

TOWN OF TAGHKANIC
ZONING COMMISSION MEETING
March 29, 2021

This meeting of the Town of Taghkanic Zoning Commission was held via Zoom, and was called to order at 4:02 p.m. by Joyce Thompson.

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

Approval of Minutes:

A motion to accept the Minutes of the March 16, 2021 meeting, was made by Donn Critchell, and seconded by Al Huehnel.

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

Review of Ted's Recommendations (memo of 3/25/21):

1. Accessory Uses and Buildings:

- To eliminate a problem of conflicting language in the code, the definition for **ACCESSORY BUILDING/ACCESSORY STRUCTURE** will be deleted from Section 20 (keeping the use name in the list of definitions with a cross reference to USE ACCESSORY). The definition for **USE, ACCESSORY** is then revised as follows: "A use or a structure subordinate to the principal use of a lot, or of a principal building on the same lot, and serving a purpose clearly incidental to a permitted principal use of the lot or of the building, and which accessory use or structure is compatible with the principal permitted uses or structures authorized under the zoning regulations applicable to the property. A fence is not considered an accessory structure."

*A motion to accept the revised definition for **USE, ACCESSORY** while keeping **ACCESSORY BUILDING/ACCESSORY STRUCTURE** in Section 20 with a cross reference to USE, ACCESSORY, was made by Elizabeth O'Donnell and seconded by Donn Critchell.*

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

- When the footprint of the accessory structure is larger than that of the principal structure, higher standards should be required, such as Site Plan Approval or a Special Use Permit. Therefore, Section **50-F.1.** is rewritten as follows: "Accessory use structures shall not exceed the footprint of the principal building without first obtaining a Special Use Permit from the Planning Board in accordance with Section 80 of this Zoning Law." This will provide an option to apply for a Special Use Permit for a larger structure, as opposed to prohibiting them.

*A motion to accept the revisions to Section **50-F.1.** was made by Donn Critchell and seconded by Al Huehnel.*

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

(NOTE: Additional comments on Accessory Uses and Buildings appear under "Elizabeth's Comments" on Page 2 of these Minutes.)

2. Agricultural Setbacks: The State does not prohibit setback requirements on farm operations, as long as long as they are not more restrictive than any other setbacks in the district. Therefore, the special allowances for farm buildings in Section **60-J.6.b.** will be deleted so that all structures, whether or not they are part of a farm operation, are subject to the same setbacks as required for all other permitted and special permit uses in that district. Additionally, Section **60-J.1.** will be revised as follows: "Buildings or structures shall conform with the setback requirements for all buildings within the applicable Zoning District." ("for permitted fowl and livestock" is deleted).

*A motion to remove "for permitted fowl and livestock" from **60-J.1.** and to delete all of **60-J.6.b.** was made by Elizabeth O'Donnell and seconded by Donn Critchell.*

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

It is noted that an Agricultural Data Statement is required by New York State for application for a subdivision and certain other permit applications that would occur on a property within an agricultural district containing a farm operation or within 500' of a farm located within an agricultural district. This requirement is stated Section 60-J.5. of this Zoning Law.

3. Resort or Lodge:

- Ted offered a new definition as follows: *"A site that contains a building with sleeping accommodations for guests and other permanent facilities customarily accessory to a hotel-type building, with a large portion of the site devoted to low-impact recreational activities for its guests. Typical accessory uses include administrative facilities, maintenance and storage facilities, and resort recreation facilities that are customarily secondary and incidental to such use."*

A motion to accept the Ted's new definition, with changes as discussed by the ZC, was made by Kathy Bainer, and seconded by Elizabeth O'Donnell.

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

Ted further recommends that an additional special condition be added as Section **80-D.15.i.** as follows: *"The Resort or Lodge shall be designed in accordance with the Four-Step Design Process for conservation development found in Appendix A: Conservation Subdivision Regulations, of this Zoning Law, to provide conserved open space and recreational land for guests of the resort or lodge."*

*A motion to accept this new regulation **80-D.15.1.** was made by Al Huehnel and seconded by Donn Critchell.*

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

(NOTE: Changes to Ted's recommendations for Resorts and Lodges as provided in his memo of 3/25/2021, and as discussed by the ZC and agreed to at this meeting, are included in the italicized language shown herein.)

Elizabeth's Comments (from email dated 3/29/2021):

HOSTEL: Definition revised as follows: *"A type of lodging facility that uses dormitory-style sleeping arrangements, shared bath facilities, and which sometimes offers shared cooking facilities and activities for guests."*

Regulations in **80-D.20.b.** rewritten as follows: *"Sleeping arrangements in a hostel are dormitory style, with no fewer than four beds in a room and bath facilities typically shared by multiple rooms. A minimum of 40 square feet per bed is required in each sleeping room. The total number of beds shall not exceed 20."*

*A motion to accept the definitions and the new language in **80-D.20.b.** was made by Kathy Bainer, and seconded by Al Huehnel.*

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

ACCESSORY STRUCTURES: Should new construction of accessory structures be allowed only on conforming lots? Allowing an accessory structure to be built on a non-conforming lot without any limiting regulation could result in someone building a "principal structure". A clear statement will be included in Section 50-F. ACCESSORY STRUCTURES, to require that accessory dwellings are subject to all area and bulk requirements for the district in which they are located. This regulation will be designated **50-F.2.** and all following regulations in 50-F. will be renumbered accordingly.

*A motion to accept this **new regulation 50-F.2.** was made by Al Huehnel and seconded by John Roberts.*

Ayes: 4 (Huehnel, Bainer, O'Donnell, Roberts) **Nays:** 1 (Critchell)* **Abstained:** 0

Donn noted the difficulties in meeting setback requirements in building a garage on a small lot in an existing conservation subdivision (2 acre lot in a 7 acre district), where the lots are small in size, although a garage is customary and incidental to a principal dwelling. A variance from the ZBA would be required in this instance.

Section 10: ZC members had no concerns with the use of “shall” or “should” as those terms appear in the current draft. However, there was some concern about whether or not the Zoning Purposes stated in Section 10 are met in the General Provisions in Section 60. Section 10 lays out the Purposes for the Courts and to provide guidance to the Planning Board, ZBA and the Code Enforcement Officer. It is imperative that the CEO/ZEO meet the challenges of the proposed code and that it be enforced. Town might need to consider hiring a full-time CEO in the future.

Multi-family Housing: Elizabeth asked if the changes made in **60-Q.5.** address the permitted density and the maximum number of Multi-family dwellings that are permitted on a lot. The Mixed Use District should have greater density than the R2 District. 60-Q.5., as written, allows for several multi-family structures on a larger parcel in the R2 District.

Section **60-Q.5.** will be rewritten to:

- Limit Multi-family dwellings to MU and R2 Districts only in order to concentrate density in districts that are already more densely developed.
- Set minimum lot size for multi-family structures at two acres in the MU District and 4 acres in the R2 District.
- Set the maximum number of multi-family structures per lot at one.

*A motion to delete references to “residential unit density” from Section **60-Q.5.b.** was made by Kathy Bainer, and seconded by Al Huehnel.*

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

*A motion to revise Section **60-Q.5.** to incorporate the limits as bulleted above was made by Donn Critchell and seconded by Al Huehnel.*

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

Miscellaneous:

- “Section 10 of this Zoning Law” will be added at the end of **80-C.12.** and then **80-C.12.** will be moved to **80-C.1.** and all following enumerated items in 80-C. will be renumbered accordingly.
- **60-B.1.** refers to “unreasonable noise”. This ZC decided that this does not need further clarification.
- **60-J.7.b.(1)** Permitted months for farm stands will be changed to “April through December”.
- **Section 80-D.12.** does not prohibit overnight accommodations at Recreation Areas, although that restriction is stated within the definition. The language in the definition will be repeated in this regulation.

Short-term Rental Subcommittee Update:

The STR committee has completed their recommendations for regulating STRs and will be sending the document to the ZC for review. Joyce recommends that the ZC proceed with submission of the Draft Zoning Code, as it stands, to the Town Board in time for the May Town Board meeting. The STR recommendations, which still requires a public information meeting, will go on a separate track from the Zoning Code. Once it is accepted, it will be integrated into the Zoning Code.

The next meeting of the Zoning Commission will be held via ZOOM on April 19, 2021 beginning at 4 p.m.

Motion to adjourn: Kathy Bainer

Seconded by: Elizabeth O’Donnell

Ayes: 5 (Bainer, O’Donnell, Critchell, Huehnel, Roberts)

Nays: 0

Abstained: 0

The meeting was adjourned at 6:22 p.m.

Public Audience: None

Minutes Prepared by: Linda Swartz