Town of Ancram
Town Board
Public Hearing ZRC Package #4
October 15, 2012

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

Supervisor Bassin called the public hearing for ZRC Package #4 revisions to order. He noted that the meeting had been properly noticed in the official papers.

Mr. Bassin stated that this meeting was to solicit comments from the public on Package 4.

ZRC Chair Hugh Clark gave an overview of what is included in Package #4.

The CAC gave the following comments:

Our CAC members have reviewed the Zoning Package #4. We have more work to do to complete our detailed comments but wanted to communicate to you today our most important comments:

First of all this package represents an incredible amount of volunteer work and we appreciate how much the Zoning Revisions Committee is doing for Ancram.

Protection of the environment was the number one concern cited in the public survey that was conducted as part of the Comprehensive Planning Process; however this Zoning Package falls short of providing the wetland and water resource protection that was outlined in the Comprehensive Plan. At every training session that we have attended, DEC and CLC representatives have told us that in order to protect our environment and water resources NYS towns must actively protect their local wetlands – not just the larger 12.4 acre wetlands that are already protected by New York State. Otherwise Ancram is no different than a town that has absolutely no zoning. These local and small wetlands and other environmentally sensitive areas that we are identifying in our biodiversity map, need to be included in the details of this zoning package.

Here are a few of the detailed strategies that are already approved in the Comp Plan, that are missing from this package:

2.2 Prevent Groundwater Contamination – exclude all development within a minimum of 100' of water, streams, wetlands, vernal pools, and other hydrologically sensitive areas.

Zoning Package #4

- *In the Area and Bulk regulations all the local wetlands, not just the State ones, need to be part of the "areas of development exclusion"*

- *Parking areas for example are development that needs to meet this setback in the Individual Standards*
- *Ridgeline protection needs to include language regarding the hydrologically sensitivity of steep slopes.*
- *The Flood Prevention Standards need to be more protective –storm runoff is our #1 pollution source*
- *Our 1972 supplemental standards provide better protection of our waters with the 150' setback than this new zoning.*

2.3 Site Plan Review – Recommended for minor subdivisions that we steer development away from environmentally and hydrologically sensitive lands.

- *Protection of our local wetlands is missing throughout this package in both individual standards for special uses and the supplemental regulations.*

2.4 Stream side Buffers and Vernal Pools Adopt a minimum 25' streamside vegetation buffer. Establish 100' buffer to protect vernal pools.

- *These recommended standards not reflected in the special use section.*
- *Stream Buffers missing in the definitions.*
- *Need a clear and concise general standard for stream and wetland buffers*

2.5 Determining Building Lots – Defined environmental obstacles should include water, wetlands and floodplains

- *Section IV Area and Bulk regulations – needs to exclude from development potential the local wetlands like a 10 acre fen or a vernal pool*
- *The individual standards for special uses should use this Comp Plan standard for determination of all building lots.*

In conclusion. CAC wants to help the zoning revisions committee revise this package so that it follows the detailed strategies outlined in the Comp Plan. Over 2 years ago we submitted recommendations on vernal pool protection, stream buffers, and biodiversity assessment and these recommendations and it is not too late to incorporate our recommendations in the supplemental regulations of this zoning package. In the next 2 weeks, CAC would like to provide a concise and clearly written supplemental regulations that protects our local wetlands and water resources and reflects the "Detailed Strategies" of the approved Comprehensive Plan. We would like Hugh to let us know how to best work together on this. Perhaps Nan has some experience or information that would help pull this together in a timely manner.

Again we thank you for your effort and work.

The CAC will write down their supplemental changes to the document and have them to Mr. Clark within 2 weeks.

Coral Eddie questioned the accessory buildings. She asked if an accessory building could have its own water and sewer. Mr. Bassin stated that he felt that it would seem the better option to allow either or. Mrs. Donna Hoyt stated that by being attached to the primary residence through the facilities, without it is its own building, the property could not be subdivided and that an accessory building could be on its own if not attached to the main structure's water and septic.

Mr. Bassin noted he supported the idea that an accessory structure could have its own septic and water, and that multiple primary dwellings should be allowed on a parcel without sub division if the parcel could support subdivision some day. He also commented that he did not think the 1000 sf foot total size restriction or the two bedroom limit for accessory structures was necessary, or that the one accessory structure per parcel limit was necessary.

Erin Robertson questioned the recommendation that ridge line that passes through her property on Fox Hill be designated a protected ridge line. She noted that her ridgeline was not a primary ridge line, and that her home was on the top of the ridge already. It this protected ridge line designation is not removed from her ridgeline, she would not be allowed to make any changes, as in building a garage or barn. She stated that the ridge line designations seem inconsistent. Mr. Clark stated that the need to protect ridge lines was taken from the Comp Pan and the ridge liens to protect were decided on by a sub-committee of the ZRC. Mr. Barry Chase, who headed this sub-committee read a statement as to how the ridgelines designated for protection were selected. (INSERT BARRY'S STATEMENT HERE)

Mrs. Ann Rader questioned if the noise ordinance would affect a dog kennel, and suggested dog barking noise standards related to dog kennels be included in zoning. Mr. Bassin stated that the dog barking ordinance is under the Town Board review. Mr. Clark noted that dog barking was not a zoning issue.

Mr. Mike Citrin, who was not in attendance, sent the following letter to Mr. Bassin with his comments:

Adrienne and I will be out of town for the "open meeting" to discuss "package # 4 of the revised zoning law" and want you to have this information.

Please read this letter at the next town board meeting.

Nan Stolzenburg, the ZRC consultant, recommended that manufactured home parks(MHP) have frontage on, and direct access to, a New York State or Columbia County road. This would eliminate access to any town roads.

The majority of the ZRC disagreed stating that, " MHP or OSCS subdivisions may be located on or off town roads because they generate equally intense traffic."

Let's look at some numbers to get an idea of comparable density.

As an example, a 20 acre parcel which allows a maximum of 40% to be developed, can have as many as 37 manufactured homes .(see attached note)

However, subdivisions or OSCS follow the 40% rule with homesites on a minimum of 3.5 acres. That would allow for 6 homes on the same 20 acres!

MHP and OSCS do not produce the same density!

I strongly recommend that the section of "package #4" be changed to Ms. Stolzenburg's original recommendation.

Mr. Bassin stated that Nan Stolzenburg did recommend that trailer parks be located on State and County roads do to the volume of traffic. Mr. Clark stated that he agreed with Nan. It was observed that major subdivisions do occur off of town roads and produces as much traffic. This was a split vote on the ZRC.

Mr. Bassin submitted the following questions he asked of the ZRC via email, along with their email answers:

1. Section IV F 1 - I would like to understand the reasoning for only one principal residence on a parcel if the parcel would be large enough to support more if subdivided, and can provide its own water and septic. What are the negatives for allowing multiple residences? Given we are allowing accessory apartments in houses, barns, garages etc. not allowing multiple stand alone homes on a larger parcel seems inconsistent with this direction.

A. First, it is important to point out that the rule of one principal residence per lot has always been the requirement in current zoning (Section 2 D4). The current Planning Board expressed some confusion because a later section of the zoning (Section IV F 1) alluded to two or more principal residential structures, but did not really define what or when that would be used. When resolving the PB's request for clarification, the ZRC drew heavily upon the experience and projections of members with PB experience.

One factor that guided the ZRC was prevailing PB practice. Prior PBs had operated on the premise that only one principal residence was permitted per lot.

Nevertheless, there still was extensive debate that extended through several meetings. While everyone agreed that any principal dwelling should only be on a piece of ground that has proper water and sewage and could ultimately be carved out as a stand-alone lot that conforms to all ground-rules, there was debate about the point at which the second or subsequent principal dwelling gets established as its own independent parcel. Members with PB experience recounted examples about accessory guest cottages migrating to become de facto second principal dwellings and other sensitive situations. Also cited were tales of altered intentions and difficulties resulting when a senior family member died, family relationships changed, and property holdings and holders got murky, including when taxation was involved.

Permitting only one principal residence per lot clarifies who owns each; what dimensions, lot sizes, setbacks, and frontages apply; makes it easier to sell later on; and also avoids the risk that someone will put multiple dwellings on a parcel to skirt subdivision rules.

The bottom line was that allowing a second principal residence on a lot now, even if there's ample property to accommodate both dwellings without any potentially non-conforming uses, can—and historically does—create problems for that property in the future as ownership and intentions evolve. To aid current property owners, subsequent owners, sellers and buyers, assessors, and others, "Keep it clean" was the prevalent conclusion.

2. Density Calculation - During the Comp Plan process we talked about two ways to compute density. One was the way you have described by subtracting for water, steep slopes etc...the other was to allow the developer to present a plan showing the maximum number of lots possible (up to the 3.5 acre density limit) regardless of the subtraction for slopes, water etc, demonstrating all requirements could be met even with a higher number of lots than the computation method would permit. What happened to this other way to deal with density?

A. You're right. Comp Plan 2.5 does say to establish both a formula-based mechanism and a yield management mechanism to calculate the density a parcel is eligible for. Both are net acreage methods. The history of the Long Lake development underscored the value of net acreage as the best basis for calculating how many units could be accommodated.

Nan provided three options: two were formula-based and one was yield management. After thoroughly examining the pros and cons of all three options for calculating net density, the ZRC unanimously found that the recommended formula-based approach best suits Ancram's situation and should be adopted. The other formula-

based approach was found to be too inflexible when compared to the selected option, and the ZRC concluded that the yield management option had, to a great extent, already been captured in the site plan review process of Section XIII and in the provisions of Sub-Section V(I), Open Space Conservation Subdivisions. Furthermore, both the density requirements and Open Space Conservation Subdivision require adjustment to the final allowed density based on availability of water and septic. That also acts as a yield method by requiring an adjustment of density based on water and septic system capacity.

Also, in the table, steep slopes are listed as .3 while they are described as 50% on the previous page, under 2 d. Which is the right %?

A. Good catch. You have identified an inconsistency. The next step is to determine which deduction is better (.3 or .5) and whether the TB wants the ZRC to give a follow-up recommendation about which to go with.

3. Assessory Buildings and Uses

b. 3 - what does subordinate mean -- smaller than? How much smaller?

A. Derived from dictionaries such as the American Heritage Dictionary, wherein "subordinate" is "belonging to a lower or inferior class or rank; minor; secondary," "subordinate" is the standard language used to describe something that is a secondary use or structure on a parcel. Such understanding also derives from a context in which one has a "principal building or structure" or a "principal use," both of which are defined in Section XII. It is distinguished from the 'principal' structure or use that is the primary use of the property. A subordinate structure is NOT the primary use of the property, nor is it the largest. There is no specified size, however, as it varies from parcel to parcel provided the use or size is smaller than the principal structure.

b. 4 - why a two bedroom limit?

A. It's just a matter of scale and ensuring that accessory apartments remain 'subordinate' to the principal use. This subsection deals with accessory apartments in single-family dwellings. One-family dwellings contain complete house-keeping facilities for one family, i.e. "one person, or two or more persons related by blood, marriage, or adoption, or not more than five persons not necessarily related by blood, marriage or adoption, and any domestic servants who live together in a single dwelling unit and maintain a common household."

b. 5 - why only one per residence? Why not one per structure (in a house, in barn, in a garage)?

A. Subsection A1b deals with accessory apartments in a single-family dwelling and does exactly what Comp Plan 8.10 calls for—"Allow one accessory apartment in single family dwellings and in accessory buildings like barns and garages…." Subsection A1c on the next page deals with accessory apartment in an accessory structure to a single-family dwelling, which encompasses the barn, garage, etc. By the way, once you get to three units in a building, you've crossed into multi-family dwellings, which are commercial uses.

The accessory apartment concept is designed to maintain the single family, low density residential nature of the area. Ancram is offering flexibility to have an apartment (many places do not even allow that to happen), but with enough guidance to prevent the nature of the district changing from single family residential to higher density, multi-family apartments. Allowing more than one apartment on a parcel moves, by practice and definition, the use of the parcel away from the primary use to apartment use. The Comp Plan guidance at 8.10 maintains the right balance between focus and flexibility.

b. 8 - why are non-conforming lots eligible everywhere except Carson and AR?

A. One underlying thought is that it's desirable to nudge density toward the hamlets, bolstering their standing as the centers where people reside and commerce and culture occur. They are also more likely to have some nonconforming lots, while the Ag and Carson Road areas are intended for lower density residential use.

c. 2 - how about separate water?

A. Items B2 and C2 do not refer to the septic systems. They refer to the fact that accessory apartments need to have their own bathrooms. B7 and C6 require they hook up to existing water and septic systems. That goes back to the notion that these are secondary and subordinate uses, rather than creating multi-family dwelling conditions.

Note also that A1b7 and A1c6 both contain the same language about Columbia County Dept of Health approving any proposed accessory apartment related to a single family dwelling to ensure a proper on-site water supply and sanitary system before a zoning permit may be issued. As noted in the 21 May 12 minutes, this provision was added pursuant to Jim Miller's concern that an existing septic and water system may need to be upgraded if additional persons are using it.

c. 4 - why limit to 1000 sf?

A. Again, it's a matter of scale and ensuring that the accessory use is accessory (i.e. subordinate to the principal use). You could change that to a percentage of the principal use, but the same outcome is expected – these are smaller and secondary to the main use of the property. Many houses don't exceed 1400 or 1500 square feet.

d. 1 - does this mean I cannot build a garage or barn or shed (with or without accessory apartments) on a vacant lot I own that is next door to my house?

A. No, that's not what it means.

This passage focuses on accessory buildings or uses. By definition, an accessory structure is "a secondary structure or use on the same lot in the same ownership which is associated with the principal use or structure, and which is incidental or subordinate to the principal use or structure…." If there is no principal use or structure on a lot, there can't be an accessory use because there's nothing to which it is accessory or secondary. Accessory uses cannot be used for residential uses unless there is a principal building on the site.

So, go ahead and build that barn, or garage or shed as the principal use on that vacant lot. You could even build another house on the vacant lot as a principal structure. Or, you could build a garage as the principal use, and at some subsequent time, you could build a house, which would then become the principal use and the garage becomes the accessory.

4. Commercial logging - what is the definition of clear cutting? What if I want to clear cut a section of my woods to build to build a house, and I plan to sell the wood?

A. Darn! I would have sworn that we had included a definition for "clear-cutting," but it's not there. Nan is tracking one down.

As for clear cutting a section of woods as a house site, and selling the wood resulting from that clear cutting, Nan consulted a DEC forester who noted that "any wood sold makes a logging operation a commercial operation." However, to instill perspective, it should be noted that the large logging trucks with cherry pickers hold approximately 5,000 board feet. Hence, 50,000 board feet would constitute 10 truck loads, which is quite a high threshold if one is clearing trees for a house site. That's the threshold for needing a logging permit from the ZEO.

If a landowner wanted to remove trees for a house site and sell the wood, as long as it is under 50,000 board feet and is not using a commercial logger, there is no permit needed. If however, they want to cut the trees for a house site and it is over 50,000 board feet, they will have to get a permit.

However, there's a situation that may not be addressed well enough in the current text. What if the guy/gal who wants to clear a house site and sell less than 50K board feet of timber hires a commercial logger to cut and haul? This section doesn't treat that scenario. It may be useful for the ZRC to give that one situation a quick look.

5. Manufactured Home Parks -- I cannot imagine any town board wanting to take on the kind of review process outlined. Why the TB and not the PB?

A. The ZRC thought that the TB was more appropriate than the PB for several reasons. One was that the current zoning ordinance gives the TB rather than the PB the authority to establish a mobile home district, after PB review and public hearing. So, this update retains the TB's traditional role and authority. In that vein, the ZRC perceived that establishing a MHP was likely to be a truly significant decision for the town, which would be an appropriate role for the TB. The review process is the same as that for a Floating Business District, which also requires TB approval. Obviously, if the current TB prefers that the PB be designated as the review and approval authority, we can change the text to reflect that approach.

Why not deal with MHPs like any other subdivision, and require the same PB process, and the same standard 3.5 acre density?

A. Because a MHP is not a subdivision. Although it is understandable that many people think of a MHP as a subdivision, a MHP is not a residential subdivision in which individual lots are bought and sold. A MHP is a commercial use in which a single owner rents pads, generally for long-term occupancy.

Why 4 per acre?

A. Because that's what the current ordinance calls for and Comp Plan 8.14 says that "Mobile home parks should be retained in zoning as a permitted use subject either to the current zoning guidelines or to the open space development guidelines which will apply to all future residential subdivision development. The ZRC revised MHP provisions of the current ordinance to implement the vision of the Comp Plan and Detailed Strategy 8.14 without making it impossible to propose an MHP. As with almost all of its work, the ZRC sought a balance. In this instance, the 4 per acre provision was retained.

My recollection of the Comp Plan discussion regarding manufactured homes was we wanted to treat them no differently than other homes...which means the 3.5 average density should apply. The basis for the 3.5 acres per dwelling was that was the density our long term water supply could support, based on the Winkley Water Study...

A. You are exactly right. Detailed Strategy 8.13, Manufactured Housing/Mobile Homes, says "Continue to allow manufactured housing (mobile homes) subject to guidelines for single family homes.

Section XIII, Site Plan Review, adopted October 2011, (SubSection B1d(4)/p. 3) says that single family and two-family residential uses that are not part of subdivision, including mobile homes, may be subject to abbreviated site plan review pursuant to Sub-Section G. Sub-Section XIII G/p. 21 says that any single family or two-family residence, including mobile homes, shall meet all procedures and requirements for an abbreviated site plan review if they are proposed on a parcel that contains one of eight criteria (e.g. steep slope, wetland).

Hence, a single-family manufactured home that is a "stand alone" is treated exactly like any other single family residence, which is exactly what 8.13 calls for.

With that said, remember that an individual manufactured/mobile home is not the same thing as a mobile home park. Comp Plan guidance for mobile home parks is separately addressed at 8.14.

While it is unlikely a MHP could even find enough well water to deal with a 4 per acre density, even if the water was there, it would be a water use of 14 times what we envisioned with the 3.5 density, and could be a real drain on neighboring wells...If anyone ever does initiate this process, the way you its set up sounds like the TB could just say

no on the basis of water, and that is the end of it. Is that correct? Or does the TB have to go through the analytic review process before making a decision?

A. That's right; the TB could just say "no." In fact, the TB could just say "no" at any point in the review process, or it could opt to not even accept the proposal or application.

"The Town Board, in its sole discretion, may decide at any time not to discuss the proposal with the Applicant, nor to accept, process, and review any proposal or application." This statement, or similar wording, appears at least five times in this part of the Supplemental Regulations. In addition, G2b2 says that "the applicant shall certify that he/she understands and accepts that the Town Board, in its sole discretion, may reject the application at any time during the review process for no reason and that he/she willingly and voluntarily makes the application and incurs any expenses thereof with full knowledge of this Town Board prerogative."

If this process did ever get started, the escrow would probalby have to start at $10,000, and could cost 25,000 by the time we got done.

A. That's possible. The recommended supplemental regulations affecting MHP are rigorous and require that anyone seeking to install and operate an MHP must understand our citizens' vision for Ancram, the niche that a MHP would occupy in that vision, and "do it right."

Note: Appended to this Q&A is an information paper that summarizes facts about manufactured homes and MHP from the town's current ordinance, the Comp Plan, adopted revisions, and the recommended supplemental regulations in Package 4.

6. MHP Recreation Fee -- is this fee something the town can charge to any major subdivision? Is it in the revised zoning already?

A. Nan notes that "the Town may charge a recreation fee to any subdivision. That is not a zoning action, but the Town Board can set this fee at any time and at any amount. Pine Plains set theirs at a very high rate (over $1000 per lot if I recall). Fees collected go into a general recreation fund account to benefit the whole town. You don't need zoning to do that. Further, the existing subdivision law allows for creation of a park, or funds in lieu for recreation."

Sections XIII (Site Plan Review) and Subsection V (I) (Open Space Conservation Subdivisions) do not mention such recreation or service facilities or fees for major subdivisions. However, Section IV (I), Density Bonuses, does provide incentives for "Public Access or Recreational Uses. A bonus may be granted for the creation of public recreational lands or facilities open to the public including but not limited to public access to streams, access to old railroad beds, access to other open space lands, the provision of fishing rights, or provision of trails and trail linkages…."

7. Adult Entertainment -- Why not make adult entertainment a prohibited use, as not consistent with the rural character of the community?

A. Because the US Supreme Court has determined that adult uses enjoy First Amendment protection. That means that a Town can regulate adult uses through zoning, but because they are part of free speech, the Town can't prohibit them. The best the Town can do is to channel those uses, which (according to NYS DoS) doesn't mean relegating them to the farthest reaches of the local gravel pit.

8. Animals in the Hamlet -- What does it mean to "recommended" livestock be stocked at one animal unit per acre?

A. The ZRC sought to give the PB some guidance that would be useful when determining whether adequate acreage exists for the proper care and feeding of animals in the hamlets. This table, which originated with NYS Ag & Mkts or with Cornell Cooperative Extension, says that for livestock "an Animal Unit is equivalent to a 1000 lb non-lactating cow." When deliberating, ZRC members noted that lots that might be used for livestock vary in their soils, topography, and overall ability to harbor livestock such as horses or cows. In most cases, as the table indicates, one animal unit (i.e. one horse or cow) per acre is about right. However, in some instances, the land may reasonably accommodate another horse or cow. To give the PB a bit of judgmental latitude, the term "recommended" was retained. If the TB prefers to eliminate that latitude, line 2a3 could be edited to read: "Livestock shall be stocked at not more than one Animal Unit per acre. An Animal Unit is equivalent to a 1000 lb non-lactating cow."

9. Why do bed and breakfasts have to be owner occupied?

A. Because, as noted in the definitions, a B&B is fundamentally a residence, but one which also rents accommodations to transient, fee-paying guests and provides not more than one meal daily to those guests. If it is not owner occupied, it becomes a rooming house, boardinghouse or small inn. There is a fundamental difference in definition.

10. Boarding kennels -- how do we propose to deal with the noise nuisance of barking dogs on the neighbors? 80 feet setbacks from a neighbors house is not far enough away to avoid barking dog problems...maybe 1000 feet from neighbors homes would avoid violations of the town noise law...

A. Based on the agreement reached on 24 September, it's no longer 80 feet from a neighbor's house. It's at least 10% of the square footage of the facility plus setbacks. It's also required to be on a 5-acre parcel, which ought to give additional room for siting the kennel, and the PB is supposed to determine likely adverse effects, including potential noise, on the existing character of the neighborhood or surrounding area before approving a SUP. If there's likely to be an adverse effect due to noise, the PB may opt not to approve a SUP. Also, the onus is on the operator to keep noise under control lest the one-year SUP not be renewed.

11. Compost Facility - What is the definition of a compost facility? Can anything be composted? Are we inviting Cassino to Ancram? How many acres required, minimum? Should there be limits on size of the facility?

A. These are all good points. Although the ZRC discussed compost facilities at several meetings, the discussion focused so much on controlling noise, leaching, etc that we neglected to capture these basics. I suggest that the TB ask the ZRC to address the features in your question.

12. Echo Housing -- why limit it to only 2 people? How about situations where you have an older couple with a live in full time family member or professional care giver?

A. The ZRC envisioned that the 1-2 seniors occupying the ECHO housing would be cared for by a family member or equivalent who is the owner/occupant of the primary dwelling, as indicated by the ECHO definition. The 2-person limitation could be removed, but with appropriate language added to preclude the ECHO housing from becoming a crowded accessory residence.

Following is a second series of questions posed on 8 October by Art Bassin about Package 4, with responses:

1. Monitoring parcels -- Are we going to have to invest in a GIS and parcel management system to monitor and control parcels going forward? What would the specs be, and how much should we budget in 2013 to cover this?

A. From Nan: "I don't think that is necessary. You can certainly use GIS in that way, but there are other mechanisms too. Some places just have a large parcel map that they hand write in on each parcel. Others use an excel spreadsheet. Don Meltz has set this up for other clients. Remember that he already came and loaded GIS maps onto town computers. I think it is time to update those maps (now that we have the Ag plan maps too) and at the same time have him use that mini-GIS you already have on the town computer to allow for tracking parcels. I am concerned that the PB and others don't use what is already set up for you. As for budget, it seems more sensible to have Don make the updates, perhaps add it to other computers in town and do training."

2. Accessory apartments - says on p 2 c 6 that they have to be tied into current water & septic...what if current water & septic can't handle it, but a new septic and well could?

A. Nothing prevents a new water and septic system, or upgrading what is there, to ensure adequate water and septic for both principal and secondary uses.

A1b7 and A1c6 both contain the same language about Columbia County Dept of Health approving any proposed accessory apartment related to a single family dwelling to ensure a proper on-site water supply and sanitary system before a zoning permit may be issued. As noted in the 21 May 12 minutes, this provision was added pursuant to Jim Miller's concern that an existing septic and water system may need to be upgraded if additional persons are using it.

3. Are all current conditions grand fathered?

A. Almost all. The few exceptions to grandfathering that come to mind focus on non-conforming uses that are changed or moved. Section VI covers those. If you don't move or change it, then it stays the same and is grandfathered/allowed as a nonconforming use.

4. Demolition - it says a demolished primary structure has to be removed, graded and seeded in 15 days...what if the site is scheduled to be a new construction...can the PB waive the seeding part?

A. There is no site plan or special use permit required for demolition, so the PB does not have a role in this. The CEO/BI would monitor the clean up and seeding. To accommodate your point about imminent new construction on the site, a closing sentence could be added: "Seeding is not required if a building permit is issued for new construction to begin on the site within 90 days" or words to that effect.

5. What is a "representational sign" on p 18 #5

A. As defined on page 31 of Section XII, Definitions, a representational sign is "any three-dimensional sign which is built so as to physically represent the object advertised." This is the same definition that appears in the current zoning ordinance.

6. On page 29 - Telecommunications Tower law is local law 1 of 2012

A. Good catch. "5" will be inserted for wind turbines and "1" will be inserted for telecommunications towers.

7. What is a "blank wall" on p 30, 6d?

A. A blank wall is a wall that has no windows or doors.

8. Formula based architectural styles are indicated as Ok on p 30, 6 f...but they have to meet all the requirements of the zoning...does that mean we can have a McDonalds or Burger King looking like they do everywhere else, or do they have to look like they fit in with the style, look and feel of Ancram?

A. It means they have to fit in with the style, look and feel of Ancram. They would have to meet Ancram's design standards.

9. At some point, Nan should make us a list of all the applications we will need for all the permits listed, and design a standard application that covers most or all of them...

A. From Nan: "OK. Will do that."

10. Also at some point we need to make a list of all the fees indicated...

A. From Nan: "Can do that too."

Manufactured Homes and Manufactured Home Parks—Some Facts (a paper prepared by Hugh Clark in response to Mr. Citrin's letter) :

Current Ordinance:

Section V F of the current zoning ordinance addresses "House Trailers and Mobile Homes, " and includes a sub-section entitled "Mobile Home Parks."

The opening four paragraphs of Section V F provide guidance about "single house trailers," which are prohibited in all zoning districts except the R, R-1, and MP districts, and which must be on a lot meeting minimum district dimensions. The fourth paragraph permits mobile homes as an accessory use to agricultural activities and identifies setbacks and states that mobile homes used for housing farm workers shall not exceed a density of 4 per acre.

The "Mobile Home Parks" portion of Section V F states that the TB may, after PB review, public notice, and hearing, establish an MP—Mobile Home District—and approve the development of that tract provided it meets standards listed in a-h. Among those standards are:

-each trailer park shall have a minimum area of 400,000 square feet;

[Note: 400,000 sf is approximately 10 acres.]

-no trailer lot shall be less than 5000 sf and have less than 50 feet frontage on an access road;

-gross density (total acres of the site) shall not exceed four trailer lots per acre;

-plus guidance about clearance between trailers, auto parking, recreation area, screening, and compliance with the "House Trailer and Trailer Camp Ordinance of the Town," which dates to 1971 and still exists according to the town website.

2010 Comprehensive Plan:

p. 14--The Vision includes "Ancram has a range of affordable housing alternatives…."

p. 41—Detailed Strategy 8.13, Manufactured Housing/Mobile Homes, says "Continue to allow manufactured housing (mobile homes) subject to guidelines for single family homes."

p. 41—Detailed Strategy 8.14, Mobile Home Parks, says "Mobile home parks should be retained in zoning as a permitted use subject either to the current zoning guidelines or to the open space development guidelines which will apply to all future residential subdivision development."

Comp Plan Implementation:

Manufactured Housing as Single-Family Home--

Section XIII, Site Plan Review, adopted October 2011, (SubSection B1d(4)/p. 3) says that single family and two-family residential uses that are not part of subdivision, including mobile homes, may be subject to abbreviated site plan review pursuant to Sub-Section G.

Sub-Section XIII G/p. 21 says that any single family or two-family residence, including mobile homes, shall meet all procedures and requirements for an abbreviated site plan review if they are proposed on a parcel that contains one of eight criteria (e.g. steep slope, wetland).

Hence, a single-family manufactured home that is a "stand alone" is treated exactly like any other single family residence, which is exactly what 8.13 calls for.

Manufactured Home Park—

Although it is understandable that many people think of a MHP as a subdivision, a MHP is not a residential subdivision in which individual lots are bought and sold. A MHP is a commercial use in which a single owner rents pads, generally for long-term occupancy. Zoning definitions have been updated to aid this understanding.

Supplemental Regulations Section G, Manufactured Home Parks, includes both an application/review process and criteria that must be applied within that process.

The Supplemental Regulation requires Town Board approval of a Manufactured Home Park and provides a rigorous review process, including mandatory referral to the CAC, SEQRA, recommendations by the Planning Board, and a public hearing. The TB's review process, including its prerogative to cease review and disapprove the

proposal at any stage, was never articulated in the current ordinance. If the TB approves the establishment of an MHP, the applicant must then apply to the PB for site plan approval pursuant to Section XIII.

Among the standards that the ZRC recommends are:

-a MHP may be established only in the Ag District;

-a MHP shall not be detrimental to present and potential surrounding uses;

-existing and proposed streets shall be suitable and adequate to carry anticipated traffic;

-an on-site sewage plant;

-a MHP shall be on a minimum of ten acres and a maximum of twenty acres;

-a MHP must preserve at least 60% of the parcel's acreage as open space;

-the PB may require some or all of the open space standards of Section V(I), OSCS;

-single wide units require a minimum lot area of 7260 sf—a 45% increase above the 5000 sf in the current ordinance;

-double wide units require a minimum lot area of 9700 sf;

-maximum number of units per gross acre remains 4;

-minimum setback from public highway right of way line increases from 50' to 100;'

-minimum unit separation increases from 30' to 50;'

-extensive screening requirements;

-a MHP attendant/caretaker must be on site at all times;

-required storage space for each manufactured home in a fully enclosed building;

-a recreation area must be incorporated within the MHP (minimum 500 sf per unit).

As noted above, the current ordinance and the ZRC recommendation both call for a maximum of 4 units per gross acre. Calculating on the basis of gross acreage means that unit density is initially calculated on the size of the entire parcel.

Based on 4 units per gross acre, a 20 acre maximum, and 60% open space (12 acres), there could be mathematically a maximum of 80 units on 8 acres. However, that initial calculation is misleading because it does not include other standards that must be considered.

8 acres with approximately 40,000 square feet per acre produces approximately 320,000 sf.

As noted above, a single wide unit must have a minimum site area of 7260 square feet. Given a maximum of 8 acres (320,000 sf) upon which manufactured homes may be sited and at least 7260 sf required for each unit, there would be a maximum of 44 units.

However, even that maximum is not the total, because ground needed for setbacks, screening, parking, roads, and other infrastructure must be subtracted. Nan Stolzenburg reports that such infrastructure typically takes up 15% of the land.

Thus, instead of 80 units, one may expect an approximate maximum of 37 units on the largest parcel allowed (20 acres) for an average density of approximately 2 units per acre.

Without belaboring likelihoods and calculations, it is improbable that the TB during its review, or the PB during SPR, would find that an ideal site would yield more than approximately 37 unit pads on a site with the maximum of 20 acres.

The current ordinance contains no maximum acreage limitations, permits a 45% smaller lot size (therefore more pads), smaller setbacks, more limited screening, no specified recreation area size, and no open space requirements.

As with almost all of its work, the ZRC sought a balance. The ZRC revised MHP provisions of the current ordinance to implement the vision of the Comp Plan and Detailed Strategy 8.14 without making it impossible to propose an MHP, but also requiring high standards and rigorous review.

Mr. Bassin announced that the Public Hearing would remain open and would reconvene on November 15, 2012 at 6:00pm.

Mr. Bassin asked for any further comments.

Mrs. Hoyt stated that the reason the biodiversity map was not noted more in the plan was due to the fact that it is only 25% done.

Mr. Dennis Sigler thanked Hugh Clark for his work. Mr. Bassin thanked the ZRC.

Mr. Bassin adjourned the meeting at 7:50pm until November 15, 2012.

Respectfully submitted by,

Monica Cleveland
Ancram Town Clerk