

TOWN OF TAGHKANIC
ZONING COMMISSION MEETING
February 3, 2020

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

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

Approval of Minutes:

The ZC recommended some changes be made to the Minutes of January 20, 2020, under the headings of Short-term Rentals and Ridgelines. Linda will make the changes.

A motion to accept the Minutes of the January 20, 2020 meeting, as modified, was made by Donn Critchell, and seconded by Moisha Blechman.

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

Version 1, Complete Zoning Code:

Ted has placed the complete zoning document, Version 1, into Drop Box! This version includes mark-up of all we have worked on since last year. Ted or Joyce will send the document out via email to those who cannot access Drop Box, and Joyce will make printed copies for Al and Kathy.

After Version 1 has been checked against our notes and working copy and the ZC has accepted the draft, Ted will install the photos, hyperlinks, etc. into the correct positions.

Ridgelines:

Ted "weaved" the three key elements of Austerlitz's ridgeline regulations as discussed at the January 20, 2020 meeting, (intent and purpose, siting development to ensure the roofline is located below ridgeline or hilltop, and retaining and protecting shrubs and trees) into several places in our draft code. The ZC feels it would be better to have those elements together in one place. Ted will take care of that and further suggested adding that the CEO send any building permit for construction along a ridgeline to the Planning Board for site plan approval.

Al pointed out that Taghkanic doesn't have elevations over 1000 feet; Taghkanic is mostly rolling hills. The ridgelines mentioned in "Protecting the Wealth of Taghkanic" are along the Berkshires; the article leaves out towns where there are no high ridgelines. Al pointed out that when there is only 30 feet between the hilltop and the base, there is no place to put a house. (The CEO would send the application to the Planning Board.) Al asked "What about the detriment to the property owner? You can't take peoples' development rights without payment." Ted will include language that states that these regulations do not pertain to small hills and rises.

Short-term Rentals:

Susan Raymond feels that short-term rentals are not being adequately addressed, and presented the ZC with a paper entitled "Protection of the Character and Safety of the Town of Taghkanic", which is made part of these Minutes. Ted said there has been a great deal of legal activity on short-term rentals, but he has not seen a court decision. Every community is trying to figure out how to proceed. The American Planning Association has a very large packet of information on short-term rentals and how many towns are dealing with them. Susan mentioned a company named Host Compliance. Three members of the ZC attended a "Host Compliance" presentation in Ancram in June of 2019 at which we learned that Host Compliance registers and tracks short-term rentals and they have a 24-hour complaint hotline, but they do not provide enforcement. The cost was about \$10,000 per year for Host Compliance to monitor 66 properties.

Elizabeth suggested that short-term rentals be clearly and specifically prohibited in order to give us time to consider the ramifications and how to enforce it. In the new draft Version 1, short-term rentals are addressed in the accessory housing section (rentals of less than 30 days are prohibited) and in the definition of **Dwelling** which specifically excludes transient occupancy (definition is essentially the same in both the existing code and the draft code). This should protect the town until we have some language that allows for it. We need a carefully thought-out set of regulations that allows residents to make money by renting their property while protecting the health of the community.

Some restrictions might be to require annually renewable permit with annual inspection, require owner presence in or near the rental and emergency contact phone number, limit number of permits issued, limit number of days in a year the property can be rented, limit number of people in the house.

It is noted that religious institutions are protected from zoning by RELUPA. Therefore, worshippers at the local temple (the former motel) are not restricted from staying overnight or longer.

- Add short-term rental to List of Prohibited Uses and define it in Section 20. Also, define “transient”.

What the ZC has done to date in regards to short-term rentals is only a “stop gap measure”; more time is needed to do it right.

- The ZC will take this complex issue to the Town Board, and ask that they consider forming a task force to look into the use and surrounding legal issues.
- After a complete and careful review and discussion has taken place, a local law can be developed to amend the zoning law.
- Susan Raymond offered to draft a letter to the Town Board; Elizabeth O’Donnell will edit the letter to ensure that it is in the voice of the ZC.
- Susan suggested that the task force include (as a minimum) member of the ZC, a local official and a lawyer (maybe Kara Gilmore would be willing).

Climate Change:

In addition to educational programs offered by the CAC, the draft code contains many environmental protections including protection of trees and water, and provides for walkable community, building requirements for heating and cooling, and we are encouraging alternate energy to reduce the town’s carbon footprint.

Elizabeth asked Ted if he was aware if New York State has developed any climate change carbon goals for the next 15 years? Ted said that a law was passed last year, one of the most aggressive in the country – aims for net zero by 2050. Ted has a copy of the law which he will send out to the ZC.

Kathy said laws should make it easier for people to get paid back for the electricity they send back to the grid through use of alternate energy sources.

Next Meeting:

The next meeting of the ZC is scheduled for Monday, February 17, 2020. THE MEETING WILL BEGIN AT 4:00.

- In preparation, ZC Members should read through as much as you can of the new Draft Version 1 of the code and compare it against your marked up copy and notes and Minutes from previous meetings.
- We will review the letter to the Town board recommending a task force and local law for short-term rentals (letter to be prepared by Susan and Elizabeth)

Motion to adjourn: Kathy Bainer

Seconded by: Donn Critchell

Ayes: 6 (Bainer, Critchell, Roberts, Huehnel, Blechman, O’Donnell)

Nays: 0

Abstained: 0

The meeting was adjourned at 6:05 p.m.

Public Audience: Susan Raymond

Minutes Prepared by: Linda Swartz