

# Draft Resolutions - Ancram Town Board Meeting – 5/15/2014

## 1. AMENDED NEGATIVE DECLARATION – Ridgeline and Steep Slope Protection

**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 JANUARY 17, 2013:**

**AMENDED DATE: MAY 15, 2014**

**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, including sub-section V(H) Ridgeline Protection) 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 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 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 declaring themselves lead agency on December 20, 2012 and in 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 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 Town Board, with assistance from the ZRC, conducted a comprehensive analysis and identification of ridgelines and application of the standards of sub-section V(H) was revised, and subsequent public hearings were held on the revised ridgeline protection section (See Addendum 1 for summary of these changes); and

**WHEREAS**, the Town Board has reviewed the revised sub-section V(H) and the previously adopted negative declaration and concluded the following:

- a. The planning process that was conducted to identify important ridgelines and steep slopes in the Town of Ancram was comprehensive and rigorous. It included determination of criteria that define scenic areas of importance in Ancram (specific areas that are over 800' in elevation, on slopes exceeding 15%, are visible from more than 4 miles of public road in Ancram, and on parcels 3.5 acres or larger (the size of a buildable lot in Ancram)). The process also included GIS analysis, significant public input, and field survey work done by the ZRC. These areas are identified on the ridgeline/steep slope protection overlay district (R/SSPOD) map. The Town Board concludes that the process and resulting map appropriately defines areas of importance for application of the ridgeline and steep slope standards.
- b. The revised zoning requires application of ridgeline/steep slope standards to all major subdivisions in Ancram. This is consistent with the adopted Comprehensive Plan. Mandatory application of these standards to major subdivisions will serve to minimize potential adverse impacts on the environment for these larger developments. Together with mandatory open space design whereby 60% of a parcel must be preserved, the Town of Ancram concludes that adoption of the ridgeline/steep slope development standards for major subdivisions will offer significantly more protection to the environment and will not result in any adverse impact.
- c. The ridgeline/steep slope development standards allow for flexibility of building location within an R/SSPOD, while concentrating on ensuring the continuity of forest canopies, retaining indigenous vegetation, screening the structure, and minimizing visibility from publicly accessible locations. 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 Ancram protects important scenic

views. In addition, these provisions aid storm water and erosion management, as well as preserving wildlife habitat. The Town of Ancram concludes that adoption of the ridgeline/steep slope development standards themselves will not have any adverse environmental impact and when applied to major subdivision development, will mitigate or avoid adverse impacts to those critical areas in Town.

- d. The ridgeline/steep slope development standards are not required, but encouraged to be followed, for minor subdivision development, and all other development in Town such as building of single or two-family homes, as per the adopted Comprehensive Plan. To further encourage use of the ridgeline/steep slope standards for those types of developments, the Town will be developing a guidance brochure to be handed out with all building permits. Further, all minor subdivisions are required to be reviewed and approved by the Town of Ancram Planning Board. Some single/two-family construction is subject to the Abbreviated Site Plan Review by the Planning Board. Thus, while application of the ridgeline/steep slope standards is voluntary for minor subdivisions and single/two-family dwellings, the Planning Board retains its authority to review and minimize impacts to the environment pursuant to the Town of Ancram Subdivision Regulations and the Site Plan Review section.

Ancram's Land Subdivision Regulations (Declaration of Policy) explicitly states that a purpose of those regulations is to "...adequately protect soils, water, air, natural vegetation and other natural resources; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements, that all proposed lots shall be so laid out and of such size as to be in harmony with the development pattern of the neighboring properties..." Further, the Subdivision Regulations (Section 4 (E)) direct that the Planning Board shall, wherever possible, establish the preservation of all natural features which add value to residential developments and to the community, such as large trees or groves, water courses and falls, beaches, historic spots, *vistas and similar irreplaceable assets* (emphasis added). Thus, Ancram recognizes that lack of mandatory application of the ridgeline/steep slope development standards to minor subdivisions may not be as directly protecting of the environment as with major subdivisions, but that they have authorized the Planning Board to ensure the Town's *vistas and similar irreplaceable assets* are protected to the maximum extent feasible. The provision of ridgeline/steep slope development guidance documents for minor subdivisions and single/two family dwellings will aid in attaining that goal.

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

**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 and Steep Slope Protection described herein, which was subject to a previous SEQRA review and negative declaration of non-significance, is reaffirmed and that adoption of such 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:

Date: \_\_\_\_\_

The motion was moved by \_\_\_\_\_.

The motion was seconded by \_\_\_\_\_.

Yes: \_\_\_\_\_

No: \_\_\_\_\_

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

Based on public feedback, Town Board guidance, research, and extensive deliberation about various scenarios and effects, the application and standards of Section V(H) have been revised. 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 and steep slopes, directly links to Comp Plan vision and goals, and explicitly states that principal and accessory structures are permitted on parcels containing designated ridgelines and steep slopes. 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.

Application of the ridgeline/steep slope development standards is mandatory for all major subdivisions and encouraged for minor and single/two family construction.

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 H5e now states that “the top of the structure’s roof shall not be higher than the designated ridgeline unless the structure is screened by existing vegetation when viewed from publicly accessible locations....” This revision and other parts of subsection H5 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 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/steep slopes must be retained to the maximum extent possible. 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 H5h 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 is a ridgeline/steep slope protection overlay district, comprising those locations deemed to be important ridgeline/steep slope areas that contribute to the aesthetic character of Ancram. Such a concept achieves visual protection goals, aids both applicant and Planning Board by designating where protective measures do and do not apply, and accommodates any modest imprecision in determining the exact position of the ridgeline itself.

If a landowner/applicant believes that the map does not coincide with reality and that distinction affects the siting of a structure or building envelope, subsection H4 now provides an approach for substantiating that belief, and authorizes the Planning Board to render a decision and to officially adjust the map. In addition, three other waivers are authorized: If the project is not visible from publicly accessible locations; if a site visit by the Planning Board verifies that R/SSPOD intent and standards are met; and if the lot becomes unbuildable due to R/SSPOD development standards.

Recommended text at subsection H5i now addresses four devices that are likely to project above a roofline: chimneys, satellite dishes, antennas, and cupolas. The concept is similar to regulations in Hillsdale and Amenia. As the most potentially obtrusive of these devices, cupolas receive special attention.

While analyzing the pros and cons of various options, the ZRC considered the possibility that someone might not play by the rules. To promote awareness and thereby prevent unauthorized removal of screening trees and vegetation during and after development, subsection H6 addresses remediation for unapproved cutting.

617.21  
Appendix F  
State Environmental Quality Review  
**AMENDED NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

Date: \_\_\_\_\_, 2014

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 adoption of Section V (H) Ridgeline Protection was previously included in a SEQRA review and determined on January 17, 2013 that there would not be any significant adverse environmental impacts related to such adoption. Because Section V(H) was revised, the Town Board has re-evaluated proposed V(H) and has determined that no significant adverse environmental impacts will occur and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Adoption of the Town of Ancram Updates to the Zoning Ordinance, Section V(H) Ridgeline Protection

**SEQR Status:** Type I   
Unlisted

**Conditioned Negative Declaration:** Yes  
No

**Description of Action:** Adoption of updated Town of Ancram Zoning Ordinance, Section V(H) governing the use of land in the Town of Ancram on specified ridgelines and creation of a ridgeline/steep slope overlay protection district. This section will ensure major subdivision development that occurs within these important locations is done in a manner which preserves the ridgeline environment and overall character and environment of the Town of Ancram.

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

**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 Section V(H). The Town Board finds that adoption of this section of the 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.

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 and steep slope 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 contributes 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. Aids storm water and erosion management, as well as preserves wildlife habitat found on sensitive ridgelines and steep slope locations.
5. Requires careful placement, blending, and screening of new structures within a major subdivision to protect steep slope and ridgeline locations important in contributing to Ancram’s community character.
6. Provides development standards that are more protective of this environmental feature than currently exists.

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 any)

**2. RESOLUTION ADOPTING TOWN OF ANCRAM ZONING LAW AMENDMENT:  
Section V (H) Ridgeline and Steep Slope 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 amendment to the Zoning Ordinance related to the protection of ridgeline and steep slopes in accordance with the adopted Town of Ancram Comprehensive Plan with the assistance of a professional planner and attorney; 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**, sub-section V(H) was revised to address the comments from the Columbia County Planning Board; and

**WHEREAS**, the Town Board held multiple public hearings 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 declaring itself lead agency on December 20, 2012 and after consideration of the Full Environmental Assessment Form Part I and Part II on January 17, 2013, found that the proposed amendments, including ridgeline and steep slope 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/steep slope development standards; 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 conduct a comprehensive analysis to identify critical ridgeline and steep slope areas that contribute significantly to the community character of Ancram, and such analysis was done via GIS tools, field reconnaissance, and public input; and

**WHEREAS**, the ZRC analysis resulted in a map that is accepted as important ridgeline and steep slope areas in Ancram and is incorporated into a ridgeline and steep slope overlay protection district map; and

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

**WHEREAS**, the Town Board has identified the relevant areas of environmental inquiry related to the ridgeline/steep slope 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) including the Ridgeline/Steep Slope Overlay Protection District map; 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