

**ZONING BOARD OF APPEALS  
TOWN OF ANCRAM  
JANUARY 24, 2008**

Present:  
Leah Wilcox, Chair  
Jordan Katz  
Kurt Sommerhoff  
Sheldon Waldorf  
Will Lutz, Alternate

Absent:  
Susan Bassin

Also Present:  
Joseph Crocco  
Barbara Crocco

The meeting was called to order at 7:30 p.m.

Minutes of the meeting of November 20, 2007 were approved on the motion of Mr. Waldorf, seconded by Mr. Lutz.

Chair Wilcox announced a three-hour training session to be held in Millbrook on January 31, 2008.

### **Crocco Area Variance**

An application to construct a building to house alpacas was denied by the ZEO because it did not meet the required setback of 200 feet from any property line for a building to house animals. They have appealed to the ZBA for an area variance.

Mrs. Wilcox said that public hearing had been advertised for this meeting, that as a Type II action, SEQR process was complete, that it was an exempt action not requiring submission to the County Planning Board, and that the Ancram Planning Board had returned a recommendation for denial. Mr. Crocco presented receipts for notification of abutting property owners.

Mr. Crocco presented information to the Board, explaining alpacas and their habits and required care. He showed an architect's rendering of the proposed barn as well as pictures of his home and neighboring buildings. He noted that much of the land abutting his is Pulver farmland. He responded to each of the five criteria set out by State Law for consideration in reviewing any application for an area variance. He submitted a written response to these criteria (Addenda to the minutes).

Mrs. Wilcox said that she had visited the property and noted that it seemed to be in the middle of a farm area. However, in looking at the subdivision map of the property, it appeared to have been designed for residential lots. She had noted that there was no one living on the property to the north and that, if there were, the area would look more congested.

Under questioning by the Board, Mr. & Mrs. Crocco said that they want to raise alpacas as both hobby and business, that they plan to start with six females, breed to outside males, and increase to no more than 12 animals. They explained the value of the animals, their fleece, and the care and attention needed in raising them.

Further questions and discussion brought up the concern of the Board that granting a variance for a building to house alpacas could create a problem of future use over which there would be no enforcement. The building is in an agricultural zone and animals are allowed. However, the non-conforming lot has no space for the construction of a building to house animals. Among the comments from Board members:

Waldorf: This is an agricultural district.

Crocco: We will have no other animals.

Wilcox: We cannot enforce that for the future.

Sommerhoff: If neighbors have no issue with this, I would have no problem granting a variance. We want to promote agriculture.

Katz: The house takes up much of the lot. Is there more room elsewhere on the property?

Wilcox: No, not to meet the 200 foot setback requirement.

There was further discussion of how the Board might create a way to allow this use and provide for future enforcement. A suggestion was made that the applicant might add a restriction to the deed and file a revised deed with the county.

Continued discussion:

Waldorf: A deed restriction might be a possibility.

Wilcox: Need to consider this more before asking the applicant to go through the expense and trouble of doing this.

Lutz: This is a new and interesting agricultural activity. How many animals would you plan to have?

Crocco: No more than twelve in that space. They have to be within sight at all times to protect them from predators so we couldn't go too far back on the land. The value of the six females we hope to start with is \$100,000.

Wilcox: This is a residential subdivision surrounded by agriculture.

Crocco: The use is permitted. Only the building is a problem.

Sommerhoff: We seem to be considering the use. If this were an accessory building on a non-conforming lot, but not for animals, it could be built.

Wilcox: You are referring to ZO page 48, Section VI G. That is for residences.

Waldorf: We are considering a building to house animals for which the law is clear.

Wilcox: The Crocco's lived on the property for quite a long time with no plan for raising alpacas. Therefore, the need for a variance would be considered self-created. If the Board wants to consider the possibility of a deed restriction, we need to discuss this with our lawyer.

Mrs. Wilcox opened public hearing. There was no one in attendance to comment and no letters from community members had been received. She then adjourned public hearing with plans to reschedule after further discussion and legal advice.

Further Board discussion brought forth the opinion that members would approve of a building close to the line if it were not for its use to house animals.

Mr. Crocco said that he felt that the ZEO might have approved the construction of the building except for its use.

Mrs. Wilcox asked when Mr. Crocco had hoped to break ground and learned it would be some time in late Spring. She said that the Board would speak with its attorney and schedule a continuation of the public hearing some time in late February.

On the motion of Mr. Waldorf, seconded by Mrs. Wilcox, the meeting adjourned at 8:30 p.m

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Joan S. Roberts, Clerk