

**Town of Ancram
Zoning Revisions Committee
2 May 2011**

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

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

Members approved minutes of the April 25 meeting and affirmed that no recusals were necessary for the current meeting.

Members conferred with Nan Stolzenburg via speakerphone about issues of interest, including:

*Whether SUP “goes with the land” even after a parcel has been subdivided. By email, John Lyons noted: “A special use permit (SUP) does run with the land. *Dexter v. Town Board of the Town of Gates*, 36 NY2d 102 (1975)...Question about what happens to a SUP if the land is subdivided...is not showing up readily in the research. SUPs are usually premised on sometimes lengthy lists of conditions. I would say that in order to maintain the SUP after subdivision, each newly created lot would have to comply with every one of the conditions of the SUP. Depending on the conditions, it may not be as easy as it sounds. Also, although SUPs run with the land, oftentimes one of the conditions is that they are limited in duration. The need for renewal allows the board issuing the SUP the opportunity to evaluate the impacts in actual practice and compliance with the original conditions. Newly created lots would not necessarily be entitled to automatic renewal. Permit conditions and permit time limits may be precluding the fact patterns...from coming up very often.”

Elaborating, Nan also noted that deed restrictions should be filed with the county, and that variances and SUP are different, frequently with variances preceding SUP.

*Nan then refreshed memories about overlay districts, which essentially are an extra set of standards beyond those of a regular district. Overlays can have their own uses, densities, and conditions, such as those of a flood plan overlay or a historic district. An advantage of overlay districts is that they don’t follow other boundaries, and standards can be tailored. A disadvantage is that they can be hard to understand. A key is to know what is to be protected and to establish standards designed for that district or area. Ms. Gaba noted a need to communicate with the public and aid their understanding of overlay zones.

*After discussion about a potential mobile home park overlay zone, Ms. Stolzenburg opined that, rather than establish an overlay zone, it is better to say that mobile home parks are permitted in District “X” subject to specified conditions.

*Turning to the relationship between zoning law/use table and other town/county regulations and permits, Nan focused on vendor permits. She noted that movable stands, e.g. hot dog/ice cream, are subject to permits, which focus on sanitation standards, issued by the County Health Department. However, the town also could make movable stands subject to SUP—allowing them in specified locations, at specified times, and subject to other conditions. She also commented that many communities handle movable stands that make a circuit of stops, e.g. the traditional “roach coach,” by a peddler’s law. Whether by SUP or permit, it is appropriate to establish standards for noise, lights, signs, and other features of the operation.

*Discussion then focused on districts called for by the Comp Plan, including Carson Road and Lower Rhoda as mainly residential, but not hamlets; on the need to keep an eye on scale, setbacks, and density in Boston Corners; and on the obligation to constantly hold in mind the purpose for which each district is created and whether contemplated uses are compatible with the district purpose.

*Adult uses again prompted significant discussion, including points that if not in the use table, the use is prohibited, and that it’s typical to require adult uses to be at least 1000 feet from schools and similar uses.

*All affirmed that there should be a definition for every use in the Use Table. Nan will provide draft definitions for consideration.

*Members requested that Nan provide a map showing the NYS Ag District in relation to other districts within the Town of Ancram.

*Nan reiterated that SUP usually includes SPR, or the two processes should at least be coordinated and worked in tandem.

*Discussion concluded with Nan’s reminder that permitted special uses are those that are “wanted, needed, desired,” but which need certain conditions to be met to ensure they are compatible with the district/neighborhood in which they’ll be located. Special uses are not a penalty. If it’s a “stretch” to meet the conditions that will make the special use compatible with the district/neighborhood, it may be better to prohibit the use.

ZRC consensus was that conferring with Nan via speakerphone worked well, given that no visual materials were needed, and that this method should be used in the future. One caution is that only one committee member should talk at a time, that person should identify himself/herself, and there should be no sidebar conversations.

Members agreed to think about ways to roll up the many uses listed in the use table worksheet into a smaller number of categories/entries.

The meeting adjourned at 8:45 p.m.