

TOWN OF TAGHKANIC
ZONING COMMISSION MEETING
November 18, 2019

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

The meeting was called to order at 4:06 p.m. by Joyce Thompson.

Approval of Minutes:

A correction was made to the draft Minutes of the November 4, 2019 Zoning Commission Meeting, and a motion to accept the Minutes, as corrected, was made by Donn Critchell, seconded by John Roberts, and passed.

Ayes: 5 (*Critchell, Roberts, Huehnel, Bainer, O'Donnell*) **Nays:** 0 **Abstained:** 1 (*Blechman*)

Issues Review:

Water, Trees, Steep Slopes & Ridgelines:

Prior to this meeting, Moisha sent out a statement, prepared in cooperation with the CAC, regarding trees, ridgelines and steep slopes.

Trees: Joyce searched the draft code and found numerous entries addressing the importance and protection of trees in Section 60, General Provisions and Supplementary Regulations; Section 80, Special Use Permits; and in Section 90, Site Plan Review and Approval. Section 10-C. itemizes the purposes and protections provided through the town's zoning code. Joyce specifically cited Section 10-C.5. and the changes made by the ZC, which recognize the significance of forests in Taghkanic. Elizabeth feels that the changes weakened the statement because the statement no longer mentions the conservation of those forests. The ZC discussed the opposition of forest and agriculture: although the majority of land in Taghkanic is covered by trees, agriculture is the primary business. Donn said that trees are an agricultural product, Moisha said agriculture is dependent on trees.

Ridgelines: Ted said that if ridgelines are tackled as a stand-alone issue within the code, there are a number of areas that would have to be looked at if it is approached as a regulatory issue. "Ridgeline" would need to be defined (By what method? By elevation, or identify it on a map as the area that is subject to regulation?); ridgelines would need to be identified; and, finally, the ZC would have to decide how ridgelines would be regulated. Ted suggested that it could be approached in a permissive way by adding recommended guidance for how ridgelines should be treated. The Planning Board would "encourage" the applicant to build in a way that minimizes impacts. (This would require a willingness on the part of the applicant to go along with the suggestions made by the Planning Board.) The goal is to protect natural and man-made beauty. Whatever the decision, the regulation must be defensible. Conservation subdivision regulations kick in when the subdivision is for ten lots or more; up to that point, it is at the pleasure of the applicant with the guidance of the Planning Board. The Town Board grants the Planning Board the authority to require specific actions, and the Planning Board may require that certain elements be addressed. (These requirements were listed in Version 7 of Article 60; we are current working with Version 18.)

The issue of how to deal with ridgeline development can be tricky and will take a great deal of thought and time. In order to not delay the Zoning Code, Joyce requested that the CAC look into the issue of ridgelines and steep slopes and present a recommendation to the Town Board. Regulations for ridgelines may be added by amendment after the code is adopted.

Joyce said that short-term rentals should also be handled separately and added later as an amendment rather than delaying the code.

Section 60-F. Conservation Subdivision, states that conservation subdivision is the preferred form of residential development. It is a permitted use in all applicable zoning districts within the town, and is required for all subdivisions of 10 or more lots, and recommended for subdivisions of fewer than 10 lots. Should it be changed to five lots for a major subdivision? Ted suggested that conservation subdivision be the "default" type of subdivision development. (The applicant can seek Planning Board relief if they can show that conventional subdivision will not have a greater environmental impact.) The ZC is in favor of making conservation subdivision the "default".

Elizabeth suggested that the last sentence in Section 10-D.4. be re-written to promote the positive effects of Environmental Performance Standards. The sentence presently reads: "Environmental performance standards in Section 60 are designed to minimize or avoid adverse impacts on the community and its neighborhoods." Ted will rewrite the sentence.

Maximum Height for Accessory Structures:

The discussion of setting a maximum height for accessory structures continues. John said that the building foot print should also be considered, and Donn said the placement of the building is also important. Does subordinate mean size or use? John feels that subordinate should apply only to the use. Ted said it can apply to both size and use. Joyce noted that in Taghkanic, it is not unusual to have a garage that is larger than the primary dwelling. People often have large trucks and a need for storage space. Agricultural use structures are exempt from this regulation.

Kathy Bainer motioned to set a maximum of 35' for all structures, including accessory structures; seconded by Donn Critchell.

Ayes: 4 (Bainer, Critchell, Huehnel, Roberts)

Nays: 2 (Blechman, O'Donnell*)

Abstained: 0

* Elizabeth left just prior to this motion and vote, but prior to her leaving she stated that she would vote "nay" to this motion.

In accordance with this discussion, Section 50-E.1. (Area and Bulk Requirements, Accessory Structures) will be re-written. The entire first sentence will be deleted, and the second sentence will read as follows: "Exceptions to the maximum building height found in Table 50-B., Area and Bulk Requirements, include structures used for agricultural purposes on a farm and for bona fide works of art such as sculptures."

Section 100-L., Operating Permits:

At the November 4 ZC meeting, the ZC questioned why Section 100-L. (Operating Permits) requires an operating permit for tents and canopies (100-L.1.f.). At that meeting, John said he would talk to Cantele Tents. Cantele told John that permits are required in Massachusetts and Connecticut but not in New York. The requirement of an operating permit means that the CEO must inspect the tent after it is set up. Since tents are usually set up for a single-day event, this requirement is cumbersome and seems excessive. Cantele carries \$5 million in insurance for their tent rentals. In light of this information, the ZC does not feel that tents should require an operating permit. 100-L.1.f. will be deleted.

Next Meeting:

The next meeting of the ZC is scheduled for Monday, December 2, 2019. THE MEETING WILL BEGIN AT 4:00.

Motion to adjourn: Donn Critchell

Seconded by: Moisha Blechman

Ayes: 5 (Critchell, Blechman, Huehnel, Bainer, Roberts)
(Elizabeth O'Donnell left prior to adjournment.)

Nays: 0

Abstained: 0

The meeting was adjourned at 6:27 p.m.

Public Audience: Tony LaSalvia, Kara Gilmore

Minutes Prepared by: Linda Swartz