

**Town of Ancram  
Zoning Revisions Committee  
24 January 2011**

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

**Members Absent:** Terry Boyles, Don MacLean

**Others Present:** Donna Hoyt

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The Chair called the meeting to order at 7:02 p.m.

The committee approved minutes of the January 17 meeting.

The Chair noted that the Columbia County Planning Board had belatedly sent a letter to Art Bassin on January 20 with eight “comments for consideration” about the proposed Non-Commercial Wind Power Facilities Law. The comments do not hinder the Town Board’s ability to adopt the law. In a subsequent email to Art, Nan Stolzenburg had responded to each comment. As a gesture of good faith, the TB will add a definition of “viewscape” to the law and will incorporate a “permit term.” Nan and the Chair will provide these to the TB before the next TB meeting.

The Chair noted that Nan Stolzenburg and he have edited titles and sequence of the Site Plan Review section, a few minor tweaks remain, and then the section will be sent for John Lyons’ legal review—along with Section I, the new PB Section, Section VII, and Section VIII.

Focus then shifted to revising Section VIII E, Special Use Permits, with initial attention on the application, review, and approval procedures for special use permits. Although Don MacLean was absent due to illness, he had provided an email summarizing his talk with Leah Wilcox about such procedures currently used by the ZBA, including her suggestions for improvement. Members discussed Don’s summary, and also discussed three documents provided by Nan Stolzenburg: Section 274-b of NYS Town Law plus two sample laws on special use permits from other towns.

The committee agreed that procedures should parallel those previously incorporated in the SPR section and PB section and clearly identify what the applicant must do, what the applicant must submit, what the PB must do, what criteria the PB will apply when deliberating about approval, and timeframes.

Among the major procedural features would be an informal sketch plan conference, followed by formal application, notification of public hearing, public hearing, PB deliberation (approval criteria to be specified), and decision/notification.

To enable the PB to flexibly, fairly, and economically deal with a spectrum of special use permit applications of varying scope, complexity, and potential impact on the neighborhood, the committee decided that applicants may be required to submit the “maximum” amount of information with the formal application (similar to that required for site plan review), but based upon judgment arising from the sketch plan conference the PB could waive whatever info requirements appear superfluous.

Standard features such as, but not limited to, mutual extension of decision time, fees, and expiration of permit would also be included in the permit procedures.

ZRC members favored the organization and “look” of the Cairo sample, but want to ensure that all information that may be required from the applicant is listed; applicants should not get caught in a chain of referrals from section to section in the zoning law to determine what information they may be required to provide. (Paragraph C2 of the Cairo sample was the origin for this determination).

The committee requests Nan Stolzenburg provide a draft that draws upon the Cairo sample and the draft Site Plan Review Section to form a complete, coherent depiction of special use permit procedures.

After extensive discussion, the majority of committee members did not favor the suggestion to notify not only abutting property owners, but also all within 500 feet. Reasons included potential legal difficulties if errors resulted in a property owner not being notified, the fact that notification would appear in designated media, and the likelihood that word-of-mouth would result in de facto notification of all within 500 feet.

To clarify understanding of special uses and their permits, members requested a legal opinion from John Lyons:

It is understood that an approved special use permit “goes with the land.”

Does that permit still “go with the land” if the parcel itself is divided? If so, does it “go” with all resulting parcels that were part of the original parcel for which the special use permit was approved, or does it “go” only with one or some of the parcels resulting after the original parcel was divided?

For example, if a parcel of 100 acres contains a structure, and a special use was approved for that structure, and then part of that 100 acres is sold, does the special use permit remain only with the part of the land that contains the structure, or does it also go with the sold land that does not contain the structure?

Or, another example, if a parcel of 100 acres contains a structure that is the hub of an approved special use, but the special use is itself an activity (perhaps a recreational paint-ball enterprise, or cross-country ski enterprise, or some sort of off-road vehicle course) that occurs not only in the structure but also throughout the 100 acres, does the special use permit go with all resulting parcels divided from the original 100-acre parcel?

The meeting adjourned at 8:35 p.m.