

**Town of Ancram
Town Board
Regular Meeting
September 20, 2012**

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

The regular meeting of the Ancram Town Board was called to order by Supervisor Arthur Bassin at 7:15pm with a salute to the flag.

A motion was made by Councilman Miller and seconded by Councilman Clark to accept the 8/16/2012 minutes as read and have them placed on the record. Motion carried.

A motion was made by Councilman Miller and seconded by Councilman Clerk to accept the Package 3 Public Hearing minutes as read and have them placed on the record. Motion carried.

Mr. Bassin gave an update on the 82/7 intersection status. Mr. David Robinson proposes that the retaining wall be carved back and made into a grassy slope. The County and the State feel that this will make a huge difference in the safety and sightline in the intersection. They propose one week of work on this project.

Fire Chief - Mr. David Boice gave the following report. The Fire Department will be serving 700 chicken dinners for the Taconic Hills Senior class as a fundraiser. There were reported 19 calls during the month including some downed trees in the storms and car accidents. On 11/30 the Fire House will have an open house at 11am followed by a wet down of the new truck at 1pm. The Fire District will present the finished plans on the fire house addition on 10/10, the bid packets will go out on 11/13 and the referendum vote will be held on 11/27. A lobster and beef BBQ will be held on 11/13, a Haunted House on 11/27 and the fire commissioners vote on 12/11. The Burn Ban is lifted as of 10/10.

Supervisors Report-

August Financial Report: Spending for the eight months ending August 2012 totaled \$874,000, about \$23,000 better than the YTD budget and about \$200,000 better than YTD August last year. Our spending this year continues to benefit from the mild winter, from moving our Rescue Squad costs to the County, and from having no playground costs this year.

Revenues continue to tracking slightly better than budget. We ended August with \$820,000 in the bank, and assuming no unpleasant surprises, expect to end the year with over \$550,000 in the bank.

The August YTD Financial Summary Chart is attached. The detailed budget reports are available on the home page of the Town website (www.townofancram.org) as part of the background for the August TB meeting, and at Town Hall, and have been emailed to you separately.

Garage Loan payment: We have a garage loan payment coming up this month. We have to decide if we want to pay the \$40,000 contractual 10 year amortization, or more. As you may recall, we budgeted a repayment of \$80,000.

Package 3 – Zoning Revisions: We will review a revised Package 3 of the Zoning Revisions at Thursday's TB meeting and consider it for adoption

Package 4 – Zoning Revisions: Hugh Clark has indicated that we should get Package 4 to consider this month.

2013 Town Budget: We will hold our first public hearing on the 2013 budget at 6:30, prior to the 9/20 TB meeting. Open issues include the possibility for salary increases for elected and appointed officials who have not had increase in 5 years, and whether we should continue to increase our reserves or consider a tax reduction.

82/7 Intersection: Dave Robinson will be at the 9/20 TB meeting to review where we are with the intersection. The County is waiting for State DOT work permit before it begins work. The Intersection Advisory Committee will review the intersection plan at 5:30 on 9/20, prior to the TB.

Historical and Cultural Resources Survey: We have received \$4525 in donations for this project, have commitments for an additional \$2000, and indications from several residents that they will cover any shortfalls in fundraising.

County homeless housing: The number of homeless singles needing county emergency housing has dropped to 16 people in 14 rooms as of the end of August. The proposal for a 37 room facility seems hard to justify at this point. The County is rethinking this situation.

The town board decided that they will only pay the one single payment, not a double payment, on the Highway Garage Bond.

A motion was made by Councilman Miller and seconded by Councilwoman Israel to purchase panic buttons for the Town Clerk and Assessors offices at a cost of \$300.00. Motion carried.

Highway Superintendent

Mr. MacArthur stated that the Highway Department are getting themselves ready for the upcoming winter. The town will be receiving money back from the siding company.

A motion was made by Councilwoman Israel and seconded by Councilman Miller to approve the Highway Superintendent to attend the Highway Conference in Rochester. Motion carried.

Mr. Bassin stated that the town received a denial letter for reducing the speed on Carson and Prospect Hill Roads. The letter claimed that the roads were not in a good enough condition to allow for a speed limit. Mr. Bassin suggested that the Highway Department place yellow "Caution 25 mph" signs on Carson, Prospect and Roche. A motion was made to this effect by Councilman Miller and seconded by Councilman Clark. Motion carried.

Mr. MacArthur stated that he will be placing bike signs on a small section of Hall Hill road for a Triathlon.

A quote of \$2500.00 for security cameras for the garage was received. Mr. MacArthur will solicit two more.

Communications: A thank you was given to Sue Bassin for putting together the new newsletter. Mr. Bassin stated that the next mailing will be a Building Department pamphlet.

Ag Advisory Council: The Council is happy with the great success of the Ancram Farm Tour. They are looking to repeat it in 2013.

Animal Control: Mr. Bassin stated that at this time the barking dog on Rt 22 has calmed down. Mr. Bassin asks that the Town Board read through the New Lebanon Dog Law, which was suggested by Animal Control officer Wes Powell.

ZRC Package 3 Adoption:

The following memorandum was presented to the Town Board by ZRC Chair Hugh Clark:

On 20 June 2012, I submitted the 3d Package of zoning ordinance amendments recommended by the Zoning Revisions Committee. That package comprises:

- Section II: Establishment of Districts, which includes new*
 - Section II E: Floating Business District*
- Section III: Use Regulations*
- Section IV B: Area and Bulk Regulations: Density Control Schedule*
- Section IV I: Density Bonuses*
- Section V J: Special Use Permits*
- Section VI: Non-Conforming Uses, Buildings and Lots*

On 13 August, Supervisor Bassin chaired a public hearing about those amendments. Comments, questions, and suggestions were received from several individuals and panels. On 16 August, the Town Board asked the ZRC to review those issues and comments and report its findings and recommendations. On 20 August, 27 August, 10 September, and 17 September, the ZRC deliberated about these matters. The committee also tapped the research and expertise of its consultant, Nan Stolzenburg. Following is a summary of issues, along with the ZRC's responses and recommendations.

from Ancram Conservation Advisory Council via email, August 11, 2012—

Use Table Worksheet

Page 3- Would self-storage pods be allowed for temporary use if, for example, a homeowner had a house under construction and wanted to rent storage pod?

The ZRC concurred with the thrust of the CAC question, but also recognized that enforcement is key because, as Nan noted, "once these things arrive, they often do not leave for months or years." Seeking ground-rules that are simple and allow pods for

a reasonable period in all districts, but which clearly establish a start date from which usage can be measured and enforced, the ZRC authorized edits to the Use Table that establish a two-tiered structure—permitted in all districts for up to 120 days; SUP required for longer, plus individual standards tailored to self-storage pods were already in Section V J (10), which is part of Package #4.

Would a Hydrogen Fuel Cell Facility mean a manufacturing facility or a fuel station or both?

This was intended to anticipate such facilities for fueling vehicles—definitely not a manufacturing facility. Section V (J) (10), Individual Standards, in Package #4 makes this abundantly clear.

Given the recent toxic fire in Ghent would the Use Table need any additional precautionary notes to protect the community from potential toxic fires?

“Hazardous substances” and “hazardous waste” are cited in “Definitions” contained in Package #4. In Package #4, Supplemental Regulations at Section V 14d address fire and explosion hazards.

Names and Purposes of Zoning Districts –Draft for Section II

4. e. We recommend that the language here is stronger and better matches the language of the Comprehensive Plan, and states that the ground water quality and natural resources will be fully protected rather than the impacts on ground water, natural resources and critical impacts can be “within acceptable levels.” Within acceptable levels does not provide defined standards. Would SEQR’s definition of what is a significant impact help better define what is “acceptable”?

The ZRC agreed with Nan that “SEORA’s definition of significant is equally vague and equally needs the project to be evaluated in the scale and context of the project and community....” However, the ZRC agrees with the essence of the CAC suggestion and has changed the passage to say that these resources should be protected to the maximum amount practical.

4. f. The protection specifically of stream and wetland buffers should be called out here.

ZRC agreed and has added “wetland buffers” to the list of protected functions.

4.i. Add benefits of the project “to the community.”

ZRC agreed and added “to the community.”

7.b.3.b. Add that the existing 2’ contours need to be surveyed by licensed surveyor –otherwise applicants may simply enlarge USGS 10’ contours and greater accuracy needed here.

Nan and ZRC (especially those with PB experience) concluded that no change is warranted.

7b.5. May want to mention the specific need to establish an escrow account in order to cover these expenses.

Although the expenses cited at subsection 7 b 5 are those involved in gathering and submitting application information and materials to the TB, not the expenses of the TB reviewing the application, Nan and the ZRC have no objection to adding verbiage about an escrow account if the TB agrees to review the application. Text has been inserted at 7 a 1.

7d. Would it make more sense if the Town Board refers the FBD petition to the Planning Board and receives their input before the Town Board makes a SEQR determination?

The ZRC intended for the TB’s SEORA determination to occur after it receives the PB recommendation. Subsections 7 c and d have been edited to clarify this sequence.

From Ann and Ron Rader via public hearing comments and associated emails—

Note: The following excerpts convey the Raders' core concern that decreased setbacks in the Ag District may enable new agricultural uses and structures to be sited too close to existing residences, thereby subjecting the existing residences to undesirable sights, sounds, and odors.

from August 14, 2012, email, 5:58 p.m.—

"...within the Agricultural District, there are 34 permitted Uses without any review. These include things like an animal training arena, private barn/stable, equipment sheds and barns less than 3000 square feet. All of this would be permitted 20' from adjoining property lines. We urge that you reconsider these Permitted uses throughout Ancram and where appropriate, require a Special Use Permit."

"... increase the set-back requirements and area requirements for barns, kennels, riding arenas, slaughter houses, and the like: agricultural uses producing noise, odors and waste."

"...require a buffer zone with screening"

"... In addition, when livestock is kept... the law should address the issue of manure and manure disposal."

"... We strongly suggest returning to the current law, Development Plan Zoning Ordinance, for set-back for houses. Certainly..., the set-back for other structures such as barns should be reconsidered."

The ZRC deliberated about the Raders' concerns on 20 August, 27 August, and 10 September, and also discussed these issues and concerns with Nan Stolzenburg. In addition, Nan obtained advice from Dr. Bob Somers, Manager, Agricultural Protection Unit, NYS Department of Agriculture and Markets.

Keeping in mind the vision and goals of the 2010 Comprehensive Plan, the Raders' concerns, and points of guidance offered by Dr. Somers, the ZRC has changed the original text and now requires that some new agricultural structures and several other uses likely to produce noise, odors, or waste be set back at least 80' from the nearest edge of an existing residence in the Ag District, which is in addition to the side and rear yard setbacks already called for in D&D Table #2.

Specifically, the 80' setback applies to the following commercial agricultural uses: barn, equipment shed, greenhouse/hothouse, indoor or covered training arena, silo/bunk silo, stable. The 80' setback also applies to the following ag-related commercial uses: slaughterhouse (both not on-farm and on-farm), tannery (both not on-farm and on-farm) and veterinarian/animal clinic/animal hospital. The 80' setback also applies to the residential accessory use: private barn/stable. The 80' setback also applies to the following business use: commercial kennel.

The committee also decided that the cited commercial agricultural uses (i.e. barn, equipment shed, greenhouse/hothouse, indoor/covered training arena, silo/bunk silo, stable) shall be subject to SUP if located in the Town Ag District. The cited ag-related commercial uses (slaughterhouse, tannery, vet/animal clinic/animal hospital) and the cited residential accessory use (private barn/stable), and the cited business use (commercial kennel) shall be subject to SUP in both the Town Ag District and in the NYS Ag District.

However, consistent with Dr. Somers statement that requiring SUP for farming uses in a NYS Ag District "has always been determined to be unreasonably restrictive," the SUP requirement does not apply to the cited commercial agricultural structures in the NYS Ag District.

The Use Table has been edited and Lot Dimensions Requirements Table 2 has been annotated to reflect these changes.

It should be noted that manure and manure disposal have already been addressed in Package #4. For example, Section V (J) (10) Individual Standards for Uses Subject to Special Use Permit includes manure and manure management in subsections dealing with Animal Agriculture in the Hamlet B/R and R2 Districts (1f, 2a and b); Commercial Kennel and Vet/An Clinic/An Hospital (f); Slaughterhouse (d4); and Stable/Training Arena/Training Track/Course (a, e). Buffers for such uses are similarly addressed in Package #4.

"...we recommend that Rte. 82 to the Gallatin line be made part of the residential hamlet zoning."

After studying the cited area, and other areas in town with similar lot characteristics, on 20 and 27 August, the ZRC concluded that designating the Route 82 corridor from the Ancram hamlet to the Gallatin town line as residential hamlet zoning is not beneficial.

from August 16, 2012, email, 4:18 p.m.--

"Also, I notice in Gallatin's zoning that the town specifies how many animals are allowed per acre. That might be a good idea if you haven't done that..."

This concept was already included in Package #4 as a result of deliberations that occurred in 2011. Animal Agriculture in the Hamlet B/R and R2 Districts is part of Section V (J) (1), Individual Standards for Uses Subject to Special Use Permit, and contains a table that addresses adequate acreage for various animals.

from Planning Board via June 12 email from John Ingram--

*"start thinking about giving the PB the authority to create lots for recreational purposes."
[whether zoning should allow subdivisions for unbuildable trail lots or trail overlay zones]*

ZRC researched and deliberated during meetings on 25 June, 27 August, and 10 September, including email commentary from John Lyons, and direct discussion with Peter Paden, Exec Dir, CLC. Deliberations focused on precedents, sustainment/maintenance, tax implications, and easements. The ZRC awaits additional information from Peter Paden about a possible model in Bethlehem. Further research and deliberation are necessary before ZRC renders a fully informed recommendation. Because this subject is more relevant to subdivision regulations than to the zoning ordinance, any ZRC recommendation is likely to be implemented when reviewing subdivision regulations in 2013, rather than as part of zoning revisions.

from Planning Board--

Two passages in the current zoning ordinance apparently conflict. Section II D (4) and Section IV F (1) appear to be inconsistent about whether more than one single family or two-family principal dwelling may be on one lot.

After deliberating on 9 and 23 July, the ZRC decided to not allow more than one principal dwelling per lot. This is consistent with the operating premises of past Planning Boards. Section IV F (1) has been deleted.

from Supervisor Bassin and Town Board--

*FBD is defined for uses not currently prohibited...
Not all uses. See Section II E1, Purpose, and E 6, Uses Permitted in the FBD. An FBD allows light manufacturing uses of the proper nature and scale, and an FBD allows service and non-retail business uses that are bigger than those allowed in the Use Table for a particular district.*

*but Package 3 says anything not mentioned as permitted is prohibited...
True, Use Table A 3 says this.*

*so can we use FBD for anything?
No; FBD is for the two circumstances cited above.*

*why not also use the floating business district for prohibited uses if we wanted to...
Because then there's no value in having a Use Table; everywhere would be wide open for anything. This is a lesson the ZRC learned as we delved ever deeper into FBDs. Although the Comp Plan says that "the 'floating zone' provision could be used to permit the establishment of commercial businesses not envisioned in Zoning," there is a long-standing zoning principle in all jurisdictions that anything not permitted is prohibited. Without such a premise, there is no order—only ad hoc decisions. Accordingly, the ZRC devoted months to envisioning all uses that might reasonably be found in Ancram. That research and*

debate identified more than 260 uses, rather than the 90 uses in the current ordinance. Hence, chances of an un-envisioned use are vastly diminished. The FBD provides an outlet for light manufacturing businesses that may not fit in the current I-1 district, and an outlet for service and non-retail businesses that prosper and grow beyond their home occupation origins. Concurrently, retail businesses are nudged toward the hamlet business/residential districts, which are—and increasingly should be—the hubs of commercial enterprise in the community. This approach adheres most closely to the vision and goals of the Comp Plan regarding agriculture and agricultural land, water protection, and well managed commercial activities that protect the town's rural character.

would be like amending the zoning law, which we could do at any time anyway... Perhaps, but true amendment would be a conscious and comprehensive process with all pros and cons considered within due process. Be wary of spot zoning and of undoing all that the Comp Plan and zoning revisions seek to do.

would using the FBD to review prohibited uses be any more or less rigorous? We're not sure what you mean by using the FBD to review prohibited uses. Any application for FBD designation requires both TB and PB review via a rigorous step by step process.

why no retail in FBD? Comp Plan Goal #1 and its Strategies stress protection of farmland and open space, while Goal 6 stresses economic revitalization of the Ancram hamlet. The purpose of the Ag District is articulated in six elements of Section II, Purpose. Moreover, the Use Table permits ag-related commercial uses in the Ag District, including farm equipment sales and service. After extensive review and debate, the ZRC opted to steer retail outlets toward the hamlet B/R districts and revitalize the hamlet centers as commerce hubs before cluttering the Ag District with retail businesses, thereby aiding attainment of both Goal 1 and Goal 6.

When making these determinations, the committee repeatedly gave full consideration to the oft-competing dynamics of land in Ancram. As noted in the 15 August 2011 minutes: "Throughout these deliberations, several themes recurred: the Ag District should be mainly for agriculture and ag-related businesses, but—on the other hand—the Ag District has the land on which to locate businesses; the necessity to have businesses in the Ag District adhere to ground-rules about being on the edge of fields, maintaining open space, etc; the need to steer businesses toward the hamlets; and recognition that the light industrial district isn't big enough to absorb all that should be steered toward it." At some point, it is likely that the Ag District may need to be opened to conventional retail uses. However, that time is not now. The ZRC concluded that it is most rational to walk toward that point, rather than dash to it.

how do we deal with storage facilities, staging areas, equipment maintenance areas, and other facilities that support gas or oil drilling & fracking? In Package #4, the Definitions include Gas Compression Station; Man Camp/Worker Camp; Natural Gas Exploration, Extraction, Drilling, Production, Processing, Storage of Production Wastes or Natural Gas Drilling Ancillary Uses; Natural Gas and/or Petroleum Support Activities; Pipeline; Pipe Yard; and Temporary Living Quarters. Several definitions, such as camp, campground, and camping unit, have also been tweaked to ensure they cannot be stretched to accommodate fracking logistics support such as man camps. Logistics support uses have also been added to the Use Table, where they are clearly identified as prohibited.

why are hospitals & gas stations limited to the hamlets only? As summarized in August 2011 minutes, hospitals were noted for their "worthy nature, but also their heavy impact on open space and infrastructure." Although hospitals can be relatively small, hence the definition as "a building containing beds for four or more patients..." the common image is of a large, monolithic structure with extensive parking areas, access roadways, lighting, ancillary support structures, and water requirements. While acknowledging that the Ag District is the only area likely to have sufficient land for such an extensive use, the ZRC concluded that such a large-scale use created more drawbacks than benefits to the Ag District.

"Gasoline filling station" (and "convenience store") are limited to B/R districts to serve as magnets for a broad base of customers and thereby facilitate revitalization of hamlets as hubs of commerce and community affairs.

Could they be put in a FBD?

No. A gasoline filling station is a retail use, and a hospital is not normally considered to be a service business. See E 1 and 6a for the purpose and permitted uses in a FBD.

why not add hospitals to the nursing home care services, and expand this category to include rehab, independent living, nursing homes, clinics, hospitals?

"Nursing/home care services" on page 14 of the Use Table is a home occupation in which the care-giver goes forth from his/her home to provide services to clients. So, that use does not fit within the thrust of the question.

In Package #4, Individual Standards and Supplemental Regulations for assisted living/continuing care facility, nursing home and similar uses contain features such as building length and height limits, design that emulates typical residential structures in the area, common open space areas within the complex, and other guidelines intended to help such dwelling facilities blend into the scale and rural character of the Ancram landscape. The ZRC remains concerned that a full-fledged hospital would not be compatible with such scale and character.

should we have fees for violating the "spirit" of the zoning law by doing things like siting properties in the center of a farm field? Public comments at the 16 August TB meeting did not favor such fees; nor does the ZRC favor such fees.

The ZRC has reviewed all comments, questions, and suggestions arising from the public hearing about the 3d Package of zoning revisions and, in many instances, has edited the original text to accommodate citizens' concerns. Attached are updated documents that contain these edits.

Mrs. Ann Radar asked about small barn structures, the setbacks, if they should be allowed in residential zones and their review process. Mr. Clark stated that the qualifications for this had been made by using the outline of the Comprehensive Plan. 3000 square feet or under for a "small" barn structure seemed a good fit and was a point of balance. Mrs. Radar felt that the ZRC was imposing an Ag district in a residential area. She sighted that the old codes had a setback of 200 feet. Mr. Bassin stated that he would like to look at this in the "old" zoning codes.

The following resolution was offered by Councilman Thomas and seconded by Councilwoman Israel with the note that it is subject to the change of the 150 ft set back for a small barn structure and for a 3000 sq ft and under structure being considered a "small" barn. Resolution unanimously carried by roll call vote.

Resolution #31 of 2012: Adoption of Zoning Revisions – Package 3

In the Matter of the Adoption of the Town of Ancram Zoning Law Amendments: Adoption of new Section II (Establishment of Districts) including Section IIE (Floating Business District), Section III (Use Regulations), Section IVB (Density and Dimensions Table), Section IV J (Density Bonuses), Section V J (Special Use Permits), and Section VI (Non-conforming Buildings, Uses and Lots)

WHEREAS, the Town of Ancram adopted a Comprehensive Plan, which is a statutorily recognized instrument under Town Law §272-a for the immediate and long-range protection, enhancement, growth and development in a Town; and

WHEREAS, The Town of Ancram Comprehensive Plan encourages the Town to improve its zoning ordinance to be more effective and efficient; and

WHEREAS, the Town of Ancram Town Board, created the Ancram Zoning Revisions Committee to draft changes to the Ancram Zoning Ordinance as recommended in the Town of Ancram Comprehensive Plan; and

WHEREAS, the Ancram Zoning Revisions Committee after careful review, prepared these draft amendments to the Zoning Ordinance in accordance with the adopted Town of Ancram Comprehensive Plan with the assistance of a professional planner and attorney; and

WHEREAS, the Town Board has reviewed the draft amendments to new Section II (Establishment of Districts) including Section IIE (Floating Business District), Section III (Use Regulations), Section IVB (Density and Dimensions Table), Section IV J (Density Bonuses), Section V J (Special Use Permits), and Section VI (Non-conforming Buildings, Uses and Lots) and submitted it to the Town of Ancram Planning Board, Zoning Board of Appeals, and Conservation Advisory Council for advisory opinions, and conducted a public hearing thereon; and

WHEREAS, the Town Board of the Town of Ancram has caused to be prepared a Long Environmental Assessment Form (EAF) pursuant to the mandates of the State Environmental Quality Review Act (ECL Article 8 and 6 NYCRR Part 617); and

WHEREAS, the Town Board has duly considered the contents of the EAF and completed Parts 2 thereof; and

WHEREAS, the Town Board has identified the relevant areas of environmental inquiry and taken a hard look at them; and

WHEREAS, the Town Board has issued a negative declaration under SEQRA thereby complying with the mandates of the State Environmental Quality Review Act; and

WHEREAS, the Town Board has completed requirements of NYS General Municipal Law 239-m by forwarding a copy of the draft plan to the Columbia County Planning Department and waiting 30 days for their response.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF ANCRAM, COLUMBIA COUNTY, NEW YORK:

THAT subject to a final review of setbacks in Package 3 by the Zoning Revisions Committee, the ~~THE~~ Town Board of the Town of Ancram hereby adopts Package 3 of the Town of Ancram amendments to the Zoning Ordinance, including: new Section II (Establishment of Districts) including Section IIE (Floating Business District), Section III (Use Regulations), Section IVB (Density and Dimensions Table), Section IV J (Density Bonuses), Section V J (Special Use Permits), and Section VI (Non-conforming Buildings, Uses and Lots); and

THAT THE Town Board shall enter these amendments into the minutes of the Town Board and shall publish a summary or abstract of these amendments once in the official newspaper of the Town; and

THAT THE Town Board instructs the Town Clerk of the Town of Ancram to maintain a file in her office in the Town Hall to contain all parts of these amendments; and

THAT THE Town Board ensure that all parts of these amendments be posted on the Town's website; and

THAT THE Town Board cause affidavits of the publication and posting of the amendments be filed with the Town Clerk.

Presentation of ZRC Package #4:

Mr. Clark presented Package 4 of the Proposed Zoning Revisions to the Town Board with the following memorandum:

The ZRC was appointed to “bring the Town’s zoning and subdivision laws into alignment with the Comprehensive Plan.” Other points of guidance stated that “the Zoning Revisions Committee should review and revise zoning, subdivision, site plan and other land use laws to bring them into alignment with the new Comprehensive Plan” and “identify all town laws pertaining to land use and consolidate them in a single Land Use Laws document.”

As reported to the Town Board on 14 April 2010, the ZRC has been revising the 1972 Zoning Ordinance section by section and, as appropriate, has submitted several sections together as one package for Town Board action.

Package #1, adopted 21 July 2011, comprised:

- Section I: Title and Scope
- Section VII: Administration and Enforcement
- Section VIII: Zoning Board of Appeals
- Section IX: Planning Board
- Section X: Amendments
- Section XI: Interpretation and Application
- Section XII: Definitions [a re-designation of the section]

Package #2, adopted 20 October 2011, comprised:

- Section XIII: Site Plan Review
- Section V (I): Open Space Conservation Subdivisions

Package #3, now pending adoption, comprises:

- Section II: Establishment of Districts, which includes new
- Section II E: Floating Business District
- Section III: Use Regulations
- Section IV B: Area and Bulk Regulations: Density Control Schedule
- Section IV I: Density Bonuses
- Section V J: Special Use Permits
- Section VI: Non-Conforming Uses, Buildings and Lots

After all sections have been revised and adopted as individual amendments to the current ordinance, the complete compendium of revisions will be organized and submitted for adoption as a single, coherent local law.

After extensive deliberation and consultation with advisor Nan Stolzenburg, the ZRC now recommends that the Ancram Town Board adopt the attached amendments:

- Section IV: Area and Bulk Regulations
- Section V: Supplemental Regulations
- Section V J (10): Standards for Specific Uses Allowed by SUP
- Section XII: Definitions

These revised sections constitute the fourth—and final—package of amendments completed by the ZRC.

The following summary highlights features of the original 1972 zoning ordinance, the recommended revisions, and how amendments correlate to the Comprehensive Plan:

Section IV: Area and Bulk Regulations

As noted in the ZRC memo responding to public hearing comments about Package 3, Section II D (4) and Section IV F (1) were inconsistent about whether more than one principal dwelling may be on one lot. The decision was to not allow more than one principal dwelling per lot. To implement that decision and eliminate the inconsistency, Section IV F (1) has been deleted.

Also, to implement Detailed Strategy 2.5, a new Section IV J, Density Calculation, has been added to Section IV, Area and Bulk Regulations. This section includes Subsection IV J 4, Allocation of Density, and IV J 5, Monitoring Lot Splits, which implement Detailed Strategy 9.24.

Section V: Supplemental Regulations

In the 1972 ordinance, Section V: Supplemental Regulations, contains:

- A. General Provisions focused on customary home occupations, excavation, selected setbacks, accessory buildings and uses, corner clearance, fences and walls, transitions, agriculture, proximity to water;
- B. Off-Street Parking and Loading Regulations;
- C. Industrial District Regulations;
- D. Gasoline Filling Stations;
- E. Sign Regulations;
- F. House Trailers and Mobile Homes;
- G. Cemeteries;
- H. Sanitary Disposal;
- I. Residential Cluster Development [already superseded in Package #2];
- J. Conditional Uses Allowed by Special Use Permit...

The recommended revisions address:

- A. General Provisions for All Districts concerning accessory buildings and uses; flood prevention; storm-water; utilities, fences and walls; buffers between farm and non-farm uses, and protection of agricultural lands; buffers between zoning districts; flag lots; demolition; cemeteries; sanitary disposal; agricultural data statement, disclosures, coordination with NYS Agricultural Districts; corner clearance; and general performance standards for odor, smoke, dust, and other atmospheric pollutants; heat; industrial wastes; fire and explosion hazards; vibration; and light pollution and glare.
- B. Commercial Logging
- C. Off-Street Parking, Loading, and Access
- D. Signs
- E. Lighting
- F. Landscaping [for new commercial uses]
- G. Manufactured Home Parks [including a process for application and TB review that includes application requirements; SEQRA; TB referral to PB, CCPB, CAC; and public hearing; plus site plan and special use approval by PB]
- H. Ridgeline Protection
- I. Supplemental Commercial Design Standards
- J. Special Use Standards
- K. Multi-Family Dwellings
- L. Industrial District Performance Standards.

Section V (J) 10: Standards for Specific Uses subject to Special Use Permit

This new subsection provides standards tailored to more than 60 selected uses, especially those that are subject to Planning Board approval of a special use permit. The tailored standards apply to uses ranging from adult

entertainment and auto body repair/paint shop, to gasoline station and golf course, to recycling facility and self-storage pod.

Many of these uses did not exist, and were not addressed, in the 1972 zoning ordinance, or they warrant special attention to ensure that they operate without negatively affecting the neighborhood in which they are located.

Recommended revisions to the Supplemental Regulations and the Special Use Standards wholly or partially implement Comprehensive Plan Detailed Strategies 1.13, 1.14, 1.15, 2.5, 2.6, 2.7, 2.8, 2.10, 2.11, 2.12, 2.14, 2.15, 2.20, 2.21, 2.22, 2.23, 3.8, 4.4, 5.5, 5.9, 5.10, 5.11, 6.4, 6.6, 6.9, 7.8, 7.12, 7.13, 8.11, 8.12, 8.14, 9.16, 9.19, and 9.21.

Section XII, Definitions:

To comply with guidance at Detailed Strategy 9.5, Use Definitions, and to help make the zoning amendments clear and user-friendly, Section XII now includes definitions for uses and terms found throughout the zoning revisions. The current zoning ordinance defined 97 terms; the updated list defines more than 400. Although many definitions carry over from the current ordinance, many others result from 21st Century contemporary life (e.g. day care, convenience store) and others reflect issues of interest (e.g. conservation easement, man camp/worker camp).

Legal Review: Because the form and content of these recommended revisions mainly reflect local policy decisions rather than guidance emanating from New York State or other law, most of these amendments have not been reviewed by John Lyons. Delaying any comprehensive legal review until referral comments have been received, the public has been heard, and Town Board decisions have been made was adjudged to be both practical and economical.

Next Steps: My 11 May 2011 memo transmitting the first package of zoning amendments to the Town Board contains a sequence of 18 actions that Nan Stolzenburg and John Lyons recommend the Town Board should take to review, adopt, and post zoning ordinance amendments. Those steps also apply to this package of recommended amendments. Nan Stolzenburg is prepared to render technical assistance to the Town Board as needed.

Carson Road Windmills:

Mr. Bassin stated that he has received many emails complaining about the windmills on Carson Rd. Mr. Bassin has asked that the residents on the road keep logs. Mr. Amato addressed the board and stated that there is a major design flaw in the structures. Mr. Bassin stated that the town board will monitor them with decibel readers.

Marie McDermott asked if the old assessor's computer could be donated to the school where she works. The board decided that they will ask the local schools if they wish to have the computers first.

The following budget adjustment was made: To 1420.4 attorney from Funds Balance \$4,440.00. To 7510.4 Historian from the Funds Balance (Historic Survey Donations) \$2500.00. Motion made by Councilwoman Israel and seconded by Councilman Clark. Motion carried.

The following resolution was offered by Councilman Miller and seconded by Councilwoman Israel and moved for adoption. Carried by a unanimous roll call vote.

Resolution #32 of 2012: Extension of Agreement to Plow County Roads: Resolved that the Ancram Highway Superintendent is authorized to extend for three years the existing agreement with the County of

Columbia whereby the Town of Ancram Highway Department provides services to plow, sand and salt County Routes 8 and 8a for a mutually agreed fee, and it is further resolved that the Ancram Highway Superintendent may expand this agreement to include any other county roads that the Highway Superintendent and the County of Columbia shall determine are in the interests of the County and the Town, and negotiate a mutually agreeable fee for these expanded services.

A motion was made by Councilman Clark and seconded by Councilwoman Israel to approve the bills.
Motion carried.

A public hearing will be held on October 15, 2012 at 7:00pm for Package 4 of the Zoning Amendments, and at 6:30 on October 18 for the Preliminary 2013 budget.

A motion was made by Councilman Miller and seconded by Councilwoman Israel to adjourn the meeting.
Motion carried.

Respectfully submitted by,

Monica Cleveland

Ancram Town Clerk