

TOWN OF TAGHKANIC
ZONING COMMISSION MEETING
February 15, 2021

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

Excused: Moisha Blechman

This meeting, held via Zoom, was called to order at 4:10 p.m. by Joyce Thompson.

Approval of Minutes:

A motion to accept the Minutes of the January 18, 2021 meeting, was made by Al Huehnel, and seconded by Donn Critchell.

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

Nays: 0

Abstained: 1 (O'Donnell)

Review of Edits:

Since the last ZC meeting, Joyce and Linda worked together checking the Pages document (with Ted's comments) against the Word document (which will be used as the town's "official" editable document) to ensure that all the changes that have been discussed through ZC review have been made. Those changes are shown on the Word document which was emailed to the ZC members in either green or red type or in highlight, and the document was emailed to the ZC members prior to this meeting for review and discussion.

Section 20 Definitions:

- New definitions for CERTIFICATE OF COMPLIANCE and CERTIFICATE OF USE. The ZC finds the definitions acceptable as presented. **We will ask the CEO to review these definitions for accuracy and completeness.**
- "not otherwise specified in the Use Regulations" is deleted from the end of the definition of COMMERCIAL USE.
- The definition for EATING ESTABLISHMENT was restructured for ease of reading and clarity, but the substance of the definition based in case law was not changed. The ZC accepts the revisions.
- The edited definition of FAMILY/FUNCTIONAL FAMILY is accepted by the ZC.
- PERFORMANCE STANDARDS does not need to be defined and will be deleted from Section 20.
- A new definition for "SAW MILL, SMALL-SCALE PORTABLE" is accepted by the ZC.
- STABLE COMMERCIAL: Much of the definition included regulatory language which should be in Section 80. This definition will be revised as follows: *"A use or building or structure where horses are boarded or riding lessons or instruction is given for compensation. A commercial stable also includes a commercial horse boarding operation as defined in Agriculture and Markets Law, §301. Under no circumstance shall this definition be construed to include operations whose primary on-site function is horse racing."*

Section 30 Zoning Districts and Maps:

- Ted screen-shared the District Map, which was approved by the ZC in July of 2020. **The approved map will be included in the final zoning document.**

Section 40 Use Regulations:

- Joyce asked if there would be a hyperlink to the Monroe Test. This is a court decision and there is no single document that would provide a list of the Monroe Test elements, but attorneys would be familiar with its purpose and how it should be applied. The Monroe Test only applies when a public agency proposes a use and does not apply to ordinary proposals by residents, there is no need for a link. Ted will insert hyperlinks to federal regulations when appropriate, but URLs can change and the hyperlink would not link to a site when that happens.
- **All numerical references to regulations will be double-checked before the final document is presented to the Town Board.**

Section 50 Area & Bulk Requirements:

- 50-D: The word “buildings” will be inserted following “principal” in the first sentence per the April 6, 2020 Minutes.

Section 60 General Provisions & Supplementary Regulations:

- **Ted said he would also be sure to include the flow charts for the Special Use Permit process in Section 60 and also for the Site Plan Review and Approval process in Section 80.**
- Linda asked Ted to explain difference between “Other retail/service uses” and “Service Retail” in the Schedule of Off-Road Parking Standards for New Development table on Page 5. They sound like the same thing but they have different parking requirements. Ted said that “Service Retail” has specific types of retail services, while “Other” is kind of a catch-all for any other retail or service use that doesn’t fit into the first category. The Planning Board would be able to set the parking area requirements for “Other” based on the use.
- **Ted will make the changes to Figure 60.1 as per previous discussion.**
- 60-D.9. Temporary Signs: Ted suggested that the third sentence from the end of this paragraph that begins “Businesses that use temporary signs ...” be changed to “Applicants for permit for temporary signs...”
- 60-D.10.e. Delete “shall be solar powered”.
- 60-E.1.c. The second sentence in this regulation (“*No materials, equipment or goods shall be available for rental*”) will be made into a separate regulation. “*Outdoor display of articles produced on the premise is permitted in the side or rear yard subject to Section 60-J.7.b. of this Zoning Law*” is deleted.
- 60-E.1.k. Delete “or restricted” from end of sentence.
- 60-E.1.o. Delete reference to Section 60-E.1.m., above from this sentence and just say “subject to this Zoning Law.
- 60-E.3. New last sentence “*Note: Some home-based businesses may be permitted with issuance of a Special Use Permit from the Planning Board in accordance with Section 80 of this Zoning Law. See Use Table 40-B. for further guidance.*”
- Second paragraph in 60-H.2., which appears in highlight, will be deleted upon adoption of this code.
- As requested, Ted has reworked Section 60-Q.5. Multi-Family Structures to make it less confusing. Linda will make the changes in the Word document.
- 60-R.4.c. is shortened to “*If the project is not brought into compliance, the Town may seek a violation of the Excavation Special Use Permit in accordance with Section 100-O. of this Zoning Law.*”

Section 80 Special Use Permits:

- 80-B.8.d. and e. are revised (Minutes of 9/16/19 and 12/21/20). The ZC accepts the revisions.
- 80-C.4. End of sentence rewritten as follows: “areas where on-road parking may be encouraged”.
- 80-D. Final sentence of lead paragraph revised as follows: “*Uses requiring a Special Use Permit, but which do not have additional specific requirements shall be reviewed using the General Standards stated in Section 80-C.*”
- 80-D.4.d.(3) prohibits encroachment of parking and certain structures in front yard setback area.
- Conflicting language in 80-D4.c.(11) and 80-D.4.d.(5) has been addressed in Version 3 of the Pages document. Linda will make the changes in the Word document.
- New regulation 80-D.22k. per December 21, 2020 Minutes.

Section 90 Site Plan Review and Approval:

- Joyce and Linda restructured the lead paragraph in this section to make it easier to read. The ZC accepted the changes.
- Revisions to 90-C.1. , 90-C.1.c. and 90-C.2. are accepted by the ZC
- 90-C.10. is deleted.
- 90-F. This section will require some graphic illustrations.
- 90-F.6. “Shall” as it appears in a. and twice in b. will be changed to “should”

Section 100 Administration:

- 100-F.4. New regulation for Certificates of Compliance will be discussed with the CEO for final approval.
- 100-H. The “official” referred to in 2. and 3. would be either the CEO or the Planning Board. References to “official” will be changed accordingly.
- 100-O.4. Energy Code will be added

A summary of outstanding items was sent to Ted for action.

Next Meeting:

The next meeting of the Zoning Commission will be held via ZOOM on March 1, 2021 beginning at 4 p.m. We will begin the review with Section 110 and work to the end of the code.

Motion to adjourn: Al Huehnel

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

**Elizabeth O'Donnell left this meeting at 6 p.m.*

Seconded by: Donn Critchell

Nays: 0

Abstained: 0

The meeting was adjourned at 6:08 p.m.

Public Audience: None

Minutes Prepared by: Linda Swartz