

Town of Ancram
Zoning Revisions Committee
27 August 2012

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

Members Absent: Terry Boyles, Bonnie Hundt, Kyle Lougheed, Don MacLean, Bob Mayhew, Jim Miller

The ZRC convened at 7:00 p.m. and approved minutes of the 20 August meeting.

Members considered comments and questions about Zoning Revisions Package #3 offered at the 13 August public hearing and in follow-up emails by Ann and Ron Rader, discussed whether adjustments are warranted, and reached the following decisions:

Re: Designating the area from the Ancram hamlet along Route 82 to the Gallatin town line as a hamlet residential district—the committee affirmed the tentative conclusion reached at the 20 August meeting that this should not be done.

Re: Setbacks from existing residences for new ag and other uses in the Ag District—

After considering several options, the committee decided that some new ag structures and a few other uses must be set back at least 80' from the nearest edge of an existing residence in the Ag District, which would be in addition to the side and rear yard setbacks already called for in D&D Table #2 (thereby precluding the new ag structure from being built right next to the property line).

This does not mean that animals can't graze closer than 80' or that other ag operations cannot occur within that distance, only that ag structures and a few other uses with potentially objectionable odors, noise, or other features cannot be built any closer than 80', plus whatever other setbacks apply.

Specifically, the 80' setback applies to the following commercial agricultural uses: barns, equipment sheds, greenhouse/hothouse (mainly due to concern about glare from night lighting), indoor or covered training arena, silos/bunk silos, stables.

The 80' setback also applies to the following ag-related commercial uses: slaughterhouse (both not on-farm and on-farm), tannery (both not on-farm and on-farm) and veterinarian/animal clinic/animal hospital.

The 80' setback also applies to the residential accessory use: private barn/stable.

The 80' setback also applies to the following business use: commercial kennel.

The committee also decided that the uses listed above should be subject to SUP.

The ZRC also determined that SPR and SUP review processes and approval criteria for non-residential uses that are proposed adjacent to residential uses afford ample protection for the residential uses and the character of the existing neighborhood. Accordingly, other business, industrial, and public/civic uses which already are subject to SPR or SUP will not be affected by the 80' requirement.

Members also agreed with a suggestion previously offered by Nan that the commercial agricultural use “stable” could reasonably be rolled into the use “barns” as the two uses function in the same manner.

The ZRC requests Nan Stolzenburg edit or add appropriate text to implement these decisions.

The committee then resumed deliberations about whether zoning should allow subdivisions for unbuildable trail lots or trail overlay zones. The anticipated scenario is that a landowner would donate a strip of land to a conservancy organization for perpetual use as a trail. Among the discussion points were:

-Whether similar zoning exists elsewhere in New York State. John Lyons’ June 30, 2012, email to PB Chair John Ingram notes that “virtually all laws regulating the subdivision of land pre-suppose that the purpose of subdivision is the eventual development of lots, mostly for the purpose of constructing residential dwellings....” Lyons goes on to note that “putting a provision in the local zoning law to allow these kinds of subdivisions is worthy of consideration. The provision would have to be drafted with careful thought so that it would not end up being applied beyond its intended purpose....”

-Taxes—including how such a strip of property would be assessed; what the taxes would currently be; whether a receiving land conservancy organization would pay taxes or make payments in lieu of taxes; whether all Ancram landowners would pay a fraction of the tax currently paid for such a parcel by the present landowner, thereby producing the same total tax revenue from the parcel; and a landowner’s motivation to donate such a parcel and receive tax benefits versus granting an easement.

-The pros and cons of such a strip being donated to, and administered by, a land conservancy organization versus New York State. Among the questions discussed was: what happens if the conservancy organization ceases to exist, or if it ceases to operate in the professional, ethical, effective manner that has been a characteristic of the CLC?

Most committee members continue to hold significant reservations about the wisdom of allowing subdivisions for such trail lots/overlay zones, especially because it appears that all benefits of such a configuration can be obtained via an easement, except for probable tax benefits to the donating landowner and corresponding tax increases to be paid by all Ancram landowners.

The Chair will attempt to obtain facts about the tax issues from the Town Assessor and CLC, after which the ZRC will reach a decision at its next meeting.

Members agreed that the ZRC will not meet on Monday, 3 September, Labor Day. The next meeting will be on 10 September.

The meeting adjourned at 8:37 p.m.