Does clearing trees result in more growth? Does tree cutting contribute to a favorable quality of life for humans and animals? Elizabeth feels that the second line in the paragraph about using forest resources for the production of forest products is anachronistic and not what we want to foster in Taghkanic. After much discussion by the ZC, the paragraph was changed to read as follows:

"1. Forest management shall be practiced in accordance with environmentally sound and sustainable silvicultural principles in order to yield a beneficial and desirable use of the Town's forest resources and contribute to a favorable quality of life. No further review and no permits from the Town of Taghkanic are required for:"

Section 60-P.1.f. Since the Town of Taghkanic requires a permit for timbering, does this paragraph need to be changed in any way? Section 60-P.1.f. seems contradictory to 60-P.3.b. **Ask Ted.**

Section 70. Non-Conforming Buildings, Uses & Lots

Section 70-E. Completion of On-going Construction: This paragraph is one very long sentence. It will be divided into two sentences by placing a period after "Enforcement Officer" (fifth line) and beginning the next sentence with "Such construction and/or use shall be diligently pursued . . ."

Section 70-G. Existing Undersized Lots: Donn gave an example of an undersized, undeveloped lot which has 180' of frontage in an R7 district where the minimum side setback requirement is 100' on each side. Therefore, the total of both side setbacks (200') would be greater than the width of the property (180'). John said there are over 100 undersized lots in Taghkanic, and cases like this would have to go to the Planning Board and ZBA. The current zoning code uses a percentage when figuring minimum yard dimensions for existing undersized lots.

The ZC had a very long discussion about how to deal with non-conforming lots: Can the sale of a non-conforming lot be banned? (Probably not.) Can we require that, in cases where adjacent property is held by the seller, the extra needed property be added to make it conforming? There is a difference between building on a non-conforming lot in the R2 district versus a non-conforming lot in the R7 district. Can we make a rule for properties of less than two acres in a residential district? (If we do this, 70-G.1.b. would be changed from "43,560 square feet" to "not less than two acres".) Joyce recalled that Ted had mentioned including a clause that would sunset the ability of a person to build on an undersized lot. **We will revisit this idea with Ted.**

Section 70-G.2.: Since residences are permitted in all districts, should this be re-worded?

No changes in Sections 70-H., 70-I., 70-K.

Section 70-J. Compliance with Environmental Standards is very confusing. It will be rewritten as follows:

"All Non-Conforming Uses shall comply with the Environmental Performance Standards set forth in Section 60-B of this Zoning Law, regardless as to whether the use of the building or structure was in compliance with those Environmental Performance Standards on the date of the enactment of this Zoning Law."

Section 80. Special Use Permits

The introductory paragraph in Section 80-A. cites Section 274-b of the Town Law. Elizabeth asked what this refers to and why it is cited. **Ask Ted.**

Section 80-B.1.a. Two changes made as indicated by underline in the following: *"A preliminary site plan to scale which demonstrates the overall topography, site layout and building locations, ..."*

Section 80-B.1.b. Add the word "dimensioned" after "Preliminary"

Section 80-B.1.c. Change Section 100-K to 100-R.

Section 80-B.2. needs to be sorted out and re-organized as to what the applicant does and what the Planning Board does. Linda will retype it as directed by the ZC and send it out for everyone's review.

Next Meeting:

Monday, August 19, 2019 at 5:00 p.m.

We will review the changes made to 80-B.2. and continue our review beginning with Section 80-B.3.

Motion to adjourn: *Donn Critchell*

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

Seconded by: *Moisha Blechman*

Nays: 0

Abstained: 0

The meeting was adjourned at 7:16 p.m.

Public Audience: *None*

Minutes Prepared by: *Linda Swartz*

2. Public Notice and Hearing.

Planning Board:

The Planning Board shall, within sixty-two (62) days of receipt of a complete application, conduct a public hearing on any such special permit application. The Planning Board, by resolution at a stated meeting, shall fix the place, date, and time of the public hearing. The Planning Board shall provide a copy of this notice of said hearing to the applicant, and at which hearing he or she shall appear in person or by agent. The Planning Board shall additionally require notification as follows:

- a. By publishing at least fifteen (15) days, and not more than thirty (30) days prior to the date thereof, a legal notice in a newspaper of general circulation in the Town.
- b. Notice shall be posted at least fifteen (15) days prior to the date of the hearing as follows:
 - (1) On the bulletin board of the Town Hall;
 - (2) On the Town of Taghkanic Internet website; and
 - (3) On a conspicuous sign posted along the road frontage of the parcel subject to the special use permit proceeding, in a manner as specified by the Planning Board.
- c. By providing notice of the public hearing and data regarding the substance and location of the special use permit application to all Involved Agencies under SEQR at least fifteen (15) days prior to the hearing.
- d. If the land involved in the application lies within five hundred (500) feet of the boundary of any other municipality, the applicant shall also mail at least fifteen (15) days prior to the public hearing to the municipal clerk of such other municipality or municipalities a copy of the notice of the substance of every application, together with a copy of the official notice of such public hearing.

Applicant:

All notices and mailings shall be the responsibility of the applicant, shall be paid for by the applicant, shall be sent and confirmed by the applicant using Certified Mail, Registered Mail, Delivery Confirmation, Signature Confirmation, or Certificate of Mailings, and shall be certified to the Planning Board that compliance has timely occurred. Such notices and mailings shall be as follows:

- a. By requiring notice of the public hearing and data regarding the substance and location of the special use permit application to the owners of all property abutting that held by the applicant and all other owners within five hundred (500) feet of the exterior boundaries of the land involved in such application or such additional distance as the Planning Board may deem advisable, or as otherwise required by State Law. Notice shall be mailed at least fifteen (15) days prior to the hearing, with compliance with the notification procedure certified to by the Planning Board Secretary.
- b. If the land involved lies within five hundred (500) feet of a farm operation located in a New York State Agricultural District, such owners shall be sent at least fifteen (15) days prior to the public hearing, an Agricultural Data Statements on forms supplied by the Town of Taghkanic and prepared by the applicant.
- c. The names and addresses of owners notified shall be taken as such appear on the last completed tax roll of the Town.

Provided that there has been substantial compliance with these provisions, the failure to give notice in exact conformance herewith shall not be deemed to invalidate an action taken by the Planning Board in connection with granting or denying a special permit application.