

TOWN OF TAGHKANIC
ZONING COMMISSION MEETING
May 3, 2021

This meeting of the Town of Taghkanic Zoning Commission was held via Zoom, and was called to order at 4:06 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:

The Minutes of April 19, 2021, will be modified to correct the vote on the Approval of the Minutes of March 29, 2021, and also to state that Elizabeth's recommendations were taken from her email of April 19, 2021.

A motion to accept the Minutes of the April 19, 2021 meeting, as amended, was made by John Roberts and seconded by Kathy Bainer.

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

Review of Most Recent Changes and Final Approval of Draft Code:

Ted found the Minutes from the April 19 Meeting to be in agreement with the changes he has made to his draft copy of the Zoning Code. The parking graphic in Section 60-C. has been corrected, and a comma has been deleted from Section 50-F.1.

Al asked why the number of homes required for conservation subdivision regulations to kick in is set at five (Section 60-F.3.). Earlier versions of the draft set the requirement at 10 homes, but it was changed in November of 2019, when the ZC decided to make conservation the default for subdivision development; an applicant can seek Planning Board relief if they can show that conventional subdivision will have no greater impact on the environment.

With no additional comments from the ZC or public audience, Donn Critchell made a motion to accept the Draft Zoning Code dated 05/04/2021, as presented and amended. The motion was seconded by Kathy Bainer. Joyce asked for a roll call vote:

*Bainer: aye
Critchell: aye
Roberts: aye
Huehnel: aye
O'Donnell: aye*

Ted will make the final changes and send it to the ZC. Joyce will then send it to Town Clerk Cheryl Rogers for filing in her office. Joyce then reviewed the Zoning Adoption Checklist with the ZC as a reminder to the committee of the steps still to be taken. Draft Code will be sent to the Town Board and should be on the agenda for the June Town Board meeting.

Short-term Rental Subcommittee Update:

The Short-Term Rental Subcommittee has completed their work and ZC members received a copy of the proposed STR regulations for review via e-mail prior to this meeting. The ZC thanked the STR Subcommittee for their hard work and praised the resulting document.

STR Chair Elizabeth Craig said that the major differences between the first draft and the final draft are the result of the survey that was sent to the residents. While survey results were in line with much of the things that had come up in STR committee meetings, there were a few adjustments made based on the residents' comments. In discussions with STR monitoring services and neighboring towns, the STR Subcommittee came to understand that "day limits" (the number of days a STR may be rented during a period) would be hard to enforce; therefore, regulations on day limits were eliminated from the draft.

Joyce and Kathy were concerned that STRs would not be permitted in "new construction". Would the renovation of an existing garage for use as a STR be considered "new"? If a resident builds an accessory dwelling on their property for an aged parent and that need no longer exists, can they turn it into an STR? These regulations don't seem to allow for that.

John said that having the 911 number visibly posted on the road is a big help, but wondered if a full-alarm should be required. Elizabeth Craig said that this had not been mentioned by the members of the Taghkanic Fire Department to whom she had spoken while developing these regulations. Any suggestions that will make the regulations better are appreciated, but the regulations should not become cost-prohibitive.

The items in Regulation 9 are good ways to manage the number and density of STRs. Limiting the number of STRs along any 1,000 linear feet of roadway is a good idea.

Ted was concerned with the reference to “disturbing noise”, and read a definition that is used by acoustic experts. He recommends a performance-based approach.

Elizabeth said that the STR Subcommittee will be preparing a “Good Neighbor Booklet”, which will include a statement about the local community, contact numbers, emergency numbers and safety regulations, among other things.

The STR Subcommittee developed a spreadsheet of regulations used in nearby towns which will be made available to anyone who is interested. Susan Raymond said that the City of Hudson has most restrictive requirements for STRs. Elizabeth Craig said that Taghkanic’s regulations are more straight-forward: fill out the form, have CEO inspect the property, CEO grants or denies, and the neighbors are notified.

Susan Raymond noted that Regulation 1.B. requires evidence of residency for all STRs, but Regulation 4. is titled “Short-Term Rentals by Non-Resident Owners”. These two regulations seem to be in conflict with each other, however Regulation 4 applies to dwellings in use before STR laws were enacted and offers amnesty for a period of time (sunset?). Proof that the dwelling has been operating as an STR prior to the adoption of these regulations will be required. It was suggested that the language from Regulation 7.B. be repeated here. (*“An accessory dwelling built after the date these local STR regulations were enacted may not be offered for Short-Term Rental.”*)

The definition for Accessory Use in the Draft Zoning Code seems to allow for STRs, but the regulations in Section 60-Q.2. specifically disallow it. That’s because when this section of the code was written, there were no STR regulations. Now that we have draft STR regulations, this language can be removed from 60-Q.2. Section 10-B. in the Draft Zoning Code provides that whenever any other law, ordinance, or regulation imposes greater restrictions, the more restrictive provision applies.

Ted has not seen a copy of the draft STR regs and will need to get a copy so that he can make sure that it meshes with Code. Elizabeth Craig will send him the document.

The ZC will review the Draft STR regulations, paying particular attention to the use of adjectives which can cause problems as we learned while developing the Zoning Code.

The next meeting of the Zoning Commission will be held via ZOOM on May 17, 2021 beginning at 4 p.m.

Motion to adjourn: Donn Critchell

Seconded by: Al Huehnel

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

Nays: 0

Abstained: 0

(O’Donnell left this meeting just prior to the adjournment)

The meeting was adjourned at 5:59 p.m.

Public Audience: STR Committee Members Elizabeth Craig (Chair), Susan Raymond, Donay Queenan

Minutes Prepared by: Linda Swartz