

**Town of Ancram
Comprehensive Plan Committee Meeting
May 18, 2009**

Comp Plan Committee Members present: Art Bassin, Suzanne Bressler, Barry Chase, Hugh Clark, Bonnie Hundt, Kyle Lougheed, Don MacLean, Jim Miller

Others present: Sheila Clark, Emile Racenet

1. Review of 5/11 minutes: The Committee reviewed and approved the minutes of the 5/11 meeting as presented.

2. Question on Open Space Development: Mr. Emile Racenet, a property owner in Ancram, asked how the proposed open space development guidelines and the requirement for 60% open space would affect someone owning 27 acres who wanted to subdivide into two 3 to 4 acre lots and one 20 acre lot. The Comp Plan Committee noted that this would be considered a minor subdivision, and the 60% open space rules would not apply. If Mr. Racenet decided later to further sub divide the 20 acres and were to exceed four lots, the project would be considered a major subdivision and the 60% open space rule would apply. The Committee noted that the total 27 acre parcel would require approximately 16 acres of open space to meet the 60% open space guideline, and the 27 acre parcel could qualify for a total 7 lots using the proposed 3.5 acre average lot size. There would be a variety of ways to meet the 60% open space requirements with the remaining 20 acres – he could set up one large (16-17) acre parcel and 3 smaller ones (which could be 1 acre each or a variety of sizes ranging from ½ acre to 2 acres), or he could designate building envelopes on four 5 acre lots so the development on those lots would be sited to preserve the needed 16 acres of open space. Mr. Racenet indicated that the proposed open space guidelines and 60% open space rules seem to provide enough flexibility to all people to do what they want to do with their land.

3. Review of Design Standards and Site Plan Review Document: The Committee reviewed a draft of Design Standard and Site Plan Review Guidelines prepared by Ms. Stolzenburg to clarify what types of items will be covered by design standards and site plan review. Design standards and site plan review will generally apply to new construction and renovations in the hamlets, all commercial development and major subdivisions. The application of design standards in the hamlets is viewed as necessary and important because the commercial districts of Ancram and Ancramdale have been significantly expanded. The Committee restated its view that the lack of design standards have probably contributed to the deterioration of Ancram, and to discouraging new businesses/investors to come to town. While it's true that the center of Town is in such bad shape that any improvements should be welcome, not having standards will probably deter new investment, not encourage it. The existence of a Comp Plan and sensible, simple standards could encourage new money to come into Town, as there will be evidence of a Community trying to improve its look and appeal to businesses. The Committee agreed that the standards had to be clear, basic, simple and affordable.

The Committee concluded that clearly defined design standards and site plan review standards would help applicants during the building permit process and Planning Board review process. Mr. MacLean noted that for most projects, design standards and site plan review requirements should be simple enough to be done by the Planning Board without incurring significant expenses or a extensive time delays for the applicant. The Committee also noted that the subdivision process already cover many of the items referred to as design standards and site plan review requirements. Mr. Bassin will revise the standards and site plan document, and the Committee will review it again next time. The Committee noted that signage standards were not included in Ms. Stolzenburg's document, but were currently in zoning and should be referenced. Mr. Racenet noted that clear, simple, basic design standards and site plan review standards could make the process much more predictable and easier to understand.

4. 60% Open Space Development Guidelines: The Committee discussed at what point the 60% open space development guidelines should be required, and concluded that it should be required for major subdivisions – which are subdivisions over four lots – or for parcels over 14 acres. Under 14 acres or for minor subdivisions the 60% open space guidelines would be recommended and the PB would encourage applicants to follow the 60 % open space rules, but would not require it. The Committee noted that with the provisions for lot size flexibility provided by the average density concept, it was possible for open space to be protected even in minor subdivisions. The Committee also decided to evaluate use of golf courses and leach fields as part of “open space”.

5. Minor to Major Transitions: The Committee noted that when a minor subdivision became a major because it exceeded four lots over time, the mandatory 60% open space rules should apply. The Committee feels this should not be a problem going forward since the Plan proposes that tracking subdivisions start as of January 1, 2010, so subdivisions previous to January 1, 2010 will not be included in the count triggering a major. Given that people will know that the 60% rule will be mandatory for a major, they will be able to plan for this transition as they initiate the subdivision process with a series of minors. The Committee noted the real differences between a major and a minor are slight, and the PB can waive certain requirements related to a major if appropriate, as well as declare a minor to be a major if appropriate because of circumstances. Ms. Hundt noted that a major subdivision can be very simple and very quick if it is not complex. The Committee also noted that the items which created the most complexity for a subdivision – road issues, SEQRA issues and community/neighbor concerns -- were issues that cannot be avoided.

6. Other Open Issues: The Committee reviewed other items on the “Open issues List” that had been developed form the Public Hearing, and made the following determinations:

a) **Scenic Protection:** Not all ridgelines in town will be designated for protection; those that are should be determined by their height and location; the Committee noted that the 60% open space guideline would probably protect most important ridgelines and scenic areas without additional effort.

b) Clear Zoning Guidelines: The ZRC should not develop optional solutions – while it was OK for the Comp Plan to propose alternatives and options for the town to consider, the zoning should be clear and unambiguous about what is required.

c) Scenic Corridor Overlay Zone: The Committee decided to leave the Comp Plan recommendations regarding the SCOZ largely as is based on the very strong community sentiment for protecting scenic resources and the limited value to the Community of making any changes to the SCOZ.

d) Flood Plains: Flood plains will be identified on the town zoning maps, but development, mining and logging will be permitted subject to the required Town and State permitting and environmental review processes (SEQRA).

e) Subdivisions for Lots Under 3.5 Acres: The Committee decided to maintain the Comp Plan recommendation that only lots between 3.5 acres and 5.99 acres which were not part of a previous major subdivision be permitted one subdivision. The committee felt that lots under 3.5 acres were not suitable for subdivision as they were not set up with further subdivisions mind, the setback issues would be too severe and the impact on neighbors could be onerous. The Committee also noted that the ability to build garage apartments, and put apartments in barns and in existing single family homes should provide adequate additional housing capacity for smaller landowners without forcing them through the expense of creating an additional lot. The Committee noted that this issue could be reviewed again in a year or two as we get more experience with how subdividing the 3.5 acre lots goes, and what the problems with that turn out to be, if any.

f) Complaints about Building Department and PB/ZBA – The Committee discussed how to handle complaints about the building department, the PB and the ZBA and concluded that having the people with “problems” address these issues directly with the Town Supervisor or Town Board was probably better than the TB setting up a group or person to review these complaints and mediate them. The Committee also discussed the possibility of setting up “performance standards” for various town departments dealing with the public.

g) Defining Permitted and Prohibited Businesses: The Committee decided that the list of permitted businesses in the hamlets and the Ag zone should be expanded, subject to the size, scale and consistency with rural character requirements outlined in the Plan. Any businesses not identified as “permitted” would be subject to consideration and review as part of the “floating zone” process, “Ag-related” businesses should be defined so that it is as broad as possible while still consistent with what is generally considered “ag-related” by the NY State Department of Ag and Markets.

h) Environmental Issues: Buffers around water, streams, wetlands and vernal pools will be 100 feet, consistent with DEC standards. Streamside vegetation buffers will be 25 feet, but land owners will not be required to plant these streamside vegetation buffers if they are not already there.

i) Grandfathering existing businesses: The Committee agreed it was important to clarify that existing businesses would not be required to comply with new design standards which were implemented as part of the Comp Plan process unless they were to expand their operations and require a building permit to do so.

j) Legal risks: The Committee concluded that more precision, specificity and detail in the Comp Plan would make things more clear to the Community and the zoning revisions committee, and would reduce the risk of a legal challenge in the future based on claims that the revised zoning was not consistent with the Comp Plan. The Committee has concluded it is more likely that a vague, general Comp Plan would be more likely to create legal problems in the future as whatever the zoning results from vague and general guidance in a Comp Plan could be more easily challenged as “not intended” or inconsistent with the general guidance in the Plan.

k) Cost of Compliance: The Committee concluded that the cost of complying with zoning should not be excessive or onerous, and for minor subdivisions the PB should try to minimize the costs of meeting town requirements as much as is possible. It was recognized that if a positive SEQRA were declared, costs could be high, and that in some cases, but not all, burying utilities could be expensive.

l) Logging Permits: The Committee decided to eliminate the requirement for a “personal” logging permit to proof of the parcel boundaries to be logged and erosion control, and eliminate the need to control hours and days of the week, noise and truck traffic levels for logging that was being carried out by the landowner himself. (Note: we have to discuss and clarify what we want to do if a “commercial logger” is involved – may want to include guidelines for time of day and days of the week, number of trucks per day, noise, dust, etc).

7. Comp Plan Delivery: Mr. Bassin indicated that he would revise the Comp Plan to incorporate the changes that the committee had decided on, and would circulate Draft 9 by email and in hard copy early next week. Mr. Bassin suggested the Committee hold another Public Hearing in late June, and plan to deliver the Comp Plan to the Town Board at the July TB meeting.

8. Next Meetings: There will be no Comp Plan Committee meeting on Memorial Day, May 25. The next regular CPC meeting will be held Monday, 6/1.

The meeting adjourned at 9.00 p.m.