

TOWN OF TAGHKANIC  
ZONING COMMISSION MEETING  
January 20, 2020

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

**Absent:** Al Huehnel

The meeting was called to order at 4:07 p.m. by Joyce Thompson.

**Approval of Minutes:**

A motion to accept the Minutes of the January 6, 2020 meeting, as presented, was made by Donn Critchell, and seconded by Kathy Bainer.

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

**Short-term Rentals:**

Short-term rentals, as a specific use, will be prohibited by its omission from zoning. This will allow time for a thorough review and consideration of the pros and cons of the use and how other towns are dealing with it. Ted will check to be sure that there are no loopholes in the regulations that might allow the use to "sneak in" to principal dwellings and accessory dwellings.

Home-based businesses in two-family or multi-family dwellings: Short-term rental does not meet the requirements for a home-based business (Section 60-E.1.m.). Most home-based businesses do not impact neighbors (they do not generate traffic, require customer parking, nor create noise, odors, etc.). These types of businesses could operate in a two-family or multi-family dwelling as long as they meet all the other requirements in Section 60-E.

Prior to this meeting, Donn sent out an email to the members citing concerns with the language of the regulations found in Section 60-Q, Affordable Housing, and how those regulations might leave an opening for short-term rental use.

- As noted previously in these Minutes, this draft code will prohibit short-term rentals. However, Donn suggested that when regulations are written for short-term rental use, those regulations require that the short-term rental unit be located within the principal residential structure only, with a minimum of 40 square feet per person (this is based on the requirements for Hostels found in Section 80-D.20. Donn also recommends requiring that there be fire exits from the second floor. Are fire exits or sprinkler systems required under Residential Building and Fire Codes for two-story structures that provide housing for more than one family or in a Bed & Breakfast Inn? Draft Zoning Code Section 60-Q.4.f. requires adherence to fire codes in multi-family buildings.
- Donn suggested that the square footage requirements be the same in Sections 60-Q.1.a.4. and 60-Q.1.b.1. and 60-Q.2.e. The ZC feels that 650 square feet is adequate for an accessory dwelling unit, which by definition is subordinate in size and use to the principal dwelling unit.
- 60-Q.4.a. allows multi-family dwellings in MU and R2 zoning districts, subject to site plan review and approval. Donn asked why we would want a huge building with lots of cars in a two-acre zone. The perception of a "huge" building might be based on the photo image Ted has inserted in this section which shows a very big (yet attractive) multi-family dwelling. Ted will provide different illustrations that give a better visual of what can be constructed as an appropriately-sized multi-family dwelling in Taghkanic.

Susan Raymond said that there are 67 short-term rental units in Taghkanic right now, and said that getting some regulations in place to manage this use is urgent. She suggested that the ZC look at what neighboring towns have done to address short-term rentals. Permit fees could pay for extra hours for the CEO. Joyce said this is a complex matter which needs careful review, and which would be better handled by the Town Board as a local law to amend the zoning once that review has been done. This could be the first issue that the town addresses for a long term planning goals. Perhaps a public meeting should be held to hear the opinions of our residents; should short-term rentals be permitted or not? We have some realtors who know the rental market and could provide valuable insight.

What are the impacts of short-term rentals? Reduces availability of affordable housing, diminishes community, negatively impacts values of neighboring properties, businesses cater to weekenders and close during the week.

John asked if there is a legal difference between long-term and short term rental. Elizabeth said that your "legal" address is the address that you would use for your passport or driver's license. Ted read the definition for "Dwelling" from the current code (which is the same in the draft code). The definition specifically excludes "transient occupancy and cross references to "Residence" which requires "permanent occupancy" and excludes "transient accommodations". The draft zoning code will define "Transient" using the standard dictionary definition with a further qualification that it is a period of fewer than thirty days.

**Ridgelines:**

Prior to this meeting, Moisha sent members a document entitled "Protecting the Wealth of Taghkanic, in regards to ridgeline development and how the issue has been addressed in other towns. Linda responded to Moisha's email asking that ZC members review the definition of "Ridgeline" as well as parts of Sections 10, 60 and 80 in the draft code. These sections were all read aloud at this meeting.

Ancram took a more complicated approach by identifying their ridgelines. Elizabeth said that she liked the simple way Austerlitz handled ridgelines, and the ZC agreed. It was suggested we take some of that and put it in our draft code (maybe in Section 10). Ted also feels that Austerlitz has taken a good approach to this issue. It was agreed that Ted would carefully review Austerlitz's law and get back to us with his recommendation.

Ridgeline rules need to apply to all development, including single-family housing. Kathy said that most of the people who come before the Planning Board are happy to abide by conservation design.

**Next Meeting:**

**The next meeting of the ZC is scheduled for Monday, February 3, 2020. THE MEETING WILL BEGIN AT 4:00.**

Ted:

- Review Ridgeline Development from Austerlitz and work it into our draft code.
- Updated version of code.
- Summary of short-term rental issues and list of pros and cons (See Minutes of 01/06/20)

Consider: Does Section 10 Zoning Scope and Purposes (and regulations) do enough to address Climate Change or does it need to be specifically addressed in the code.

***Motion to adjourn: Donn Critchell***

***Seconded by: John Roberts***

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

***Nays: 0***

***Abstained: 0***

The meeting was adjourned at 6:07 p.m.

**Public Audience: Susan Raymond**

**Minutes Prepared by: Linda Swartz**