

**Approved
11-8-2021**

**October 20, 2021
Town of Taghkanic
Town Board Meeting**

Note all documents in these minutes may be clicked on and enlarged for easier reading

6:35 pm: The Taghkanic Town Board and Zoning Commission held a Special meeting on the above date, attendance as follows.

Town Board

Present: Ryan Skoda Supervisor
Elizabeth Craig Board Member
Kara Gilmore Board Member
Linda Swartz Board Member
Joyce Thompson Board Member
Cheryl Rogers Clerk

Zoning Commission

Present: Alvin Huehnel
Excused: ZC Members John Roberts Elizabeth O'Donnell,
Via Zoom Don Critchell Kathy Bainer

Public Audience: Barbara Hermance Joshua Plass Joseph Cordato
Clara Cordato Robert Rochler Beverly Rochler

Via Zoom: Jason Lennon Celine Kagan Elisabeth Albert Max Ackerman
Jessica Winocur Jessica Roberts Marge Blaine

Supervisor Ryan Skoda opened the meeting with the Pledge of Allegiance and turned the meeting over to ***Board Member Joyce Thompson Co-Chair of the Zoning Commission:***

Zoning Commission Chair Joyce Thompson asked for the Board's concerns, changes, and recommendations starting at Section 80-D 4. (Housing, Assisted Living or Nursing Care) was Section 80 D 25 – **Recreation Area, Commercial or Non-Commercial: Zoning Commission Co-Chair and Secretary, Linda Swartz**, made all duly noted changes, concerns and recommendations in her attached minutes.

Present in Person: Town of Taghkanic Supervisor Ryan Skoda, Town Board Members Kara Gilmore, Elizabeth Craig, Town Board Members and Zoning Co-Chairs Joyce Thompson and Linda Swartz; Zoning Commission Member Al Heuhnel

Present via Zoom: ZC Members Kathy Bainer and Donn Critchell,

Public Audience: as per Town Clerk's Minutes

Town Supervisor Ryan Skoda opened the meeting at 6:30.

Group Housing Regulations

There are many similarities and some differences in the regulations for facilities that provide long-term or permanent housing such as Assisted Living or Nursing Home, Group Home, and Senior Citizen Housing, and others that provide temporary housing such as Conference Center, Resort or Lodge, Hotel or Motel, Inn and Hostel. Many of the regulations pertain to minimum lot size, maximum number of beds, setback requirements; outdoor lighting and public address systems. Discussion of these items was tabled for closer review and further discussion. Elizabeth Craig said she would create a spreadsheet listing the uses along with their regulations to compare the similarities and differences.

For efficiency in this review the secretary will create a list of the tabled (open) items to be addressed. The list will be sent to the Town Board and each person will be responsible for updating and maintaining their lists as items are added, discussed, resolved. That list is attached to these Minutes.

80-D.4. Housing: Assisted Living or Nursing Home

- What scale is appropriate for Taghkanic?

80-D.13. Motor Vehicle Repair Shop

- It was noted that this use is prohibited in all residential districts in the current Zoning Code as well as the draft Zoning Code. Elizabeth Craig said that it is good practice to look to the current code for the history of a use and use that as a model as to how to regulate.
- B. Hermance said that the code should not be used to make legal something that exists illegally.
- If it is decided that we allow this use in residential areas, we will need two sets of regulations; one for the residential zones and one for the MU. Ted Fink to supply language.

80-D.14. Club, Indoor or Outdoor Membership

- Allow both Indoor and Outdoor Club Membership in all residential districts with Special Use Permit. Indoor Clubs permitted in MU with Special Use Permit, but Outdoor Clubs are prohibited MU. These uses require adequate acreage and setbacks based on the specific purpose. Make necessary changes to Use Table in Section 40.
- Paragraph c. is changed to read as follows: *“Parking and building safety lighting shall be required. All lighting shall conform to the Lighting Standards under Section 60.M.”*
- Paragraph e. is deleted in its entirety.

80-D.16. Hotel or Motel

- Ryan said that septic systems are handled by the Columbia County Department of Health and should not be in the Zoning Code. Joyce said that septic systems for large buildings and developments will require infrastructure to support the number of rooms and people housed.
- Once Ted drafts the language for septic tanks in the section currently numbered 80-D.4.d. (as requested at the October 14 TB/ZC Meeting), that language should also be inserted in this section as a new paragraph d.

80-D.18. Telecommunications Towers and Facilities

- Between current paragraphs e. and f., create a new item (to be a new paragraph f.) which says that any change in ownership of the telecommunications tower must be noticed to the Town Board and the public at least 30 days prior to the change.
- The TB and ZC had a brief discussion about the 5-year renewal as noted in paragraph q. and it was determined to be appropriate.

80-D.19 Farm Industry

- Ryan asked “What is the purpose of this section?” Joyce said that during this review, a lot of changes were made in the Agricultural sections and we should get clear on what was done in 60-J. and then look at this section again.

80-D.22.d. Gasoline Filling Station/Convenience Store

- Change “The station or facility shall reflect the traditional architecture of the community” to “The station or facility shall blend in with the surrounding architecture...”
- Change paragraph i. to read *“In addition to other landscaping requirements established by this Zoning Law, suitable year-round buffering and landscaping shall be provided in rear and side yards as needed.”*

- Add “that are not offered for immediate sale” to the end of paragraph j. This will allow for outdoor storage of things like propane and ice that are contained in their own outdoor area.
- Rearrange paragraphs j. and k.

80-D.25. Schools, Public or Private

- Delete paragraph c. in its entirety.

60-M.2. Lighting Regulations

- Delete the words “directly visible” from the first sentence and insert the word “directed” in its place.

60-D.10. Prohibited Signs

- In response to a question from the audience, it was noted that a change was previously made to this section in order to make it clear that this regulation refers only to commercial signs.

The Town Board set the following for Joint Special Meeting with the Zoning Commission:
October 27, 2021 at 6:30 pm

Resolution 21-2021: *Supervisor Ryan Skoda* offered the following Resolution 21-2021 **Authorization to Contract with Auctions International** and moved its adoption seconded by *Board Member Elizabeth Craig*.

Approved 5 Aye (*Ryan, Elizabeth, Joyce, Kara, Linda*)
 0 Nays
 0 Absent

Resolution 22-2021: *Board Member Joyce Thompson* offered the following Resolution 22-2021 **Designation of Surplus Equipment** and moved its adoption seconded by *Board Member Elizabeth Craig*.

Approved 5 Aye (*Ryan, Elizabeth, Joyce, Kara, Linda*)
 0 Nays
 0 Absent

Executive Session:

With no further business, on a motion by *Board Member Linda Swartz*, seconded by *Board Member Elizabeth Craig* the meeting was adjourned at **8:30 pm**, carried unanimously by all members present. The next Regular meeting will be **November 8, 2021** at the Taghkanic Town Hall.

Correspondence to the TB and ZC Review

October 19, 2021

Dear Town Board Members:

Re: Proposed Zoning Law

I applaud The Town Board for making a valiant effort to slog through the overlapping intricacies of the various sections in the Draft Zoning.

Please review the **Purposes 10-C** on the basis of the following issues. These "Purposes" will overlay any and all approvals in the Town. Without clarity or definitions, interpretations will be whatever fits an opposition narrative.

The **10-C-3** section is particularly onerous as undefined "**climate change**", for which there is no NYS or federal definition, can be used in any context, on any pretext to obstruct approvals or permitted uses.

10-C-2., Standard: "**ecological sustainability**" ??? no definition.

10C-4: Standard: "**environmentally sound agriculture**" ??? by WHAT or WHOSE definition?

10C-5: How do you "**preserve forests**" without prohibiting development or timber harvesting, (an agricultural use)?

10C-9: controlling "scenic viewsheds" Is a euphemism for hilltop building restrictions. Removed from the Comprehensive Plan. Erosion of tax base. A "Taking" of property rights. Exposing the Town to litigation and triple damages settlements. No specifics, no overlay zone. Enforcement becomes a highly subjective judgement.

10C-10: What are the "**sensitive environmental areas**" no definition, no standards, no map, no overlay zone. Most of these NY State defined areas are covered by DEC mapping and regulations. Although, the "buffer zone" footprints on the DEC website maps substantially exceed the actual 100 foot regulation.

10C-11: How do you "**conserve lands**" without overwhelming restrictions when real property is in private hands?; NOTE; "forestry" here contradicts 10C-5

10C-13: "**existing**" would invalidate any new business uses even if they are permitted in the business, mixed use or "customary home occupation" definitions.

10C-14: "**new business**", "**human scale (walkable)**"??? no definitions, onerous additional expense, NYS 82 where the business district is located has a 55 MPH speed limit that the Town

has repeatedly petitioned for change to no avail. NYS 82 is unsafe to walk; even in the daytime.

10C-15: "encourage tourism" ??? what does the Town offer, or intend to offer, that would encourage tourism? State Park already exists.

10C-16: "Complete Streets"??? no definition.

10C-17: "collaborate with public and private entities" Wide open door to waste public money and invite undesirable projects. But here it is a mandate.

If it is a "Purpose" it can be used as an argument to complicate approvals. The more requirements, expense and time that is back loaded into an approval the less likely an applicant will apply or more likely abandon the process in frustration. Confiscation of property rights by ambiguous or intentional overregulation.