

Approved
2-14-2022

January 31, 2022
Town of Taghkanic
Town Board Meeting

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

6:30 pm: The Taghkanic Town Board and Zoning Commission held a Special meeting on the above date, attendance as follows.

Town Board: - Via Zoom

Present:	Ryan Skoda	Supervisor	
	Elisabeth Albert	Board Member	
	Elizabeth Craig	Board Member	
	Kara Gilmore	Board Member	Absent
	Linda Swartz	Board Member	
	Cheryl Rogers	Clerk	

Zoning Commission: - Via Zoom

Present: Joyce Thompson Co-Chair

Excused:

Public Audience: Via Zoom Pat Prendergast

Clara Cordato Joe Cordato Barbara Hermance Brandee Nelson

Supervisor Ryan Skoda opened the meeting; we have a little house keeping to be done.

1. ORION Demolition & Environmental Services Scope of Work Submitted:

Lump Sum Pricing – Schedule of Values:

SOW Item:	Lump Sum Pricing:
NYSDOL Asbestos Project Notification Fee	\$ 2,000.00
Mobilization & General Conditions	\$ 5,000.00
Asbestos Abatement	\$ 65,495.00
Waste Transportation & Disposal	\$ 7,500.00
Project Totals:	\$ 79,995.00
Alternate SOW - Controlled Building Demolition	(\$ 25,000.00)

Project Schedule: • Orion DES anticipates approximately TWO (2) week(s) for safe and successful project completion from a start date mutually agreed upon by the contractor and owner.

- ✚ Board Member Linda Swartz:** Demolition of the building what about the airborne particles how is that contained?
- ✚ Board Member Elisabeth Albert:** what does SSV stand for?
- ✚ Pat Prendergast:** SSV not sure. Orion has the report prepared by Alpine Environmental Services dated May 1, 2016, asbestos-containing materials in accordance with the Bulk Sampling Results. I will contact Joseph Loudis, Principal ORION Demolition & Environmental services tomorrow, and ask these questions.

✚ **Board Member Elizabeth Craig** motioned to have ORION proceed with the demo and asbestos abatement of the old highway garage per their developed Scope of Work submitted, seconded by **Board Member Linda Swartz**.

Approved **4 Aye** **(Ryan, Elisabeth, Elizabeth, Linda)**
0 Nays
1 Absent **(Kara)**

Email from Supervisor Skoda:

I talked to Pat yesterday regarding some of the additional questions the board had.

The Site-Specific Variance (SSV) is a document prepared and submitted by the 3rd party consultant. It is required in this circumstance to allow for demolition of non-friable asbestos in place. They have added some additional conditions at no extra cost to the town. Alpine Environmental who performed our survey will provide this service.

NYS DOL ICR 56 mandates two primary conditions during a controlled demolition – wet methods and 3rd party air monitoring. These two components should eliminate the concern for airborne asbestos particulate. They are required by law to keep building materials adequately wet throughout the demolition process. The required air sampling during this process will ensure their compliance.

I have instructed Pat to obtain any contractual requirements from Alpine to start the Demo process.

2. **Grader: Supervisor Ryan Skoda** Attorney Andrew Howard has advised me that we can notice for sealed bids for the grader. **Board Member Elisabeth Albert** motioned to place a notice for sealed bids for the grader, seconded by Board Member Elizabeth Craig.

Approved **4 Aye** **(Ryan, Elisabeth, Elizabeth, Linda)**
0 Nays
1 Absent **(Kara)**

3. **Harbor Freight Credit Card: Clerk Rogers** informed the Board that Highway Superintendent Rob Burns has asked if the town would apply for a Harbor Freight Credit Card. Board Member Linda Swartz motioned to authorize permission to apply for a Harbor Freight Credit Card for the Highway Department, seconded by Board Member Elisabeth Albert.

Approved **4 Aye** **(Ryan, Elisabeth, Elizabeth, Linda)**
0 Nays
1 Absent **(Kara)**

Supervisor Ryan Skoda 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 **110 Zoning Board Appeals; 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.

As per discussion at the Town Board Zoning Review meeting held on January 17, 2022, **Section 130-E. Periodic Review Required**, was rewritten as follows and emailed to the board members for discussion at this meeting:

The Town Code Enforcement Officer, Planning Board Chair, and Chair of the Zoning Board of Appeals will inform the Town Board on an as-needed basis of any conflicts or issues with the provisions of this Zoning Law, recommending such changes or amendments, if any, which may be desirable in the interest of the Town's public health, safety, comfort, convenience and general welfare.

In addition, the Town Code Enforcement Officer, Planning Board Chair, and Chair of the Zoning Board of Appeals will submit to the Town Board on an annual basis a written report outlining any such conflicts or issues, as well as any trends that have developed that may require an amendment to this Zoning Law.

The new language was acceptable to all board members and will be entered into the code.

Appendix A: Conservation Subdivision Regulations

2. Pre-Application Procedure.

- Barbara Hermance noted that the “ten lot” requirement mentioned in the lead paragraph is inconsistent with Section 60-F.3. which sets the bar at five lots. Section 60-F.3. will be corrected to ten lots.
- The lead paragraph states that Conservation Subdivision is required for all subdivisions of more than ten lots, and recommended for subdivisions of fewer than ten lots, but the alphabetical list of characteristics which follows the lead paragraph would all but ensure that any subdivisions, regardless of the number of lots, would be a Conservation Subdivision. The last sentence of the lead paragraph will be rewritten to state that the Planning Board will consider the characteristics.

It is noted that the alphabetical listing incorrectly begins with the letter f. instead of a. This will be corrected, but for these Minutes, the discussion will make reference to the letter as it appears in the printed draft.

- 2.n. Scenic Viewsheds definition was read. No changes were made to this paragraph.
- 2.o. The parenthetical phrase near the end of this paragraph which refers to trees over 24” in diameter is deleted.

4. Density Based Upon Yield Subdivision Plan.

- 4.d. Ryan said that he favors the idea of “Partial Conservation Subdivision”.

5. Conservation Subdivision Design Process.

- **5.a. Sketch Plan.**
 - Check to make sure that this section is consistent with changes made to Section 90-D.
 - What is the purpose of mentioning a land trust here? Last sentence of first paragraph is deleted. Secretary will do a global search to make sure land trust is not mentioned elsewhere.
 - Third paragraph: Elizabeth Craig suggested that the language in the second sentence of this paragraph be copied to Section 90-D. Sketch Plan Conference. This will be done.
- **5.b. Preliminary Plan Documents.**
 - Introductory paragraph is rewritten as follows: “A Preliminary Conservation Subdivision Plan shall consist of and be prepared in accordance with the following requirements, as specified at the Sketch Plan Conference.”
 - Item (1) is deleted since it is melded into the rewritten introductory paragraph, and the following numerical items are renumbered accordingly.

- Item b. (3) Do we have standards for “Existing Resources and Site Analysis Plan”? Secretary will search document.
- Item b.(3)(a) is rewritten. In the first sentence: “*Topography, the contour lines of which should be at two foot (2’) intervals, determined by photogrammetry that is publicly available on NYS gis maps, ...*” And in the last sentence: “*Topography shall be prepared by a professional land surveyor or professional engineer, or from publicly available stereoscopic aerial photography, and shall be coordinated with official USGS benchmarks.*”
- Item b.(3)(c) is rewritten as follows: “*Vegetative cover conditions on the property according to general cover type including cultivated land; permanent grassland; old field; hedgerow; woodland and wetland; trees of significance by virtue of species, age, size or uniqueness; and the actual canopy line of existing trees and woodlands.*”
- Item b.(3)(f) is deleted.
- Item b.(3)(i) “, and in compliance with SEQRA.” is added to the end of this sentence.

Executive Session: none

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

February 7, 2022 at 6:30 pm
February 28, 2022 at 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 8:33 **pm**, carried unanimously by all members present. The next Regular meeting will be **February 14, 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)

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.

Please understand that it has never been the intention of the Zoning Commission to remove "certain people or demographics" nor to move toward the gentrification Taghkanic in the development of the draft zoning code. The Zoning Commission is made up of residents just like you who live here and want to keep the town rural and friendly and affordable, and we want the residents and their children to be able to thrive here.

The state's rule about home based business pre-exists the draft code and has long been enforced by the Code Enforcement Officer, who was a member of the Zoning Commission and took an active part in these discussions.

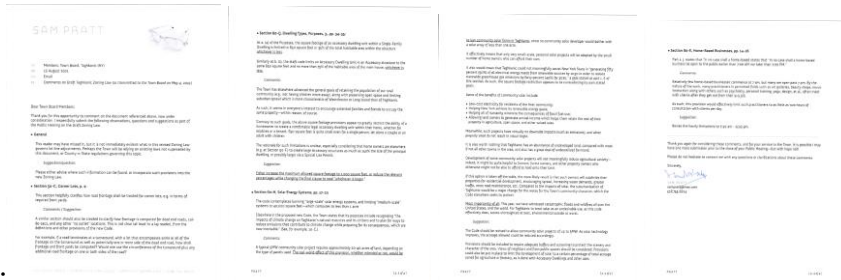
As I explained when I met with you, I will be working with the Town Board and the Zoning Commission to come up with a clear idea of what is meant by home-based business and what types of businesses fit into residential areas, and I have sent an email stating this to the Town Board for consideration during the review process.

Thank you for putting your concerns in writing; I will include your email in the Zoning files.

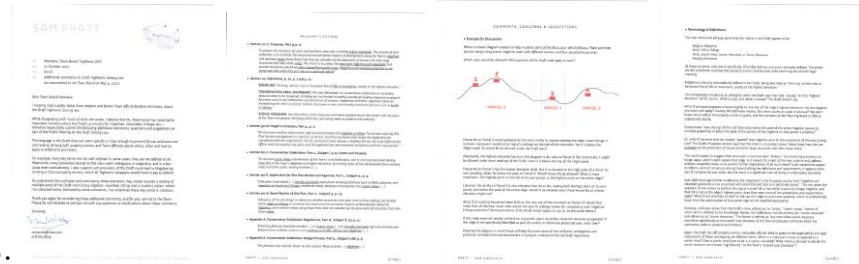
Linda.



Karen Lansing White:



Letter from Sam Pratt #1:



Letter from Sam Pratt #2:



Jasvinder Khaira Jan 24, 2022
 586 Martindale Road

I am a landowner in the Town of Tagkhanic having purchased ~345 acres for personal use roughly two years ago. I am writing to the zoning board, planning committees and town to express my disappointment and disagreement with the overall direction of the proposed new zoning laws and restrictions and the infringement on individual property rights related thereto.

I believe that these new proposed restrictions will devalue the land and negatively impact the town economically by lowering its tax-revenue. I am specifically concerned about 1) the adoption of "Ridgeline and viewshed protections" that would run against the current permitted uses and create ambiguity, and potentially create an environment of favoritism in the permitting and approval process for new development and 2) the creation of zoning purposes that aspire to address climate change and support conservation but are without clear standards and definitions, and so would create an end result where enforcement is subjective and personal -- which is a path toward pitting property owners against each other.

I strongly believe that this will result in wasteful legal expenses for the town and all involved to defend vague and subjective new standards that go against individual property rights. Thank you for your consideration.