

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

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

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The committee convened at 7:00 p.m., approved minutes of the 3 December meeting, and reviewed Nan Stolzenburg's response to items from that 3 December meeting: As a follow-up, she will attempt to locate a simple, objective, credible method for assessing the relative hydrological and ecological value of a spring or seep analogous to that established for vernal pools.

Committee members briefly reviewed ten draft definitions provided by Nan in response to previous decisions about Package 4 feedback.

The committee requests Nan determine whether NYS DEC provides a definition for hunting preserve, just as it does for shooting preserve. The committee also decided that a hunting preserve shall be a minimum of 250 contiguous acres.

The committee endorsed the definition of wetlands provided by Nan, which reflects decisions made on 26 November and 3 December. However, during discussion, Mr. Sigler posed a scenario in which a landowner has a wetland less than 12.4 acres, which does not appear on a USA COE map, but does appear on a local map, e.g. Ancram Biodiversity Map, and the landowner wants to install a road or driveway through the wetland. When considering such an application, Mr. Sigler noted that—under normal circumstances in which the wetland does not appear on a local map and either does or does not appear on a COE map—the PB would turn to the COE for a determination of whether such a roadway could be installed through the wetland, and whether any mitigation or compensatory measures must be used. However, given a situation in which the wetland appears only on a local map, such as the Ancram Biodiversity Map, he asks “will the COE provide a determination of whether the roadway may be installed and with what mitigation/compensatory measures? If not, who would the PB turn to for a ruling?”

The ZRC requests Nan provide answers to these questions.

Members also envisioned a scenario in which a wetland exists on a COE map, but during review of a site plan application the CAC contends that the wetland actually is larger than the size shown by the COE. The ZRC asks Nan to explain how such a dispute should be resolved.

Recalling 3 December decisions, the committee approved Nan's edit to 7b1 on p. 27 of Supp Regs pertaining to Lot Density/Lot Setbacks for Manufactured Home Parks:

Maximum # Units/Gross Acre.....4 on Columbia County and NYS Highways  
Maximum # Units/Gross Acre.....2 on Town of Ancram roads.

The ZRC then considered several issues about ridgeline protection that were raised during and shortly after the public hearing about Package 4:

First, as a fundamental principle, the committee unanimously affirmed that it did not-- and does not--intend to render any lot on designated ridgelines to be unbuildable either for principal or accessory structures. The sole intent is to implement Comp Plan guidance and minimize the negative effects that such structures, when built, would have on the scenic, rural character of the town, thereby maintaining the town's physical and financial attractiveness to current and potential residents.

The committee also agreed that ridgeline map graphics and legend should be clarified and coordinated with text of the Supp Regs, including:

Eliminate viewing site arrows from official map;

If 500' setback area appears on map it should not spill over town boundary.

Members also agreed that text about structure placement must be clarified to state that the top of a structure must be 35 feet below the ridgeline. To attain that placement 35' below, the relatively rounded or flat topography of some ridgelines may indicate that a structure be set back some distance from the ridgeline. However, in no case must a structure be set back more than 500 feet laterally from the ridgeline in order to be placed 35 feet below.

If the size of the parcel and/or its topography would render the lot unbuildable, the PB may waive the 500' setback and establish compensatory measures to ensure that all features of the structure blend into the ridgeline to the maximum extent practical.

Because the 500' setback is not likely to affect many properties and would be established by survey or other instrumentation only in particular situations; and because text can adequately explain the intent and procedures in those instances; and because showing the 500' setback area for all designated ridgelines on the map appears to foster confusion rather than clarity--the committee questioned whether it is necessary to show the 500' green area on the ridgeline map and seeks Nan's advice.

Discussion also resulted in additional questions for Nan:

In lieu of the PB waiver cited above, may a landowner apply for an area variance from the ZBA? If so, should this avenue be mentioned in text?

If a landowner has a parcel that he/she wants to subdivide into several lots, and all or most of the parcel/lots would be unbuildable due to the 35'/500' setback, may that landowner seek an area variance from the ZBA for the entire proposed subdivision?

Mr. Sigler sketched a scenario that makes a compelling case for retaining the 500' setback, albeit with the PB waiver provisions (and possible ZBA variance mentioned above). If the 500' setback is eliminated, and if a landowner wanted to subdivide his/her ridgeline property, all proposed lots must enable potential structures to have rooflines 35' below the ridgeline. If the relatively rounded or flat topography of the ridgeline parcel does not enable potential structures to be 35' below the ridgeline, then the proposed lots created by the subdivision would be unbuildable and subdivision could not occur. However, by retaining the 500' setback, parcels outside the 500' setback automatically would be buildable parcels, and parcels within the setback would be eligible for a PB waiver (or possible a ZBA area variance). In such a scenario, the 500' setback works to the landowner's advantage when subdividing.

Re: a contention that the Fox Hill ridgeline should be removed as a protected ridgeline-- Because there is no intent to render any lot unbuildable due to ridgeline protection measures,

and because text would explicitly grant authority to the PB to waive the 500' setback, and because an area variance from the ZBA may be an additional recourse, and because the Fox Hill ridgeline is so topographically prominent and of such scenic importance, the ZRC affirmed that the Fox Hill ridgeline should retain its designation as a protected ridgeline.

Once again, the ZRC deliberated about authorizing more than one principal residence on a single lot. Discussion focused upon three recommendations by the Planning Board in its 4 November letter to the Town Board. Extensive discussion of various scenarios resulted in the following conclusions:

By a 2:1 majority, ZRC members voted that current practice should be maintained and that only one principal residence should be allowed on a lot. This is the ZRC recommendation to the Town Board.

If the Town Board does not concur with this ZRC recommendation, the ZRC unanimously recommends that:

- the altered rule allowing more than one principal residence per lot should apply in all zoning districts—not only in the Ag District;

- there is no need for a minimum lot size or maximum dwelling size as suggested by the PB's second and third recommendations. Instead, the setbacks and density requirements for the zoning district should apply and the applicant must demonstrate that all district setbacks and density requirements will be met if the parcel is formally subdivided in the future.

- the 60/40 open space requirements for subdivision in the Ag District must also be factored into the proposal in a manner consistent with the allocation of density and monitoring lot splits provisions of Section IV J (Area and Bulk Regulations Sep 2012—Density Calculation).

- there must be a survey showing proposed property lines, setbacks, and open space (if applicable) when the potential subdivision is completed.

As Mr. Sigler summarized, the applicant must create the map, do all the prep work necessary for a subdivision, but not file the map.

The meeting adjourned at 8:50 p.m.