

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

Members Present: Hugh Clark, Barry Chase, Bonnie Hundt, Kyle Lougheed, Jim Miller, Bob Roche, Jane Shannon, Dennis Sigler

Members Absent: Terry Boyles, Barbara Gaba, Don MacLean, Bob Mayhew

Others Present: Donna Hoyt

The Chair called the meeting to order at 7:05 p.m.

Members approved minutes of the May 16 meeting and affirmed that no recusals were necessary for the current meeting.

The committee reviewed Nan Stolzenburg's responses to seven questions from the May 16 meeting and determined:

1. Agricultural uses within the hamlets that also are within a NYS Ag District are allowed as a permitted use, and agricultural uses within the hamlets that are not within a NYS Ag District require site plan review or abbreviated site plan review. These distinctions will be shown in the Use Table.

2. The hamlet R2 districts' principal purpose is residential. Although agricultural uses may be acceptable in those districts (see #1 above), business uses should be limited to those that are compatible with a residential neighborhood. Such commercial uses are likely to be only those that are low-impact home-based businesses.

During this discussion, Mr. Sigler opined that, if the hamlet R2 districts are to be kept principally as a residential haven, there is probably a need to expand the business/residential districts. Others concurred with that conclusion, and discussed possible areas for b/r expansion, including portions of Poole Hill Road and Route 82 South in Ancram. No decisions were made.

3. The committee wants to allow in the hamlet R2 districts such features as chickens, a horse/pony or two, and hothouses/greenhouses that a home gardener or hobbyist might use. The Use Table and definitions must distinguish between such "household/hobby" scale of animal/plant buildings and activities and those of a commercial nature.

4. The committee affirmed that the purpose of planning and zoning is to cause long term objectives to be attained—that the focus should be on what's wanted as the future.

5. If a barn is proposed in a hamlet R2 district, but is not overlapped by a NYS Ag District, a SPR is appropriate.

6. Because a SUP is presumed to be a permitted use, and because the PB could deny a SUP only if the applicant could not meet the conditions needed or if SEQRA uncovers adverse impacts that cannot be mitigated, it is unlikely that the PB could deny a SUP. If the ZRC is unsure about a potential use's compatibility with a hamlet R2 district, it is probably better to prohibit that use.

7. If land within a hamlet R2 district that is also within a NYS Ag District grows grapes, hops, grains, or other products to be processed on site into wine, beer, or spirits, that use is probably a viable agricultural operation/use and must be permitted even if the retail products are also sold on site.

The committee then continued to determine uses in the hamlet R2 zoning districts. Regarding Ag-Related Commercial Uses on page 4 of the Use Table Worksheet, results were:

Farm markets, slaughterhouses, tanneries, and farm equipment sales/service were not permitted.

Definitions of feed sales/distribution and harvest storage/distribution need to be clarified and split into two categories to distinguish operations in which the farmer is selling, storing, or distributing his/her own agricultural products (especially when the land is in a NYS Ag District) from those in which a third party is selling, storing, or distributing. The former are permitted with ASPR. The latter are not permitted.

Winery, distillery, and brewery retail sales were not permitted, unless done in accordance with #7 above. In such instances, ASPR would be appropriate. These distinctions also apply to agri-tourism and commercial kitchens. The nature and scale of commercial kitchens also must be considered to ensure that the operation processes products grown mainly on site and does not constitute a commercial business of significant scale that is incompatible with an R2 district.

Veterinarian/animal clinics, animal hospitals, shooting preserves, and cold storage facilities are not permitted.

Regarding Business Uses on page 4, results were:

Banquet hall/catering, restaurant, café/coffee shop, bar/grill/cocktail lounge, take-out restaurant, ice cream parlor, and accessory snack bar are not permitted in the R2 districts.

Movable hot dog/ice cream stands should be subject to a local vendor/peddler law, but may also require SUP.

Regarding Business Uses in the hamlet R2 districts on page 5, initial deliberation about bakers, butchers, and professional offices permitted, not permitted, SPR, and SUP evolved into considerations about the nature and scale of each use and its compatibility with a R2 district. For example, members distinguished between a baker who simply makes the product, and a retail bakery wherein baked goods are sold to the public. Members do not want to unnecessarily thwart home-based businesses that have low or no impact on the residential nature of the district. Accordingly, the ZRC seeks Nan Stolzenburg's advice about the following approach:

1. Add home-based businesses as a category of uses in the Use Table.
2. Allow all low-impact home-based businesses as a permitted use in the R2 districts.
3. Do not permit any "store-front" or high/major-impact home-based businesses in R2.
4. "Tighten" definitions of major and minor, high impact and low impact home-based businesses currently found in the Comp Plan Glossary and in Draft definitions (v2) 6/1/2010 into more precise standards that better enable an applicant and the PB to determine whether a proposed use is or is not a permitted low/minor impact home-based business. One fix would be to state precisely how many non-residents/employees may be present at a low/minor impact home-based business and to state whether the owner(s)/operator(s) are counted as employees.

There is no meeting on Memorial Day. The next ZRC meeting convenes at 7:00 p.m. on June 6.

The meeting adjourned at 9:00 p.m.