

**Town of Ancram
Zoning Revisions Committee
3 December 2012**

Members Present: Hugh Clark, Terry Boyles, Barry Chase, Barbara Gaba, Donna Hoyt, Bonnie Hundt, Jim Miller, Jane Shannon, Bob Roche, Dennis Sigler

Members Absent: Kyle Loughheed, Don MacLean, Bob Mayhew

The committee convened at 7:00 p.m. and approved minutes of the 26 November meeting.

The ZRC then continued to deliberate and decide about CAC comments re: Package 4:

Re: Springs and seeps—After reviewing Nan Stolzenburg’s responses to questions from the 26 November meeting, and after additional discussion, the ZRC decided:

1. Omit springs and seeps from definition of wetlands;
2. When defining springs and seeps, refer to them as hydrologically sensitive locations;
3. When Sections XIII (SPR), V (I) (OSCS), subdivision regulations, and similar documents are further revised into a local law or other update, add springs and seeps as pertinent natural, environmental features that must be included on site plan and subdivision applications.
4. If a spring or seep is identified on an application being reviewed by the Planning Board, or if a spring or seep is identified during the PB’s on-site examination of that parcel, the PB should be directed to seek information about the identified spring or seep to determine its characteristics and its role in the hydrology and ecology of the area. Points of inquiry should include, but not be limited to:
 - a. How large is the spring or seep?
 - b. What is its hydrology?
 - c. Is it seasonal or permanent?
 - d. What plants occur in conjunction with it, or depend on it?
 - e. Is it a water supply for an agricultural enterprise?
 - f. Does it affect other properties?
 - g. Is there any other information about the spring or seep that is directly pertinent to the application or project under review?

As with all applications, the applicant must certify the truth and accuracy of all information in the application and omission of a known or clearly evident spring or seep should not be treated lightly.

There should be verbiage conveying the town’s intent—i.e. the objective is to protect springs and seeps of high hydrological and ecological significance, rather than all springs and seeps.

To that end, the ZRC asks Nan if she can provide within a few weeks a reasonably objective, simple, and credible method and criteria for assessing the relative hydrological and ecological value of a spring or seep analogous to the method established for vernal pools at C6(d)A and B [pp. 12-13] of Section XIII (SPR)? If so, the ZRC would like to incorporate that method in these edits.

5. Add language to the effect that the Planning Board may establish measures to protect springs and seeps that it determines to be of high hydrological and ecological significance including, but not limited to, setbacks precluding construction, dredging, filling or other disturbance of the spring or seep; erosion control; and sediment control.

Re: Flood Prevention—“The major contributor to our water quality degradation is storm runoff. These Flood Prevention standards need to be much stronger....Prohibited uses in flood plains need to be expanded...”

Because there already are numerous requirements concerning review of flood and storm water in Sections XIII (SPR) and V (I) (OSCS), including repeated references to NYS DEC manuals and requirements; and because there already are safeguards concerning agricultural pollution of waterways; and because the proposed supplemental regulations on flood prevention prohibit uses within mapped floodplains beyond those required by the Comp Plan (e.g. storage of petroleum/chemical products, slaughterhouses, dry cleaners, manure storage); and because grandfathering affects most, if not all, agricultural enterprises in town; no increase to the proposed supplemental regulations is warranted, nor should prohibited uses be increased at this time.

The ZRC recommends that Local Law #1 of 1990 (Flood Damage Prevention) be reviewed in 2013 as an action related to, but separate from, the zoning revisions project.

Re: Storm water—“d. Add...natural areas that are already providing critical stormwater erosion control need to be protected. Add rain gardens or bioswales....”

To complement supplemental reg references to low impact storm water management practices that include installation of grass swales (p.4, 3d), add to text a requirement to protect existing natural areas, such as rain gardens or bioswales, that already provide storm water erosion control. Also add a definition for “rain garden” to the definitions list.

Re: Flag Lots—“Also important that flag lots are not allowed if they cause increased pressure on environmentally sensitive water resources.”

Any development, whether flag lot or other, may affect water resources. Review procedures and standards in Sections XIII, V (I), and elsewhere already address such concerns.

Accordingly, no change to flag lot provisions is warranted.

Re: Off-Street Parking—“1a—Add requirement that overflow parking must be a porous parking surface.”

Parking lots are set back from wetlands and water. Also, supplemental regulations already encourage parking lots to be designed with pervious pavement (p. 16, f).

No change to existing text is warranted.

Re: Parking Lot Design and Guidelines—“add green infrastructure design requirements such as rain gardens and bio filter swale designs.”

Supplemental regulations already refer to low impact storm water management practices that include installation of bioretention, dry wells, filter and buffer strips, grass swales, and infiltration trenches (p.4, 3d).

To emphasize such low impact measures, add or edit verbiage to overtly require green infrastructure design requirements such as rain gardens and biofilter swale designs. Also add a definition for “rain garden” to the definitions list.

Re: Mfg Homes—“G 7 Grading—“‘Rapid’ drainage is not the correct term. ‘Proper’ is the better adjective to use. Slow percolation through soil is more desirable than ‘rapid drainage.’”

Change “rapid drainage” to “proper drainage.”

Re: Suggested addition—“CAC suggests adding the following to the supplementary regulations.” “Wetland and Water Resource Protection: There shall be....”

Although initially inclined to incorporate the first sentence of the suggested passage, the ZRC’s thorough examination of the suggested passage disclosed several concerns and cautions. The reference to a minimum 100’ undisturbed buffer along all streams and wetlands is already contained in previously approved Sections XIII and V(I). Springs and seeps, as previously noted, should be treated individually based upon the PB’s determination of their hydrological and ecological importance. “Hydrologically sensitive areas including, but not limited to, aquifer and aquifer recharge areas (as per Town of Ancram Groundwater Protection Plan maps)” constitute much of the town. To encompass each and all with a 100’ buffer “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 “ would effectively eliminate most development, agriculture, and other enterprises within the town of Ancram.

Accordingly, adding this passage to the supplemental regulations is not warranted.

Also, the second and third sentences in this suggested passage dealing with application and use of chemicals and herbicides into waters is not an appropriate subject for zoning regulations. It may properly be determined under other features of town law or policy.

The ZRC then considered comments about Manufactured Home Parks from Mr. Citrin and Mr. Bassin: “Nan Stolzenburg...recommended that manufactured home parks (MHP) have frontage on, and direct access to, a New York State or Columbia County road. This would eliminate any access to any town roads....I strongly recommend that the section of ‘package #4’ be changed to Ms. Stolzenburg’s original recommendation....[because] MHP and OSCS do not produce the same density” and “In addition to the traffic issue on town roads, I have a concern that given the Winkley water study suggested the sustainable density level for Ancram was one dwelling per 3.5 acres on average, there is not sufficient water available to support the density of 2 or 4 dwelling units per acre as proposed for a MHP.”

Once again, ZRC members discussed varied features of MHP and their relationship to density and to location on town, county, and state roads. Among discussion points: Comp Plan guidance calls for “a range of affordable housing alternatives” and “improve the supply of affordable housing,” while also protecting groundwater, watersheds, etc. MHP are businesses that improve the supply of affordable housing. When considering any MHP application, water supplies and effects would drive PB decisions, as would probable impacts on the surrounding

properties by traffic and other factors. Also discussed was the degree to which MHP would be occupied by permanent versus seasonal residents, and senior citizens, as well as comparisons to the Long Lake development. The “track record” of any proposals for MHP under the 1972 ordinance and the more rigorous application process and standards under the draft regulations were also considered. The modest size of single-wide manufactured homes compared to most one-family homes was also noted. Deliberation about these and other points and scenarios prompted several options to be examined.

By consensus, the ZRC recommends amending the current draft to create a two-tiered density and road relationship system:

1. When an MHP has an average density of 2 units or less per 3.5 acres, that MHP may be allowed on a town road, or on a county or state highway;
2. When an MHP has an average density of 3-4 units per 3.5 acres, that MHP may be allowed only on a county or state highway.

Note: editing 7b1 on p. 27 of Supp Regs may accomplish the desired end:
“Maximum # Units/Gross Acre.....4 on Columbia County and NYS Highways
Maximum # Units/Gross Acre.....2 on Town of Ancram roads”

The Chair noted public comments about ridgeline protection measures and requested members review such comments in preparation for deliberation and decision on 10 December.

The Chair also noted a November 4th letter from the PB to the TB that provides three recommendations about permitting more than one principal residence on a lot. The ZRC will deliberate and decide about this issue on 10 December.

The meeting adjourned at 8:50 p.m.

