

**Town of Ancram  
Zoning Revisions Committee  
7 June 2010**

**Members Present:** Hugh Clark, Terry Boyles, Barry Chase, Barbara Gaba, Bonnie Hundt, Kyle Loughed, Don MacLean, Bob Mayhew, Jim Miller, Bob Roche, Jane Shannon, Dennis Sigler

**Others Present:** Sheila Clark, Donna Hoyt, Nan Stolzenburg

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

Members approved minutes of the May 24th meeting.

Nan Stolzenburg responded to members' questions and comments about the second chunk.

Noting that she had included in the June 4<sup>th</sup> draft of Section VII, Adm & Enf, a "reader information box" explaining the ZEO, CEO, and BI, she commented that the text box itself is not part of the law and that attorney John Lyons will insert a footnote in the text box to underscore that fact. After discussing training of an Acting ZEO, the ZRC opted to retain the current draft text. "Written, signed" will be deleted from paragraph J to be consistent with A(5). The last sentence in paragraph K will be revised for clarity.

After brief discussion about term, activation, and voting of alternate members, and after noting that failure to act by the PB means default approval, the committee determined that the current draft of the Planning Board section will remain as written.

In Section VIII, ZBA, after affirming that failure to act means default denial, the committee accepted the current draft.

Discussion then focused upon questions about organizing the site plan review section.

1. When considering whether to include residential site plan review, Nan commented that there is no legal or other prohibition against including residential site plan review in zoning law. Towns that exclude residences from site plan review tend to do so because site plan review is generally oriented on commercial development, the Planning Board process generally covers most residential proposals, and political officeholders frequently are unwilling to deal with the sensitivities of residential review. However, Nan also offered examples of situations in which two landowners could be treated differently. She noted that one favorable feature of having some residential site plan review is that all must meet the same standards and all are treated the same. One option is to require any structure greater than a specified number of square feet to get site plan review. Another option used successfully by some towns calls for a separate section on residential site plan review that is less lengthy and less onerous than commercial site plan review. She noted that the town could look at the relationship between the "residential building envelope" and prime soils, hedgerows, neighboring houses, etc., and stressed that any review would really be examining where the structure is sited, not the aesthetics of the proposed residence.
2. Whether uses requiring site plan review should be in the text of the zoning law or in the use table, Nan stated strong preference for the use table.

3. When opining about commercial design standards being in site plan review, elsewhere in the text, or in the use table, Nan suggested that they be in the use table only if use required design standards to be examined. In that instance, there could be a column in the use table. She recommended that, for Ancram, it's probably better to have a separate section of text for design standards. If necessary and helpful, there could be a note in the use table directing a reader to that separate section about commercial design standards. Responding to a question about where in the process would the PB look at design standards, Nan observed that consideration would be given during site plan review, but that there could also be a note in the site plan review section pointing to fuller treatment of the commercial design standards elsewhere in the text. She noted also that renovation may trigger site plan review.
4. Whether site plan review and special uses should be together in one section, or in separate sections, or in the use table, Nan stated that the use table should identify for each use what the expectations are for permits. If most uses are special uses, then integration may be the best way to go. If not, then two distinct sections. Regardless of where the text is put, the key for user-friendly efficiency is that special uses and site plan should be integrated within a single process.

Concluding this discussion, Nan commented that she likes a two-track system for site plan review, with one track being a full-fledged review and the other track being less intensive. She is leery about waiver processes that can be too easily employed by weak PBs, that lack open deliberation and recordkeeping, and therefore can be applied unevenly and unfairly.

Focusing on the upcoming need for ZRC examination of non-commercial wind power and cell tower revisions or laws,

Nan first addressed points to keep in mind about wind power laws. Critical features include: set-backs protecting neighbors and the public, compliance with a building permit and coding system, visual disturbances (especially a strobe effect), and noise levels (especially when operating at high speeds during strong winds).

-It was noted that NYSERDA has tied incentives to wind tower height, touting higher towers as more efficient. Set-backs should be tower height plus the rotor. Some towns allow set-backs to be waived with written, deeded right-of-way permission from neighbors.

-Visual effects should not only be examined from points close to the wind tower, but also from farther distances. In some instances, effects on the skyline may be significant.

-While complimenting the draft local law being examined, Nan noted that enforcement provisions have shortcomings and cited other concerns expressed in her comments 1-14.

-Mr. Loughheed noted that shared utility lines may be needed and that buried utility lines may be called for.

-Initial and ensuing inspections were discussed, including those done by manufacturers, installers, and third parties. How to cover the cost of both initial and ensuing inspections drew considerable discussion.

-The value of enabling the PB to issue special use permits for wind towers even before that authority is granted by the zoning revisions process was also mentioned.

As discussion turned to revisions of the existing cell tower law, Nan commented that cell tower laws and regulations give rise to similar points of consideration. Set-backs, adherence to codes, and visual disturbances are of particular interest. At the Town's request, Nan and attorney John Lyons are preparing a memo that summarizes their observations about the current cell tower law.

- Among those observations are the disorganized structure of that law and its convoluted, confusing language, which make the law extremely difficult to understand.
- She noted also that some definitions in the law are outdated.
- The current law requires 5-acre minimum lot sizes. In contrast, Nan opines that lot sizes for cell towers generally may be the same minimum size as the zoning district in which the tower is to be located.
- The current law does not address co-location, i.e. multiple users on the same tower. She noted that such a provision should be determined by the Town Board, as co-location tends to result in fewer, but taller, towers.
- Requiring set-backs that are 2-2 ½ times the tower height is excessive. Tower height should be the lowest that the carrier can prove that it needs to provide designated coverage, with set-backs then equal to the tower height.
- She suggests that applications should clearly convey in narrative fashion how the proposed tower will meet a gap in coverage, with clear maps to augment the narrative. In some instances, it is possible that two or more shorter towers will perform more effectively than one taller tower.
- The need for a vegetative buffer should be considered, especially in open terrain.
- Whether a cell dish could be and should be allowed on a wind tower, or on or within a church steeple or other similar structure also merits consideration when crafting a cell tower law.

Wrapping up the meeting, the ZRC briefly discussed a proposal by Mr. MacLean that all members could benefit from training about zoning and subdivision regulations. Such training would be especially useful as the committee is about to consider substantive and complex issues about land use. All agreed that such training would enhance deliberation and decision about zoning revisions. Mr. MacLean will explore sources, subjects, timing, and costs.

The next meeting will focus on a draft law or amendment about non-commercial wind power.

The meeting adjourned at 9:07 p.m.