

**Town of Ancram
Zoning Revisions Committee
26 September 2011**

Members Present: Hugh Clark, Barry Chase, Barbara Gaba, Bob Mayhew, Jim Miller, Bob Roche, Dennis Sigler

Members Absent: Terry Boyles, Bonnie Hundt, Kyle Lougheed, Don MacLean, Jane Shannon

Others Present: Donna Hoyt

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

Members approved minutes of the September 19 meeting and affirmed that no recusals were necessary for the current meeting.

The committee reviewed potential edits provided by Nan Stolzenburg in response to determinations made at the September 19 ZRC meeting. Results included:

*Approved edits to SPR, p. 7-8, para 2d, to read: “A sketch map showing *known* locations of natural features and resources such as wetlands, vernal pools, streams, lakes, steep slopes, or floodplains. The Town of Ancram Comprehensive Plan and its associated *studies and maps including but not limited to the Ancram Biodiversity Map, the DEC Ancram Habitat Summary, and the Ancram Town Map of Vernal Pools, as may exist*, should be consulted by the applicant in formulating this portion of the sketch map.” [Edits shown in italics]

*Approved insertion of Vernal Pool Identification and Evaluation edit at SPR, p. 12, para 6d because this edit provides a reasonable process and objective criteria to determine whether a vernal pool is of sufficient size or significance to warrant protection. The edit thereby answers a question raised on September 19. However, members also voiced concerns about two potential problems. First, the ZRC notes that unless information about the three criteria is already known and available on one of the maps or documents cited, it is possible that determining such info could substantially delay review and approval of the project. Accordingly, the ZRC urges that a line be inserted that overtly specifies that PB review should not be delayed while such info is being determined and that CAC input must be provided expeditiously, so as not to delay the review process. *[This was done on October 1 with sentence recommended for addition to SPR, p. 6, subsection 9d.]* Second, some ZRC members were concerned that an applicant might legally claim unnecessary hardship if review and approval are delayed by this identification and evaluation step. They seek Nan’s or John’s opinion about the legalities of this requirement. *[Note: In a telephone conversation on October 1, Nan opined that PB/CAC compliance with the sentence added above should resolve such potential difficulties.]*

*Approved edit to SPR, p. 29, Stream Buffer and Streamside Vegetated Buffer definitions, to add “measured from the edge of the waterway” to the definitions. This edit answers a question raised on September 19.

*Expressed serious concerns and questions for TB consideration about an edit proposed by Supervisor Bassin for OSCS, p. 11, para 8b(9). These included: If the recreation land/open space is offered to the public on the same terms and conditions as residents, does this mean that the public must pay the homeowners' dues that a resident would pay? Must the public pay the maintenance fees that a resident pays? What about insurance on the public or on the property due to public access—who procures and pays for that insurance?

Also, ZRC members noted that pools, tennis courts, basketball courts, etc are impervious surfaces and structures, and therefore are not open space as defined and should be removed from this proposed addition to (9).

Finally, ZRC members noted that ball fields, golf courses, courts, etc are part of the attraction that draws prospective buyers to purchase property in Long Lake or similar developments. Making such amenities available to the public would probably decrease the sales value of such property.

However, the ZRC also noted that, if the questions above are satisfactorily resolved and if this suggested insertion is retained, it is solely the applicant's choice about whether to make the lands available to the public and thereby count that land as open space, or not make it available to the public and lose the ability to claim it as open space.

Examining again the OSCS SubSection, the ZRC affirmed its conclusions from September 19 that the original paragraphs 10a(1) and (2) submitted to the Town Board remain appropriate and that a subsection 10a(3) should be added to provide for a term easement that is less than permanent protection, but of significant duration. The ZRC also approved adding 10a(4), a more detailed version of Mr. Bassin's proposal. Highlights of that deliberation included:

*Re: OSCS, p. 12, para 10a—the ZRC unanimously endorsed Nan's wording ("methods proposed by the applicant and approved by the Planning Board") as the most correct statement of terminology and what normally does and should occur.

*Re: OSCS, p. 12, para 10a(1)—the ZRC determined that Nan's wording is both descriptive and objective in its treatment of permanent conservation easements and should be retained.. The ZRC notes that this wording does not say that the Town prefers any one method over another. It only says that if one desires to permanently protect a parcel, then—of all methods of permanent protection—the permanent conservation easement does the best job of achieving that end.

*Re: OSCS, p. 12, para 10a(2)—the ZRC opted to retain "a declaration of covenants or deed restriction, in a form acceptable to the Town, and recorded in the County Clerk's Office" as a method of open space protection.

*Re: OSCS, p. 12, para 10a(3)—the ZRC determined that “A fixed-term conservation easement, in a form acceptable to the Town and recorded at the County Clerk’s Office” should be added as (3).

In a related review of the proposed definition for fixed-term conservation easement on page 17, Mr. Sigler and others perceived that, even after 25 years when the term easement ceases, development still cannot occur unless the zoning law changes to allow development on the parcel. If Nan agrees that perception is correct, the ZRC requests Nan add a few clarifying words to the end of this definition to ensure that a normal citizen understands this point.

[Note: Nan agrees and subsequently added: “If, at the end of the term easement, all potential lots allocated at the time of approval have been created, no further subdivision of lands on that parcel shall be allowed unless the zoning ordinance has been changed to allow for additional development.”]

Re: OSCS, p. 12, para 10a(3), as proposed by Mr. Bassin—Although some ZRC members commented favorably about the brevity of Mr. Bassin’s proposed language, all members agreed that the specific process and points set forth in Nan’s “Official Development Capacity Register” amendment coincide with Mr. Bassin’s proposal, but are more likely to help the PB when reviewing and tracking. Hence, the ZRC prefers Nan’s more detailed language as a fourth method of protecting open space.

In summary, the ZRC endorsed four clear options by which to protect open space:

- (1) Permanent conservation easement in a form acceptable to the Town and recorded in the County Clerk’s Office
- (2) Declaration of covenants or deed restrictions in a form acceptable to the Town and recorded in the County Clerk’s Office
- (3) Fixed-term conservation easement in a form acceptable to the Town and recorded in the County Clerk’s Office
- (4) Official Development Capacity Register reflecting both a process and a record for subdivision approval.

Text endorsed by the ZRC expresses no preferences about which method is preferable to the town. They are simply four methods available to the applicant. The applicant proposes the method; the Planning Board retains review and approval authority.

The ZRC then returned to page 12 of the Use Table Worksheet, 5th Edition, to continue determining uses in the Ag District. Decisions were:

Not permitted in the Ag District are adult entertainment facility/service, escort service, commercial airfield, commercial bus station, major pipeline, hydro-fracturing for gas, oil/gas drilling/extraction, nuclear power plant, shopping center, scrap/salvage yard, and trucking center.

Subject to SUP are commercial rail, fuel oil bulk storage/distribution, natural gas/propane bulk storage/distribution, solar energy equipment manufacture/sales/distribution/service, wind

energy equipment manufacture/sales/distribution/service, transmission towers, commercial flea market (definition should stress that a commercial flea market is limited to 2-3 operating days weekly and should be “stalls” either in the open air or in an existing structure (e.g. barn), but not in a permanent structure built for the purpose of serving as a flea market), private membership club/facility, septic sanitation service, self-storage, garbage/rubbish/trash removal (definition should stress that this is the truck hub—not the garbage “dump”), equipment rental center, bio-fuel production/storage/distribution facility, food processing/distribution facility, furniture manufacturing facility, and compost/mulching facility (offensive noise and odors should be a special concern during SUP review).

Subject to SPR are commercial stable/animal boarding/riding facility, commercial kennel, and transmission facilities (e.g. substations).

Permitted as low impact, home based business, but subject to SUP if high impact home based business or “storefront” are retail communications sales/service (including, but not limited to, telephone and cable), and welding shop.

The ZRC also decided to permit hydrofracturing to increase the output of water wells in all districts.

The meeting adjourned at 9:00 p.m.