

Town of Ancram
Zoning Revisions Committee
17 March 2014

Members Present: Hugh Clark, Barry Chase, Donna Hoyt, Bonnie Hundt, Don MacLean,
Jim Miller, Jane Shannon, Dennis Sigler
Members Absent: Terry Boyles, Barbara Gaba, Bob Roche
Others Present: Drew Hingson, Ann Rader, Leah Wilcox

The committee convened at 7:07 p.m. and approved minutes of the 10 March 2014 meeting.

Committee members reviewed the Town of Ancram Ridgeline/Steep Slope Identification and Protection Map, 3-17-2014, and noted the accompanying list of 97 parcels on which this terrain lies. After brief discussion, the ZRC then unanimously approved this map as its recommendation to the Town Board of terrain that is a topographically prominent and scenically important resource to the Town of Ancram in accordance with the vision and goals of the 2010 Comprehensive Plan.

All present then reviewed the 3-15-14 draft of Supplemental Regulation H: Ridgeline and Steep Slope Protection. Noting that this draft responds to ZRC decisions made at the 10 March meeting, the Chair directed attention to H2, Applicability, which now applies to all new development within R/SSPOD; H3, Exemptions, which now overtly addresses agricultural structures and also exempts all structures of certain heights and square footage from several standards, thereby providing practical encouragement for all development to apply the most critical standards; and to H4, Waivers, in which format edits now make the four grounds for waiver even more prominent and clear.

Re: H3a verbiage exempting ag structures, Mrs. Hoyt wondered whether text should be added to say that farm structures “on a farm operation within a NYS Ag District” are exempt. Mr. Sigler and others opined that exemption should apply to legitimate farm operations regardless of their location in or outside a NYS Ag District. All agreed that the question should be referred to Nan Stolzenburg and that her advice would be accepted. Note: Ms. Stolzenburg subsequently opined that retaining the current verbiage is most consistent with the Town’s Comp Plan and Ag Plan to be farm friendly.

Focusing on H3b and H3c draft verbiage exempting structures of certain heights and sizes from specified standards, discussion touched upon several points. Among them was that the draft exemptions at 3b and c focus properly on the actual buildings that may occur, rather than on the partition of land, and offer practical, meaningful inducements to apply the most critical standards to those buildings. During that discussion of practical encouragements, Ms. Shannon mused about the possibility of a one-time town tax reduction for those who apply standards. The merits of applying such exemptions across the board also entered the conversation. At Mr. Miller’s suggestion, all agreed to delete H3b and retain H3c because H3b is subsumed

within the height and size specifications of H3c, and because H3c better balances exemptions and standards.

Upon review of H4d re: no lot becomes unbuildable due to R/SSPOD standards, Mr. Sigler expressed concern that someone may try to skirt the rules by subdividing into a small parcel that is intentionally located on terrain within the R/SSPOD that they know to be unbuildable if the standards are applied. He suggested insertion of verbiage that no such subdivision could occur after adoption of this amendment. During ensuing discussion, others noted the authority of the PB to establish mitigation measures if such an attempt occurred. All agreed that the issue should be referred to Nan Stolzenburg and that her advice would be accepted. Note: Ms. Stolzenburg subsequently opined that the scenario describes a “self-created problematic lot” (by the landowner) and that Planning Boards should not allow an unbuildable lot to be so created. She suspects that Town subdivision regulations explicitly or implicitly provide guidance to the PB whereby no unbuildable lot can be created. This point will be checked during the upcoming review of subdivision regulations and, if not already present in Town subdivision regulations, it will be added at its proper place in those regulations during that review.

During further discussion of H4d, Mr. Miller suggested deletion of “have the authority to” from the phrase “the Planning Board shall have the authority to waive the requirements....and establish mitigation measures....” He noted that deleting those few words will make it clear that the PB must waive if the lot is unbuildable due to the standards, while the PB retains its power to establish mitigation measures in such instances. Although most members offered no objection to the suggested deletion, a few cited concerns about limiting the PB’s flexibility. During that discussion, a question also arose about whether the PB was required to waive all requirements or whether it could waive only those that were problematic in that context. Mr. Miller and other committee members again agreed to seek and adopt Nan’s experienced opinion about these fine points of text. Note: Ms. Stolzenburg subsequently opined that she favors retention of the current text without the deletion. However, in response to the second issue about the PB’s authority, she recommends increasing clarity by changing “waive the requirements” to “the Planning Board shall have the authority to waive some or all requirements....”

The ZRC authorized the Chair to confer with Nan about the questions cited above and to retain or amend current text in accordance with her advice.

Upon concluding these discussions and decisions, the ZRC determined that it had completed the two tasks referred to it in November by the Town Board. The Chair will transmit the recommended map to the TB on 20 March and will also transmit to the TB the Supplemental Regulation text preferred by a majority of the ZRC (see 10 March minutes) along with separate final text containing edits approved at this meeting. This “fall-back” Supp Reg text adheres to TB guidance about mandatory for majors and encouraged for minors.

The ZRC does not plan to meet on 24 March, but may meet on 31 March. The Chair will notify all members about the date of the next meeting. This meeting adjourned at 8:20 p.m.