

TOWN OF TAGHKANIC
ZONING COMMISSION MEETING
November 30, 2020

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

This meeting, held via Zoom, was called to order at 4:06 p.m. by Joyce Thompson.

Approval of Minutes:

A motion to accept the Minutes of the November 16, 2020 meeting, was made by Donn Critchell, and seconded by John Roberts.

Ayes: 4 (Critchell, Roberts, Huehnel, Bainer) **Nays:** 0 **Abstained:** 0

Review of Edits - Continued:

Questions that arose at the November 16 meeting were sent to Ted for response; his summarized answers follow:

- Question 1. Is an apartment an accessory dwelling unit?
 - Answer: Apartments would not be within a single-family dwelling. An apartment would therefore be more accurately defined as "a separate dwelling unit within a multi-family structure or in a building that is accessory to the principal structure."
 - ACCESSORY DWELLING UNIT definition will be listed as "DWELLING UNIT, ACCESSORY".
 - Change "MULTI-FAMILY DWELLING" to "MULTI-FAMILY STRUCTURE".
- Question 2. CONSERVATION EASEMENT: Insert hyperlink to laws on State site?
 - Better to leave out links to the State enabling laws; difficult to navigate sites, possible costs. Town residents are subject to Town Zoning Law.
- Question 3. Is "DWELLING UNIT, PRINCIPAL" used other than in connection with "Dwelling Unit, Accessory"?
 - No. These terms are used only in Section 60-Q. No need for further definition.
- Question 4. Definition for "EATING ESTABLISHMENT, FAST-FOOD".
 - Edits made by Joyce and Linda were minor. Linda will resend definition to Ted for his thoughts.
- Question 5. Hyper Link to ENERGY CODE:
 - Same as answer for Question 2 above.
- Question 6. Definition for FAMILY:
 - Is the same as shown in the draft code dated January 2020
- Question 7. Is the term "LOT, HOUSE" used only in a Conservation Subdivision?
 - Yes. House lots in Conservation Subdivisions do not conform to the bulk requirements, but are instead drawn through a planning process designed to preserve open space while allowing for parcel sizes more limited than those in conventional subdivisions. In conventional subdivisions, they are called "lots" or "parcels".
- Question 8. Keep "OPERATING PERMITS" in code or remove it?
 - Dennis said he might have a reason to use this "someday". Ted said this term is not used in the Zoning Law and it is not referred to in Section 100. He suggested that it be removed from this draft and could be added later as an amendment if needed. Donn Critchell motioned that OPERATING PERMITS be deleted from the code; seconded by Kathy Bainer.

Ayes: 4 (Critchell, Bainer, Roberts, Huehnel) **Nays:** 0 **Abstained:** 0

- Question 9. RACETRACK, MOTOR VEHICLE: Definition in the draft code leaves gap in law for other than "measured track".
 - Ted offered the following rewrite: "Any facility with a measured course or free-form track used primarily for driving any type of motor vehicles under racing or driving conditions." Donn Critchell motioned to accept this definition; seconded by Al Huehnel.

Ayes: 4 (Critchell, Huehnel, Bainer, Roberts) **Nays:** 0 **Abstained:** 0

- Question 10: RECYCLING FACILITY: What does "recycled" appear in quotes?
 - No reason. Remove quotes.
- Question 11. The term "SEMI-DETACHED" is only found in the Definitions, not in regulations. Is it needed?
 - No. Delete it.

- Question 12. Since SKI AREA/SKI RESORT is prohibited, does it need to be defined?
 - No. It will go to the common dictionary definition. Donn Critchell motioned to delete this definition from the code; seconded by Al Huehnel. The prohibition in Section 40 will remain.
Ayes: 4 (Critchell, Huehnel, Bainer, Roberts) Nays: 0 Abstained: 0
- Question 13. STABLE, COMMERCIAL
 - Use NYS Department of Ag & Markets definition, but at the beginning of the second sentence, change the word “public” to “commercial”.

In addition to Ted’s answers, the ZC discussed the following:

- STOP WORK ORDER defied as follows: *“An order issued pursuant to Section 100-E. of this Zoning Law.”*
- 10-C.4. Revised as follows: *“To encourage the growth and expansion of environmentally sound agriculture by helping farmers build a stronger, sustainable and self-reliant community and regional food system.”*
 - Kathy Bainer motioned to accept this definition; seconded by Donn Critchell.
Ayes: 4 (Bainer, Critchell, Huehnel, Roberts) Nays: 0 Abstained: 0
- The ZC had no comments on Section 30
- A flow chart needs to be inserted into Section 40
- Section 50:
 - 50-D.2. “Spires, belfries” when part of a church.
 - 50-G. Delete the words “as designated” from JT/LS edits in regards to user roads.
 - 50-H. Instead of “Subsections 1. Through 6. below” say “Section 50-H.1. through 50-H.6., below”
- Section 60:
 - 60-C.4. Near end of paragraph, further clarify reference to Section 90 by adding “C.7.” (Section 90-C.7.) Updates to graphic illustration Figure 60.1. include changing “Recommended Parking Dimensions” to “Minimum Parking Dimensions”, change 10’-11’ in box at right to 10’
 - 60-D.3. Remove “SEQRA is not required” since the Planning Board must determine applicability to SEQRA.
 - 60-E.1.c. Reference to Section 60.J.7.b is not correct; Ted will find the correct reference.
 - 60-E.1.k. Add “or restricted” to end of sentence since a weight restriction could be imposed by an agency other than the town.
 - 60-E.3. Prohibited Home-Based Businesses: Add “retail stores prohibited except as otherwise permitted” (such as antique shops and artist studios).
 - 60-H.2. Delete last sentence (beginning with *“Solar Energy Systems are divided into two types ...”*)
 - 60-J. In first sentence under “Purpose” remove “organic farming, as well as” because “organic farming” is agriculture.
 - 60-M. 2. References to “lumens” should further state “per lamp”
 - 60-O.3. Should reference “Principal Dwelling Unit (not “primary” or “principal residence” or “primary home” or any other reference other than what it is called in the Definitions.
 - 60-5. Rewritten to make it less confusing. ZC will consider the changes and make a decision.

Next Meeting:

The next meeting of the Zoning Commission will be held via ZOOM on December 7, 2020, beginning at 4 p.m. We will continue with review of the edited code beginning with changes to 60-5. Multi-Family Dwellings.

Motion to adjourn: Donn Critchell

Seconded by: Al Huehnel

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

Nays: 0

Abstained: 0

The meeting was adjourned at 6:06 p.m.

Minutes Prepared by: Linda Swartz

