

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

Members Present: Hugh Clark, Terry Boyles, Barry Chase, Barbara Gaba, Donna Hoyt, Bob Roche, Dennis Sigler

Members Absent: Bonnie Hundt, Kyle Loughheed, Don MacLean, Bob Mayhew, Jim Miller, Jane Shannon

The committee convened at 7:03 p.m. and approved minutes of the 19 November meeting.

Members reviewed Nan Stolzenburg's emails of November 24, 1:41 p.m., and November 26, 1:58 p.m. responding to questions concerning wetlands and water protection, including the DEC definition of wetlands.

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

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.”

Wetlands Definition—Agreeing with Nan's recommendation in her Nov 24, 1:41 p.m. email, the ZRC decided to accept the wetlands definition proposed in paragraph 2 of that email, including delete “constructed ponds” and delete “US Fish and Wildlife Service.” However, the ZRC asks Nan to add: “If wetland is less than 12.4 acres, USA COE definition shall apply; if 12.4 acres or larger, NYS DOE definition shall apply.”

After again considering springs and seeps, the ZRC is inclined to omit springs and seeps from the definition of wetlands. Major reasons include:

1. All wetlands require a 100' buffer in which no disturbance of land may occur. Springs and seeps frequently serve as a source of water for both human consumption and, agriculture, and also as a source for man-made ponds. The ZRC is reluctant to prohibit most springs and seeps from being used for such purposes, nor does the ZRC desire to impose application and approval procedures for such use of most springs and seeps.

2. ZRC members also are concerned that the biodiversity map—both currently and when completed—will not completely and accurately identify all springs and seeps within Ancram. This concern arises from the small size of most springs and seeps, thereby increasing the likelihood that all cannot be identified and mapped. Members also noted that several owners of sizeable tracts of land have not permitted the CAC to enter their property to identify and map various features, thereby increasing the probability that some springs and seeps will not be charted even if aerial photography and previous maps form the basis for identification. If all springs and seeps are not identified by on-site verification, there is a significant probability that some landowners will gain an advantage over their peers.

3. Inability to comprehensively identify and map springs and seeps leads to a lack of credible information about their number and location, and to a lack of knowledge about which of the springs and seeps truly are ecologically significant.

Although no final decision has been reached, the ZRC is inclined to:

- a. Omit springs and seeps from the definition of wetlands and, instead, designate springs and seeps as hydrologically sensitive sites or areas, whichever is more appropriate;
- b. State that the PB *may* establish reasonable protections for individual springs and seeps based on their ecological significance. However, consistent with its intent throughout the zoning revisions project, the ZRC wants to give guidance for the PB to apply when assessing whether a particular spring/seep warrants some degree of protection and when determining what those protective measures should be.

Before reaching a final decision about springs and seeps, the ZRC requests Nan:

1. Provide definitions for springs and for seeps.
2. Answer: may springs and seeps be seasonal rather than permanent? Must a spring be permanent?
3. Provide your opinion: Should we omit springs and seeps from the wetlands definition and, instead, cite them as hydrologically sensitive sites or areas?
4. Provide your thoughts: What guidance should the text give to the PB about determining whether a particular spring or seep merits some degree of protection?
5. Provide your thoughts: What guidance should the text give to the PB about establishing protective measures for a particular spring or seep—e.g. buffer, access, etc?

Re: Changes to Section IV: Area & Bulk Regs—“When considering development potential, we recommend adding the wetlands and water resource areas that are being mapped in the biodiversity habitat map to the areas of exclusion.”

Section IV J 2 (Density Calculation) effectively excludes wetlands and water from density calculations. Upon incorporating additional types of wetlands recommended by CAC into the definition of wetlands as discussed above (e.g. fens, kettle ponds, wet meadows), these exclusions will be even more apparent.

For clarity, the ZRC determined that reference to the Ancram Biodiversity Map should be included in Section IV J 2 b and asks Nan to incorporate or edit as appropriate—“Wetlands, including New York State designated wetlands (excluding the 100 foot buffer), wetlands regulated by the U.S. Army Corps of Engineers or any successor agency, *and wetlands designated on the Ancram Biodiversity Map, the DEC Ancram Habitat Summary, and the Ancram Town Map of Vernal Pools, as may exist*, as those wetlands may now exist or as may be found to exist;...”

Re: “Setbacks for proposed parking areas from wetlands and other water resources should be consistent and should meet CAC’s proposed wetland and water resource supplemental reg.”

Although a 100’ buffer from wetlands and water resources already is cited throughout Sections XIII and V (I), and although the definition of stream buffer already precludes “clearing, soil removal or disturbance, filling, dumping, ditching, storage and use of pesticides or

herbicides, placement of septic systems, and placement of dwellings, other kinds of development, mining, and commercial logging” within 100’ of a water course and any adjacent wetlands or floodplains, for clarity and ease of reference, the ZRC requests Nan insert into Section V (Parking) a clear statement that parking shall be set back 100’ from wetlands and water.

Re: ”protection of local wetlands and other water resources, including those mapped on the Biodiversity Habitat Map, is missing. Protecting just State and Federal Wetlands is not enough....The biodiversity mapping project identifies small, valuable and sensitive wetland and water resource areas including creeks, ponds, kettle lakes, springs, seeps, fens and vernal pools that need protection....”

See previous discussion and decisions above. Wetlands and water resources already are protected via Sections XIII and V (I), and the definition of wetlands will be altered to incorporate types of wetlands and water from the Ancram Biodiversity Map, thereby making protections even more evident.

Re: Animal Ag in Hamlets: “Access also needs to be restricted to local wetlands and water resources...to prevent nitrogen and other chemical pollution of our waters.”

No change to current text is warranted.

Paragraphs 4 and 5 of these Individual Standards for Animal Agriculture in the Hamlet B/R and R2 Districts already establish a 100’ setback “between any area or structure used for the storage of animal wastes and wetlands and waterways.” Furthermore, “the Planning Board may require other setbacks if necessary to minimize...risk of water pollution.” In addition, “all livestock shall be fenced. No animal shall have direct access to a wetland...impoundment, stream, spring or well on the lot on which the livestock is located.” Moreover, the changes to the definition of wetlands repeatedly noted previously will further underscore these protections of wetlands and water resources.

Re: Golf: “This section has decent regulations on wetland protection that should be followed in other use areas.”

No changes are warranted. Golf courses merit special attention because they use more fertilizers and chemicals than other uses. Accordingly, with Nan’s guidance, the ZRC tailored these wetland and water protection standards specifically to golf courses. There is no basis for applying these standards to other uses.

Re: Gravel Mining: “d. For Large Mines—Special habitats, wetlands or water resources, such as a vernal pool, need also to be protected.”

No change is warranted. As Nan notes: “Large mines are regulated by NYS through the Mined Land Reclamation laws. The town has limited areas that they can influence and establish standards for. The topics of habitats, wetlands and water resources are not one of them. For those areas, DEC has sole regulatory authority and review of large mines in relation to wetlands and sensitive resources falls in the hands of DEC via mined land permit.”

Re: Retreat Center—“i. Parking areas should meet 100’ wetland and other water resources setbacks.”

Agree. Done. See above--“... the ZRC requests Nan insert into Section V (Parking) a clear statement that parking shall be set back 100’ from wetlands and water.

Re: Sawmill—“b. Setbacks of material storage need to be met for all wetlands and other water resources...not just State and Federal regulated wetlands.”

No change is warranted. Paragraph b clearly states that “no sawmill activity or storage shall be within 100 feet from the stream edge or any wetland as defined by state or federal law.” Incorporating additional types of wetlands recommended by the CAC (e.g fens) within the definition of wetland further underscore these protections.

Re: Self Storage—“Require parking area setbacks from wetlands and other water resources as described under Retreats—why should retreats have higher standards than other uses?”

Agree. Done. See above--“... the ZRC requests Nan insert into Section V (Parking) a clear statement that parking shall be set back 100’ from wetlands and water.

Re: Accessory Apartment—“Parking #6—need to spell out the setbacks for parking areas.”

Agree. Done. See above--“... the ZRC requests Nan insert into Section V (Parking) a clear statement that parking shall be set back 100’ from wetlands and water.

However, ZRC requests Nan answer: Does parking areas in this context include driveway and parking spaces for residence?

The Chair noted that flood prevention, storm water, and remaining CAC wetland/water protection issues will be addressed on 3 December, along with two issues concerning Manufactured Home Parks.

The meeting adjourned at 8:40 p.m.