

APPROVED
3-14-2022

March 7, 2022
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
	Elisabeth Albert	Board Member
	Elizabeth Craig	Board Member
	Kara Gilmore	Board Member
	Linda Swartz	Board Member
	Cheryl Rogers	Clerk

Zoning Commission: -

Present: Joyce Thompson Co-Chair

Excused:

Public Audience:

Barbara Hermance Alvin Huehnel

Public Audience: Via Zoom

Nadja Pal Celine Kagan

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

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

Linda will send to the Board members a list of correspondence received to date. Board members should have received copies of the letters as they were received. We will use the correspondence and the outstanding issues list to inform our decisions as we continue to edit the draft zoning.

Land Use Attorney:

The Town Board has completed a first review and there are many, many issues to be addressed. Changes that have been made are significant and constitute a new draft.

Board members agree that it is very important that we get a land use attorney on board, but a lengthy discussion was held on how much time and effort should go into rethinking and rewriting the code before we give the draft to the attorney. Ryan wondered what, specifically, we expect from the attorney; that is, how much work do we want them to do. Joyce noted that, while we know what we want in the code, putting it into legal language is a different talent. A lawyer is not there to tell you what should be in the code; they are there to tell you whether

or not what you have written will withstand legal challenge. We will need to have the basic ideas there for the lawyer to review. Ryan feels that Sections 60, 80, and 90 must be addressed in order to get the “skeleton” in place, and then we need to be sure it fits back into the core of the code.

Since we have not received any interest from law firms, Elizabeth Craig asked how we plan to find a land use lawyer. Joyce said that if we can’t get a land use lawyer, we might look for a planner since they are knowledgeable in this area. Elizabeth volunteered to search on-line for firms who we might contact; she will send any information she finds to Ryan and Ryan will contact the law firms. Joyce said she would check with PACE Law for a possible referral. Joyce will also act as the Board’s liaison with the attorney.

Work plan:

Ryan recommends that the Conservation Subdivision Regulations, Appendix A in this draft zoning code, be removed from the Zoning Code and made a supplement to the Subdivision Regulations (which is due for update). The Board agrees with Ryan’s recommendation. Linda will search the draft code for all references to conservation subdivision to determine the impacts to other sections in the code.

The “List of Tabled Items” was divided up between the Board members as follows:

- Section 20, Definitions - **Linda**
- Section 30, Zoning District Maps – **Ryan** (Linda will send Ryan digital copies of the maps. Joyce will contact Ryan to talk about some ideas)
- Section 50, Bulk Regulations - **Ryan** will put together some figures and sketches
- Section 60, General Provisions and Supplementary Regulations - **Ryan and Kara**
- Section 80, Special Use Permits - **Kara and Elizabeth**
- Section 90, Site Plan Review - **Linda and Betsy**

The Use Table in Section 40 will be done as a **group effort** at the end of this work.

Other than the changes already made, we will leave the administrative sections 100, 110, 120, and 130 for the lawyer to review.

Linda will send the Draft Zoning Code with all revisions to date to the Board members for use in this project. As revision of each section is completed, the newly revised section should be labeled for identification as follows:

“TTZ-Section(#)-(editor’s initials)-(date by d/m/y)

Next Meeting: March 31, 2022 beginning at 6:30. Ryan expects that he will have completed review of Sections 30 and 50 in time for this meeting. Linda will have the Definitions updated.

Executive Session: none

The Town Board set the following for Joint Special Meeting with the Zoning Commission:
March 31, 2022 6:30 PM

The bills were audited and approved for payment as follows:

✚ **March 7, 2022 Abstract:** on a motion by *Board Member Linda Swartz* was approved for payment, seconded by *Board Member Elizabeth Craig*.

2022 General Fund Vouchers	#	90	-	\$	
2022 Highway Fund Vouchers	#	51	-	\$	15,933.00

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

With no further business, on a motion by **Board Member Linda Swartz**, seconded by **Board Member Elizabeth Craig** the meeting was adjourned at 7:48 **pm**, carried unanimously by all members present. The next Regular meeting will be **March 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)

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.

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.

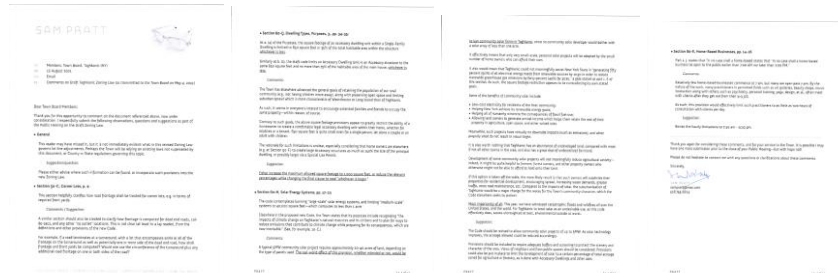
As I explained when I met with you, I will be working with the Town Board and the Zoning Commission to come up with a clear idea of what is meant by home-based business and what types of businesses fit into residential areas, and I have sent an email stating this to the Town Board for consideration during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

February 27, 2022

From Al Huehnel, Taghkanic Zoning Committee Member

To: Taghkanic Town Board
c/o Cheryl Rogers, Town Clerk, crogers42857@gmail.com

I am writing to express my concerns about our overly restrictive proposed zoning law. I completely agree with the letters you have recently received from property owners who have similar concerns.

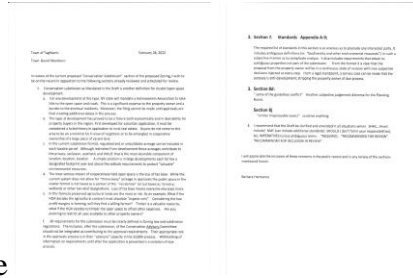
Looking back to when our town’s comprehensive plan was being developed, the town received over two hundred letters opposing ridgeline building restrictions, which therefore were deleted from the comprehensive plan.

Fast forward to today and we have a new proposed zoning ordinance where the whole thrust of the regulations is the preservation of our town while ignoring the economic effects. One example is preserving scenic viewsheds by using ridgeline building restrictions. This would seriously devalue the lands with the best views and shift more of the tax burden to homeowners. The restrictions could be viewed as a taking of property values without compensation.

Therefore, I would suggest removing “ridgeline” and “scenic viewshed” from our definitions and anywhere else they appear in our proposed zoning law. Then I would look at all the other issues that Barbara Hermance and others raised in their letters and address those also, with an eye toward streamlining and reducing our regulations rather than increasing them.

Thanks for your consideration,
Al Huehnel

P.S. – Cheryl, please notice the other Town Board members. Thanks a lot.



Barbara Hermance