

**Town of Ancram
Zoning Revisions Committee
12 July 2010**

Members Present: Hugh Clark, Terry Boyles, Barry Chase, Barbara Gaba, Kyle Lougheed, Don MacLean, Bob Mayhew, Jim Miller, Bob Roche, Dennis Sigler

Members Absent: Bonnie Hundt, Jane Shannon

Others Present: Ed Ferratto, Donna Hoyt

The Chair called the meeting to order at 7:00 p.m.

Members approved minutes of the June 28th meeting.

Ed Ferratto, Town of Ancram Building Inspector and Zoning Enforcement Officer, provided feedback about Draft Section VII, Administration and Enforcement. He perceives:

re: A—substantial redundancy between the BI and CEO positions, to the extent that BI is becoming an obsolete term at NYS training sessions, although not yet among contractors. The CEO “inspects and enforces.”

re: A(5)—complaints should be in writing, and he normally confers with the town attorney when enforcing the law.

re: B—there is no requirement for ZEO training by the town or by NYS. Currently, the CEO training focuses on building codes, etc. Whereas the draft mostly refers solely to the ZEO, the law [or a law] should specify the authority of the CEO (e.g. to issue stop work orders).

re: F—Generally, stop work orders currently issued are written, dated, and signed, and don’t generally state conditions that must be satisfied before work may be resumed. He does not recall ever issuing a SWO for a zoning violation; most are building violations.

re: J—he prefers written, signed complaints. If he becomes aware of a safety issue, he’ll check about off-hand, third party complaints.

re: K (3) and (4)—ZEO has nothing to do with these.

re: K (9)—last sentence should be rewritten to clarify that it’s the ZEO who shall periodically check all reports and plans....Also, those wanting to inspect such records should be required to make an appointment, to sign for records and files, to return records and files in the good order in which they were received, etc. Check to ensure this paragraph is compatible with the FOIL.

re: M—This should be the CEO, not the ZEO.

re: N—This should be the ZEO and the CEO.

re: P—He wonders whether these penalties apply to other than the zoning law.

re: fees—He recommends a tiered system of fees, so that those who are caught attempting to evade the permit system should be charged a higher fee to obtain the permit, in addition to any fines or other penalties;

Mr. Ferratto also recommended that the ZRC consider the following topics when revising the zoning and subdivision laws and regulations:

-temporary storage of travel trailers and campers (perhaps also boats and vehicles over 1 ton)—define where they may be kept, durations, how stored, etc;

-fencing requirements in the R zone, especially front yards. Ed suggests building permits be required;

- storage of “pods” (tractor trailer boxes)—where and for how long;
- tag sales—weekend vs several months, temporary vs semi-permanent, signs, etc;
- land clearing/logging permits—there currently are no controls, especially over erosion, flow, sediment on top of neighboring septic systems, where log landing will be located, access to highway, etc; should be site visit by BI/CEO;
- accessory structures and buildings in front yards (including garages, pools, and tennis courts); should such structures be allowed in front yards versus side or back yards?
- protection of designated waterways from consequences of building and excavation;
- enforcement penalties; he reiterates recommendation for a tiered system of fees. Those who attempt to evade permit system and are caught should be charged a higher fee to obtain permit, in addition to any fines or other penalties;
- junk: should define what it is, including derelict cars etc, and standards and processes for getting rid of it.

Due to the necessity to move to another agenda item, and to give Mr. Ferratto additional time to study the draft Planning Board section and draft Section VIII, the committee stated their appreciation for Mr. Ferratto’s insights and invited him to return at a future meeting to convey additional thoughts.

The committee then reviewed Version #4 of the draft wind power law, which addresses Nan Stolzenburg’s comments on the June 30th version. While doing so, the chair also noted further points from telephone conversations with Nan, and comments and suggestions offered by Leah Wilcox in a June 10th email. The committee decided:

- to incorporate Nan’s suggestions about Sections 2; 3E; 4; 6A 3f,g,i; 5E; 5G 3; 6A 4; 6B 1,2, 2a,4,5,7,8, 9; and 7B; and
- to incorporate Leah’s suggestions about Sections 3E; 4; 5A; 6; 6A 4; 6B 8 and 6B 9.

Ms. Gaba stated concerns about the wording of Section 7B, Civil Penalties, and Section 7C, Criminal Penalties. After discussion, the committee also decided to have Ms. Gaba prepare an email expressing her concerns and revised wording that may assuage those concerns. The chair will pass that email to Ms. Stolzenburg and Mr. Lyons for consideration during Mr. Lyons’ review of the draft law’s legal sufficiency.

The committee authorized the Chair to prepare a final draft incorporating the agreed upon edits, to send that final draft to Ms. Stolzenburg and Mr. Lyons for a review of its legal sufficiency, and to send to Ms. Stolzenburg and Mr. Lyons any email and draft revision received from Ms. Gaba concerning Sections 7B and 7C for Mr. Lyons to consider as a change to those sections.

The meeting adjourned at 8:55 p.m.