

Draft Resolutions-Ancram Town Board Meeting – 8/16/2012

29. Zoning Revisions Package 3 - SEQRA Negative Declaration Resolution and Negative Declaration Notice

NEGATIVE DECLARATION - TYPE I ACTION – Adoption of new Section II (Establishment of Districts) including Section IIE (Floating Business District), Section III (Use Regulations), Section IVB (Density and Dimensions Table), Section IV J (Density Bonuses), Section V J (Special Use Permits), and Section VI (Non-conforming Buildings, Uses and Lots)

WHEREAS, the Town Board of the Town of Ancram (“Town Board”) duly appointed a Zoning Review Committee to implement, in part, the Town Comprehensive Plan through zoning ordinance amendments; and

WHEREAS, the Zoning Review Committee developed a set of proposed amendments to address the recommended strategies of the adopted Comprehensive Plan related to site plan review and use of open space conservation subdivisions, and subsequently submitted them to the Town Board; and

WHEREAS, the Town Board will submit the proposed Zoning Ordinance amendments to the Columbia County Planning Board as required by NYS General Municipal Law 239-m and the proposed action does not require any other permits or approvals from other State and Federal agencies prior to adoption; and

WHEREAS, the Town Board declared itself Lead Agency and conducted an environmental assessment according to SEQRA, 6 NYCRR Part 617; and

WHEREAS, the Town Board, after consideration of the Full Environmental Assessment Form Part I and Part II finds that the proposed amendments will benefit the environment and not cause adverse impacts as they:

- Provide statements to clearly articulate the purposes for each zoning district in order to ensure the goals of promoting agriculture, low density residential development, and appropriate commercial growth consistent with the Town of Ancram Comprehensive Plan. This amendment establishes the importance of agriculture, a clean environment, and continuance of rural character.
- Establish a floating district with stringent development standards that will allow the Town flexibility in accommodating new commercial growth unanticipated at this time in a manner that is consistent with the Town of Ancram Comprehensive Plan, the environment, agriculture, and the character of the community. This amendment includes strict development standards designed to protect the environment, scenic views, and ensure consistency with agriculture and low-density residential development. Prior to any approval of a Floating Business District, the applicant would need to meet stringent environmental standards to ensure the environmental resources of the Town are maintained. It is possible that an application would be

submitted for approval that would have adverse impacts on the community, but the approval process is not only designed with rigorous development standards, but also incorporates Planning Board, Conservation Advisory Council and Town Board review. This system means that a comprehensive environmental review would identify and seek to mitigate any impacts, or if not, it is unlikely that application would be approved.

- Update the use regulations to allow for low impact commercial uses and home occupations in a more flexible manner and to establish appropriate uses for each zoning district consistent with the goals of the Town of Ancram Comprehensive Plan. This amendment allows a wider variety of land uses throughout the town, but does so only for low impact and small scale uses that will not significantly affect the environment. Retail, large scale or high impact uses are allowed in hamlet business or hamlet business/mixed use districts that are more suited to accommodate these uses. Many uses are required to be permitted through the Special Use Permit process, which includes rigorous standards designed to protect the environmental resources in the Town.
- Update the Density Control Schedule (Density and Dimensions Tables) to implement the 3 ½ acre average density in the Ag District and allow ½ acre lots in the hamlet business/ residential districts subject to adequate water and septic as called for in the Town of Ancram Comprehensive Plan. The revised tables also provide lot width dimensions, setbacks, building height, and maximum lot coverage appropriate for the recommended districts. These changes implement the hydrogeology study's recommended development densities that will serve to allow growth consistent with the water capacity, recharge, and soil conditions.
- Establish a density bonus section to provide incentives for preserving more than 60% of a parcel as open space, providing public access to recreational lands or facilities, and for providing residential houses or lots to be used by qualified Ancram residents who meet Town Board criteria and procedures for affordable housing. It is possible that allowing more residences in a particular location could have adverse environmental impacts. However, one of the criteria necessary for a density bonus approval is to ensure that the area to be developed has the capacity to handle the added density and that no adverse environmental impacts would occur. This section is designed that if the density bonus will result in adverse impacts, the Town Board would not be able to approve the proposal.
- Update the special use section to be consistent with NYS Town Law requirements, to authorize the Planning Board to grant or deny special uses, and to establish an application and review procedure, including decision criteria. This is largely an administrative update and will not result in and of itself, in any change to the environment.
- Update the non-conforming buildings, uses and lots section to regulate non-conforming lots, buildings, and uses and to allow continuing their current status. This section clarifies and expands the original section. This is largely an administrative update and will not result in and of itself, in any change to the environment.

NOW THEREFORE BE IT RESOLVED, that the Town of Ancram Town Board hereby declares that adoption of the Zoning Ordinance Amendments described herein, will not have any significant adverse environmental impacts; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes filing of a negative declaration (attached hereto), according to SEQRA, 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute the Full Environmental Assessment Form.

WHEREUPON, this Resolution was declared adopted by the Town Board of the Town of Ancram:

The motion was moved by _____.

The motion was seconded by _____.

Vote: Yeas____ Nays_____

617.21

Appendix F

State Environmental Quality Review

NEGATIVE DECLARATION

Notice of Determination of Non-Significance

Date: August 16, 2012

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town Board of the Town of Ancram, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Adoption of the Town of Ancram Updates to the Zoning Ordinance

SEQR Status: **Type I**

Unlisted

Conditioned Negative Declaration: Yes

X No

Description of Action: Adoption of an updated Town of Ancram Zoning Ordinance governing the use of land in the Town of Ancram. This includes adoption of new Section II (Establishment of Districts) including Section II E (Floating Business District), Section III (Use Regulations), Section IV B (Density and Dimensions Table), Section IV J (Density Bonuses), Section V J (Special Use Permits), and Section VI (Non-conforming Buildings, Uses and Lots)

Location: Town of Ancram, Columbia County: The law covers the entire acreage located within the municipal boundary of the Town.

SEQR Negative Declaration

Reasons Supporting This Determination:

(See 617.6(g) for requirements of this determination; see 617.6(h) for Conditioned Negative Declaration)

The Town Board of the Town of Ancram has determined that the Adoption of the Town of Ancram Zoning Update, as described on Page 1 of this Negative Declaration, will have no adverse environmental impacts as per 617.7 of 6 NYCRR Part 617 (SEQRA). The Board has compared the proposed action (the Adoption of the Law) against the criteria listed in 617.7 (c) (i – xii) and has considered the potential long-term, short-term, direct, indirect and cumulative impacts as per 617.7 (2) and has also assessed the likely consequence of the action in connection with the criteria of 617.7 (3) (i-vii). Based on this assessment and review, the Board has determined that no negative impacts will occur as a result of the adoption of the updated Town of Ancram Zoning Ordinance. The Town Board finds that adoption of the updated Zoning Ordinance is consistent with the Town’s adopted Comprehensive plan, promotes land uses which are consistent with the Town’s goals and the environment, and establishes a careful review and approval process for all land uses that incorporates environmental protection to a high degree. The Board finds that this amendment will:

- Provide statements to clearly articulate the purposes for each zoning district in order to ensure the goals of promoting agriculture, low density residential development, and appropriate commercial growth consistent with the Town of Ancram Comprehensive Plan. This amendment establishes the importance of agriculture, a clean environment, and continuance of rural character.
- Establish a floating district with stringent development standards that will allow the Town flexibility in accommodating new commercial growth unanticipated at this time in a manner that is consistent with the Town of Ancram Comprehensive Plan, the environment, agriculture, and the character of the community. This amendment includes strict development standards designed to protect the environment, scenic views, and ensure consistency with agriculture and low-density residential development. Prior to any approval of a Floating Business District, the applicant would need to meet stringent environmental standards to ensure the environmental resources of the Town are maintained. It is possible that an application would be submitted for approval that would have adverse impacts on the community, but the approval process is not only designed with rigorous development standards, but also incorporates Planning Board, Conservation Advisory Council and Town Board review. This system means that a comprehensive environmental review would identify and seek to mitigate any impacts, or if not, it is unlikely that application would be approved.

- Update the use regulations to allow for low impact commercial uses and home occupations in a more flexible manner and to establish appropriate uses for each zoning district consistent with the goals of the Town of Ancram Comprehensive Plan. This amendment allows a wider variety of land uses throughout the town, but does so only for low impact and small scale uses that will not significantly affect the environment. Retail, large scale or high impact uses are allowed in hamlet business or hamlet business/mixed use districts that are more suited to accommodate these uses. Many uses are required to be permitted through the Special Use Permit process, which includes rigorous standards designed to protect the environmental resources in the Town.

- Update the Density Control Schedule (Density and Dimensions Tables) to implement the 3 ½ acre average density in the Ag District and allow ½ acre lots in the hamlet business/residential districts subject to adequate water and septic as called for in the Town of Ancram Comprehensive Plan. The revised tables also provide lot width dimensions, setbacks, building height, and maximum lot coverage appropriate for the recommended districts. These changes implement the hydrogeology study's recommended development densities that will serve to allow growth consistent with the water capacity, recharge, and soil conditions. The intensity of future residential development will be reduced by this amendment.

- Establish a density bonus section to provide incentives for preserving more than 60% of a parcel as open space, providing public access to recreational lands or facilities, and for providing residential houses or lots to be used by qualified Ancram residents who meet Town Board criteria and procedures for affordable housing. It is possible that allowing more residences in a particular location could have adverse environmental impacts. However, one of the criteria necessary for a density bonus approval is to ensure that the area to be developed has the capacity to handle the added density and that no adverse environmental impacts would occur. This section is designed that if the density bonus will result in adverse impacts, the Town Board would not be able to approve the proposal.

- Update the special use section to be consistent with NYS Town Law requirements, to authorize the Planning Board to grant or deny special uses, and to establish an application and review procedure, including decision criteria. This is largely an administrative update and will not result in and of itself, in any change to the environment.

- Update the non-conforming buildings, uses and lots section to regulate non-conforming lots, buildings, and uses and to allow continuing their current status. This section clarifies and expands the original section. This is largely an administrative update and will not result in and of itself, in any change to the environment.

The Town Board recognizes that future growth and development in the Town of Ancram could adversely impact the environment. The primary purpose of enacting these amendments is to better control that growth, and to ensure that it is done in a manner that protects the environment. These amendments to update the zoning ordinance will minimize impacts compared to if no action is taken because of the comprehensive development standards included. The Board finds that the amendments are more protective of the environment than the current law. Thus, adoption of the zoning itself will have no adverse environmental impacts. There will be no substantial adverse change in air or water quality or quantity, traffic or noise levels, solid waste production, or an increase in erosion and flooding and there

will be adequate controls to prevent impairment of Ancram’s community character. As future proposals come before the Board, individual SEQR procedures will take place.

For Further Information:

Contact Person: Town Supervisor Art Bassin

Address: 1416 County Route 7, Ancram, NY 12502

Telephone Number: 518-329-6512

For Type I Actions and Conditioned Negative Declarations, a Copy of this Notice Sent to:

✓ Commissioner, Department of Environmental Conservation, 625 Broadway, 4th Floor, Albany, New York 12233-1750

✓ Appropriate Regional Office of the Department of Environmental Conservation

✓ Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.

Applicant (if any)

Other involved agencies (if any)

30. Adoption of Zoning Revisions – Package 3

In the Matter of the Adoption of the Town of Ancram Zoning Law Amendments: Adoption of new Section II (Establishment of Districts) including Section IIE (Floating Business District), Section III (Use Regulations), Section IVB (Density and Dimensions Table), Section IV J (Density Bonuses), Section V J (Special Use Permits), and Section VI (Non-conforming Buildings, Uses and Lots)

WHEREAS, the Town of Ancram adopted a Comprehensive Plan, which is a statutorily recognized instrument under Town Law §272-a for the immediate and long-range protection, enhancement, growth and development in a Town; and

WHEREAS, The Town of Ancram Comprehensive Plan encourages the Town to improve its zoning ordinance to be more effective and efficient; and

WHEREAS, the Town of Ancram Town Board, created the Ancram Zoning Revisions Committee to draft changes to the Ancram Zoning Ordinance as recommended in the Town of Ancram Comprehensive Plan; and

WHEREAS, the Ancram Zoning Revisions Committee after careful review, prepared these draft amendments to the Zoning Ordinance in accordance with the adopted Town of Ancram Comprehensive Plan with the assistance of a professional planner and attorney; and

WHEREAS, the Town Board has reviewed the draft amendments to new Section II (Establishment of Districts) including Section IIE (Floating Business District), Section III (Use Regulations), Section IVB (Density and Dimensions Table), Section IV J (Density Bonuses), Section V J (Special Use Permits), and Section VI (Non-conforming Buildings, Uses and Lots) and submitted it to the Town of Ancram Planning Board, Zoning Board of Appeals, and Conservation Advisory Council for advisory opinions, and conducted a public hearing thereon; and

WHEREAS, the Town Board of the Town of Ancram has caused to be prepared a Long Environmental Assessment Form (EAF) pursuant to the mandates of the State Environmental Quality Review Act (ECL Article 8 and 6 NYCRR Part 617); and

WHEREAS, the Town Board has duly considered the contents of the EAF and completed Parts 2 thereof; and

WHEREAS, the Town Board has identified the relevant areas of environmental inquiry and taken a hard look at them; and

WHEREAS, the Town Board has issued a negative declaration under SEQRA thereby complying with the mandates of the State Environmental Quality Review Act; and

WHEREAS, the Town Board has completed requirements of NYS General Municipal Law 239-m by forwarding a copy of the draft plan to the Columbia County Planning Department and waiting 30 days for their response.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF ANCRAM, COLUMBIA COUNTY, NEW YORK:

THAT THE Town Board of the Town of Ancram hereby adopts the Town of Ancram amendments to the Zoning Ordinance new Section II (Establishment of Districts) including Section IIE (Floating Business District), Section III (Use Regulations), Section IVB (Density and Dimensions Table), Section IV J (Density Bonuses), Section V J (Special Use Permits), and Section VI (Non-conforming Buildings, Uses and Lots); and

THAT THE Town Board shall enter these amendments into the minutes of the Town Board and shall publish a summary or abstract of these amendments once in the official newspaper of the Town; and

THAT THE Town Board instructs the Town Clerk of the Town of Ancram to maintain a file in her office in the Town Hall to contain all parts of these amendments; and

THAT THE Town Board ensure that all parts of these amendments be posted on the Town's website; and

THAT THE Town Board cause affidavits of the publication and posting of the amendments be filed with the Town Clerk.

Motion Made by:

Motion Seconded by:

Vote:

_____ Yea

_____ No

31. Historical and Cultural Plan Survey – Resolved that the Ancram Town Board supports the development of the proposed Historical and Cultural Resources Plan and Survey as proposed by Ruth Piwonka, and authorizes the Town Supervisor to raise approximately \$12,000 through Community donations and grants to support this effort, and authorizes, if necessary, a total of \$2,000 of Town funding for this project, to be paid for from the existing town Historian contractual budgets in 2012 and 2013.

32. 2013 Budget Public Hearings – Resolved that the Ancram Town Board will hold public hearings on the 2013 Town of Ancram budget at 6:30 pm on September 20, 2012 and October 18, 2012, at the Ancram Town Hall, and it is further resolved that the Ancram Town Clerk shall publish public notices of these meetings in the Town's official newspapers no later than 10 days prior to these public hearings.