

Town of Ancram  
Zoning Revisions Committee  
10 September 2012

Members Present: Hugh Clark, Terry Boyles, Barry Chase, Donna Hoyt, Bonnie Hundt, Don MacLean, Jim Miller, Jane Shannon, Dennis Sigler  
Members Absent: Barbara Gaba, Kyle Lougheed, Bob Mayhew, Bob Roche  
Others Present: Peter Paden, Art Bassin, Sue Bassin

---

The ZRC convened at 7:02 p.m. and approved minutes of the 27 August meeting.

Continuing ZRC deliberations about allowing subdivisions for trail lots/overlay zones, the Chair cited PB Chair John Ingram's June 12 email suggesting the ZRC "start thinking about giving the PB the authority to create lots for recreational purposes" as the origin of the issue, summarized subsequent discussion on 25 June and 27 August, noted John Lyons' June 30 email, and referenced eight ZRC questions to which Peter Paden, Executive Director of the Columbia Land Conservancy had provided written responses.

Focusing on precedents, maintenance/sustainment, tax implications, and conservation easements/rights of way, Mr. Paden provided information and insights. Among the points:

- A local law in the Town of Bethlehem provides for approval of non-residential recreation lots. Mr. Paden will obtain a copy of that local law and pass it to the ZRC.
- Mr. Paden suggested that the issue may not be a question of zoning as much as it is a question of enabling the PB to allow such trail corridors when appropriate;
- Although there are model easements for trails, they are access easements rather than conservation easements and binding successor landowners may be problematic.
- It is not necessarily desirable for CLC to own a trail parcel, especially because landowner is largely exempt from liability.
- Stuyvesant has a corridor owned by a power company that may become a trail maintained by community volunteers;
- Mrs. Bassin cited sample easements to various entities provided by the Hudson River Greenway;
- Whether as an entire chunk of land or as a corridor, a landowner may do a conservation easement: Some other sort of legally binding agreement to a town or to the CLC is a questionable middle ground;
- Citing town roads, Mr. Sigler inquired about minimum trail/lot width: Mr. Paden doesn't know of any prescribed minimum width.
- Mr. Paden cited maintenance as a "big issue" and noted a collapse of one section of the Harlem Valley Rail Trail that will be very costly to repair;
- All CLC trails currently are on land that CLC owns;
- Mr. MacLean speculated about parcels that have been fully developed, with only the requisite 60% open space remaining, and which the developer may then seek to "get rid of" by donating to a land conservancy or other entity. Mr. Paden opined that an ideal statute allows the PB to determine how a lot will be conveyed.
- Land with a conservation easement remains on the tax rolls. When a landowner creates a conservation easement, he/she receives a charitable deduction from the IRS based on its allegedly diminished market value.
- A landowner who gives land to the CLC receives an IRS tax deduction. As a 501(c)(3), the CLC is tax exempt, but the CLC must own the land and be using it as a trail, park, etc.

- CLC normally makes a voluntary Payment in Lieu of Taxes (PILOT) for the town portion of tax, but not the school or county portion (typically town is 10%, county is 20%, school is 70%), and also makes a voluntary payment to the local fire department and other like entities.
- CLC properties normally cost the municipality little in services required or rendered, and CLC properties tend to serve as an attraction for visitors, which aids the local economy.
- Mrs. Hoyt noted that individual taxpayers still have to pay, even though PILOT is given.
- Mr. Paden underscored that a conservation easement is a legally binding agreement to restrict development on a parcel in some way(s): The development rights are normally conveyed to the CLC. Although the CLC holds those rights, the land may be sold or otherwise handed from owner to owner.
- A trail corridor would not, by implication, have development.
- Just because a landowner may want to donate swampland or other undesirable parcels to a conservancy or other entity doesn't mean the donation will be accepted. The parcel must have characteristics that make it acceptable.
- Mr. Sigler inquired whether landowners are likely to "lobby" for a reduced assessment on the premise that a conservation easement makes the parcel "useless" for development. Mr. Paden noted that an easement per se does not cause a reduction in value.
- Following up, Mr. MacLean asked whether land south of Ancram that is under conservation easement is increasing in value. Though Mr. Paden does not know the specific facts, he noted that, in some locales, it appears that the adjacent properties do benefit.
- Whether an access easement or direct ownership via subdivision is preferable, Mr. Paden does not have a definitive answer.
- He noted that tax implications are modest compared to the public benefits.
- Mr. Boyles asked whether cell towers are "a no go" on CLC land. Mr. Paden noted that the situation has not come up. If such a circumstance occurred, one must first look at the NYS conservation easement law regarding scenic value etc. Depending on the language of the law and the language in the easement, putting a tower where it would be a blot on the landscape might be a non-permitted use.

With thanks to Mr. Paden for contributing his time, knowledge, and perspectives, the ZRC decided to suspend further deliberation until receiving and studying the Bethlehem local law.

ZRC 27 August decisions about 80' setback of some ag uses from existing residences and SUP requirements prompted Nan Stolzenburg to seek opinion from Dr. Bob Somers, Manager, Ag Protection Unit, NYS Dept of Ag & Mkts. Dr. Somers' September 7 email response opined that requiring SUP for farming uses in the NYS Ag District "has always been determined to be unreasonably restrictive" and, while noting the Public Health Law, he commented that "we usually evaluate setbacks associated with residential structures as being reasonable."

After discussing Nan's concerns and Dr. Somers' response, the ZRC opted to delete the SUP requirement for new ag structures (barns, eqpt sheds, greenhouse/hothouse, indoor/covered training arena, silo/bunk silo, stable) in the NYS Ag District, but retain SUP for such structures in the Town Ag District. Also, retain SUP in NYS Ag Dist and in Town Ag Dist for the ag-related commercial uses (slaughterhouse, tannery, vet hospital), for res-accessory use (private barn/stable), and for business use (commercial kennel). The ZRC opted to retain the 80' (plus side/rear) setback. Mr. MacLean noted that, while ag structures in the NYS Ag Dist don't need a building permit, they do need a zoning permit, which would (or should) trigger the ZEO checking that separation of existing well from proposed barn etc meets NYS DoH standards.

The Chair asked all to review the final Definitions previously sent by email and to provide comments and suggestions promptly. The meeting adjourned at 8:57 p.m.