

DRAFT

**Town of Ancram
Town Board
Public Hearing on Ridgeline
November 21, 2013**

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

The public hearing on the Ridgeline amendment was called to order at 6:30 pm by Deputy Supervisor James Miller, due to illness of Supervisor Bassin who was in attendance.

Deputy Miller opened the meeting to the floor.

Jamie Purinton, chair of the CAC gave the following comments on their behalf:

The Ancram CAC submitted concerns and suggestions to protect our important natural resources in response to the Ridgeline Protection Ordinance on April 13, 2013. We would like to refer to that paper (posted on the CAC page of the Town of Ancram website) as still being relevant. We feel that the ridgeline ordinance has been reduced to accommodate a minority of landowners and is now inadequate to protect the majority of ridgelines.

Ridgelines are integral aspects of Ancram's scenic areas which define our overall landscape character, provide wildlife habitat and help to keep our waters clean. Natural scenic areas support communities with substantial benefits such as quality of life and character, higher property values, increased tourism revenue and natural resources.

Building on a ridgeline or at the crest of a hill interferes with the natural profile of the land and allows buildings to dominate the skyline. Protecting our scenic areas by developing below the ridgeline preserves the natural landform and character of the land and allows our community to preserve its unique beauty and natural resources, build civic pride, improve property values and attract positive growth to the area.

Ancram's ridgelines include important contiguous wildlife corridors which support bird migrations and rare plants and animals. Some of our most pristine habitats – including talus slope ledges, older deciduous forests, hemlock ravines, and primary headwater streams – are located on our surrounding hillsides and ridgelines. Negative environmental impacts of building on ridgelines include:

- ◆ Adverse effect on water quality from development on steep slopes as a result of increased erosion and sedimentation.
- ◆ More impacts on hillsides, such as increased erosion and runoff and increased winter salt use that affects ground water quality and pollutes streams and wells as a result of siting roads and driveways on steep areas, as they tend to be longer and have more curves and switchbacks.
- ◆ Higher failure rates of septic systems on steep slopes, putting ground water and surface water supplies at risk. Individual septic systems are especially difficult to construct and maintain on steep slopes, both because of the slopes and because the soils tend to be shallow and poorly drained.

The Ridgeline/Steep Slope Protection Overlay District (R/SSPOD) should not be limited to major subdivisions because the kind of development we see in Ancram is largely minor subdivisions. One minor subdivision after another will have a negative cumulative effect on rural character and environmental quality – causing a result that is directly in conflict with what the public wants to preserve, according to a town-wide survey conducted as part of the comprehensive plan process. Smaller ridgeline developments should also have guidelines that are not just voluntary, or we will see increasing unrestricted and short-sighted development of Ancram's ridgelines. Voluntary guidelines are not likely to be followed.

The many rounded hills like Old Croken and Smith Hill are what define Ancram's distinct quality of place, yet these small rounded hills as well as most of the ridgelines and steep slopes in Ancram will not be protected in the new R/SSPOD. Without firm minor and major subdivision guidelines, our ridgelines and steep slopes are vulnerable to clear cutting, major disturbances and adverse visual impacts.

Goal Number One of Ancram's Comprehensive Plan directs the town to preserve open space and important scenic views. In its detailed strategies, the Comp Plan directs the town to: "Establish guidelines to protect designated ridgelines. Designated ridgelines should be determined by the zoning revisions committee based on their topographical prominence and scenic importance." We believe the current revisions to the zoning law fail to uphold these goals and strategies. Further, we believe that the current revisions fail to understand the importance of ridgelines to the environment.

Coral Eddie read the following comments into the record:

I've been to the public hearings on the ridge line issue. When the first plan was introduced to the public from the months of meetings and hard work, we got a ridge line plan that tried to address what the Comp Plan mandated. From this we saw the plan whittled down from what I took as the fervent outpouring of realtors against the plan. Those that hoped to make livings on wealthy clients who may want the option to build on top of a ridge. Compromises were then made that left the ridge line proposal not as desirable as the committee first proposed. It was at the last town board meeting that we were presented with a ridge line plan that literally gutted all the work and thoughtful planning that went towards a ridge line proposal. I

was shocked.

How did this happen and what happened to transparency? Politics? Threatened lawsuits? What forced what looks like a couple of people into making these decisions that do not in any way reflect what was generated by a sub committee of people following the mandates of the Town's Comp Plan. And don't tell me that redefining what a ridge line is, makes it the basis for making these changes. We determine what a ridge line is, not the dictionary. Our ridge lines for the most part rounded hills. These hills are what make Ancram very special and because of it we get scenic views of forest, fields and farm land that are not found in many places.

However, the damning part of all this, is that the new ridge line policy applies only to major subdivisions and not minor. In terms of protected ridge lines this is wrong and should be very obvious why. It doesn't take more than one or a few houses in a minor subdivision to turn a designated hillside, on or near a ridge, into suburbia. We know what a loss this could mean in years to come. I can't believe that the Town Board is that naive to think that everyone would follow non-mandatory voluntary guidelines for protecting our ridge lines without any consequences. It doesn't take much for one or two to disregard recommendations and do what they want re: ridge lines, and then we have a precedent that opens the door. That's not protecting ridge lines. If we require residents to follow guidelines for major subdivisions why not minor? What keeps us from this? We can change this, just like we've changed everything else. At least we would insure some protection for the future.

Ms. Hermance spoke on behalf of Realtors Association. She recommended that the Town Board seek council on the majority subdivision versus minor subdivision in the amendment. She stated that she would like to see an appeals process, with a complete definition listed. She stated that she felt that there should be GPS plotting for the proposed properties in the ridges.

The following letter was submitted to the Town Board by Susan Hillel and was asked to be a part of the record:

Dear members of the Ancram Town Board,

I am writing to share my perspective on Ancram Ridge Line Protection as we are traveling and unable to make the Ridge Line Protection public hearing taking place tomorrow. Over the past six months I have attended all the ridge line public hearings and town board meetings and as a consequence feel I am knowledgeable and current on this issue.

First of all, I am supportive of the town's comprehensive plan and mission to protect the agricultural scenic beauty of Ancram.

When I first heard of the ridge line protection work, I envisioned a ridge line of trees with a section cut away for a house on top of the ridge line. I have seen these before and find them unsightly and was therefore supportive of protecting ridge lines.

I was surprised, however, to learn our property was in the original ridge line protection zone, as we never considered our property to be on a ridge line.

The current ridge line list, compiled with quantitative criteria, does not include our property. While I support the board's use of quantitative criteria to make the designation objective, I question the value as now there are only about 25 properties in the ridge line protection area (down from the original 150 or so).

At one of the meetings we raised the concept of reciprocity: if the town is going to protect the scenic beauty of the ridge line; it should also protect the scenic beauty of the valleys that the ridge line area properties look out on. While I was told this protection is in the Comprehensive Plan, I couldn't find it. I could find regulations for subdivisions (4+ houses) but not for single family houses. It seems to me that a house could go up in the middle of the rolling fields or a beautiful barn and silo demolished in the middle of the fields that I look out on. These actions would harm the scenic beauty of these fields for me.

Everyone has different taste. People want the freedom to build on their own property. If the board is going to legislate in this area, I ask that it be reciprocal, so that there is protection of the rolling hills view area from ridge lines by limiting single house (and <4 houses) construction in these areas.

Thank you,

Susan Hillel

Malcolm Kirk spoke in reference to the letter he sent to the town board previously. For matter of record, it is in full as part of these minutes:

According to the revised Ridgeline Protection Regulations there are 26 properties which the Town Board claims to fall within the parameters set by Art Bassin & Hugh Clark, namely that each is situated at an elevation of 740 feet or above and is visible from 6 miles of Town & County roads. While the Board initially provided a topographical map showing which properties exceeded the 740-foot limit, for some inexplicable reason it omitted to provide the relevant property owners with an accompanying visibility analysis until I requested one.

The PDF file attached below includes a map prepared by Don Meltz, illustrating points (marked in red) along various roads from which our property is theoretically visible. My wife, Bryce, and I spent considerable time retracing these sections of town roads and photographing the views of our property from them (note that trees block the views from a number of points). The attached PDF includes seven pages of photographic evidence, which I trust all Board members will examine closely. (For anyone unable to open the PDF, best done with Adobe Reader, hard copies will be available at the Hearing).

In advance of the Ridgeline Protection hearing slated for November 21st I hope those present will consider the following points:

- 1) Our particular property is visible from a total of 4.6 miles of Town and County roads, which includes 1.6 miles with a profile view of the ridgeline. Photographs taken from here and from Hall Hill Road clearly show our home situated some distance below the actual summit.***
- 2) The original Ridgeline Protection proposal included 153 properties, but that number has since been reduced to 26. This is discriminatory.***
- 3) From an ethical standpoint those members of the Board whose properties were included in the initial list, but have since been excluded, should recuse themselves when the time comes to vote on the revised proposal.***

Both my wife and I agreed with much of the original plan, which would have placed reasonable restrictions on development along all ridgelines within the Town's boundaries. Our chief concern was to ensure that protections afforded those living on the valley

floor also applied in reverse, so that those living at higher elevations would not have their views impaired by unsightly developments below. The revised regulations seem to fall far short of this goal.

In conclusion will the Board please disclose at the upcoming hearing just how much taxpayer money has been spent on this exercise since its inception?

Thank you for your attention.

Malcolm Kirk

Don McLean read the following letter into the record:

I wish to make the following comments to be included in the record of the Public Hearing of 11/21 2013 on the proposed Ridgeline and Steep Slope Protection regulation. I have served as a volunteer on the Planning Board, the comprehensive Plan Committee, the Zoning Revision Committee and the

Ridge Line Identification subcommittee.

I recently met with Councilman and ZRC Chairman Hugh Clark to review all of the new Ridgeline Protection maps that have been generated subsequent to the map originally submitted by the ZRC. These new maps illustrate multiple criteria for a thorough visual impact analysis and collectively represent a convincing corroboration of the ZRC proposed map of April, 2013. The ridgelines that were identified and mapped by the ZRC keep showing up on map after map with only minor changes being suggested by this level of scrutiny. In fact, this mapping effort led to the commendable idea of *increasing* the protected ridge lines by including highly visible steep slopes below the ridge. These new maps should have been sufficient evidence to support the proposed Ridgeline Map of April and to rebut any claims that the work of the ZRC and the Ridge Line Identification subcommittee was somehow arbitrary. It is only when the ideas of a median elevation of 740 ft. and road visibility of 6 miles were introduced as map criteria, that a broad eraser wiped out almost all of the proposed designated ridgelines, leaving just a trace of the original proposal and reducing the affected area to only 27 parcels representing 18 owners. This drastic change in the proposed Ridgeline Protection Map can't help but create the appearance that the Town Board was seeking a map based "solution" that would conveniently erase most of the proposed Ridgeline and thereby erase the conflict of affected property owners advocating for removal from the proposed zone. Of course, this reduction of the number of affected parcels only caused the few remaining property owners to rightly feel targeted and inspire some of them to advocate for the removal of their lands from the proposed zone as well. The town must abandon this draft of the Ridgeline Protection Map and return to something closer to the original proposal, using the new map data to refine and strengthen a final map. The application of the 740 ft. elevation and 6 mile road view is more arbitrary than the viewpoint visual based ridgeline identification done by the ZRC subcommittee. Why not 750 ft. or 800 ft.? Why not 5 miles of road or 7?

The new draft text for the Ridgeline Protection regulation has several notable improvements. Sections H2, f, g and h provide applicants with good verifiable ways of mitigating the effects of this regulation if there is any question as to the accuracy of the Zoning Map or if actual conditions or topography suggest some relief from its strict application. However, I do believe that the text contains a change from the ZRC proposed regulation that is a fatal flaw in the rule. Though the ZRC recognized that in proposing that the Ridgeline Protection regulation apply to all new structures and not just major subdivisions, we were following more of the intent than the letter of the Comprehensive Plan, we concluded after extensive discussion that following the exact recommendation of the Comp Plan would render the regulation practically ineffective. I still strongly support this view and urge the Town Board to reconsider this change in the text. Adhering to the strict language of the Comp Plan and making the Ridgeline Protection standards required only for major subdivisions and "strongly encouraged" for minor subdivisions and dwellings requiring Abbreviated Site Plan Review will allow for the proliferation of unscreened and visually prominent structures on the Protected Ridgelines and will unnecessarily tangle and slow an ASPR process that is supposed to be quick and simple. The Planning Board and applicants for ASPR will be bogged down in wasted time and money. The idea that a Planning Board can and should "encourage" anything indicates a misunderstanding of the process. Encouragement is not a legal power given to a Planning Board. The closest thing to encouragement in zoning is the incentive based regulations such as density bonuses for subdivision. This proposed regulation contains no tradable incentives, only the hope that the applicant will do the noble thing

when strongly encouraged. In real terms, applicants are likely to be slowed down and to incur greater costs as a Planning Board pursues "strongly encouraged" with the only tools it really has in this case, the request for more information, studies or analysis. These are important tools that can and should be used by a Planning Board guided by clear, understandable and effective regulations. But they could be easily misused with the undefined power of "encouragement". If adopted as currently written, these regulations will cause confusion, slow the ASPR process and cost money. The community would be better served, the Planning Board would have better tools and the ridgelines would have some realistic level of protection if the regulation is applied to all new structures as proposed by the ZRC.

I also believe that the process for refining the map and regulations has veered off track. It has become less the work of the community and more and more a conversation between Supervisor Bassin, the Town Board and the few voices of affected property owners. I have been included in the email correspondence between Malcolm Kirk and Art Bassin regarding the inclusion of the Kirk/Birdsall property in the proposed zone and I thank Mr. Kirk for that additional viewpoint. I don't want to comment on whether or not this or another property should be included or excluded from the Ridgeline Protection map but it is noteworthy that Mr. Kirk continues to express support for a ridgeline protection regulation that would include their property if that regulation were to be fair and broadly applied. But I do believe that this correspondence is indicative of how the process has shifted. We have moved from the work and open meetings of an appointed committee of twelve and a subcommittee of five to an email conversation about the content and direction of an important regulation taking place between a committee of one and a constituent of one. Certainly, communication of this type is good and a healthy part of the process as long as it is part of a broader open and organized process. But the longer this matter of rewriting the regulation and revising the map is primarily the work of a small Town Board subcommittee responding to the concerns of affected property owners, the more it appears to be custom zoning for the few at the expense of the many.

Art Bassin has been a force behind a remarkable transformation in the town of Ancram. From his excellent leadership of the Comp Plan Committee to the proliferation of committees and advisory boards now active on a variety of issues, he has put into practice the idea that if you take lots of people from different backgrounds, viewpoints and parts of town and put them in a room together and give them a task, you can achieve the best results that collaborative, consensus seeking democracy can offer. The proposed Ridgeline Protection regulation and Map submitted by the ZRC to the Town Board in April is that kind of good work. If it needs changing and refining, it is time to send it back to the ZRC and trust the process that has served the Town well so far. The Town Board and the ZRC are charged with creating zoning that reflects the will, if not the letter of the Comprehensive Plan. We need to listen to all of the community as we deliberate and work to write fair and effective rules. As we listen to the louder voices of the moment we also have to remember the voices of those who sat in this room in focus groups and filled out surveys at the beginning of the Comprehensive Plan process as well as the many volunteers that have contributed to this work. There is a clear message that we want ridgeline protection that really works and is fair. This current version is not the right one, but the right one or something close to it is something we can do.

Respectfully, Don MacLean

Donna Hoyt spoke as a member of the ZRC. She stated that she has a passion for property rights. She stated that her feelings are that when only a major subdivision has to adhere to the law, that this will then hurt the small property owners. She feels that the subdivisions will become piece meal so that there will be no major divisions.

Marry Murfitt submitted the following letter to be read into the record:

My main issue with the Ridgeline Protection Law is how it has been handled by the Town Board. First, I think what the Town Board did to the citizens who voluntarily served on the ZRC and spent over 3 years thoughtfully discussing Ridgelines (among many other things) was insulting. Treating civic-minded volunteers in such a way will discourage others from wanting to serve their community. The Board simply dismissed the ZRC's original work and with NO input from the ZRC, basically started from scratch to "create" their own "law" -- which now, after reading Art's email, wouldn't be a "law" at all...it's a "suggestion", which, forgive me for saying, is naive at best and misguided at worst.

If we can merely "trust" present and future residents of Ancram, why have "laws" for anything at all? Why issue building permits? Why post Speed Limits? Why regulate anything? We should just trust that everyone will always do the right thing and be considerate of their neighbors.

Clearly, in this Ridgeline controversy, the extreme pressure from personal friends of Town Board members, as well as various real estate agencies, finally took its toll and the law was gutted.

Also, it must be said, there is an appearance of impropriety. When the Board first insisted on sending out notifications to land owners whose property bordered on or was included in the original ZRC's ridgeline, 3 of the 5 Town Board members were affected. Now, the new Town Board's version of the so-called "law" seems to exempt all of the Town Board's members. As I said...it is just an appearance of impropriety but it should be addressed.

Thank you.

Respectfully,
Mary Murfitt
Ancramdale

Jane Shannon stated that she agreed with Don McLean's comments and feels that the amendment should be given back to the ZRC for deliberation.

Barry Chase spoke and stated that he agreed with Don McLean and with Donna Hoyt and also feels that there could be a "runaround" with the subdivision section.

Robert Wilcox spoke. He stated that when he has guests they are "overwhelmed" with the beauty of Ancram, but not specifically with ridgelines and peaks, but more with the town as a whole. He feels that the ridgelines are not the key piece. He stated that the zoning has to follow the comp plan and the he feels that the comp plan does not state that the town "has to" establish a ridgeline section. Anne Radar, a member of the ZRC, read the section of the comp plan that cites the ridgelines.

Bonnie Hundt, member of the ZRC, stated that she felt the ZRC should have another look at the document. They have not seen it since April. She feels that the document needs to "have teeth" and that the town has to have ridgeline protection.

Anne Rader stated that she agrees with the comments from Don McLean and the CAC and that the law needs to apply with both the major and the minor subdivisions.

Donna Hoyt stated that she felt that she was opposed to the ridgeline amendment at first but believes that the document seems to now be a good compromise.

The public hearing was left open to comments at 7:07 with a motion by Councilwoman Israel and a second by Councilman Thomas. Motion carried.

Respectfully submitted by:

Monica Cleveland
Ancram Town Clerk

