

**Town of Ancram
Zoning Revisions Committee
12 November 2012**

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

The committee convened at 7:00 p.m. and approved minutes of the 22 October meeting.

To determine where we are and what remains to be done, the committee reviewed categories of feedback about Package 4 from the CCPB, CAC, CLC, and citizens. The committee also projected an approximate schedule for resolving issues raised by feedback.

Comments and suggestions appear to fall into five categories: accessory apartments and structures; coordination of various uses, standards, and language; wetlands and water protection; manufactured home parks; and ridgeline protection.

The ZRC determined its position on issues about accessory apartments and structures on 22 October.

Deliberation and decision about most coordination issues will occur at this meeting.

Deliberation and decision about wetlands/water protection will occur on 19 November.

Deliberation and decision about MHP is projected for 26 November.

Deliberation and decision about ridgeline protection is projected for 3 December.

Turning to coordination issues identified by the CCPB, the ZRC deliberated and decided:

#6 re: Indiv Stds, p. 12, "Food Processing/Distribution Facility—See Manufacturing Facility." The ZRC approved change to "Food Processing/Distribution Facility—See Light Industry/Manufacturing."

#7 re: Indiv Stds (General Standards for Low and High Impact Home Occupations) pp. 18-19—Because Section V J provides tailored individual standards for uses subject to SUP, and because Low Impact Home Occupations are permitted by right in the Use Table and are not subject to SUP, they technically should not be included in this section of individual standards.

The ZRC approved changing the title of this section from "Special Use Permit and Specific Standards for Uses Allowed by Special Use Permit" to "Individual Standards for Selected Uses" or words to that effect, thereby enabling individual standards to be included for selected uses regardless of whether the use requires SUP.

#8 re: Indiv Stds, p. 24, Personal Services, and p. 30, Service Businesses—The definition for service businesses includes personal services, but there are two different sets of standards in Indiv Stds—one for "personal services" (p. 24) and one for "service businesses" (p. 30).

The ZRC intends for "service businesses" to include "personal services." Therefore, delete "personal services" from p. 24, include personal services within the definition of service businesses, and fold personal services subparagraphs a & b into the individual standards for service businesses.

To enhance clarity and coherence within the definition of “service business,” the ZRC opined that it may help to reorganize the elements of that definition, for example: “Service Business: An establishment primarily engaged in providing assistance, rather than products, to individuals, business, industry, government, and other enterprises. Service businesses include, but are not limited to: personal services (examples include beauty salons, massage, instruction, counseling, repair, funeral); business/contractual services (examples include janitorial services/property maintenance, excavation, plumbing/heating, consulting); and professional services (examples include physicians, engineers, legal, financial).

#8 re: Indiv Stds—maximum allowable footprint for service businesses versus personal services. On p. 24, stand-alone personal service building must meet retail uses requirements, which include max 5K sf footprint (p. 27). On p. 31, max footprint for service business is 2K.

Given the range in the nature and size of service businesses, the ZRC opted to change 2K sf to 5K sf for all service businesses.

*#8 re: Indiv Stds—similar to personal services and service businesses above, there are overlaps between individual standards for “retail and professional office” on p. 27 and “service businesses” on pp. 30-31. All standards for retail and professional office are already in standards for service businesses. The only difference is 5K sf for retail and professional office versus 2K sf for service businesses (which was changed above to 5K sf for all service business).

The ZRC decided to separate retail from professional office. By decisions above, professional services is now clearly included within service business. To be consistent with the Use Table, it appears necessary to define “professional office.” Nan: your thoughts?

Also, at individual standards for “Service Business” on p. 31, some ZRC members suggest clarifying relationship between “e” and “h”—perhaps by inserting into “e”—“...the design standards of Section V (I) (*Supplemental Commercial Design Standards*) shall be required” and perhaps by inserting into “h”—“...all requirements of Section V (J) (10) (*Home Occupation*) shall also be met.” It may also be helpful to re-position e and h so that one follows the other, probably by moving “e” down to become “g,” and by moving “f” to become “e” and “g” to become “f.”

#8 re: Indiv Stds—“midwife” is included within the definition of “service businesses” on pp. 29-30, which means that it supposedly requires SUP, but on the Use Table it is permitted as a low impact home occupation, therefore not requiring a SUP.

The ZRC determined that this problem has already been resolved by changing the title of this section as indicated above.

*#8 re: Indiv Stds—“Contracting office” on p. 9 says “See Professional Office.” However, there is no individual standard solely for “professional office.” On p. 27, there are individual standards for “Retail and Professional Office.” If professional office does not require SUP, hence does not require general or individual standards, should we treat “contracting office” in the same manner?

The ZRC answered: Yes, but consistent with decision above to re-name this section to enable individual standards to be included for selected uses regardless of whether the use requires SUP, ensure that individual standards for contracting office are the same as those for professional office, which already are the same as those for service business. This may require changing reference at “contracting office” on p. 9 to “See service business.”

#9 re: Indiv Stds—Page 6 (Ag-Related Commercial Use) of the Use Table shows “shooting preserve” as prohibited in all districts except Ag, where it requires SUP. Page 12 (Business Uses) of the Use Table shows “Hunting Preserve/Shooting Preserve” as prohibited in all districts except Ag and Carson, where it requires SUP. There is no definition for “Hunting Preserve.” There is a definition of “shooting preserve” on p. 30. Individual standards for “shooting preserve” are on p. 32. There are no individual standards for “hunting preserve.”

Members determined that a Shooting Preserve and a Hunting Preserve are two different uses. Each should have its own definition. The current definition for Shooting Preserve is satisfactory. Hunting Preserve needs to be defined. Both should be listed under Business Uses (not under Ag-Related Business Uses), but each should have its own line. Both should require SUP and both should only occur in the Ag District, not in the Carson Road District. The ZRC requests Nan develop standards for Hunting Preserve that are appropriate for an enterprise that features big game hunting.

Turning to coordination issues identified by the CAC, the ZRC deliberated and decided:

*Inconsistency in allowable decibels. Make town-wide standard. A review of cited decibels disclosed that Indiv Stds, p. 9, Compost Facility (j)—55; p. 11, Firing Range (Indoor) (d)—55; p. 19, Home Occupation (e 2)—55; p. 26, Recycling Facility (f)—60.

Accordingly, the ZRC opted to change Recycling Facility 60 to 55 and, if verbiage can be inserted simply, to insert at an appropriate point language that makes 55 the town standard, except where otherwise specified.

*Chemicals for Furniture Restoration. Given TCI, “do we need to more carefully regulate?” Noting that Supp Regs, p. 9, General Performance Standards, (d) Fire and explosion hazards) and Supp Regs, p. 34, Industrial District Performance Standards, L 1g reference federal and state provisions that are encompassing and adequate without forcing the town to constantly update its own laws as emerging chemicals and technologies evolve, the ZRC decided that no additional treatment is warranted.

*Kennel—g. “What do you mean by ‘Joint Planning Board?’”

The ZRC concurs that this is an error. Delete “joint” at both “d” and “g.”

*Membership Club. “More detailed noise regulations are appropriate in this section...” CAC recommended verbiage about noise levels and hours of operation.

Given that membership clubs vary greatly in their nature, number of members, activities, and location, the ZRC believes that requiring “adequate evidence” from every applicant “demonstrating that noise levels will not likely disturb nearby residential properties” would be unduly costly and onerous for many small clubs. Instead, the ZRC has faith in the judgment of the Planning Board to determine when such evidence might reasonably be necessary within the review process. Accordingly, the ZRC requests Nan make the following changes:

“a. [remains as is]

b. The Planning Board may require an applicant to furnish adequate evidence that

noise levels, lighting, traffic, and other potentially negative effects of club activities will not disturb adjacent properties. Such evidence must take into account the nature of the club and its activities, the general demeanor of participants, the frequency of the activities, and the day and time of the activities.

c. The Planning Board may establish hours of operation to minimize potentially negative effects of noise, lighting, traffic, and other features related to club use and activities on adjacent properties.

d. There shall be no glare emitted beyond the boundaries of club property. All lights shall use full cut-off shielded fixtures. “

*Private Airfields. “Noise standards or hours of operation need to be added...”

Given that the definition of private airfield on p. 25 already limits operations to “small, single engine, propeller driven, fixed-wing aircraft,” and given that individual standards at “c” already state that “the Planning Board may apply conditions related to hours of operation,” the ZRC opted to insert “noise” into “c”—“The Planning Board may apply conditions related to hours of operation, noise....”

*Pesticide Drift. “We recommend that buffers be established to reduce exposure to pesticide drift.”

Given that NYS and other statutes already address pesticide drift and include penalties, and given potential conflicts with NYS Ag & Mkts guidelines, the ZRC decided that additional town language is not warranted.

Upon noting that the ZRC will resume deliberation about the remaining CAC coordination comments and will also begin deliberations about CAC wetlands and water protection at the next meeting, the meeting adjourned at 9:00 p.m.