

Town of Ancram
Zoning Revisions Committee
20 August 2012

Members Present: Hugh Clark, Barry Chase, Barbara Gaba, Donna Hoyt, Bonnie Hundt, Don MacLean, Jim Miller, Jane Shannon

Members Absent: Terry Boyles, Kyle Lougheed, Bob Mayhew, Bob Roche, Dennis Sigler

The ZRC convened at 7:03 p.m., approved minutes of the 13 August meeting, and expressed sympathy and condolences to Nan Stolzenburg upon the death of her father.

Members then reviewed comments received by the Town Board from the Columbia County Planning Board, Ancram Planning Board, Ancram Conservation Advisory Council, and from community members about zoning revisions Package #3.

Focusing initially on CAC comments and suggestions, the ZRC determined that:

-The currently recommended 2-year period for self-storage pods is excessively long, the requirement for neutral color appears unrealistic, and prohibiting pods in residential districts is not practical. Members concur with Nan that enforcement is the key because “once these things arrive, they often do not leave for months or years” and seek ground-rules that are simple and allow pods for 3-4 months in all districts, and which clearly establish a start date from which usage can be measured and enforced. The committee seeks Nan’s advice about a system requiring only a zoning permit for use up to 3-4 months in all districts, but would require SUP for more than the 3-4 month permit period or possibly for permit renewal.

-Hydrogen fuel cell facility is intended to be a fuel station, not a manufacturing facility, as will be clarified in definitions.

-re: FBD E4e—change “within acceptable levels” and preceding text to “That ground water supply level and other natural resources, including critical habitats, are protected to the maximum amount practical and that the project does not disrupt....”

-re: FBD E4f—insert “wetland buffers” after “wetlands.”

-re: FBD E4i—insert “to the community” after “benefits of the project.”

-re: FBD E7b3b—there is no need to change current text about 2’ contours.

-re: FBD E7b5—The expenses cited here are those involved in the applicant’s gathering and submission of application information and materials to the TB, not the expenses of the TB reviewing the application. Hence, there is no need to mention an escrow account here. However, for complete coverage and clarity, the ZRC requests Nan add verbiage elsewhere in the FBD section about establishing an escrow account if the TB agrees to review the application.

-re: FBD E7d—Although the ZRC believes that the references to SEQRA at E7c and to the PB opinion at E7d are sufficiently clear, the ZRC authorizes Nan to change or add text to one or both of these paragraphs that clearly communicates that the PB recommendation will precede the TB completion of SEQRA.

Turning to comments from the PB, the ZRC discussed whether zoning should incorporate provisions for non-buildable trail lots or non-buildable trail overlay zones. This issue is a refinement of the PB question about unbuildable lots that the ZRC discussed on 18 and 25 June. The intent of the current question is to enable a very thin (e.g. 60' or less) and quite long (e.g. perhaps a few miles) strip of land to be donated by a landowner to an accredited land conservancy and designated as a "trail zone/lot" to serve as a hiking trail, either alone or as a link within a longer series of trails. Discussion points included:

- such a strip is likely to be on the edge of a larger property;
- parking and strip/trail maintenance must be considered;
- such a donation would take the property off the tax roll and could amount to a significant decrease;
- could attain goal without creating an unbuildable lot by establishing an easement;
- but landowner/donator would not get the tax break that appears to drive this concept;
- although conservancy organization such as CLC have good record, what happens if conservancy folds some years hence? Not as sustainable as if NYS were the trail-holder;
- what are the liability issues—to the landowner, the town, the conservancy?
- must open space designated as part of zoning law/OSCS be buildable or is that a different sort of unbuildable situation?

Committee members were of varied outlooks about the wisdom of permitting such unbuildable trail zones/lots, with no single conclusion prevailing and seek Nan's thoughts. Deliberation will continue on 27 August.

The ZRC affirmed that the committee had already dealt with a second PB question about allowing more than one principal dwelling on a lot. The issue originated with a conflict in the current ordinance between Sections II D(4) and IV F(1). The ZRC decided on 23 July 12 to not allow more than one principal dwelling per lot and Nan subsequently deleted IV F(1).

Reviewing several comments and questions about FBD, the committee affirmed that the Chair could prepare a comprehensive explanation that would satisfactorily address the comments and that no change to the recommended text is necessary.

Seeing a question about how to deal with facilities that provide logistics support to gas/oil drilling and hydrofracking, the committee noted that Nan is incorporating additional language into definitions to address such issues in a legal way.

Reviewing questions about hospitals and gas stations in hamlets, and about hospitals being categorized with assisted living/nursing home facilities, the ZRC affirmed its rationale for locating such uses and the Chair will prepare verbiage explaining such thinking to the TB.

The ZRC also recommends against "fees for violating the 'spirit' of the zoning law," as suggested by one citizen at the public hearing.

The Chair summarized public hearing comments offered by Ann and Rod Rader, and also reviewed several emails in which the Raders offered additional information or concerns. One

core concern voiced by the Raders is about decreased setbacks in the Ag District that may enable new agricultural uses and structures to be sited too close to property lines and existing residential structures, thereby subjecting the existing residences to undesirable sights, sounds, and odors. Among additional points, the Raders recommend that the area from Ancram hamlet along Route 82 to the Gallatin town line be designated as a residential district.

During ensuing discussion, committee members reviewed the nature of lots in the area cited by the Raders, and other areas in town with similar lot configurations. Members considered varied scenarios about uses and setbacks; the effects on both commercial and hobby-ist agriculture and on residential homeowners; and the pros and cons of each. Although no final conclusions were reached, committee members seek a reasonably simple solution that addresses the concerns of residential landowners, farmers, and others.

One tentative conclusion is that designating the area from Ancram hamlet along Route 82 to the Gallatin town line as a residential district does not appear to be a viable solution.

Annotating the use table and density/dimensions tables to alter setbacks if an agricultural use (and possibly some business uses) is proposed close to an existing residence may be possible, but requires additional research and thought.

Members will deliberate about such scenarios and solutions as preparation for further discussion on 27 August. Also, the Chair will seek Nan's thoughts.

The meeting adjourned at 9:07 p.m.

Note:

Following the meeting, the Chair received an additional thought about a possible solution to the setback concerns voiced by the Raders:

Donna Hoyt suggests that the solution may be to use a technique employed in the Wind Tower or Cell Tower laws, i.e. state that setbacks for new agricultural (perhaps also some business) uses in the Ag District must be a certain distance from an existing residence on adjacent property. Incorporate that distance into appropriate tables and text, and make the new use subject to SUP.