

**Town of Ancram  
Zoning Revisions Committee  
8 August 2011**

**Members Present:** Hugh Clark, Barry Chase, Barbara Gaba, Bonnie Hundt, Don MacLean, Bob Mayhew, Bob Roche

**Members Absent:** Terry Boyles, Kyle Loughheed, Jim Miller, Jane Shannon, Dennis Sigler

**Others Present:** Donna Hoyt

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The Chair called the meeting to order at 7:14 p.m.

Members approved minutes of the August 1 meeting and affirmed that no recusals were necessary for the current meeting.

Bob Roche and Barry Chase summarized their impressions of Karen Strong's presentation about Ancram Habitat at a special CAC meeting on August 4. The Chair reported that Ancram is a member of the New York Planning Federation, so those attending the NYPF Conference in Albany, 9-11 October, may use member rates and receive reimbursement from the Town. Details are in emails previously forwarded to all ZRC members.

Members reviewed pages 1-8 of the updated draft Section V J, Special Use Permits, prepared by Nan Stolzenburg and approved all revisions except the following:

New paragraph 3a on page 2—A question arose: Do *all* SUP application reviews also include SPR, or are there SUP applications that do not also require SPR? Most members believed that past discussions with Nan indicated the former. However, that memory/belief was not universal and the draft language ("For any application that requires both site plan and special use approvals...") indicates that some applications may not require both. The committee requests Nan clarify which is the case, and further amend text for clarity if necessary.

New paragraph 3i on page 4—The committee questioned whether the "Building Inspector" is the proper official to cite in line 4. Members perceive that the ZEO is the correct official to ensure that all agency approvals have been received and all PB conditions met and perceive that these are all actions related to zoning rather than to construction per se. Members also perceive that issuance of a zoning permit is an appropriate step before issuance of a building permit. If Nan agrees with these perceptions, the ZRC requests she amend text to clarify the complete sequence of ZEO checks and actions to ensure all agency approvals and PB conditions are in place, and issues a zoning permit before the BI issues a building permit.

New paragraph 3j 4 on page 5—Committee members perceive that the phrase "run with the land" is not legally correct and, therefore, is misleading. This perception arises from the belief that to truly run with the land, the approved special use would have to be recorded in a deed, whereas special use permits are maintained only in town records. Members were not able to quickly identify a more correct phrase or explanation and request that Nan attempt to do so.

New paragraph J 4 on page 5—The committee agrees with the lapse and expiration provisions of this paragraph. However, committee members again perceive an inconsistency between the concept of lapse & review and the notion that the special use permit runs with the land. Such argument holds that if the SUP truly runs with the land permanently, then there would be no basis for lapse & review. Greater clarity about “run with the land” in paragraph 3j 4 above will resolve the apparent contradiction. Also, members request Nan add a line or two to underscore that, upon a lapse, the PB reviews only for validation of the original conditions, but does not add new conditions. Furthermore, members determined that the use of “expire” in the last sentence is technically correct, but also likely to confuse most readers. The committee suggests that sentence structure and wording be altered to: “In either case, after review, the Planning Board may terminate such lapsed use, or reinstate it, or reinstate it with conditions.”

Members favored retaining the second (yellow highlighted) option as further clarification of the first option reviewed above. It seems likely that much of this second option could be incorporated into the text of the first option. However, Mr. MacLean and others request legal opinion about the last sentence—Is it legal for the PB to revoke a SUP if its conditions are violated? Some contend that only the ZBA can do this, or that it can only be done pursuant to an Article 78 proceeding. Members also prefer to have the ZEO procedures for investigating apparent violations of SUP conditions referenced or summarized here, along with the procedures by which the ZEO refers documented violations to the PB or other authority.

Last sentence of new paragraph J 5 on page 5—The ZRC suggests that verbiage be added to clarify how such a permit renewal gets to the PB—whether the ZEO automatically refers it, or whether the applicant must request referral, or some other actors and action. Whether all gravel mines are subject to such renewal also prompted discussion.

Paragraph 9, Factors for Consideration, on pages 6 were reviewed and accepted by the ZRC subject to the elimination of redundancy among several paragraphs. In some instances, that redundancy may be corrected by deleting duplicative passages. In other instances, the redundancy may be corrected by consolidating like provisions into a single tailored paragraph.

Candidates for elimination or consolidation include:

- Paragraph 9 a1 appears to duplicate concepts and wording in the last three lines of 9a;
- Paragraphs 9 a3 and 9 a6 appear to have duplicative features, although the emphasis in the opening of 9 a6 toward protecting environmental features may warrant retention.
- Paragraphs 9 a8 and 9 a9 may warrant consolidation.
- Paragraphs 9 a8 and 9 a9 and 9 a11 and 9 a13 and 9 a14 have common elements.

The committee requests that “known or” be deleted from 9 a10.

Members nominated uses that should have detailed standards tailored to the particular use (see p. 2 of attached list) and requests Nan provide advice and/or draft standards for these.

The meeting adjourned at 8:50 p.m.

**Uses with Individual, Tailored Standards  
in Ancram's Current Zoning Ordinance (pages ZO-39 thru ZO-45):**

"In addition to the above general provisions the following uses shall comply with the following prescribed standards."

- \*Retail Sale of Produce Grown Principally on the Same Lot from a Road Stand.
- \*Hospital, nursing home, convalescent home, sanitarium, institution or philanthropic use
- \*Hotel, resort hotel, resort lodge, resort ranch, restaurant, bar or night club, skating rink, theater, concert hall, commercial recreation uses.
- \*Summer camps and Retreats
- \*Two family dwelling, multi-family dwelling, boarding house
- \*Airports and flying fields
- \*Electric or gas utility substations, transformer stations, or sewage pumping station and other similar structures.
- \*Travel trailer camps, tenting camps and cottage camps
- \*Excavation for soil mining
- \*Gasoline filling station
- \*Commercial Park Lots
- \*Golf driving range, miniature golf range
- \*Automobile repair
- \*Membership club, non-profit club or organization or use
- \*Kennel, raising and keeping of animals for laboratory purposes
- \*Sales and Servicing of farm related equipment and machinery
- \*Veterinarian' office, animal hospital

**Uses with Individual, Tailored Standards  
in "Town of Cairo Special Use Standards:"**

- Car Repair
- Self Storage Facility
- Car Wash
- Public Utility
- Campground
- Summer Camp
- Outdoor Recreational Business
- Hotel/Motel/Country Inn
- Manufacturing and Research Laboratory
- Livestock outside the New York State Agricultural District
- Wind Towers
- Bar/Tavern
- Cell Tower
- Restaurant
- Car Sales
- Warehouse
- Mortuary/Funeral Parlor
- Adult Uses

## ZRC August 8<sup>th</sup> Nominees for Uses Requiring Individual, Tailored Standards

airfield hangar  
hydrogen fuel cell facility  
commercial laundry  
drug treatment center  
halfway house  
adult entertainment  
transmission towers  
gravel mining  
sewage treatment

gas stations  
outdoor wood furnace  
animal research facilities  
corrections facility  
dry cleaners  
auto body-painting business

bridges  
firing range  
shooting preserve  
motor sports track/course  
blasting/demolition service  
fair/circus/large event venue  
slaughterhouse (especially waste disposal)

outdoor wood furnace  
fair/circus/large event venue  
adult entertainment  
firing range  
wind tower [already dealt with in local law]  
transmission tower [already dealt with in local law]  
winery/distillery/brewery  
self-storage facility  
sewage treatment plant  
farm worker housing  
ECHO temporary homes

group homes  
multi-family homes  
mobile hot dog/ice cream stands  
commercial flea markets  
gravel mines

recycling facilities  
ambulance services