

**Town of Ancram
Town Board
Public Hearing on the Proposed Ridgeline Amendment
April 17, 2014**

Present:	Supervisor Arthur Bassin	Councilman James Miller
	Councilman Hugh Clark	Councilman Chris Thomas
	Councilwoman Madeline Israel	Town Clerk Monica Cleveland

The public hearing on the proposed ridgeline amendment was called to order at 6:00 pm by Supervisor Arthur Bassin. Mr. Bassin announced that the meeting had been duly noticed in both of the town's official papers.

Mr. Bassin opened the meeting to public comments.

Bryce Birdsall stated that her husband Malcolm Kirk had sent his thoughts through e-mail prior to the meeting. The comments will be included in this official record. She stated that they are not picking out certain people but are only trying to prove that the law draft with the 170 parcel list was the one they felt should be followed. They are concerned with the visual impact on not only the ridges but also in the valley. She feels that this is a town wide concern and that all properties should have to adhere to the law.

(email comments of Malcolm Kirk)

My wife and I feel obliged, once again, to voice our opposition to the latest 'Ridgeline & Steep Slope Protection' regulations proposed by the Zoning Revisions Committee. In our opinion they remain far too limited, much too arbitrary and decidedly discriminatory.

We believe these recommendations are of primary benefit to those residents living on the valley floor, most of whom are concentrated around the hamlets of Ancram and Ancramdale and who in many instances have no immediate ridgeline views until they travel the local area by car.

Meantime little consideration has been paid to the sizeable number of residents with homes at higher elevations, who on a daily basis enjoy views extending several miles across the surrounding countryside, and who consequently have an even greater vested interest in the preservation of the Town's rural character (see Photograph A, below, for example). The ZRC has clearly failed to address their particular concerns. If it is the Committee's intent to "ensure that all new development minimizes negative impacts" to residents' enjoyment of the surrounding countryside — a sentiment we wholeheartedly agree with — then surely those living on hillside slopes should be afforded reciprocal protection against unsightly development in the valley below.

The evaluation of scenically important resources is clearly a subjective one, evidenced by the fact that the number of properties listed for regulation has varied over the course of the past year from a high of 170 to a low of 29. Ultimately what is "topographically prominent" depends upon where one lives and which roads one tends to frequent. Revising the standards from 6-mile visibility & 740-foot elevation to 4-mile visibility & 800-foot elevation strikes us as little more than a meaningless bureaucratic exercise. Why shouldn't any parcel of land visible intermittently over a 4 mile distance qualify for inclusion? Ultimately

the determination of what constitutes a scenically important site is a question better addressed through the beholders' eyes and the application of common sense rather than via some clinical statistical reduction.

If the primary aim is to prevent the clear-cutting of trees and the construction of new homes along a ridgeline then the regulations should apply to every Ancram ridgeline property owner, as the ZRC originally proposed back in May 2013. The Town's ridgeline parcels are highlighted in Don Meltz's map dated 5/31/13 (attached below), which illustrates how Ancram's topography consists of interconnected rolling hills bounded by parallel higher ridges. It's worth pointing out that new homes built upon lower ridgelines can figure just as prominently against the skyline as those at higher elevations (as in Photograph D for example).

We are submitting five photographs in support of our argument. Photograph A illustrates the bucolic view south from our home, across undulating wooded hillsides and open fields and farmsteads. From our perspective the rural character of the land would be drastically affected by the construction of a McMansion (see example in Photograph C) in the midst of either an open field, a patch of clear-cut woodland, or atop a bare hilltop. Would Committee members find it detrimental to the landscape if, for instance, the sites illustrated in Photographs D & E were to be occupied by such a structure?

Photograph B illustrates the reverse view back towards our home from Route 82, between Ancram and Ancramdale. We live in a converted barn sited below the actual ridgeline, on the upper edge of a hayfield that existed when we purchased our property. Our deed restricts us to a single family residence. The barn's weathered grey siding and brown metal roof render it almost invisible from the road. In addition we have planted over 250 trees behind and on either side to minimize its profile. In the evenings, unless we are entertaining guests, the only illumination emitted from the conventionally sized windows comes from the particular room we happen to be occupying at that moment.

In short we've already satisfied every ZRC requirement with regards to its recommended "Development Standards and Mitigation Tools." Yet despite this the ZRC for some inexplicable reason proposes to regulate our property whilst simultaneously exempting pretty much every other parcel along a ridgeline that fills the entire skyline. There appear to be no stipulations preventing their landowners from clear-cutting the woodland and constructing potentially far more obtrusive homes all across the crest, which defies common sense.

If the community's vision for 2030 is to "protect our environment and our important scenic views," then the ZRC's current proposal falls woefully short of that objective. Its failure to satisfactorily address the problem exposes far too many exploitable loopholes, which over time will result in the unraveling of the worthy goal of preserving the extraordinary beauty of the Ancram landscape for future generations. In conclusion we request that these comments and associated photographs be entered into the Town's records.

*Thank you for your attention.
Malcolm & Bryce Kirk*

Donna Hoyt stated that her comments about the ridgeline proposal are made as a private citizen and not that as a member of the ZRC. She stated that she feels that this is view protection and does not agree with it. She stated that a law is being placed on people on the ridges which will not apply to those in the valley. She cited her mother's property that is in the ridge but has high tension lines across it making it unbuildable in parts. She stated that if her mother was to carve off a piece, she would have more "paperwork" to fill out because of the law and that this would also cost the property owner more money.

The Town Clerk read Eric Benn's following comments into the record:

Quite clearly the ZRC's approach this time, in addition to exhausting people to bow to their agenda, is to fool people in believing that at least fewer acres are being confiscated by the Town. "Why spend more

time over this redundant process” one might say, “at least I’ll be losing fewer acres than was suggested last year!”

In addition to applauding Malcom’s comments I’d like to make the following remarks.

Paragraphs 4(a) and (b) of the ZRCs Final Version are sections that baffle me. In each of those paragraphs, you will read “at applicant’s expense.”

ZRC identifies what it wants to control on some people’s properties. There are odd acre numbers such as 3.5; miles of public roads from which the 3.5 or more acres can be seen, elevations above which one is regulated, etc. All those are then tossed into a bin, stirred and kindly presented to the land-owners victimized.

However, ZRC does not provide any information as to the public areas and number of miles from which land-owners’ “splotches” can be seen. ZRC “designates” areas yet that committee precisely notes that land-owners have to pay for the expensive “survey, photograph, photo-simulation, visual test or other credible evidence” “in order to prove that a proposed structure within the R/SSPOD will not be visible from publicly accessible locations,” or “to prove that the project site or building envelope is not actually within the R/SSPOD.”

The way I see it, ZRC is the one who must bear the burden of demonstrating that my “splotches” are where ZRC “designated” them (i.e.: precisely survey the “splotches”), that they can be seen from precisely identified 4+ miles of public areas, deliver the credible and detailed photographs and photo-simulations, etc.

ZRC: you prove that your designations fall within your criteria. Not the other way around!

Next, ZRC makes no offer for what it suggests controlling. The foggy claim that all this is in order to “maintain and protect the rural, scenic character of the town” does not, as ZRC has argued in the past, increase the value of my property. Some Board members have stated that passing this ordinance will increase “predictability” because the Planning Board has an unpredictable weapon at hand. So is adding this ordinance a means of defeating a previously accepted yet unpredictable law?

To date, the Town has displayed everything but “predictability.” Proof is that interested buyers of my land are shying away BECAUSE of this tediously recurring and constantly modified topic. No sound investor likes the threat of unpredictability. Reactions to the October proposal was that investors were suddenly interested in purchasing my lot – ironically, many were interested in donating portions to the Town or conservancy people. The fact that the sections they were considering “giving” were financially valuable ridgelines made it an appealing tax deduction. Once governments “own” the valuable sections then most buyers are less motivated to invest.

If the town is going to “confiscate” valuable acres from some of us, why not allow those victimized to subdivide without any present or future penalties the concerned acres so that they can be generously donated to some tax-deductible organization. I don’t want to pay property and school taxes on the four acres “splotched” on my land. Who would? I’m already paying taxes for frogs, shrimp, bats to live in peace on a third of my land!

You can be certain that if this ordinance passes, a few people will be popping champagne for months.

With this additional conquest, some will resume their financially-rewarding vocations: targeting other vulnerable towns; maybe even returning to towns that had previously rejected the assaults. Those settlements will collapse more easily as they are being convinced that a growing number of neighboring towns have seemingly researched the consequences of confiscating high-valued lot-portions in order to (supposedly) increase the worth of lots who don’t have such resources (or those who already have them conquered).

Finally, I'm curious to know why "3.5 acres" was the area selected and not just 4 acres? Perhaps because it would add too many lots on the list and politically decreasing the chances to get this ordinance passed?

I wonder how much money this Town has spent on this topic?

Respectfully submitted, and with my thanks to the person who read my comments,

Eric Benn

Mr. Bob Wilcox stated that his and his wife Leah's point of view has evolved to begin questioning the law's in totality. Mrs. Wilcox has raised the question of percentage of those in the ridge who are already under protection of another kind. Mr. Bassin stated that he believes it is 40%.

Anne Rader stated that she feels the law is at the most asking for color blending and protection from notching. She feels that is all this law amounts to. She felt that property values can go in either direction by different peoples opinion.

Mr. Bassin asked for the opinions of the Town Board members.

Councilman Thomas stated that he feels the owner's property rights are very important and he feels it is wrong to take property rights away. He feels this law takes away from few for the benefit of many. He stated that the original survey taken said that this law would be for major subdivisions, not minors. He feels the law should be that way.

Councilwoman Israel questioned if this had been stated in the survey. Mr. Bassin stated that the question had been on scenic views. Mrs. Israel asked again if it said specifically major and minor wording. Mr. Bassin stated that the Comprehensive plan used that language.

Mr. Bassin asked Mr. Thomas if he would support the law if it was clearly a major subdivision law and not a minor one. Mr. Thomas stated yes he would if it said recommended and not forced.

Mrs. Hoyt asked why this law was a part of the zoning and not a part of the Subdivision regulations, if it indeed a major/minor subdivision issue.

Councilman Miller felt that the board was trying to fix something with this new law that was not broken. He felt that the scenic view has remained the same for years without a law.

Councilwoman Israel stated that she had taken a drive around town. She stated that she went on County Route 23 and that there were huge houses near the ridges and that she felt it spoiled the view for those driving by. She feels that the town should remain beautiful for everyone, as this is the draw that Ancram has. Mr. Miller said that he was not concerned with those just driving through town. Mr. Thomas asked about those who owned the properties, what about them? Mrs. Israel stated that they can build on their property. Mr. Thomas stated that they can but with restrictions. Mrs. Israel stated that zoning is in place to protect the community as a whole.

Mrs. Hoyt reminded the board that every house that is built is tax money for the town. She stated that this money is needed for the town to proceed forward. She told the board that in the zoning laws there are protections from clear cutting and there are a lot of protections built into the zoning. She feels that this new amendment pinpoints certain people.

Mr. Bassin asked if Mr. Miller would support the law if it became a major/minor situation. Mr. Miller said yes. He asked the same question of Mrs. Israel. She said yes, but with many reservations. She feels that this is a short term solution for a long term problem. Mr. Clark agreed, with great reluctance, as well, with the major/minor and with Mrs. Israel.

Mr. Bassin assured the board that in the future, if the board sees the need, the law can be strengthened. Nan Stolzenburg had suggested to Mr. Bassin to have a brochure made to give out to people when they get a building permit. This can include how to build to keep the town scenic. If the law is ignored by properties in minor sub divisions, the board can put a moratorium on and revisit the issue. Mrs. Iarael asked how many violations there would have to be for the Town Board to act to strengthen the law. Mr. Bassin said the Board could step in to review and strengthen the law after the first "violation" of voluntary compliance in a minor subdivision.

Mr. Thomas stated that most of the ridge properties were in conservation easements anyway. Mr. Clark stated that in the conservation easements, most do not require blending and screening for structures in most cases.

Sue Bassin stated that she agrees with the brochure suggestion. She felt if people knew of the laws and suggestions, they may comply more.

Bryce Birdsall asked if there was a law against clear cutting. Mr. Clark said there was no law. He stated that much clear cutting is to make farm land and that is used for forest management.

Bonnie Hundt stated that this version of the law is a major compromise. She felt that it does not unfairly tax property owners. She stated that it is naïve to think when creating laws that people will do the right thing. She agrees with Hugh Clark and feels the law should be for both major and minor subdivisions. She felt this was about protecting people.

Bryce Birdsall asked if the law would be for every property in town? Mr. Bassin said that this was for only the designated ridgelines and steep slopes. Mrs. Birdsall stated she felt this was not fair.

Councilwoman Israel stated that the compromise is a place to start and that it is better than doing nothing.

There being no more comments, Mr. Bassin closed the hearing at 6:40pm.

The amendment will be revised to reflect the changes decided on and a vote will be taken at the May Town Board meeting.

Respectfully submitted by,

Monica R. Cleveland