

**Town of Ancram
Zoning Revisions Committee
15 August 2011**

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

Members Absent: Kyle Lougheed, Bob Roche

Others Present: None

The Chair called the meeting to order at 7:04 p.m.

Members approved minutes of the August 8 meeting and affirmed that no recusals were necessary for the current meeting.

Members reviewed August 15 email, "Questions and Answers from Nan Stolzenburg to ZRC Minutes of 8/8/11" and accepted Nan's responses about draft Section V J, Special Use Permits:

Re: 3a on p. 2—There may be a few "activity" types of uses (e.g. pumpkin patch, portable hot dog stand, etc) that don't involve placing a fixed structure on a site and would be SUP without SPR, so leave current draft wording.

Re: 3i on p. 4—ZRC accepted revision making ZEO the final checker.

Re: 3j 4 on p. 5—Members accepted position based on case law that SUP "run with the land", but request John Lyons pay special attention to the wording of this passage. Members acknowledge that "runs with the land" may be a common phrase, but doesn't communicate clearly to all users. Ms. Shannon and others suggested that "run with the land" should be accompanied by a phrase that explains what it means, or should have another phrase substituted for "runs with the land." One suggestion is: "Once a special use permit has been granted, it shall continually [or "perpetually" or some like term] apply to the designated property regardless of ownership as long as the use is conducted and conditions met."

Re: J4 on p. 5—about expiration and lapses. Members agreed to roll the yellow text into the blue text to make expirations and lapses as clear as possible, and delete the last yellow sentence about PB revocation. ZRC affirmed three years as the span and acknowledged that PB may add new conditions.

Re: J4 and J5 on p.5 about ZEO enforcement—Members approved Nan's point that ZEO enforces via Section VII and updated language explaining that process is appropriate.

The committee reviewed briefly Nan's 4-page paper that suggests "Possible SUP Uses That May Need Individual Standards," including "Some Notes and Questions on Use Table..."

Because other agenda items required time and attention, the committee intentionally did not deliberate about Nan's individual notes and questions at this meeting. However, the committee did decide that:

Re: #2—The second format (the one more vertically arrayed) should be used.

Re: #4—The second format would readily apply to solar.

Re: #5—Further discussion about outdoor wood furnaces will occur. By separate email, Nan provided the latest NYS law to the Chair, who will forward it to committee members.

Re: #6,9,10,11, etc—Members have consistently understood that individual uses in the worksheet will be rolled up into more generic categories and authorize Nan to suggest roll-ups.

Re: #8—Given Nan’s strong recommendation about B&Bs, members agree with SUP for all B&Bs in all districts.

Re: #17—Nan and the ZRC must confer more extensively about “commercial kitchens.”

Re: #20—The ZRC agrees with Nan’s recommendation that gasoline stations and convenience stores should receive SUP instead of only SPR and should receive individual standards, whether the facilities are single entities or combined.

Re: #21—Mr. MacLean initiated short, substantive discussion about crematories (both human and animal). Recounting his experience with a cremation facility in rural Vermont, he reported a clean, quiet, unobtrusive facility and operation with no noise, odor, fallout, etc. The ZRC will formally consider crematories in the Ag District, though not in the hamlets.

The ZRC then examined pages 9-10 of the Use Table Draft for the Ag District. Results were:

Day care (children), day care (adult), performing arts instruction, martial arts instruction, physician office, psychiatrist/psychologist, dentist, chiropractor, nursing/home care services, physical/occupational therapy, and medical claims processing are all “P/SUP,” signifying that these uses are permitted in the Ag District if they are low impact home based, but require SUP if they are high impact home based or storefront. For child and adult day care, the number of children or adults must be defined, but would probably be 3-4 and not likely to be more than 6. (Note: on further reflection, the ZRC decided that medical claims processing in the hamlet R2 districts should be P/X, rather than only X.)

SUP is required for pre-school, camp, private/religious school (both day and boarding), charter school, performing arts school, distance learning facility, clinic, counseling center, alcohol/drug treatment center, abuse treatment center, rehabilitation facility, nursing home, convalescent home, half-way house, cancer treatment center, radiation treatment facility, chemical treatment facility, laboratory (medical test/diagnostic), and laboratory (animal research facility).

Retreat center/conference center prompted extensive discussion about the possibility that such a facility could equate to a significant development with concerns about placement, open space, etc. Also noted, however, were the jobs that may be created by such facility. The ZRC decided that such centers should require SUP, but should also have detailed guidance in supplementary regulations or at other appropriate places in the zoning ordinance. Similar thoughts were evident for business/trade school, especially about their design and need to be located on the periphery of open lands. The ZRC opted for SUP with definite SPR for this use.

Not permitted are college/university, hospital, and medical waste disposal.

Throughout these deliberations, several themes recurred: the Ag District should be mainly for agriculture and ag-related businesses, but—on the other hand—the Ag District has the land on which to locate businesses; the necessity to have businesses in the Ag District adhere to ground-rules about being on the edge of fields, maintaining open space, etc; the need to steer businesses toward the hamlets; and recognition that the light industrial district isn’t big enough to absorb all that should be steered toward it.

The meeting adjourned at 9:00 p.m.