

Town of Ancram
Zoning Revisions Committee
1 April 2013

Members Present: Hugh Clark, Barry Chase, Barbara Gaba, Donna Hoyt, Bonnie Hundt, Don MacLean, Jim Miller, Bob Roche, Dennis Sigler
Members Absent: Terry Boyles, Kyle Lougheed, Bob Mayhew, Jane Shannon
Others Present: Drew Hingson, Don Hoysradt, Ron Steed

The committee convened at 7:03 p.m., approved minutes of the 18 March 2013 meeting, and resolved remaining questions about ridgeline protection text:

Focusing on subsection 3h, the ZRC approved alternative text:

“Where the designated ridgeline is not forested, and the proposed building envelope is on land that consists entirely of open fields or on land covered only with vegetation not more than ten (10) feet high, all intents and the standards cited above in 3b, d, f, and g shall be applied. The top of the structure’s roof shall not be higher than the designated ridgeline and the structure shall blend with the natural environment at that location so that it is as unobtrusive as possible when viewed from publicly accessible locations.”

However, the ZRC also requests that Nan incorporate two additional features into this section:

One—reiterate (by summarizing or paraphrasing) guidance at Section XIII F2i, SPR, to the effect that, whenever possible, “the building envelope shall be sited along the edges of open fields” and Section V(l)8a(11), OSCS, to the effect that “lots, house sites, roads, and other infrastructure...shall avoid or minimize adverse impacts by being designed...along the far edges of open agricultural fields adjacent to any woodland to enable new residential development to be visually absorbed by the natural landscape.”

Two—Insert text to the effect that if a landowner/applicant seeks to build so that the top of the structure’s roof is above the ridgeline (thereby meeting the standard at 3e), he/she shall plant trees and shrubs of such height, size, density, and species that will effectively and immediately screen the proposed structure from view at publicly accessible locations.

Returning to 18 March discussion about enforcement of screening requirements, the ZRC decided to:

Delete draft remediation text 4a re: a landowner removing trees from an area within an RPOD and then applying to develop that site, which could then be deemed a violation. Rationale for deleting this provision was that it is a landowner’s prerogative whether to clear his/her own forested lands and that standards 3a-h effectively govern this scenario in terms of placement, screening, and blending structures within RPOD.

Approve draft remediation text 4b re: removal of trees or vegetation during construction beyond that approved by the Planning Board shall be deemed a violation and shall result in suspension of the building permit and/or denial of Certificate of Occupancy unless trees and vegetation are restored to the satisfaction of the Planning Board.

Insert text in this remediation subsection to the effect that removal of screening trees and vegetation after the project is completed constitutes a violation of the zoning ordinance within the context of Section VII, Admin & Enforcement, that violations of the zoning ordinance shall be deemed misdemeanors, and that a violator is subject to civil penalties of \$200 per day and also criminal penalties that include escalating fines and imprisonment.

Continuing discussion from 18 March, the committee decided that the only portions of a structure that may project above the roofline in an RPOD are chimneys, satellite dishes, antennas, and cupolas. The ZRC requests Nan incorporate text to this effect.

However, in this vein, cupolas require separate consideration. The ZRC decided:

Text about cupolas should contain a statement about what is not acceptable. Among unacceptable features are: a cupola shall not constitute living space (e.g. as an office, or studio, or den); and shall not be lit to the extent that more than 0.2 foot candles are perceptible at the property boundaries (i.e. the cupola should not become a lighthouse or beacon or illuminated room); and shall not be predominantly glass or other reflective material. If it is predominantly glass or other reflective material, it shall be considered part of the roofline and subject to the same screening requirements as all other parts of the structure.

Deliberation repeatedly focused on the height, size, bulk, and obtrusiveness of a cupola within a RPOD. The committee has not yet determined the dimensions that are likely to render a cupola as clearly obtrusive, but has decided that exceeding some defined dimensions probably should cause the cupola to be considered as part of the roofline and subject to all screening and blending requirements. Members speculated that the height of the cupola may be the key factor, but also recognize that length and width could create a bulk that prompts the cupola to be considered akin to a separate structure against the skyline. Members also concluded that if a cupola projects above the ridgeline, the applicant should be required to provide plans or drawings that accurately depict the cupola in proportion to the structure and depict its situation vis a vis the ridgeline, building envelope, and surrounding landscape.

Mr. Hoysradt offered to provide to the ZRC information pertaining to architectural “rules of thumb” about cupola size and proportionality.

The ZRC requests Ms. Stolzenburg provide a draft definition of cupola and draft regulatory text pertaining to cupolas within an RPOD. Draft text should include some provision wherein a cupola exceeding certain dimensions shall be considered to be part of the structure roofline and therefore subject to all screening and blending requirements.

The ZRC approved the following text that recognizes landowners’ prerogatives and requests that Nan incorporate this text into Supplemental Regulations subsection H. Ridgeline Protection:

“If, when siting a structure or building envelope within an RPOD, an applicant believes that the ridgeline designated on the Ridgeline Identification and Protection Map does not coincide with the topographical ridgeline at the highest elevation or does not coincide with the apparent ridgeline as viewed from publicly accessible locations, the applicant may provide to the Planning Board a survey or other credible evidence that substantiates the applicant’s belief, or may request the Planning Board conduct a site visit to verify that the proposed structure or building envelope will meet the intent and standards of this section.”

The committee requests that Nan add to this text some language to the effect that the PB has authority to decide whether the applicant’s evidence or site visit provides sufficient basis to adjust the exact location of the ridgeline, and if the PB approves the adjustment, that adjustment shall be entered into the official records pertaining to the Ridgeline Identification and Protection Map.

The meeting adjourned at 8:50 p.m.