

**Town of Ancram  
Public Hearing  
Town Board  
November 15, 2012**

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

The Public Hearing on Package #4 of the Zoning Revisions was called to order at 6:05pm by Supervisor Bassin. It was opened as a continued meeting.

The CAC gave the following comments:

*Our compliments to the Zoning Revisions Committee for completing a tremendous amount of volunteer work to the benefit of the Town of Ancram.*

*Protection of the environment was the number one concern of the Comprehensive Plan Public Survey; however, this zoning package fails to provide the wetland and water resource protection that was outlined in the Comprehensive Plan. At every training session that we have attended, Department of Environmental Conservation and Columbia Land Conservancy representatives have told us that in order to protect our environment and water resources, New York State towns must actively protect their local wetlands, water resources and special habitats – not just the larger 12.4 acre wetlands that are already protected by New York State. These local and small wetlands, water resources and other environmentally sensitive areas, that are included in the Ancram Biodiversity Map, need to be included in the details of this zoning package.*

*Our comments, in large part, follow the “detailed strategies” of the already approved Comprehensive Plan. For your easy reference these already approved “Detailed Strategies” from page 24 of the Comprehensive Plan are briefly referenced here:*

- *“2.2 Prevent Groundwater Contamination – Exclude all development, mining and commercial logging within a minimum of 100’ of water, streams, wetlands, vernal pools, and other hydrologically sensitive areas.*
  
- *“2.3 Site Plan Review – Establish site plan review processes... which will steer all new subdivision and development within a parcel away from environmentally and hydrologically sensitive lands.”*
  
- *“2.4 Stream Side Buffers and Vernal Pools – Adopt a minimum 25’ streamside vegetation buffer. Streamside buffers should be natural vegetation and not lawns.... Establish 100’ buffer to protect vernal pools.*
  
- *“2.5 Determining Building Lots – ...Defined environmental obstacles should include water, wetlands and floodplains.*

- *"2.23 Incorporate into land use law the review and protection of critical natural habitats by requiring a biodiversity assessment.... This requirement is mandatory for major subdivisions and recommended for minor subdivision...."*

*"Protecting groundwater, watersheds, streams, wetlands, woodlands, ridgelines and wildlife habitats" was written as a First Priority Action in the Comprehensive Plan.*

*From the "Groundwater Protection Plan for the Town of Ancram Columbia County New York," February 2008 by Steven Winkley New York Rural Water Association:*

*Section 7.0 Groundwater Protection Strategies, Page 36*

- *"It is important to develop and implement effective groundwater protection measures in order to protect water resources and encourage future development where it is best suited. "*

*From the Town of Ancram Zoning Ordinance Open Space Conservation Subdivisions: Page 3*

- *5. Dimensional Standards "G. – Stream setbacks. [...] There shall be a 100' buffer established along all streams, wetlands and surface waters, vernal pools, and other hydrologically sensitive areas where there shall be no structure, soil removal or disturbance, clearing, filling or vegetation disturbance.*
- *As per the new and proposed zoning revisions this 100' buffer is only required in major subdivisions. By limiting our protective environmental regulations to major subdivisions, we will only protect a very small portion of Ancram's environment.*

*Keep in mind that Ancram stands to lose wetland and water resource protection. The 1972 Supplemental Zoning Regulations had an across-the-board general provision that "No Building, septic tank, or tile field or leaching field shall be located closer than 150 feet to a stream, creek or other body of water."*

*Here are our review comments for the Zoning Ordinance Amendments package #4.*

### **Ridgeline Protection Areas**

*A description of criteria used to establish ridgeline protection areas needs to be attached to the map. We noticed that some stunning and long range viewsheds are missing from the map and we also question why some areas were considered ridgelines and others were not.*

### **Changes to Section IV: Area and Bulk Regulations**

*When considering development potential, we recommend adding the wetlands and water resource areas that are being mapped in the biodiversity habitat map to the areas of exclusions. Protecting these smaller environmentally sensitive areas is consistent with the goals of the Comprehensive Plan. This is Ancram's opportunity to do so and we are very disappointed to see that wetland and water protection is missing.*

### **Individual Standards for Uses Subject to Special Use Permit Section**

*General Comments*

*There is inconsistency in terms of allowable decibels for various uses so we recommend adding a town-wide standard to the Supplemental Standards and providing more consistency between uses when it comes to noise regulations.*

*Setbacks for proposed parking areas from wetlands and other water resources should be consistent and should meet CAC's proposed wetland and water resource supplemental regulation (see below "Wetland and Water Resource Protection"). The wetland setbacks are described well for Retreat Areas but these setbacks are lacking with other uses such as Storage Units.*

*The property line buffers need to be more consistent. There is an appearance that these regulations were simply cut and pasted from elsewhere and don't seem carefully considered for each use.*

*In general protection of local wetlands and other water resources, including those mapped on the Biodiversity Habitat Map, is missing. Protecting just State and Federal Wetlands is not enough. These Zoning standards as written do not meet the goals of the Comprehensive Plan. The biodiversity mapping project identifies small, valuable and sensitive wetland and water resource areas including creeks, ponds, kettle lakes, springs, seeps, fens and vernal pools that need protection. Protection of local wetlands and other water resources, that are not regulated by the Feds or by the State, are key to the conservation of Ancram's environment: the number one priority in the Town Survey.*

*Here are specific comments for individual uses:*

*Animal agriculture in the Hamlets – Access also needs to be restricted to local wetlands and water resources, not just the State and Federally protected larger wetlands to prevent nitrogen and other chemical pollution of our waters.*

*Chemicals for Furniture Restoration – Given TCI fire, do we need to more carefully regulate these chemicals?*

*Kennel – g. What do you mean by "Joint" Planning Board?*

*Golf – This section has decent regulations on wetland protection that should be followed in other use areas.*

*Gravel Mining – d. For Large Mines – Special habitats, wetlands or water resources, such as a vernal pool, need to also be protected.*

*Membership Club – More detailed noise regulations are appropriate in this section as stated in the Recreational Facilities section which states: "Adequate evidence shall be furnished by the applicant demonstrating that noise levels will not likely disturb nearby residential properties. Such evidence must take into account the nature of the activity, the general demeanor of the participants, the frequency of the activity and the time and day of the proposed activity. Public address systems are prohibited."  
"Hours of operation. The hours of operation may be limited to minimize impacts associated with noise, lighting, traffic and similar potential effects which may be disruptive to adjoining uses."*

*Private Airfields – Noise standards or hours of operation need to be added to this use which could become a neighborhood nuisance or devalue adjacent properties.*

*Retreat Center – d. Buffer yards along perimeter lots of 40' seems too narrow; consider upgrading.  
i. Parking areas should meet 100' wetland and other water resources setbacks.*

*Sawmill – b. Setbacks of material storage need to be met for all wetlands and other water resources including those mapped on Ancram Biodiversity Map – not just State and Federal regulated wetlands.*

*Self Storage – Require parking area setbacks from wetlands and other water resources as described under Retreats – why should retreats have higher standards than other uses?*

*Shopping Center – c. Provide more generous buffer setbacks.*

*Warehouse – j. Here a buffer of 10' is given. Why should it be less than for a Retreat Center?*

### **Supplemental Regulations Section V September 2012**

*Accessory Apartment Parking # 6 – need to spell out the setbacks for parking areas.*

*2. The major contributor to our water quality degradation is storm runoff. These Flood Prevention standards need to be much stronger to protect Ancram's water resources. Prohibited uses in flood plains need to be expanded. For example, a small paddock area with lots of manure would be a source of pollution in a flood plain as would a shed filled with pesticides. Other towns have increased their stream buffers to include the 100 year flood plain in order to reduce damage from floods. (We will provide examples of flood prevention standards from other towns in the next week.)*

*3. Stormwater – d. Add to low impact management practice the most important practice – Natural areas that are already providing critical stormwater erosion control need to be protected. Add rain gardens or bioswales as a particular type of bio-retention method that is easy to do.*

*6. a. We recommend that buffers be established to reduce exposure to pesticide drift.*

*8. Also important that flaglots are not allowed if they cause increased pressure on environmentally sensitive water resources.*

*C. Off-street Parking – 1a. Add requirement that overflow parking must be a porous parking surface.*

*Parking Lot Design and Guidelines – Need to add green infrastructure design requirements such as rain gardens and bio filter swale designs.*

*Need to add wetland and water resource setback requirements.*

*Signs – E.8. Language needs to be stronger – even if business use takes place 24 hours per day, does not warrant 24-hour lighting.*

*F. Landscaping – b. Trees planted 30' on center does not make sense as a rule – different trees require different spacing. Say instead, spacing may vary between 15' and 40' depending upon type of tree in order to create a mature canopy.*

*Need to add: Plantings that are native to the Northeast are encouraged because they create wildlife habitat.*

*Manufactured Homes: G 7. Grading – “Rapid” drainage is not the correct term. “Proper” is a better adjective to use. Slow percolation through soil is more desirable than “rapid drainage”*

*Ridgeline Protection – Ridges are being protected for their scenic value, but they also need to be protected in terms of their environmental sensitivity and value. We recommend addressing the environmental concerns that are associated with our high ridges including: protection of wildlife corridors, protection of erosion prone steep slopes, protection of existing vegetation that mitigates erosion and protection of feeder streams. (Hillsdale's Ridgeline Protection, for example, includes these environmental protections.)*

*L Industrial District Performance Standards: L.2.c Landscaping – Need to encourage preservation of existing natural areas versus emphasis on introduced “landscaping”.*

*CAC suggests adding the following to the supplementary regulations:*

***Wetland and Water Resource Protection: There shall be a minimum 100' undisturbed buffer along all streams, wetlands and surface waters, including springs, seeps, vernal pools, fens, ponds, lakes, and other hydrologically sensitive areas including, but not limited to, aquifer and aquifer recharge areas (as per Town of Ancram Groundwater Protection Plan maps), where there shall be no development, soil removal or disturbance, clearing, filling, or vegetation disturbance or the storage or the application of pesticides, herbicides or petroleum. In order to further protect and preserve the quality and safety of our waters, CAC recommends that the application and/or use of chemicals and herbicides into our lakes/ponds, wetlands, vernal pools, kettle pools, and fens be prohibited. At the minimum, the Town of Ancram needs to develop guidelines and oversight for the protection of our waters from harmful substances used to control e.g., weeds, and unwanted marine life.***

### **Definitions:**

*Aquifer Recharge Areas – Although protecting drinking water is a priority, water needs to also be protected for agricultural use.*

*Aquifer – Aquifer has value as a water resource for agriculture, not just for drinking water.*

*Best Management Practices – “Accepted **and new design, construction and management** practices designed to **protect the environment** and minimize negative environmental impacts.”*

*Add to definitions: Biodiversity – The concept of “biodiversity” encompasses the “natural system of all species-plants, animals, fungi, and microorganisms – the habitats where they live and the broader landscape.” (Strong 2008, pg. 1) Our quality of life relies upon the quality of our fields, forests, wetlands and woodlands, in that each supports the plants, animals, water resources, landscapes, and ecosystems that make our world habitable and sustain our local economies.*

*Biodiversity Assessment – An inventory and evaluation of the biological and ecological resources on a parcel of land.*

*Add to definitions: Biodiversity Map – A map of ecologically significant habitats prepared by Hudsonia, the Ancram CAC and applicants of major subdivisions. This map follows the Biodiversity Assessment Manual for the Hudson River Estuary Corridor prepared by Hudsonia Ltd. This map includes specific kinds of forests, meadows, wetlands and water resources such as Calcareous Fens, Kettle Shrub Pools, Upland Meadows and many more.*

*Bioswale – Substitute your definition with this one: A drainage course that runs the length of a block, structure, road or other feature with gently sloped vegetated sides that filter soil and pollutants.*

*Building Envelope – The space within which a structure and its supporting infrastructure is permitted to be built on a lot and that includes the building, driveway, and any lands disturbed for well and septic systems. Managed lawn areas are typically considered to be part of the building envelope.*

*CAC – Conservation Advisory Council. Add words highlighted in red: An advisory committee, established by the Town Board and tasked with providing information, tools and advice for use in town planning; reviewing land use proposals; and advising the **public** and Town government in the **management and** protection of the environment **and natural resources**.*

*Environmental Constraint – An area with one or more of the following environmental characteristics: 1) steep slopes > 15%; 2) flood plain; 3)exposed bedrock or areas of land incapable of meeting percolation requirements; 4) aquifer recharge or discharge areas; 5) habitats of endangered species **and species of conservation concern; and 6) wetlands and other water resources**.*

*Erosion Control – Use of re-seeding, re-vegetation, placement of mulch or artificial matting or rip rap or other methods to prevent soil erosion. Add to definition: **A primary component of erosion control is the preservation of existing natural areas that perform free and natural erosion control.***

*Groundwater – Water below the land surface in a saturated zone of soil or rock. This includes perched water separated from the main body of groundwater by an unsaturated zone.*

*Habitat – The place occupied by an organism, population, or community. It is the physical part of the environment in which an organism finds its home, and includes the sum total of all the environmental conditions present in the specific place occupied by an organism.*

*Major Subdivision – A subdivision, created after **DATE OF ADOPTION**, not classified as a minor subdivision, including but not limited to subdivisions of more than four (4) lots, a planned development, or any size subdivision requiring any new street or extension of water or sewer utilities, or the creation of any public improvements, or any*

other subdivision classified as major by the Planning Board because of its probable major impact on the surrounding areas or any environmentally sensitive area; or its potential conflict with any provision or portion of the Comprehensive Plan or Official Maps of the Town. When there have been one to four minor subdivisions of a parcel of land after DATE, the splitting of a fifth lot shall also result in classification of that subdivision as a major subdivision.

Minor Subdivision – (Maps should be plural in minor subdivision)

Open Space – Land left in a natural state for conservation and agricultural purposes or for scenic purposes, devoted to the preservation of distinctive ecological, physical, visual, architectural, historic, geologic or botanic sites. It shall also mean land left in a natural state that is devoted to active or passive recreation. The term shall not include land that is paved, used for the storage, parking or circulation of automobiles, used for playgrounds or manicured recreational lands such as ball fields or lawns, or occupied by any structure except agricultural buildings. Open space may be included as a portion of one or more large lots provided the lot(s) are greater than 5 acres in size, and are contiguous to form a larger un-fragmented open space area, or may be contained in a separate open space lot but shall not include private yards within 50 feet of a principal structure.

Primary Conservation Area – The area delineated in a conservation subdivision to have priority resource areas to be conserved including, but not limited to streams, regionally significant forests, floodplains, wetlands, critical habitats including large contiguous habitats, steep slopes, areas with rocky outcrops, and groundwater recharge areas. Refer to the DEC Ancram Habitat Summary which identifies significant habitats and environmental areas.

Prime Soils – Add that Prime Farmland is healthy soil that has not been degraded by long-term use of pesticides.

Rural Character – good definition

Secondary Conservation Area – The area delineated in a conservation subdivision to have secondary resource areas to be conserved including, but not limited to healthy woodlands holding important ecological functions such as soil stabilization and protection of streams, hedgerows and other vegetation features representing the site's rural past, historic structures or sites, and visually prominent features such as knolls, or hilltops. This definition of secondary conservation areas needs to be better qualified since it includes areas that are also primary conservation areas.

Sediment Control – measures that prevent eroded sediment from leaving the site in order to protect quality and health of adjacent wetlands, water resources and neighboring properties.

Setback – The distance in feet between the building and any lot line. Refer to setbacks outlined in wetland and water resource supplemental regulations.

Steep Slope – Land areas where the slope exceeds 15%. Given this general standard, we recommend upgrading the environmentally sensitive lands to greater than 15%, not 20%. This would be consistent with the Comprehensive Plan Strategies for Goal 2 e.

Stormwater Management – The use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment. Add to definition: A key

*component of stormwater management is the preservation of natural features such as forests, topography and wetlands that act as natural sponges.*

*Traditional character of the Community – Deep setbacks are not necessarily part of the traditional character of the community. Often older homes were sited close to the road and this traditional strategy is still a relevant practice in terms of conserving open space.*

*Vernal Pools – Please use this definition: Vernal pools are depressional wetlands that can be characterized by their generally small size, physical isolation from navigable bodies of water, and alternating periods of flooding and drying which impedes the presence of fish (Babbitt and Veysey, 2009). Vernal pools can also be identified by their obligate species of wildlife such as Wood frogs, Spotted salamanders, Jefferson salamanders, and Fairy shrimp. Obligate species are ones that rely solely on a particular resource or system for survival. Vernal pool obligates have evolved dependent on these pools because they cannot reproduce in water containing fish. These obligate amphibians are extremely vulnerable to fish in their larval stage, and in the absence of vernal pools would perish (Guidelines for the Certification of Vernal Pool Habitat, 2009) (Marchand, 2004). Large numbers of invertebrates, such as dragonflies, damselflies, and midges, are also produced in these pools. These invertebrates attract many different species of birds and mammals especially in the spring breeding season when food is most critical. If vernal pools are removed from an area, the overall biodiversity in the surrounding forest decreases dramatically (Scheffers et al., 2006).*

*Given the substance of our comments we suggest that we meet with the Zoning Revisions Committee to discuss and to provide any additional information and resources. Again we thank you for your effort and work.*

#### **REFERENCES AND RESOURCES**

*Kiviat, E. and Stevens, G. 2001. Biodiversity Assessment Manual for the Hudson River Estuarine Corridor. New York State Department of Environmental Conservation, Albany. 508 p.*

*Marchand M., 2004. Identification and Documentation of Vernal Pools in New Hampshire. New Hampshire Fish and Game Department. Nongame and Endangered Wildlife Program.*

*Scheffers B. R., J. Berton, C. Harris, and David G. Haskell. 2006. Avifauna Associated with Ephemeral Ponds on the Cumberland Plateau, Tennessee. *Journal of Field Ornithology*, Vol. 77, No. 2:178-183.*

*Strong, K. 2008. Conserving Natural Areas and Wildlife in Your Community: Smart Growth Strategies for Protecting the Biological Diversity of New York's Hudson River Valley. New York Cooperative Fish and Wildlife Research Unit, Cornell University, and New York State Department of Environmental Conservation, Hudson River Estuary Program. Ithaca. 101 p.*

*Veysey J.S., K.J. Babbitt. 2009. An experimental assessment of buffer width: Implications for salamander migratory behavior. *Biological Conservation*. 142 2227-2239.*

*Winkley, Steven. 2008. "Groundwater Protection Plan for the Town of Ancram Columbia County New York February 2008 by Steven Winkley New York Rural Water Association. 36p.*

*These DEC and CAC documents and papers are available on the Conservation Advisory Council page of the Ancram Town Website:*

- *Strong, Karen. October 2001. Town of Ancram Habitat Summary*
- *Ancram Biodiversity Map: Roeliff Jansen Kill Corridor*
- *Stream Side Vegetated Buffers November 19, 2012.*
- *Vernal Pools*
- *Biodiversity Assessment: Mandatory for Major Subdivisions and Recommended for Minor Subdivision August 23, 2001.*

Mr. Mike Citrin asked what the changes were that were made to the Package #4.

Mr. Hugh Clark stated that the committee is working on a memo which will site and explain all of the changes.

Mr. Eric Weiner questioned the assessor dwellings and had a question pertaining to the square footage and the usages. Mr. Bassin stated that he has suggested eliminating the square footage and the bedroom restrictions.

Mr. Weiner commented that the Board of Health will not certify an existing septic system and that the Zoning Board should keep this in mind.

At this point Mr. Bassin and Mr. Clark explained the routine of passing zoning revisions into law.

Mr. Bassin called the meeting closed at 6:40pm.

Respectfully Submitted by,

Monica R. Cleveland  
Ancram Town Clerk