

# Draft Resolutions - Ancram Town Board Meeting – 6/20/2013

## **Resolution 1: AMENDED NEGATIVE DECLARATION - RIDGELINES**

**Amending original TYPE I ACTION Negative Declaration related to – Adoption of new Section IV: Area and Bulk Regulations (clarifying the minimum lot area per dwelling requirements, density calculations, allocation of allowable density over time, and monitoring lot splits), Section V: Supplemental Regulations (those applicable to all uses), Section V J (10): Standards for Specific Uses Allowed by SUP, and Section XII: Definitions.**

**ORIGINAL NEGATIVE DECLARATION DATE: JANUARY 17, 2013**

**AMENDED DATE: JUNE 20, 2013**

**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 supplemental zoning requirements, density, standards for specific uses allowed by SUP and definitions, and subsequently submitted them to the Town Board as a package entitled “Package 4”; and

**WHEREAS** Package 4 included sub-section V(H) Ridgeline Protection, and

**WHEREAS** the Town Board submitted the proposed Zoning Ordinance amendments (Package 4) to the Columbia County Planning Board as required by NYS General Municipal Law 239-m and received comments back from them within the allowed 30 day review period, and

**WHEREAS**, the Town Board held a public hearing on these zoning amendments, 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 on January 17, 2013 found that the proposed amendments would benefit the environment when future development occurs and would not cause significant adverse impacts; and

**WHEREAS**, such SEQRA determination included the discussion, review, and analysis of potential significant environmental impacts related to the proposed ridgeline development standards; and

**WHEREAS**, the County Planning Board reviewed the proposed zoning changes pursuant to GML 239, determined that there were no significant county-wide issues, and approved the

amendments included in Package 4 but made several suggestions related to Section V (H) Ridgeline Protection; and

**WHEREAS**, the Town Board on February 21, 2013 adopted Package 4 zoning amendments with the exception of Section V (H) Ridgeline Protections so as to incorporate such suggestions offered by the County Planning Board and to address issues raised by the public related to such section; and

**WHEREAS**, the Town Board asked the ZRC to incorporate suggestions made by the County Planning Board and address concerns raised by the public; and

**WHEREAS**, the ZRC has submitted a revised ridgeline protection section to the Town Board and the Town Board has held a subsequent public hearing on the revised ridgeline protection section (See Addendum 1 for summary of these changes); and

**WHEREAS**, the Town Board desires to amend the negative declaration made on January 17, 2013 so that it accurately reflects their discussion, review and analysis of the potential impact the revised Section V (H) Ridgeline Protection would have on the environment: and

**WHEREAS**, the original ridgeline protection section concentrated heavily upon where a proposed structure may be placed in relation to a designated ridgeline, the current text provides flexibility about location while concentrating on maintaining the continuity of forest canopies, retaining indigenous vegetation, screening the structure, and minimizing its visibility from publicly accessible locations. These proposed measures are balanced, and are neither unusual nor extreme. All are practices commonly used by municipalities throughout the Northeast and throughout the United States. All are similar to ridgeline protection measures already adopted by neighboring towns. Such measures implement Comp Plan Detailed Strategies 2.10 and 2.11 and directly contribute to attaining the objectives of Goal 1, Goal 2, and the Community's Vision that we protect our important scenic views. In addition, these provisions aid storm water and erosion management, as well as preserving wildlife habitat. Moreover, these measures enable all structures—whether part of a major subdivision, minor subdivision, or single/two family house not part of a subdivision—to follow the same rules. Hence, these recommendations are simple, consistent, and fair, while achieving the protection objectives.

**NOW THEREFORE BE IT RESOLVED**, that for the reasons articulated above, the Town of Ancram Town Board hereby declares that adoption of the updated Section V (H) Ridgeline Protection described herein, which was subject to a previous SEQRA review and determination of non-significance will be protective of the environment when ridgeline development is proposed in the future, that it offers significant mitigation to minimize ridgeline building, and adoption of this section of zoning will not have any significant adverse environmental impacts; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes filing of an amended negative declaration (attached hereto), according to SEQRA, 6 NYCRR Part 617(7)(e); and

**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 \_\_\_\_\_.

**Addenda 1 (Summary of Changes Made to Originally Proposed Section V (H) Ridgeline Protection)**

Based on public feedback, Town Board guidance, research, and extensive deliberation about various scenarios and effects, the ZRC changed the original text of Section V(H). Following is a summary of those changes:

\*The original text did not state the intent of the ridgeline protection measures, nor did it state what those measures do not prohibit.

Section H1 now clearly states the intent of these supplemental regulations, focuses on minimizing visual impacts on designated ridgelines, directly links to Comp Plan vision and goals, and explicitly states that principal and accessory structures are permitted on parcels containing designated ridgelines. Equally important, this subsection overtly states that the Town does not intend to render any lot unbuildable, cites the Planning Board’s waiver authority, and underscores the desired balance between development and protective measures.

\*The original text called for rooflines to be at least 35’ below the ridgeline, or not more than 500’ horizontally from the ridgeline if the 35’ vertical distance could not be met. This requirement has been deleted.

Subsection H3e now states that “the top of the structure’s roof shall not be higher than the designated ridgeline unless the structure is fully screened by existing vegetation when viewed from publicly accessible locations....” This revision and other parts of subsection H3 emphasize the focus repeatedly cited in the Comp Plan vision and goals—protect scenic views by minimizing visual disturbance. This amendment does enable a structure to be built astride a designated ridgeline, but only if that structure is fully screened by existing trees and vegetation when viewed from publicly accessible locations, such as roads or parks. The focus becomes not the structure, but whether the structure is obtrusive when viewed from public sites. Moreover, the tree canopy of forested ridgelines must remain undisturbed. This revision also provides neighborhood consistency as it coincides with Gallatin’s law, and is similar to laws in Hillsdale and Austerlitz.

The amendment also provides guidance at subsection H3h if the designated ridgeline is open fields or scrub growth, rather than forested. The emphasis is on blending with that landscape to be as unobtrusive as possible.

\*When deliberating about height below, at, or above the ridgeline, the ZRC envisioned varied scenarios of structure placement, visual obtrusiveness, and operational ease for both landowner/applicant and Planning Board. From that analysis, the ZRC opted for another feature found in Gallatin’s law, and in those of other neighbors. Now included in subsection H2 is a ridgeline protection overlay district, comprising the designated ridgeline plus 300 feet on each side of the ridgeline. Such a concept achieves visual protection goals, aids both applicant and PB by designating where protective measures do and do not apply, and accommodates any modest imprecision in determining the exact position of the ridgeline itself.



**Location:** Town of Ancram, Columbia County: The amendment covers all lands included in the mapped Ridgeline Overlay District within the municipal boundary of the Town.

SEQR Amended Negative Declaration

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**Reasons Supporting This Determination:**

(See 617.6(g) for requirements of this determination;

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:

After reviewing the proposed zoning amendment and evaluating the scale and context, duration and magnitude of potential impacts that may result as a result of this action, the Town Board finds that the proposed zoning amendment:

1. Provides flexibility about location for ridgeline development while concentrating on maintaining the continuity of forest canopies, retaining indigenous vegetation, screening the structure, and minimizing its visibility from publicly accessible locations.
2. Is similar to ridgeline protection measures already adopted by neighboring towns and thus provides continuity since ridgeline environments cross municipal boundaries.
3. Implements Comprehensive Plan Detailed Strategies 2.10 and 2.11 and directly contribute to attaining the objectives of Goal 1, Goal 2, and the Community’s Vision which states the Town’s policy to protect our important scenic views.
4. Aid storm water and erosion management, as well as preserves wildlife habitat found on sensitive ridgelines locations.
5. Enables all structures proposed to be built along a mapped ridgeline —whether part of a major subdivision, minor subdivision, or single/two family house not part of a subdivision—are subject to follow the same rules.

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, 4<sup>th</sup> 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 a

**Resolution 2: Adoption of the Town of Ancram Zoning Law  
Amendment: Section V (H) Ridgeline Protection**

**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 a 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 Zoning Review Committee developed a set of proposed amendments to address supplemental zoning requirements, density, standards for specific uses allowed by SUP and definitions, and subsequently submitted them to the Town Board as a package entitled “Package 4”; and

**WHEREAS** Package 4 included sub-section V(H) Ridgeline Protection, and

**WHEREAS** the Town Board submitted the proposed Zoning Ordinance amendments (Package 4) to the Columbia County Planning Board as required by NYS General Municipal Law 239-m and received approval and comments back from them within the allowed 30 day review period, and

**WHEREAS**, the Town Board held a public hearing on the updated Section V(H) Ridgeline Protection, and

**WHEREAS**, the Town Board had previously 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 on January 17, 2013 found that the proposed amendments, including ridgeline protection would benefit the environment when future development occurs and would not cause significant adverse impacts; and

**WHEREAS**, such SEQRA determination included the discussion, review, and analysis of potential significant environmental impacts related to the proposed ridgeline development standards; and

**WHEREAS**, the County Planning Board reviewed the proposed zoning changes pursuant to GML 239-m, determined that there were no significant county-wide issues, and approved the amendments included in Package 4 but made several suggestions related to Section V (H) Ridgeline Protection; and

**WHEREAS**, the Town Board on February 21, 2013<sup>4</sup> adopted Package 4 zoning amendments with the exception of Section V (H) Ridgeline Protections so as to incorporate such suggestions offered by the County Planning Board and to address issues raised by the public related to such section; and

**WHEREAS**, the Town Board asked the ZRC to incorporate suggestions made by the County Planning Board and address concerns raised by the public; and

**WHEREAS**, the ZRC has submitted a revised ridgeline protection section to the Town Board and the Town Board has held a subsequent public hearing on the revised ridgeline protection section; and

**WHEREAS**, the original ridgeline protection section concentrated heavily upon where a proposed structure may be placed in relation to a designated ridgeline, the current text provides flexibility about location while concentrating on maintaining the continuity of forest canopies, retaining indigenous vegetation, screening the structure, and minimizing its visibility from publicly accessible locations. These proposed measures are balanced, and are neither unusual nor extreme. All are practices commonly used by municipalities throughout the Northeast and throughout the United States. All are similar to ridgeline protection measures already adopted by neighboring towns. Such measures implement Comp Plan Detailed Strategies 2.10 and 2.11 and directly contribute to attaining the objectives of Goal 1, Goal 2, and the Community's Vision that we protect our important scenic views. In addition, these provisions aid storm water and erosion management, as well as preserving wildlife habitat. Moreover, these measures enable all structures—whether part of a major subdivision, minor subdivision, or single/two family house not part of a subdivision—to follow the same rules. Hence, these recommendations are simple, consistent, and fair, while achieving the protection objectives; and

**WHEREAS**, the Town Board has reviewed the original negative declaration January 17, 2013; and

**WHEREAS**, the Town Board has identified the relevant areas of environmental inquiry related to the ridgeline protection zoning and taken a hard look at them; and

**WHEREAS**, the Town Board has issued an amended negative declaration pursuant to

SEQRA Part 617.7 (e) thereby complying with the mandates of the State Environmental Quality Review Act; and

**WHEREAS**, the Town Board had approval pursuant to NYS General Municipal Law 239-m for adoption of the original Package 4 which included the ridgeline protection section and this updated Section V(H) incorporates the suggestions made by the County Planning Board.

**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 of Section V(H); 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

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