

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

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

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The committee convened at 7:00 p.m. and approved minutes of the 12 November meeting.

The Chair summarized feedback from the 15 November continuation of the Package 4 public hearing and summarized what has been done and what remains to be done to address that feedback.

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

Re: Signs. “E.8. Language needs to be stronger—even if business use takes place 24 hours per day, does not warrant 24-hour lighting.”

Text should not be changed. Current text takes into account safety, security, and business owner’s prerogatives. Other features (e.g. E1-7) provide protection against glare into adjoining properties and pollution of the night sky.

Re: Landscaping. Allow 15-40 foot spacing instead of 30’ on center.

While noting Nan’s comment and agreeing that developers may exploit the spacing range to save money, the ZRC trusts that the PB will conscientiously examine developers’ plans and ensure that spacing is appropriate for the proposed trees. Accordingly, the ZRC agrees with changing the current text at F1b to allow spacing trees 15’-40’ depending on the type and size of tree.

Re: Landscaping. Add: native Northeast plantings are encouraged to create wildlife habitat.

Yes, the ZRC requests Nan add verbiage encouraging use of plants, shrubs, and trees that are native to the Northeast.

Re: Landscaping. In I-1 District, encourage preservation of existing natural areas...

There is no need for additional verbiage. The current I-1 District has been developed to such an extent that such additional verbiage would have little or no practical effect. The criteria for a FBD already include language concerning impacts on natural resources and critical habitats—including specific language encouraging the conservation and enhancement of the rural character of undeveloped areas and protection of natural vegetative cover. Also, landscaping plans that accompany FBD site plan applications must include existing vegetation to be preserved.

Re: "Property line buffers need to be more consistent...."

ZRC members strongly underscored the extensive debate and time that were devoted to determining appropriate buffers for various uses and circumstances. One size does not fit all. They emphatically believe that the buffers currently in text should remain as stated.

Re: Retreat Center—"d. Buffer yards along perimeter lots of 40' seems too narrow...."

A screening buffer 40' in width is ample, especially as it must contain canopy trees, understory trees, and shrubs. No change to this 40' buffer is warranted.

Re: Shopping Center—"c. Provide more generous buffer setbacks."

See Below.

Re: Warehouse—"j. Here a buffer of 10' is given. Why should it be less than for a Retreat Center?"

Extensive follow-up discussion about CAC buffer comments concerning retreat centers, shopping centers, and warehouses produced agreement that buffers for such uses (1) should be no less than 15' and no more than 40' wide; (2) the PB should have the discretion to determine appropriate buffers within that range based on the nature of the proposed use, the nature of the adjacent properties, the topography and other appropriate factors; (3) the use of natural vegetative covers within the buffer should be encouraged and similar encouragement should be included in the definition of buffer; (4) in situations where the buffer consists of a fence or wall, plantings should be incorporated within the buffer area as functional and aesthetic augmentations to the fence or wall.

Re: Wetlands and Water Protection—

Re: "this zoning package fails to provide the wetland and water resource protection that was outlined in the Comprehensive Plan...."

Package 4 does not contain all protective measures that the CAC seeks because these measures already were contained in previous zoning amendment packages that already have been adopted by the Town Board. For example, Section XIII (Site Plan Review) and Section V (I) (Open Space Conservation Subdivisions) contain at least 41 references to wetlands, streams, vernal pools, buffers, storm water, biodiversity, and other matters related to wetland and water resource protection.

Re: "Keep in mind that Ancram stands to lose wetland and water resource protection. The 1972 Supplemental Zoning Regulations had an across-the-board general provision that "no building, septic tank, or tile field or leaching field shall be located closer than 150 feet to a stream, creek or other body of water."

Compared to at least 41 provisions for wetland and water resource protection already adopted, the 1972 zoning ordinance contained only 6 references to water bodies and only the one cited above was a substantive protection measure. Revisions have changed the 150' buffer to 100', but have also added a 25' streamside vegetation buffer and all other protective measures cited at 41 places in Section XIII and Section V (I). The evidence does not support any allegation about losing wetland and water resource protection.

Re: towns must actively protect their local wetlands, water resources and special habitats—not just the larger 12.4 acre wetlands that are already protected by New York State.”

During initial discussion, the ZRC was inclined to alter the definition of wetlands to that suggested by Nan in her email of Nov 19, 12:37 p.m.—“*Wetlands: Lands and submerged lands commonly called, but not limited to swamps, marshes, sloughs, bogs, flats, pools, vernal pools, fens, ponds (natural and constructed), kettle ponds, wet meadows, lakes, streams, springs, and seeps supporting aquatic or semi-aquatic vegetation as defined and used by the NYS Department of Environmental Conservation, US Fish and Wildlife Service and US Army Corps of Engineers.*” Such a definition would include all of the wetland habitats on the CAC Biodiversity Map and accomplish by a change of definition the local wetlands protection sought by the CAC.

However, ensuing discussion identified several scenarios in which unintended consequences were likely to emerge. For example, if all springs and seeps are designated as wetlands and if all wetlands are protected by a 100’ buffer or any buffer, then excavating to form a spring or seep into a pond appears to be prohibited, which is not desirable. Also, the size of the wetland prompted discussion about scenarios in which the buffer may be bigger than the wetland; indeed, depending on the size of the parcel, an entire property may be restricted from even modest development based on the size of the wetland and its buffer. Including constructed ponds within the definition could result in similar difficulties. Noting the objective method of determining the relative ecological value of a vernal pool on pp. 12-13 of Section XIII (SPR), members speculated whether some similar method might exist to determine the relative ecological value of wetlands.

Ultimately, the ZRC decided: (1) ask Nan to provide the DEC definition of wetlands; (2) delete “and constructed” from the reference to ponds, so that only natural ponds are cited; (3) ask for Nan’s advice about deleting springs and seeps from the definition; (4) ask Nan whether any objective method of determining the value of wetlands is available and accepted by state and federal agencies; (5) ask Nan whether wetlands below a certain size may be excluded from consideration.

The meeting adjourned at 8:50 p.m.

