

**Approved
1-10-2022**

**December 17, 2021
Town of Taghkanic
Town Board Meeting**

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

6:40 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 Elizabeth O'Donnell Kathy Bainer John Roberts
Via Zoom: Don Critchell

Public Audience: Barbara Hermance

Via Zoom: Clara Cordato Joe Cardato Celine Kagan

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 **90-F.4. Landscape, Buffering and Site Treatment;** *Zoning Commission Co-Chair and Secretary, Linda Swartz,* made all duly noted changes, concerns and recommendations in her attached minutes.

In-person and ZOOM attendance, as well as meeting opening and adjournment times, as per Town Clerk's Minutes.

Discussion at the December 1, 2021 meeting indicated a need to make it very clear in the Zoning Code that any use which requires a Special Use Permit is also subject to Site Plan Review and Approval. The last sentence of the second paragraph in Section 80-A. already contains such a statement, and it will also be included in the Symbols Table in Section 40-A.

Section 90 Site Plan Review and Approval

Review and discussion of the re-written draft Section 90 continued.

Kara noted that Special Use Permit and Site Plan Review requirements pertain mostly to properties in the MU District. She said that, in her opinion, only large business enterprises would be willing and financially able to

go through this process, and smaller business owners who might be considering opening a business in Taghkanic will see these regulations as daunting and go someplace else. She suggested that there be an easier process for some types of uses. Joyce said that this is something we need to look at when we go back through the Use Table in Section 40.

90-F.4. Landscape, Buffering and Site Treatment

- All occurrences of “shall” as it appears in 90-F.4. a., b., d., e., f., g., and h. will be changed to “should”. “Shall” as it appears in 90-F.4.i. will not be changed.
- 4.c. The words “dominate the Site Plan and” are removed from the beginning of this regulation.
- 4.e. Rewritten as follows: *“Plant material should be selected in consideration of its ultimate growth pattern. Plants which are indigenous to the area and others that will be hardy should be used.”*

90-F.5. Lighting

- 5. The word “shall”, as it appears in the second sentence of 5.a., will be changed to “should”.
- 5.b. Rewritten as follows: *“The number of light standards and the intensity of lighting shall illuminate the location for safety, without glare or light spillage to adjoining properties.”*
- 5.c. Change “shall” to “should”.

90-F.6. Building Design

- 90-F.6. is deleted in its entirety.

90-F.7. Signs

- Keep only the first sentence of a. and delete the remainder, and also delete b., c., d. and e.

90-F.8. Ecological Considerations

- Ryan suggested that since this is covered under SEQR, it doesn’t need to be in the Code. Joyce replied that having it in the Code gives the Town has a leg to stand on legally. Ryan asked who defines “minimal degradation” and “irreplaceable land types”? B. Hermance said that DEC has a database and defines “unique” and “irreplaceable” among other things on their website; it was suggested that we have a link here. However, the ZC had been cautioned about linking to websites which could change, thereby making the link invalid. Section 90-F.8.a. needs to be reworded; **it will be added to the List of Tabled Items.**

90-F.9. Drainage No changes

90-F.10. Motor Vehicle and Bicycle Traffic

- 10.a. rewritten as follows: *“All entrance and exit driveways shall be located with due consideration for traffic flow of both motor vehicles and bicycles, and to afford maximum safety to traffic on public roads. Such driveways must also meet all current design standards and be approved by the appropriate State, County or Town agency, unless specifically waived or modified by that agency.”*
- 10.b. Change “shall” to “should”.

90-F.11. Pedestrian Circulation

- 11.a. Three occurrences of “shall” will be changed to “should”
- 11.b. Change “shall” to “should” and add “, where appropriate” to the end of the sentence.
- 11.c. Rewritten as follows: *“For any use to which the public is expected to visit, the Site Plan shall make proper provision for buildings and site developments that are accessible to physically disabled persons in accordance with Americans with Disability Act (ADA) regulations, and as required in the New York State Uniform Fire Prevention and Building Code and other applicable State and Federal Laws.”*

90-G. Planning Board Review of Site Plan

- 2. Rewritten as follows: *“Whether the applicant has suitably addressed the criteria required from the applicant at the time of the Sketch Plan Conference, including, but not limited to the following:”* Joyce and Linda will compare the list in this regulations to the list in 90-E.1. (Application for Site Plan and Approval) to be sure nothing is omitted. If complete, this list will then be copied into 90-E.1. (It will also remain in 90-G.2.)
- 2.i. is deleted (“Compatibility of building design...”)

- **4. Public Hearing and Notice** will be restructured as follows to separate and clarify the responsibilities of the town and the responsibilities of the applicant:

Move the penultimate sentence of the lead paragraph down to position a. and delete the last sentence (“Such notices and mailings shall be as follows”). This part of the regulation now reads:

- a. *All notices and mailings shall be the responsibility of the applicant.*
 - (1) *The cost of such notices and mailings shall be the responsibility of the applicant*
 - (2) *Such notices and mailings shall be sent and confirmed by the applicant using Certified Mail, Registered Mail, Delivery Confirmation, Signature Confirmation, or Certificate of Mailing, and shall be certified to the Planning Board that compliance has occurred timely.*
- b. *The applicant shall post a conspicuous sign along the road frontage of the parcel subject to the Site Plan proceeding, in a manner as specified by the Planning Board.*
- c. *The Town shall have responsibility for:*
 - (1) *Publishing at least fifteen (15) days prior to the date of the Public Hearing a legal notice in a newspaper of general circulation in the Town*
 - (2) *Posting Notice at least fifteen (15) days prior to the date of the hearing as follows:*
 - (a) *On the bulletin board at the Town Hall; and*
 - (b) *On the Town of Taghkanic website*

The same changes made to 90-G.4. will be made in Section 80.B.2. for consistency.

- **5. Required Referral** First sentence is rewritten as follows: *“When applicable, prior to taking action on the Site Plan, the Planning Board shall refer the Site Plan to the Columbia County Department of Planning for advisory review and a report in accordance with Sections 239(l) and 239(m) of the General Municipal Law.* The rest of this paragraph needs to be rewritten because the timeline is off. **Add to List of Tabled Items.**

No additional changes were made to Sections 90-H, and 90-I. (90-J. and 90-K. were previously deleted.)

NEXT MEETING: December 29 beginning at 6:30. We will begin with review of Section 110, Zoning Board of Appeals.

Executive Session:

The Town Board set the following for Joint Special Meeting with the Zoning Commission:

**December 29, 2021 6 pm year-end
TB/ZC Review 6:30 pm**

With no further business, on a motion by ***Board Member Elizabeth Craig***, seconded by ***Board Member Linda Swartz*** the meeting was adjourned at 9 **pm**, carried unanimously by all members present. The next Regular meeting will be **January 11, 2022** at the Taghkanic Town Hall.

List of Tabled Items:

(Updated 12/28/21)

Section 20: Definitions that need to be developed:

- Greenhouse, commercial (limit size)
- Industry or Industrial (be sure to cross-ref to “Light Industry/Manufacturing”)
- Manure Storage (9/23/21) (Suggested: “Any area where animal manure is stored or processed.”)
- Road, edge of (Minutes of 8/4/21)
- Small-scale Sawmills (not portable). Also need to create regulation; require Site Plan (Minutes of 8/18/21)
- Tenancy or Tenant

Temporary Structure is defined but email dated 8/24 (attached to Minutes of 8/18/21) CEO Callahan says he does not issue permits for temporary structures, they are not allowed in the current code and he prefers that they not be in the new code (except perhaps as a temp living quarters when, say, someone’s house has been destroyed by fire and they are rebuilding)

Section 30:

- Revisions to map

Section 40:

- Need to go through all uses and consider appropriateness of requirements.

Section 50-B:

- See Minutes of July 8, 2021. Is 5% lot coverage adequate? E. O’Donnell was going to do some sketches, but I don’t think we ever saw any.

Section 60-E.:

- Need to carefully review language for Home-Based Business.
- Registration? Sign permit would serve to inform town/emergency responders of the business. (60-E.1.o. Minutes of 7/13/21). What to do about pre-existing non-conforming business?
- Weight limit for home-based business vehicles was 14,001. Ryan suggested 23,001 but has since found out that a local electrician’s trucks are not more than 14,001. Leave it at 14,001?

Section 60-J.

- Are farms subject to setback requirements (as long as they are not more restrictive than any setbacks required for non-ag uses)?
- 60-J.8. Greenhouse on a Farm. See Minutes of 8/16/21. Impacts on neighboring properties if setbacks are minimal or if there is no visual barrier, especially in or abutting R2 and R3.
- Commercial Horse Boarding (seasonal, small, non-farm) Need to define. Regulations? Should it be treated any differently than dog boarding?

Section 60-R.

- See Minutes of 9/23/21. Tighter time frames for permitting and enforcement of Excavation.

Section 80-D:

List of special care housing uses tabled pending decision on minimum lot size, setbacks, and maximum number of guests, outdoor lighting requirement and public address systems, and other items as noted:

- 80-D.4. Housing: Assisted Living or Nursing Home.* What scale is appropriate for Taghkanic?
- 80-D.5. Housing, Group Home

- 80-D.6. Housing, Senior Citizen (Ted to check on legality of adding “preference given to parents of residents” See Minutes of 10/14/21)
- 80-D.8. Conference Center
- 80-D.15. Resort or Lodge, and paragraph h.: public address systems; use same language as in 80-D.3.f.?
- 80-D.16. Hotel or Motel*
- 80-D.20. Hostel
- 80-D.23. Inn

**Uses marked with an asterisk require water and septic and the necessary infrastructure. Ted was to craft language for these uses. (See Minutes of 10/14/ and 10/20/21)*

- 80-D.6.f. What is Affordable Housing Plan? What does it include? (Minutes of 10/14/21)
- 80-D.11. Make Printing into two or three usage levels? Small (home based), Medium, and Large Commercial Offset (Minutes of 10/6/21)
- 80-D.12. Recreation Area, Commercial and Non-Commercial: Two separate sets of regulations. (Minutes of 10/6/21)
- 80-D.13. Need to decide on whether or not Automobile Repair Shops will be permitted in residential districts. If it will be permitted in residential areas, we will need two sets of regulations; one for residential and one for MU. (10/20/21)
- 80-D.19. Farm Industry Many changes here made in 60-J. that can impact this section. (as noted in Minutes of 10/20/21)

Section 90:

- TB recommends that Sections A through G be pared down, simplified, better organized, weed out what belongs in the Subdivision Regs rather than in the Zoning Code. Was to be sent back to consultant. See Minutes of 11/3/21 for full discussion.
- 90-C. First paragraph seems to indicate that every project needs to go through Site Plan process, but second paragraph lists several uses that do not require Site Plan review. Rewrite or delete paragraph and regulations 1-8? (Minutes of 10/27/21)
- 90-E. Does application go to CEO or PB? Rewrite paragraph. (Minutes of 10/27/21) Last sentence of third paragraph was rewritten (11/3/21 Minutes) and Board members were instructed to read it for discussion at “next” meeting)
- 90-E.4. At the 12/1/21 meeting, this section was rewritten to read: “When alterations will be made to principal site elements listed below, the following shall be considered by the Planning Board.” Lighting and signage was to be removed from the list. On 12/9 I sent an email to Board members disagreeing with totally removing any of this because some of the elements might be significant enough to require Planning Board review. Since the elements are only some of the items to be “considered” by the Planning Board, what’s the harm in keeping it in here?
- Boxed area, Section 90, Page 7 regarding deeded declarations for residential development within 500’ of a farming operation, needs discussion and resolution.
- 90-F.2.h.(2) Elizabeth Craig wanted time to consider the necessity of this paragraph. It was to be discussed at the “next” meeting. Ryan suggested that Elizabeth look at a SEQR form; Joyce said there was value in keeping it here. (12/1/21 Minutes)
- 90-F.8. needs to be reworded. Who defines “minimal degradation” and “irreplaceable land types”?

- 90-G.5. First sentence was rewritten (12/17/21) but remainder of the paragraph also needs rewrite because timeline is off.

Section 100:

- Suggested rewrite of 100-K. sent via email to Board members 11/23/21

Correspondence: to be addressed after the Town Board is finished with their review.
Barbara Hermance



Law Office of Mitchell Khosrova



Linda Swartz Oct 25, 2021, 9:38 PM
 to Ryan, me, Joyce, Kara, Elizabeth

Two zoning code issues have recently come to my attention:

1. I spoke to Phil and Becky Schnackenberg who are, of course, worried about how the new zoning code will impact their business.

- Existing code has conflicting language (what a surprise!) between the General Provisions on Page ZO-15 (allows up to four employees) and the Definition on Page ZO-63 ("carried on solely by the inhabitants").
- NYS Residential Building Code is pretty vague but it does set limits. I've attached a copy of the relevant page.

But I wondered if Phil uses the barn/garage for anything more than storing his equipment and materials. Does he just pack up his truck and go out to a job somewhere? If that's the case, is what he has a home-based business at all? I think when we prohibited "plumbing and electrical shops" we envisioned those shops as places where there were people working and fabrication going on, like cutting and welding or soldering of materials.

I suggest we think about what a "business" or "home occupation" really is. Maybe we need to have more than one level of home based business. Claverack's code (which you can find on the town's website) has two types which I think maybe we can borrow from.

2. Tonight at the ZBA Meeting, Kent Sammons indicated that he would be at our meeting on Wednesday to defend his right to have the seasonal horse boarding operation. So I looked at the draft code and I see we made numerous changes to the "Farming on Non-Farm Parcels in 60-J., but what he has fits more into the definition of Commercial Stable, which includes boarding among other things (80-D.3.) However, I see a huge difference between a "Commercial Stable" and a private horse

boarding operation on a residential property. Maybe the easiest way to address this is simply to add a definition for Private Horse Boarding and set some simple regulations.
See you Wednesday (twice!!) Linda.

On Sat, Oct 30, 2021 at 9:20 AM Becky Schnackenberg <beckyschnackenberg@gmail.com> wrote:

Dear members of our town board and town supervisor: Linda, Joyce, Elizabeth, Kara, and Ryan,

Many thanks for your hard work as you represent us and seek to preserve the natural beauty of our town through tireless hours working to update the zoning. We do not take your work lightly.

As we have recently been able to review the zoning proposition and your changes to it, we wanted to share some thoughts we have. My husband and I moved here 5 years ago and have since added 5 children, both biological and foster, to our home. Phil is a self-employed electrician, and we greatly value the opportunity our children have to be involved with his work through the nature of a home-based business.

We realize the zoning proposition looking to preserve the natural beauty and history of Taghkanic does not support tradesmen operating out of residential districts (section 60-E prohibits "plumbing or electrical shop"). However, the Intent and Purpose of section 60-E reads:

"It is the intent of the Town of Taghkanic's Home-Based Business regulations to foster income-producing activities within residents' homes in accordance with New York State and local laws. In any Zoning District where a dwelling exists, a home-based business is permitted....To support the local economy, help nurture small businesses, and recognize the needs of various types of businesses."

We understand from recent conversation that the prohibition of home-based trades utilizing garage or shop space is based on reference to a NY state law defining home occupations as "The use of a portion of a dwelling unit for nonresidential purposes by a resident thereof" and subsequent regulations surrounding this definition that prohibit use of other structures. This cited regulation can be found under "home occupation" at <https://dos.ny.gov/system/files/documents/2021/06/2017-uniform-code-supplement.pdf> . This "Uniform Code" is a "fire prevention and building code." It has nothing to do with NY business zoning. We would urge the board to refrain from using substance from the Uniform Code to guide you in zoning for home residential businesses.

While we understand that many people who have lived in Taghkanic far longer than us value the peace and tranquility of our town, we would challenge that if this tranquility comes at the cost of home-based businesses, then it overrides the legacy and character of our town. See http://www.usgennet.org/usa/ny/county/columbia/taghk/history_tagh.htm for an account describing the rich history of Taghkanic which includes home based businesses.

We believe it is us, the people who live in and work in our town, that live out the heartbeat of Taghkanic's legacy and we urge our board to support us in every way possible by minimizing restrictions to home-based businesses. Specifically section 60-E prohibited businesses, "plumbing or electrical shop; or a similar trade or business" as this would appear to force all trades and craftsmen, including family-run businesses like ours, out of Taghkanic.

We love our diverse neighborhood and the impact the people have on our family. While we do believe the tradesman and craftsman are a culturally and historically significant part of our town, we also think the diversity that comes through mixing people from various financial, political, and professional backgrounds helps dissolve the segregation and polarization we see so much in our country at large. We believe that imposing overly constraining restrictions with a goal of removing certain people or demographics will result in the gentrification of our town. We want to see Taghkanic resist this destructive movement through healthy and thoughtful adjustments to our zoning proposition.

We trust you will make the right decisions and preserve our town's heritage and community.

Phil & Becky Schnackenberg

Linda Swartz

to Becky, Supervisor, Kara, Joyce, Elizabeth, me

Becky and Phil.

