

Approved

November 9, 2015

**September 19, 2015
Town of Taghkanic
Town Board Meeting**

9:30 am: The Taghkanic Town Board held its third Saturday meeting on the above date at the Taghkanic Fire House. Supervisor Erik Tyree opened the meeting with the Pledge of Allegiance, moment of Silence and Safety Review.

Present:	Erik Tyree	Supervisor
	Richard Skoda	Board Member
	Linda Swartz	Board Member
	Joyce Thompson	Board Member
	Cheryl Rogers	Clerk
Absent:	Ryan Skoda	Board Member

Zoning Commission Member Present:

Joyce Thompson	Non-Voting Member
Linda Swartz	Non-Voting Member
Kathy Bainer	Voting Member
Al Huehnel	Voting Member
Elizabeth O'Donnell	Voting Member
Moisha Blechman	Voting Member

Absent:

Don Critchell	Voting Member
John Roberts	Voting Member
Dennis Callahan	Voting Member

Board Member Joyce Thompson introduced the Ted Fink Consultant and the Zoning Commission Members present.

- + Barbara Hermance: asked if this is a Public Hearing or just an informational Meeting?
- + Board Member Joyce Thompson: Informational Meeting the ZC is seeking input from the public so that we can understand what the public wants and doesn't want.

**Town Board Information Meeting
Topic:
Revisions to Existing Zoning Code
Draft Supplementary Regulations**

Saturday, September 19, 2015
Taghkanic Volunteer Fire Company Hall

Board Member Linda Swartz went over the Goals of the ZC and the topics to be discussed today:

Zoning Code Goal

The goal of the Zoning Code is to offer a ***basic and fair*** zoning code that:

- ❑ Recognizes Taghkanic as a rural community with a different sense of privacy and land use controls than urban/suburban communities;
- ❑ Balances privacy and individual rights with impacts on neighbors, community and environment.

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Topics for Today's Meeting

- ❑ Home Occupations
- ❑ Affordable Housing
- ❑ Agriculture
- ❑ Roadside Stands
- ❑ Farm Animals on Non-Farm Parcels
- ❑ Conservation Subdivision Design
- ❑ Renewable Energy

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Elizabeth O'Donnell spoke about Home Based Business:

- ✚ Loretta Hoffman: asked how many of the ZC has a home based occupations?
- ✚ Moisha Blechman: replied that she and her husband have a studio.
- ✚ Loretta Hoffman: that is not the same as running a business from your home.
- ✚ Elizabeth O'Donnell: it is not the intent to change a residential business to draw business away from the business district. There are issues of traffic safety and keeping homes looking like homes to maintain the residential nature of the district.
- ✚ Jim Romaine: are home occupations allowed in accessory buildings?
- ✚ Elizabeth O'Donnell: Explained that presently this is not allowed under NYS Residential Building Code and that code also sets the percentage of space allowed within the home for a home-based business operation.
- ✚ Loretta Hoffman: B&B is allowed to use much more space.

Home Occupations - Intent and Purpose

- ❑ Provide a broader choice in the use of homes
- ❑ Foster home-based businesses in accordance with New York State laws
- ❑ Protect and maintain neighborhood character
- ❑ Ensure traffic safety on rural Town roads through adherence to the general limitations

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Home Occupations - General Comments

- ❑ Impact is generally more important than type of home occupation
- ❑ Residences should continue to look like a home
- ❑ If the business grows too much, then it should move to a business/mixed use district
- ❑ Certain businesses are not appropriate for residential districts
- ❑ Performance standards are designed to protect neighbors

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Kathy Bainer went over Affordable Housing:

- ✚ Alice Platt: what is allowed under the current zoning?
- ✚ Kathy Bainer: explained that double the acreage would be required only under certain circumstances.
- ✚ Arthur Griffith: what are the lot sizes?
- ✚ Kathy Bainer: zones remain 2, 3 and 7 acre areas and the ZC has no intention of changing those zones, but the group is considering a mixed-use overlay district in areas which are already more densely settled.
- ✚ Ted Fink: defined the difference between cottage homes and ECHO Units; ECHOs are intended to be temporary housing for family members and are removed when the need no longer exists, whereas cottage homes can be more permanent and not limited to family. Cottage homes are limited to 1000s.f.
- ✚ Loretta Hoffman: why do separate accessory units need double the lot size?
- ✚ Kathy Bainer: it was to meet setback and lot size requirements in the event of later subdivision.
- ✚ Chris Tallackson: asked whether these requirements were also needed when using an existing barn or garage for accessory dwellings?
- ✚ Kathy Bainer: only if subdividing the property.

- ✦ Barbara Hermance; cautioned that there is case law in the town on this so we need to be very careful with the language.
- ✦ Jim Romaine: where is the business district?
- ✦ Kathy Bainer: From just east of the Parkway westerly to Old Oak Road.
- ✦ Debbie Colgrove: why are we creating a code that won't be enforced?
- ✦ Linda Swartz: explained that she and Ted plan to sit down with Dennis and find out what problems he faces with enforcement and what can be done to address it.
- ✦ Loretta Hoffman: there are a number of large homes in Taghkanic which are currently being used as Air B&Bs or Vacation Rental By Owner (VRBO) and she expects that one of them could become an event venue soon. Some of them are not owner occupied and are run by a property manager. These private homes are not held to the same standards as a legally established B&B (like her place, Changing Times B&B) and are not providing the appropriate tax revenue to the town. She urged the ZC to look into this issue and create regulations to address this. She specifically named one on Post Road and one on Taghkanic Road.
- ✦ Joyce Thompson: I believe that Attorney Carl Whitbeck is looking into ways to control the Air B&B business in Hudson. The ZC is grateful for this information and the ZC will definitely look into this. She said we had briefly touched on this topic, as well as Uber (private car service) but hadn't developed any policies. Joyce invited Loretta and all residents to come to ZC meetings, especially if they have something specific like this that the ZC needs to be aware of. Joyce told Loretta that when this topic is on the ZC agenda, we will contact her so that she can be present for the discussion.
- ✦ Barbara Hermance: offered a pragmatic solution: If the CEO investigates and finds that someone is using their house in this manner, it should be inspected for appropriate occupancy, number of bedrooms, septic, well, and that it meets fire codes.
- ✦ Loretta Hoffmann: I have informed Dennis of this situation and he told her that NYS says Air B&B and VRBO is not a B&B. Elizabeth stated that the new "sharing economy" has presented new issues. Besides the B&Bs, is Uber a taxi company? Do we want people to be able to use their property to make money or not? Where do we draw the line?

Affordable Housing – Intent and Purposes 1

- ❑ A full range of housing opportunities and choices are vital to a diverse and balanced community and local economy.
- ❑ Residents should be able to live and work in their community:
 - Workforce housing
 - Young people or families starting out
 - Grandparents with family but independent
 - Caregivers for elderly who want to stay at home

Affordable Housing – Intent and Purposes 2

- ❑ The proposed Zoning provides for an informal, affordable housing marketplace by permitting accessory dwelling units in or at single-family homes.
- ❑ Accessory dwelling units may be any one of the following:
 - Wholly within the principal structure
 - In an accessory building, or
 - As a separate cottage (new construction)

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Affordable Housing - Major Conditions

- ❑ Homeowner must reside in one of the units
- ❑ Accessory unit must be smaller than the home and blend in with the neighborhood
- ❑ Separate accessory units require double the minimum lot size to make future subdivisions possible
- ❑ Cottage homes would require special use permit
- ❑ Requirements for two-family & multi-family units such as adequate water, septic and parking

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Alvin Huehnel covered Agriculture

- ✚ Arthur Griffith does the town have more or fewer acres dedicated to agriculture? Why are we losing agriculture exemptions in town?
- ✚ Zita Kobos: I haven't been able to get an agriculture exemption for my property because I was unable to find a farmer to use my land Richard Skoda: asked her to contact him after the meeting.

Agriculture – Intent and Purposes 1

- ❑ Agriculture is generally entitled to “right-to-farm” and “right-to-market” farm products – and it is permitted in all Zoning districts except a mixed-use district.
- ❑ It is the Intent of this Zoning Code to encourage “Sound Agricultural Practices” as published by NYS to conform NYS Agriculture and Markets law.

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Agriculture – Intent and Purposes 2

- ❑ Farmers have a right to farm in the town and there are more opportunities for farmers in the revised zoning: e.g., retail sales of farm products will be allowed
- ❑ Guidelines are *recommended* practices while standards are *required* practices.

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Agriculture - General Comments

- ❑ Sound farming practices awarded specific exemptions to encourage agriculture in Taghkanic
- ❑ New subdivision lots alerted to farms and farming practices nearby – that’s part of life here
- ❑ Setbacks established from neighboring residences for livestock and fowl
- ❑ Manure storage away from water & residences

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- ✚ **The word “farm” needs to be removed from the following slide so that road side stands can be used to sell products that are grown on non-farm parcels.**
- ✚ Barbara Hermance: the concept of being a “re-seller” is so that you don’t have people setting up stands and selling things that they didn’t produce themselves.
- ✚ Alice Platt: thinks re-selling can be a good thing.
- ✚ Eric Gaylord: selling something that you didn’t grow or produce makes it a home-based business, not agriculture.
- ✚ Jeff Tallackson: the ZC needs to address some ambiguities in the draft, like “limited quantity”.

Roadside Stands

Roadside stands are permitted as an accessory use in all Zoning districts provided they:

- ❑ Are 200 square feet or less
- ❑ Are at least 20 feet from road
- ❑ Include safe parking spots
- ❑ Are only for seasonal display of agricultural products grown or processed on a farm
- ❑ Have no more than one (1) sign of 3 square feet

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Linda Swartz covered the subject of Farm Animals on Non-Farm Parcels.

- ✚ Barbara Hermance: pigs would be a big problem; some types of farm animals are not consistent with a residential neighborhood.
- ✚ Kent Sammons: how did the ZC come up with the acreage requirements for animals
- ✚ Linda Swartz: from Cornell Cooperative Extension.

Keeping Farm Animals on Non-Farm Parcels

Provide reasonable standards that consider the impact on the neighborhood using:

- ❑ Required space based on type and number
- ❑ Adequate fencing, shelter, food/water, provisions for manure and waste management according to sound farming practices
- ❑ Building and setback requirements

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Kathy Bainer went over Conservation Subdivisions (previously called a cluster subdivision).

- ✚ Jim Romaine: will this allow for smaller lot sizes?
- ✚ Barbara Hermance: this concept has been allowed for quite some time, the issue is; how is the conservation area taxed? She feels this concept damages the tax base of the community and everybody has to pick up the value that is lost unless we come up with a tax formula.
- ✚ Erik Tyree: asked Barbara and Tony and Agnes LaSalvia (as Realtors) if there is interest or a need in Columbia County for conservation subdivisions.
- ✚ Barbara Hermance there isn't many conservations easements and even fewer conservation subdivisions. People in Columbia County typically want to own a

larger property. The courts often don't uphold deed restrictions and home owners associations. If the developer goes into bankruptcy, taxes don't get paid and the town suffers.

- ✚ Elizabeth O'Donnell: things could change in the future; people may not want to take care of big property and might be looking for smaller parcels.
- ✚ Barbara Hermance: we can't speak for the future; only what is and what has been the consistent way real property is held in Columbia County.
- ✚ Ted Fink: Ms. Hermance your points are very good and that your knowledge on the topic is invaluable. The ZC needs to sit down with the assessor. As far as conservation subdivision is concerned, there is nothing in this draft that requires a home owners association. A conservation subdivision identifies areas that are subject to conservation easement held by a land trust or the town, or through deed restrictions; which are not the most desirable method.
- ✚ Arthur Baker: mentioned the importance the ZC places on preservation of rural character even though the Town Board, in his opinion, is totally ignoring rural character with the proposed improvements to the Highway Garage and the Salt Shed.

Conservation Subdivision Intent and Purposes

- ❑ Offer a flexible approach to land development
- ❑ Use flexible lot placement to maintain existing natural resources and preserve rural character

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Conservation Subdivisions General Comments

Conservation Subdivisions will:

- ❑ Be density neutral – same development potential as a conventional subdivision
- ❑ Be optional for smaller subdivisions and required for subdivisions of 10 lots or more
- ❑ Involve land trusts to permanently protect open space

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Moisha Blechman did the presentation on Renewable Energy: we are at a turning point in our culture; partly due to financial constraints and partly due to climate change. There is wind and solar energy, but in Taghkanic, solar is the better choice right now. The ZC encourages the use of renewable energy sources; not mandated, just encouraged in new homes. Someone asked about restrictions for wind turbines. We are not looking at large commercial systems; we are talking about residential use.

- ✚ Carl Mulert: what are the guidelines?
- ✚ Beverly Rochler: what are the restrictions for wind turbines?
- ✚ Moisha Blechman: windmills, yes, but not commercial wind turbines.
- ✚ Jeff Tallackson: has consideration been given to wildlife?
- ✚ Robert Rochler: why is Taghkanic going to the California Standard Guidelines for solar?
- ✚ Joyce Thompson: we are not considering that at all.
- ✚ Polly Horton: wind turbines are noisy.
- ✚ Barbara Hermance: cautioned that aspirational recommendations cannot be in the Zoning Code.
- ✚ Jim Romaine: agreed with Barbara Hermance and asked if the ZC had considered hydro-energy?
- ✚ Elizabeth O'Donnell: NYSERDA has mapped wind in New York State, and Taghkanic is in a really low zone; we are not in a good area for wind energy.

Renewable Energy Systems Intent and Purpose

- ❑ Encourages use of renewable energy sources such as solar and wind;
- ❑ Removes obstacles to the use of such systems
- ❑ Requires accommodation of solar energy systems and protection of access to sunlight as part of the review and approval process in this zoning law
 - Example: new buildings cited in east-west direction where possible to facilitate immediate or planned installations

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Renewable Energy Systems General Comments

- ❑ Small-scale systems (< 10,000 square feet) only require a Building Permit
- ❑ Medium-scale systems (10,000 to 40,000 square feet) are subject to Site Plan approval by Planning Board
- ❑ Large-scale systems (> 40,000 square feet) are deemed commercial – require Site Plan and Special Use Permit approvals and adherence to performance standards

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- ✦ Barbara Hermance: special use permits must be handled by the ZBA, not the Planning Board. That is addressed in the zoning law: the Planning Board is administrative. You need both Boards for balance.
- ✦ Arthur Baker: at the September 14th Town Board Meeting the recommended Noise Law was rejected by the Board.
- ✦ Donay Queenan: we are plagued by the noise of guns, ATVs, horns, etc and this needs to be addressed.
- ✦ Eric Gaylord: as long as you shoot the gun at the required distance from other houses, it's 100% legal in NYS and NYS also sets hours when you can hunt.
- ✦ Jim Romaine: people work and need to do things on their properties when they have time, even if that sometimes bothers neighbors.
- ✦ Joe Macri: very upset with the running of a tractor trailer on Sugar Mountain Road. They start their engines early in the morning and it wakes the neighborhood. When they drive in and out it disturbs everyone.
- ✦ Erik Tyree: I will be meeting with the Livingston and Gallatin Supervisors to address this issue.
- ✦ Joe Macri said that there are deed restrictions in that development (Sugar Mountain) and the trucks are in violation of those restrictions.
- ✦ Barbara Hermance: deed restrictions had to be filed with the approved subdivision is the County.
- ✦ David Brennan: I fix equipment on my property; I own a few vintage vehicles; I am concerned on how all this will impact me? David was invited to attend a commission meeting to express his concern.
- ✦ Erik Tyree: The Town of Copake has drafted an anti-littering law in order to address the problem with the Shop & Find circular being tossed in driveways throughout the County. He hopes to have a similar law in Taghkanic.

Send your comments to the Zoning Commission:

Email: Town Clerk, Cheryl Rogers
crogers42857@gmail.com

Or email Zoning Commission Co-Chairs:
 Linda Swartz: TTBLSwartz@outlook.com
 Joyce Thompson: joyce.thompson721@gmail.com

OR..... Come to Zoning Commission Meetings
 First and Third Mondays of every month at Town Hall
 at 6:30 – 8:30 PM
 or as posted on the website

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With no further business, on a motion by Board Member Joyce Thompson, seconded by Board Member Richard Skoda, the meeting was adjourned at 11:20 am, carried unanimously by all members present. The next Regular meeting will be **October 12, 2015** at the Taghkanic Town Hall.

Audience:	Jim Romaine	Edward Krapf	Charles Krapf	Arthur McGuire
	Barbara Hermance	Deborah Colgrove	Ray Colgrove	David Brennan
	Tom Estes	Anna Kadish	Larry Kadish	Elizabeth Young
	Dorothy Zapp	Meridith Glabman	Thomas Mirabelli	Moisha Blechman
	Barbara Roemer	Harry Roemer	John Foglia	Chris Tallackson
	Jeff Tallackson	Nicholas Scriber	Valerie Hoffmann	Tony LaSalvia
	Agnes LaSalvia	Arthur Griffith	Joan Berry	Bob Berry
	Loretta Hoffman	Eric Gaylord	Matthew Stoddard	Jean Feinberg
	Mary Udell	Dan Udell	Alice Platt	Malcolm Gardner
	Zita Kobos	Robert Rochler	Beverly Rochler	Cheryl Prochera
	Robert Prochera	Carl Mulert	John Clarkson	Ellen Clarkson
	Marion Kaplan	Alvin Huehnel	Jeff Browne	Walter Thompson
	Bernard Shur	Elizabeth O'Donnell	Polly Horton	Arthur Baker
	Kent Sammons	Joe Macri	Donay Queenan	Janice Foglia