

**Town of Ancram
Zoning Revisions Committee
4 October 2010**

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

Members Absent: Terry Boyles, Barbara Gaba, Kyle Lougheed, Don MacLean

Others Present: Nan Stolzenburg, Donna Hoyt

The Chair called the meeting to order at 7:15 p.m.

Members approved minutes of the September 27 meeting.

The Chair reported favorable results from John Lyons' legal review of several edits to the wind power version 9a, whereupon the committee decided to pass it to the Town Board for adoption. The Chair also noted that the Town Supervisor had circulated the cell tower draft for final comments. All ZRC members had been provided copies via email.

Consultant Nan Stolzenburg discussed with the committee questions and considerations about the draft Site Plan Review Section and about the draft Minor Site Plan Review provisions.

Asking whether every new residence should undergo site review—or only residences of a certain size, or in a particular part of town—Ms. Stolzenburg noted the distinctions between site plan review and subdivision regulations, and stressed that siting does not meet the goals of either the landowner *or* the community, but rather seeks to meet the goals of the landowner *and* the community. She also emphasized the inherent fairness in treating all residences the same, whether they are part of a major subdivision or a single house on a single lot. She underscored that most communities call for heavy site review of major subdivisions and of mobile homes—the two ends of the residential spectrum—but through lack of foresight they neglect all houses that lie between, which in Ancram constitute a major part of land use. She added that the subdivision law needs to include procedures and standards so that siting the building envelope is more than simply determining new lot lines.

Extensive debate ensued. There was general agreement in favor of reviewing siting of residences during a subdivision. Conversation then addressed projects on pre-existing lots of varying sizes that do not receive any review except by the Building Inspector. Several members noted the benefits of a simple, non-cumbersome application and review process for all new residences in which the Planning Board would forgo its directive authority and offer advice about good/better/best locations on the parcel for the building envelope. Another member objected to any review for new residences that are not part of a major subdivision. Ms. Stolzenburg cautioned that revision of the sub-division regulations should require the Planning Board to review and accept the building envelope, and that mere advisory opinions/guidance from the Planning Board would be difficult to apply and should not be in the site plan review section. She commented on the cumulative environmental effects of houses, roadways, and other disturbances that could accrue without even simple Planning Board review, and noted that slopes

and other environmental features of a parcel could serve as a threshold triggering review. Responding to discussion about reviewing all new residences versus very large ones, Nan was less sanguine about using size of the proposed residence as a threshold. Regardless of ZRC decisions about what gets reviewed, all agreed that definitions must be carefully crafted to ensure that all parties understand what does and does not receive review.

So that other topics could be discussed, the Chair suspended debate on this issue.

Turning to the draft proposal exempting from site plan review customary residential accessory structures with 600 square feet or less of building footprint, Nan identified benefits and drawbacks, which include instances in which the accessory structure may be bigger than the principal structure, and also the possibility of voluminous run-off from large paved surfaces such as tennis courts, very large buildings, or paved areas.

The Town's ability to examine such proposed uses and exemptions fostered discussion about the possibility of converting the CAC into a Conservation Advisory Board as permitted by NYS law, which would then serve as a site review and advisory body for the PB, or appointing a separate advisory body or bodies, perhaps with a member or two of the PB as nucleus.

Ms. Stolzenburg clarified that a key question on how to handle residences that are not part of a development and their accessories is: "Should they be examined by the PB as part of a site review process, or should they be examined within rules established elsewhere in the law as part of the ZEO/BI application and approval process?"

While discussing whether a minor site plan review process should be applied not only to residences, but also to small businesses, Nan cautioned that applying to small businesses is possible, but is also a slippery slope. Consensus was that it is preferable for all businesses to undergo normal site plan review, with the PB's option to waive some application requirements.

While discussing location and screening of off-street commercial parking, Nan stressed that buildings, setbacks, and their location and relationship to the street, rather than parking, are the centerpiece that makes the hamlet a vital entity and a cohesive unit. Large parking areas that are the prominent visual feature detract from the hamlet style. She noted that some parcels and situations may necessitate having parking in the front. If so, separate functions such as parking, walkways, and driveways should be distinguished by curbs, landscape screening, and other measures—all without compromising driver or pedestrian safety.

Explaining the Hudson River Greenway Compact, Nan commented that it is a NYS program in which participating communities agree to work toward several goals or criteria, e.g. smart growth, farmland protection. There is no state or other enforcer, simply the responsibility that comes from signing on as a member—which Ancram has done. The Dutchess County Greenway Compact is a step further, providing guidelines with illustrations about good practices. Nan will provide a link to this site for ZRC information and use.

Concerning questions about retaining a percentage of a performance bond or escrow for some time period after the project or phase has been completed and approved, Nan cited examples of landscaping that died or roadways that developed problems. Retaining a percentage for a year or so does not have to be included in the site plan review provisions, but does provide leverage. Similarly, requiring escrow for minor site plan review is a feature to consider, but does not have to be done and probably is not warranted in Ancram. Nan noted that escrow would not be needed if only an advisory process is instituted. However, if the ZRC decides that a minor site plan review with Planning Board approval is desired, escrow may be an option to include so that costs of any review are covered by the applicant.

Finally, Nan noted that many communities have rules that no grading, cut-and-filling, and similar land disturbances may be performed until after site plan review, especially to ensure erosion control. She reminded that DEC requires an erosion control plan and permit for any commercial project over 1 acre, and any residential project over 2 acres.

The meeting concluded with an examination of some characteristics that define Ancram's rural, architectural character—what it is and what it is not. Among the former are peaked roofs; wood or wood simulated siding; windows and doors of traditional size and style; and with doors distinguishable from windows; varied colors but not neon, iridescent colors; and porches. Among the latter are flat roofs and rooflines, large plate glass windows and glass doors with the doors almost indistinguishable from the windows, stucco or cement surfaces, and “in your face” bright, iridescent colors and trim.

The meeting adjourned at 9:10 p.m.