

Adopted 20 October, 2011, New Section XIII

**Amendment to the Zoning Ordinance of the Town of Ancram, New York**

The “Zoning Ordinance of the Town of Ancram, New York,” is hereby amended by adding the following new section which shall be designated Section XIII and entitled “Site Plan Review”.

**Section XIII. Site Plan Review**

**A. Planning Board Authority to Review Site Plans**

The Planning Board is authorized to review and approve, approve with modifications, or disapprove site plans for land uses within the Town of Ancram in accordance with the standards and procedures set forth in this section. This section establishes a site plan review and abbreviated site plan review process, as defined below.

**B. Uses Requiring Site Plan Review and Abbreviated Site Plan Review, and General Procedures.**

Site plan and abbreviated site plan processes shall be applied in accordance with the Use Table 3, below and as follows:

Table 3. Description of Uses and Type of Site Plan Review Required.

Use	Type of Review Required
Commercial uses (including multi-family) as identified in the Use Table	Site Plan Review (Sub-Sections B through E, below) except as indicated in Sub-Section B (2) below.
Major subdivisions	Site Plan Review for Subdivisions (Sub-Section F, below) and to be conducted concurrently with all procedures of the Town of Ancram Land Subdivision Regulations for a major subdivision.
Minor subdivisions	Site Plan Review for Subdivisions (Sub-Section F, below) and to be conducted concurrently with all procedures of the Town of Ancram Land Subdivision Regulations for a minor subdivision.
Single family and two-family residential uses not part of a subdivision	Abbreviated Site Plan Review if one or more criteria of Sub-Section G below are met.

## 1. Uses Requiring Site Plan Review and Approval

- a. Commercial Use Site Plan Review. Except those specifically exempted in Sub-Section B(2) entitled “Uses Exempted from Site Plan Review and Abbreviated Site Plan Review” which appears below, all new commercial land use activities identified in the Use Table as requiring site plan review and approval or special use permit review and approval shall meet all procedures and standards of Sub-Sections A through E of this section, before being undertaken including:
  - (1) Construction of a principal commercial or multi-family building;
  - (2) Reconstruction, alteration, or enlargement of a principal commercial or multi-family building;
  - (3) Relocation of a principal commercial or multi-family building;
  - (4) Change of uses within the town. Any change of use to one that requires site plan or special use approval shall also require site plan review and approval before being undertaken. In any hamlet district, a change of use shall include any significant change in the exterior façade of a nonresidential or mixed use building.
  - (5) Increase of intensity of use within the town. Any increase in intensity of any use that requires site plan or special use approval shall also require site plan review and approval before the change in intensity is undertaken. A change of intensity of use includes, but is not limited to, an increased or different requirement for parking, an increase or change in impervious surface area, placement of a new sign, establishment of additional exterior lighting, structural enlargement, additional site improvements, and change in drainage, landscaping, or screening and shall also require site plan review and approval before being undertaken.
  - (6) Construction, reconstruction, installation, expansion, alteration, illumination, or relocation of any sign associated with a use that is subject to this law.
  - (7) Construction, reconstruction, installation, expansion, alteration or relocation of an accessory structure associated with a commercial use or lot.
  - (8) Construction, reconstruction, installation, expansion, alteration or relocation of a multi-family dwelling or conversion of any existing structure to a multi-family dwelling.
- b. Major Subdivision Site Plan Review. The OSCS process shall be considered to be the site plan review process for major subdivisions. Major Subdivisions shall meet all requirements of the Town of Ancram Zoning Ordinance Section V (I),

Town of Ancram Land Subdivision Regulations, and this Site Plan Review Section (XIII)".

- c. Minor Subdivision Site Plan Review. Minor Subdivisions shall be subject to site plan review and all criteria of Sub- Section F (2) of this Section shall be met in addition to requirements of the Town of Ancram Land Subdivision Regulations. To the extent reasonably practicable, the Planning Board shall coordinate procedures of Sub- Section F of this Section below with those required for minor subdivisions in the Land Subdivision Regulations.
- d. Other Residences - Abbreviated Site Plan Review. Except those specifically exempted in Sub-Section 2 below entitled "Uses Exempted from Site Plan Review and Abbreviated Site Plan Review", construction, reconstruction, installation, expansion, alteration or relocation of a single family and two-family residential use which is not part of a subdivision may be subject to abbreviated site plan review pursuant to Sub-Section G of this ordinance including:
  - (1) One-family dwelling
  - (2) Two-family dwelling
  - (3) Accessory Apartment
  - (4) Mobile home

## **2. Uses Exempted from Site Plan Review and Abbreviated Site Plan Review.**

The following land use activities are exempted from the requirements of this Section and shall not require either site plan review or abbreviated site plan review pursuant to Sub-Section G of this Section:

- a. Ordinary repair or maintenance of existing structures or uses.
- b. Farm stands.
- c. Clearing or grading incidental to an existing use or an exempted use.
- d. Exterior alterations or additions to a residential structure. Minor changes to the exterior façade of a residential structure within the Hamlet are also exempt.
- e. Interior alterations that do not substantially change the nature or use of an existing commercial structure.
- f. Any change in use which does not require the issuance of a certificate of occupancy pursuant to the New York State Uniform Building and Fire Code or does not otherwise meet the requirements to undergo site plan approval in Sub-

Section 1 (a) (4).

- g. Residential garden uses and residential and commercial timber logging.
- h. Temporary garage and lawn sales that are in operation for no more than fifteen (15) days per year.
- i. Customary residential accessory uses having a building footprint of six hundred (600) square feet or less.

### **3. Existing and Discontinued Uses, Structures, and Applications.**

- a. This law does not apply to uses and structures that are lawfully in existence as of the date this law becomes effective but does apply to any change to an existing use as per Sub-Sections B(1)(a) (4) and (5) of this Section.
- b. Any use that requires site plan approval and that has been discontinued for a period of one (1) year or more shall thereafter be subject to a new review and approval pursuant to this law before the use may be resumed. Proposed uses and structures which have site plan applications before the Planning Board, but which have not yet received any site plan approvals from the Town of Ancram, shall be subject to this law.

### **4. Uncertain Applicability.**

Any person uncertain of the applicability of this law to a given land use shall apply in writing to the Town of Ancram Zoning Board of Appeals for an interpretation of this law.

### **5. Integration of procedures**

Whenever the circumstances of a proposed development or application require compliance with this Site Plan Review Section and with another local law, ordinance or requirement of the town such as, but not limited to, Special Use Permits and Subdivision, the Planning Board shall integrate, to the extent reasonably practicable, site plan review with the procedural and submission requirements for such other compliance so as not to delay review and decision-making.

### **6. Planning Board Waiver Authority for All Site Plans.**

The Planning Board may find that some requirements of this Section are not requisite in the interest of the public health, safety or general welfare as applied to a particular project or application or are inappropriate to a particular site plan. In such cases, the Planning Board may, in its sole discretion, waive any requirements for the approval, approval with modifications, or disapproval of site plans submitted for approval provided such a waiver does not prevent or circumvent the purposes and intent of any Town of Ancram law or regulation or the Comprehensive Plan. Waivers shall be explicitly

requested by the applicant in writing, and expressly granted only by the Planning Board. In granting waivers, the Planning Board may, in its sole discretion, incorporate such reasonable conditions as will in its judgment substantially secure the objectives of the requirements so waived. The Planning Board must state, in writing, its grounds for electing to conduct less intensive review and file such statement along with the site plan application and supporting documents. Requirements of this law may not be waived except as properly voted by the Planning Board.

### **7. Segmentation in a Site Plan.**

The site plan application and associated maps shall include all proposed phases of development. Site plan approval shall be based on the total planned project in order to facilitate the assessment of all potential development impacts. The Planning Board shall consider applications incomplete where there is reason to believe the application applies to only a segment of the total development. In such situations, the Planning Board shall return such application to the applicant together with a letter stating the basis for its determination.

### **8. Reservation of Park Lands on Site Plans Containing Residential Units (Including Multi-family).**

In accordance with the provisions of Section 274-a (6) of the New York State Town Law, the Planning Board may require the site plan to contain a park or parks suitably located for playgrounds or other recreational purposes, or require the payment of a sum of money in lieu thereof as determined by the Planning Board.

### **9. Referral to Other Agencies and Boards.**

Except for site plan applications subject to abbreviated site plan review, all other commercial site plan and site plan for subdivision applications shall be subject to:

- a. Coordinated Review. The Planning Board may refer, or may be required by law to refer, the site plan for review and comment to other local and County agencies or their designated consultants, and/or to representatives of Federal and State agencies having jurisdiction over the site plan or some part of the proposed project.
- b. Required Referral. Prior to taking the final action on the site plan, and at least ten (10) days prior to the Public Hearing, and where applicable, the Planning Board shall refer the plan to the Columbia County Planning Board for their review and recommendation pursuant to Section 239-m of the New York State General Municipal Law.
- c. Required Agricultural Review and Agricultural data statement. An application for a site plan review must also contain an agricultural data statement if any portion

of the project is located on property within a New York State certified Agricultural District containing a farm operation, or other property with boundaries within five hundred (500) feet of a farm operation located in such agricultural district. The agricultural data statement shall contain the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district which contains farm property upon which the project is proposed; and a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in the agricultural data statement. The Planning Board shall cause a written notice of such application and date of public hearing to be mailed to the owners of land as identified by the applicant in the agricultural data statement. The Planning Board shall evaluate the impact of the proposal on existing agricultural operations in that district. The Planning Board may request an advisory opinion from the Columbia County Farmland Protection Board, Columbia County Soil and Water District, New York State Department of Agriculture and Markets or other suitable agencies as needed with any costs borne by the applicant.

- d. Conservation Advisory Council. The Planning Board may request an advisory opinion from the Town of Ancram Conservation Advisory Council related to any application being considered for site plan approval. Any CAC advisory opinion must be submitted to the Planning Board so that all procedural timeframes shall be met.

## **10. SEQRA Compliance.**

Except for applications which are classified as Type II actions (which includes those actions in this Zoning Ordinance which require abbreviated site plan review), no other application shall be approved without full compliance with State Environmental Quality Review Act (SEQRA) (6 NYCRR Part 617) and no other application for site plan review shall be considered complete for initiation of the site plan time frames until either a negative declaration has been issued or a draft environmental impact statement has been accepted. When scenic resources are of concern, the Planning Board shall require the use of the SEQRA Visual Environmental Assessment Form (EAF) Addendum so that visual impacts can be evaluated during site plan review.

## **11. Costs Associated with Site Plan Review and Escrow.**

The Planning Board reserves the right to hire professional consultants, at the applicant's expense, to assist the Planning Board in its review of any information filed by the applicant including that filed under the SEQRA process. All costs related to the site inspection and review of a site plan, including any studies, reports, analysis, or other information that may be required by the Planning Board, shall be borne by the applicant. In addition to the application fees established by the Town Board, an escrow account pursuant to LL#1 of 2004, funded by the applicant, may be established to cover all costs related to the review of a site plan. The applicant shall supply the Planning Board information as may be required to calculate the dollar amount required for the escrow

account.

## **C. Procedures for Commercial Site Plan Review**

### **1. General Application.**

A site plan, together with supporting data, shall be submitted to the Planning Board before undertaking any new commercial land use activity at any location within the Town for which this law requires a site plan. No building permit or certificate of occupancy or use shall be issued except when in conformity with an approved site plan. Continuing compliance with an approved site plan shall be requisite to the issuance of a certificate of occupancy. Such site plan shall be reviewed and approved in accordance with the standards and procedures set forth in this Section. The applicant shall pay a site plan application fee in an amount to be established by the Town Board.

### **2. Sketch Plan Conference.**

An informal sketch plan conference between the applicant and the Planning Board shall be conducted prior to submission of a site plan application to review the proposed development. The intent of the sketch plan conference is to enable the applicant to inform the Planning Board of the proposal prior to the preparation of a detailed site plan, and for the Planning Board to review the basic site design concept, advise the applicant as to potential problems or concerns, and to generally determine the information to be required on the site plan. The Planning Board may schedule a site visit by at least two (2) of its representatives to familiarize itself with the parcel and project. The applicant shall provide seven (7) copies of the following information to the Planning Board for the Sketch Plan conference at least ten (10) days prior to a regularly scheduled Planning Board meeting:

- a. A statement and rough sketch showing the locations and dimensions of principal and accessory structures, parking areas, access, signs, existing and proposed vegetation, other planned features; general anticipated changes in the existing topography and natural features; and where applicable, measures and features to comply with wetland, stream, flood hazard and flood insurance regulations, if needed.
- b. An area map showing the parcel under consideration for site plan review.
- c. A topographic or contour map of adequate scale and detail to show site topography. The Planning Board shall have the discretion to waive the provision of a topographical map in the event that the applicant shall show that the contour of the subject matter parcel(s) does not impact in the project in any manner.
- d. A sketch map showing known locations of natural features and resources such as wetlands, vernal pools, streams, lakes, steep slopes, or floodplains. The Town

of Ancram Comprehensive Plan and its associated studies and maps including but not limited to the Ancram Biodiversity Map, the DEC Ancram Habitat Summary, and the Ancram Town Map of Vernal Pools, as may exist, should be consulted by the applicant in formulating this portion of the sketch map.

- e. A statement indicating which zoning district(s) the project is proposed to be located in and whether any portion of the project property is located in a certified New York State Agricultural District.

### **3. Sketch Plan Review.**

At the sketch plan conference, the Planning Board will review and determine if the proposal is in conformity with the Town of Ancram Zoning Ordinance, consistent with the Comprehensive Plan, and identify issues and concerns. The Planning Board shall also review with the applicant submission requirements to determine what specific information is to be presented with the site plan application and what general time frames are applicable for SEQRA and the site plan review process.

### **4. Application for Site Plan Approval.**

Subsequent to the sketch plan conference, the applicant shall submit to the Planning Board seven (7) copies of a completed site plan application, site plan, appropriate supporting data contained in Sub- Section C(5), below, and an application fee as established by the Town Board. All applications for site plan review must be submitted to the Planning Board at least ten (10) days prior to the Planning Board's regular meeting.

### **5. Site Plan Submission Requirements.**

The site plan submitted for approval along with supporting documentation shall include on a form developed by the Planning Board all applicable information contained in the sketch map plus the information in Sub-Section C(5)(a)-(ee) below, and information pursuant to Sub-Section C(6), unless waived by the Planning Board. All submitted maps shall be drawn at a scale of fifty (50) feet to one inch or larger. The applicant shall certify the truth and accuracy of all information presented in the application.

- a. A vicinity map at a scale of 1 inch = 2,000 feet or larger showing the site in relation to the rest of the Town including community facilities that may affect or serve it, such as roads, shopping areas, and schools.
- b. Title of site plan, including name and address of applicant, and person responsible for preparing such drawing. The applicant shall state on the application that it is either the owner of the subject property or otherwise demonstrate that it is authorized by the property owner to pursue such application. The applicant shall also specify the contact and mailing address to

whom all notices should be sent related to the application. If the applicant is a corporation or LLC, names and addresses of the principal shareholders or members shall be identified on the application.

- c. North arrow, scale and date.
- d. Property boundaries.
- e. Identification of the zoning district(s) within which the proposed project is located, and identification if located within a certified New York State Agricultural District.
- f. Location and size of existing uses and structures on the property, if any, including existing wells, septic systems and utilities.
- g. Ownership identification for all adjacent lands as shown on the latest tax records.
- h. Identification of any active agricultural operations existing on or within five hundred (500) feet of the proposed project, including owners' names and addresses (see Agriculture Data Statement).
- i. Location, name and width of all existing easements, rights of ways, other reservations of land, areas dedicated to public use, and public streets within the parcel. The planning board may also require identification of such features within five hundred (500) feet of the applicant's property.
- j. Grading and drainage plans showing existing and proposed contours and water courses within, and extending fifty (50) feet beyond applicant's property.
- k. Soil erosion and sediment control plan, if required by any applicable federal, state, county, or local law or regulation
- l. Location, design, type of construction, and exterior dimensions of all proposed buildings and structures.
- m. Location, design, type of construction, and size of all parking and truck loading areas (including number of parking spaces), showing access, ingress and egress.
- n. Location and manner of pedestrian access, including entrances and exits, and public and private sidewalks, if applicable.
- o. Location of accessory structures such as outdoor storage and solid waste disposal, hazardous material storage, bulk storage, or other storage needed on site.

- p. Location and construction materials of all existing or proposed site improvements including drains, culverts, retaining walls and fences.
- q. Description of the method of sewage disposal and the location of such facilities, including the location of the collection system.
- r. Description of the method of securing a water supply, location of such facilities, system design, construction materials, approximate quantity of water required and location of distribution system.
- s. Location of fire lanes and other emergency zones, including the location of fire hydrants, if required.
- t. Location of all other utilities such as energy generation and distribution facilities, gas lines, solar energy panels, wind towers, and all power and communication facilities, including towers and satellite dish antennas.
- u. Location, size, height, lighting, and material specifications for all proposed signs.
- v. Location, development, and management of all proposed buffer and screening areas, including indication of existing and proposed vegetative cover.
- w. Location and design of existing and proposed outdoor lighting facilities.
- x. General landscaping plan and planting schedule.
- y. Identification of any and all permits from other governmental bodies required for the project's full execution and completion and a record of applications and approval status of all necessary permits from federal, state, county and local agencies.
- z. Estimated project construction schedule and cost.
- aa. Other site plan elements as may be specified by the Planning Board at the sketch plan conference.
- bb. State Environmental Quality Review Act (SEQRA) Environmental Assessment Form (EAF), and if required, the Visual EAF Addendum.
- cc. An Agricultural Data Statement, if project is within a certified New York State Agricultural District or within five hundred (500) feet of one.
- dd. Elevation and façade treatment plans of all proposed structures.

- ee. A map showing any pertinent natural features that may affect the proposed use such as water courses, stream buffers, streamside vegetated buffers, wetlands, vernal pools, wooded areas, areas subject to flooding, steep slopes (more than 15%), areas of many rock outcrops, etc. See Section 6 (Additional Requirements for Site Plans) (d) for additional requirements for vernal pools.

## **6. Additional Requirements for Site Plans.**

If, upon a review of the materials submitted by the applicant, the Planning Board determines that a proposed commercial project could have traffic, visual, or stormwater impacts, or impacts on vernal pools, the Planning Board may require the applicant to prepare and submit, traffic impact analysis according to Sub-Section C (6) (a), drainage design reports, a visual impact assessment, proposed grading plans as follows, or vernal pool analysis. Costs for all reports, assessments, or plans required by the Planning Board shall be borne by the applicant pursuant to Sub-Section B (11).

- a. Traffic Report. Traffic Reports shall include the following for the study area:
  - (1) Internal traffic flow analysis.
  - (2) Existing and projected average daily traffic and peak hour levels.
  - (3) Existing and projected intersection levels of service (LOS).
  - (4) Directional vehicular flows resulting from the proposed project.
  - (5) Proposed methods to mitigate the estimated traffic impact.
  - (6) Identification of any pedestrian crossing issues.
  - (7) The methodology and sources used to derive existing data and estimations.
- b. Visual Impact Report. The Visual Impact Assessment shall be prepared by a registered Landscape Architect or other qualified professional and shall include:
  - (1) The SEQRA Visual EAF Addendum.
  - (2) A report that visually illustrates and evaluates the relationship of proposed new structures or alterations to nearby natural landscapes and to pre-existing structures in terms of visual character and intensity/scale of use (e.g. scale, materials, color, door and window size and locations, setbacks, roof and cornice lines, and other major design elements).
  - (3) An analysis of the visual impacts on neighboring properties from the proposed development and alterations, and of the location and configuration of

proposed structures, parking areas, open space, and gradient changes.

(4) The Planning Board may require use of photo-simulations or balloon tests as part of the visual impact assessment.

c. Stormwater Management Plan. The contents of the stormwater management plan shall contain sufficient information for the Planning Board to evaluate the hydrological and hydrological-dependent characteristics of the land to be developed, the potential and predicted impacts of land development on the local hydrology, and the effectiveness and acceptability of all measures proposed by the applicant for reducing adverse impacts. The stormwater management and stormwater pollution prevention plans shall be prepared in compliance with the Stormwater Design Manual of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) program and with the requirements of the Environmental Protection Agency's Phase II National Pollutant Discharge Elimination System (NPDES) regulations. The Planning Board shall also review the project in relation to the Town of Ancram Comprehensive Plan (Water Study).

d. Vernal Pool Identification and Evaluation. The applicant shall refer to the Town of Ancram Biodiversity Map, Ancram Town Map of Vernal Pools, as may exist, aerial photographs, topographic maps and the Columbia County Soil Map to identify vernal pools. Use of the Natural Heritage and Endangered Species Program Observation Form for mapping vernal pools (Guidelines for the Certification of Vernal Pool Habitat, 2009) should be used to confirm presence of a vernal pool. The applicant may consult with the Town of Ancram CAC in this process. If any vernal pools are identified, the applicant shall assess them as follows to determine the relative ecological value of that vernal pool:

A. Biological Value of the Vernal Pool

- (1) Are there any state-listed endangered, threatened, or special concern species present or breeding in the vernal pool?
- (2) Are there two or more vernal pool indicator species breeding (i.e., evidence of egg masses, mating, larvae) in the vernal pool?
- (3) Are there 25 or more egg masses (regardless of species) present in the pool by the conclusion of the breeding season?

B. Condition of the Critical Terrestrial Habitat

- (1) Is at least 75% of the vernal pool envelope (100 feet from pool) undeveloped (largely free of roads, structures or other infrastructure)?
- (2) Is at least 50% of the critical terrestrial habitat (100 to 750 feet) undeveloped?

# of questions answered YES in category A	# of questions answered YES in category B	Tier
1-3	2	I
1-3	1	II
0	1-2	III
1-3	0	III

The Planning Board shall use this information and guidance from the management recommendations of, but not limited to, the Ancram CAC, NYS DEC, and the “Best Development Practices: Conserving Pool Breeding Amphibians in Residential and Commercial Developments in the Northeast US” (MCA Technical Paper Series #5, 2002) to determine the level of management or mitigation needed.

**7. Specifications of Materials Submitted for Site Plans.**

- a. Elevations and/or Sections. Elevations and/or sections, illustrating front, rear, and side profiles drawn to the same or larger scale as the site development plan, shall be required by the Planning Board. The elevations and/or sections shall clearly delineate the bulk height of all buildings and other permanent structures included in the proposal, including the dimensions and height of any proposed signs.
- b. Engineering Plans. The Planning Board may require engineering plans prepared by a licensed professional engineer to illustrate and describe such development aspects and infrastructure as: road improvements, drainage systems, grading plan, public or private utility systems, sewer and water facilities, and such other supporting data as may be necessary.

**8. Planning Board Action on Site Plan:**

- a. Acceptance of Site Plan Application. The Planning Board shall, within forty-five (45) days of a site plan application being filed, determine whether to accept the application as complete and begin the review process, or to reject the application as incomplete. Incomplete applications shall be returned to the applicant, without prejudice, with a letter identifying and describing the application deficiencies. No application shall be considered complete until a negative declaration under SEQRA (6 NYCRR Part 617) has been issued or until a draft Environmental Impact Statement has been accepted by the lead agency as satisfactory with respect to scope, content, and adequacy.
- b. Public Hearing. The Planning Board shall conduct a public hearing on the site plan. Such hearing shall be held within sixty-two (62) days of the Planning Board’s acceptance of the site plan application as complete and shall be

advertised in the Town's official newspaper at least five (5) days before the hearing. The Planning Board shall give the applicant at least ten (10) days notice by mail of the Public Hearing. The Planning Board shall send or cause to be sent notice of the Public Hearing to abutting property owners and those agricultural operators identified on the Agriculture Data Statement by certified mail, return receipt requested at least seven (7) days prior to the public hearing.

c. Decision. Within sixty two (62) days of the close of the public hearing, the Planning Board shall render a decision on the site plan. The Planning Board's action shall be in the form of a written statement to the applicant stating whether the site plan is approved, disapproved or approved with modifications. The Planning Board's statement may include modifications to be incorporated in the final site plan. Conformance with such modifications shall be considered a condition of approval. If the site plan is disapproved, the Planning Board's statement will contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.

(1) Approval. Upon approval of the site plan and payment by the applicant of all fees and reimbursable costs due to the Town, the Planning Board shall endorse its approval on a copy of the site plan and shall, within five (5) business days of its decision, file with the site plan and a written statement of approval with the Town Clerk. A copy of the written statement of approval shall be mailed to the applicant by certified mail, return receipt requested.

(2) Approval with Modifications. The Planning Board may approve the site plan and require that specific modifications or conditions be made. A copy of a written statement of approval containing the modifications required by the Planning Board shall be mailed to the applicant by certified mail, return receipt requested. The applicant shall submit a modified final site plan in reproducible form. Upon approval and after payment by the applicant of all applicable fees and reimbursable costs due the Town, the Planning Board shall endorse its approval on a copy of the site plan and shall, within five (5) business days, file the site plan and a written statement of approval with the Town Clerk.

(3) Disapproval. The Planning Board shall make a written statement if disapproval is the decision. Upon disapproval of the site plan, the Planning Board shall, within five (5) business days, file the statement with the Town Clerk and mail a copy thereof to the applicant by certified mail, along with a letter stating the Planning Board's reasons for disapproval.

## **9. Extension of Time.**

a. Time frames for any Planning Board action related to the site plan review process may be extended by mutual consent of the applicant and the

Planning Board.

- b. The time period in which the Planning Board must render its decision on the site plan may be extended by mutual consent of the applicant and the Planning Board. Failure of the Planning Board to act within the time period specified or agreed upon between the applicant and Board, shall not constitute Planning Board approval of the site plan as submitted or last amended, and shall not be deemed automatic approval.

#### **10. Revocation of Site Plan Approval.**

Any approval shall expire after one (1) year from the date that such approval was filed with the Town Clerk unless the applicant shall have obtained all other necessary permits and approvals and commenced, and substantially proceeded with, construction of the project in full conformity with the approved site plan.

#### **D. Criteria for Commercial Site Plan Approval.**

1. The following general conditions shall be met:
  - a. The site plan is compatible with the goals, policies and standards set forth in the Town of Ancram Comprehensive Plan.
  - b. Adjacent properties are protected from nuisance caused by noise, traffic, noxious or harmful odor, fumes, vibration and glare of lights.
  - c. Significant natural, cultural, and historical features on the site are preserved as much as possible (i.e. hills, water bodies, wetlands, vernal pools, stream buffers and streamside vegetated buffers, trees, tree groves, wooded areas, rock outcrops, native plants, wildlife habitats, scenic locations, historical locations, and other areas of aesthetic and ecological interest).
  - d. Adequate facilities for off street parking and loading, drainage, snow removal, fire protection and methods of solid waste disposal are provided on site.
  - e. Roads, pedestrian ways, access driveways, loading areas and parking facilities are properly designed and operated for public convenience, universal accessibility, public safety, and for consistency with rural road standards and desired aesthetic character.
  - f. Pollution of air, streams, wetlands, ponds, lakes, soils and groundwater supplies is avoided to the maximum extent practicable or mitigated.
  - g. Development will be compatible with its surroundings and in keeping with the

character of the Town of Ancram.

2. The Planning Board's review of the commercial site plan shall include, but is not limited to, the following considerations:
  - a. Consistency with Commercial Design Standards as required by the Town of Ancram Zoning Ordinance, if any, and if applicable.
  - b. The location, arrangement, size, design and general site compatibility of buildings, lighting and signs, including compatibility with setbacks and build-to lines of surrounding structures.
  - c. Glare and light pollution that may be associated with new development and the degree to which these negative impacts are minimized or eliminated.
  - d. Consistency with the Town of Ancram Highway Specifications and adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls. Prior to issuance of a final decision by the Planning Board, all site plans shall be reviewed and approved by the Town of Ancram Highway Department. Existing street widths should be maintained.
  - e. Location, arrangement, appearance and sufficiency of off-street parking, screening and loading.
  - f. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience. The Planning Board may require a traffic study pursuant to Sub-Section C (6)(a) of this Section. All entrance and exit driveways shall be reviewed and approved by the appropriate state, county, or local agencies or departments prior to the granting of site plan approval.
  - g. Adequacy of stormwater and drainage facilities.
  - h. Adequacy of water supply and sewage disposal facilities.
  - i. Adequacy, type and arrangement of trees, shrubs and other landscaping. The Planning Board may require use of a visual and/or noise buffer between the land of the applicant and adjoining lands, including the maximum retention of existing vegetation on applicant's property.
  - j. Adequacy of utilities. Newly installed utility service systems and service revisions shall be installed underground. When feasible, existing aboveground utility service systems shall be placed underground.
  - k. Adequacy of site accessibility, fire lanes and other emergency zones and the

provision of fire hydrants. All buildings shall be accessible to emergency vehicles. If the Planning Board deems it necessary, it shall refer the application to the applicable emergency services providers and to the engineer retained by the Planning Board for comment on the proposed access arrangements.

- l. Adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion. These shall be reviewed and approved by an engineer and reviewed by the Planning Board.
- m. Location of and adequacy of measures proposed to protect environmentally sensitive areas including but not limited to wetlands, vernal pools, streams, floodplains, and critical habitats. The Planning Board may request an advisory opinion on these matters from the Columbia County Soil and Water Conservation District, New York State Department of Environmental Conservation, Town of Ancram Conservation Advisory Council, or other agencies prior to final decision.
- n. Type, frequency, pitch, and decibel levels of noise that may be generated from project. The Planning Board may request a noise analysis be conducted by measuring existing ambient sound levels measured with a sound-level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association and comparing to proposed sound levels. The Planning Board shall ensure that no nuisance noise results from the project.
- o. Compatibility with neighborhood character and the overall rural character of Ancram.
  - (1) Relationship of buildings and site to adjoining areas. Site plans involving nonresidential uses proposed adjacent to a residential district or residential uses shall be reviewed with regard to minimizing the impact of the commercial development on such district or use.
  - (2) Individual buildings shall relate to each other, and to traditional structures in the surrounding area, in lot placement, scale, height, build-to lines, and connections to harmonize visually and physically with the traditional character of the area.
  - (3) Buildings shall have facades that honor traditional styles and patterns found in Ancram. The Planning Board shall evaluate the impact to, and compatibility of, these design features with existing neighborhoods.
  - (4) Treatment of the roof, sides and rear of all buildings shall be comparable in amenity and appearance to the treatment given to street frontages of these same buildings.

- (5) When commercial projects involve the renovation/reuse of an existing building, the traditional character and architectural elements shall be maintained as may be required by the Planning Board.
- (6) The visual impacts of new structures on hills or ridge tops, as viewed from public roads, public property, or publicly access areas such as parks. The Planning Board shall prevent visual disruption of ridgelines.
- p. Compatibility with active agricultural activities. The Town of Ancram Conservation Advisory Council or Town of Ancram Agricultural Advisory Committee, as they exist, or other local agricultural support agencies such as the Columbia County Soil and Water Conservation District, may be consulted regarding significance, location and type of agricultural activities that may be impacted by the proposed development.
- q. Consistency with the Hudson River Greenway Compact.

**E. Guarantee of Site Improvements for Commercial Site Plan Review**

1. No certificate of occupancy shall be issued until all required infrastructure and improvements shown on the site plan are installed or a sufficient performance guarantee has been posted to cover the full cost of all required infrastructures and improvements not yet completed. Such performance guarantee shall be posted in accordance with the requirements and procedures specified in Sections 274-a (7) and 277(9) of the New York State Town Law and of LL#1 of 2004. The amount and sufficiency of such performance guarantee shall be determined by the Planning Board after consultation with the Town Attorney, the Town Engineer, other local officials, or the Planning Board's designated private consultants."
2. Extension of Time. The construction or installation of any improvements or facilities, other than roads, for which a guarantee has been made by the applicant in a form acceptable pursuant to this law, shall be completed within one (1) year from the date of approval of the site plan. All construction of new roads and associated improvements including, but not limited to, curbs, curb cuts, drainage, and paving shall be completed within two (2) years from the date of approval of the site plan. The applicant may request that the Planning Board grant an extension of time to complete such improvements, provided the applicant can show reasonable cause for inability to perform said improvements within the required time. The extension shall not exceed six (6) months, at the end of which time the town may use as much of the proceeds of the posted performance guarantee to construct the improvements as necessary. The Planning Board may also grant the applicant an extension of time whenever construction or improvements are not performed in accordance with applicable standards and specifications.

3. Schedule of Improvements. When a performance guarantee is issued pursuant to the preceding sections, the town and applicant shall enter into a written agreement itemizing the schedule of improvements in sequence with the cost opposite each phase of construction or installation, provided that each cost as listed may be repaid to the applicant upon completion and approval after inspection of such improvement or installation. However ten percent (10%) of the check deposit or performance bond shall not be repaid to the applicant until one (1) year following the completion and inspection by the town of all construction and installation covered by the performance guarantee.
4. Inspections. Prior to the Planning Board Chairman or his designee signing the site plan, the applicant shall pay to the Town Clerk an inspection fee escrow established by the Ancram Town Board. Inspections during installation of improvements shall be made by the engineer retained by the Planning Board, and/or Building Inspector to insure conformity with the approved plans and specifications as contained in the contract and this law. The applicant shall notify the engineer retained by the Planning Board and Building Inspector when each phase of improvements is ready for inspection. Upon acceptable inspection and final completion of installation and improvement, the Planning Board shall issue a letter to the applicant or his/her representative that provides sufficient evidence for the release by the town of the portion of the performance guarantee as designated in the contract to cover the cost of such completed work.

#### **F. Site Plan Review for Subdivisions**

1. Major Subdivisions. The Open Space Conservation Subdivision process shall be considered to be the site plan review process for all major subdivisions. All major subdivisions shall meet all requirements and standards of Section V (I) of the Zoning Ordinance (Open Space Conservation Subdivisions) as well as this section.
2. Minor Subdivisions. All time frames and procedures for minor subdivisions pursuant to the Town of Ancram Land Subdivision Regulations shall be met. The Planning Board may request an advisory opinion from the Town of Ancram Conservation Advisory Council related to environmental features on the parcel and their relationship to the proposed subdivision. In addition to the design required by the Land Subdivision Regulations, all minor subdivisions shall also meet the following siting criteria:
  - a. The site plan shall be compatible with the goals, policies, and standards set forth in the Town of Ancram Comprehensive Plan.
  - b. The building envelope shall be sited to preserve to the maximum extent significant natural, cultural, and historical features on the site. These shall include, but are not limited to, preservation of natural contours, water bodies,

state and federally regulated wetlands, rare, threatened or endangered wildlife habitats as identified by the New York State Department of Environmental Conservation or the United States Department of the Interior's US Fish and Wildlife Service, and historic locations included on the State and National Historic Register, If the parcels contain defined ridgelines and scenic locations as identified by the Town of Ancram, structures shall be placed in locations least likely to block or interrupt scenic vistas or in a manner so that proposed buildings are sited so they do not protrude above treetops or crest lines. Clear-cutting is to be avoided and existing vegetation preserved to the maximum extent practicable.

- c. The location of the building envelope shall be such that pollution of air, streams, ponds, lakes, soils and groundwater supplies is avoided to the maximum extent practicable or mitigated. The building envelope shall also be sited to avoid stream and streamside vegetated buffers.
- d. All driveways shall be consistent with the Town of Ancram Highway Specifications. No negative impacts on the existing street due to drainage or sight distances shall occur.
- e. The proposed development provides proper surface water management that preserves existing drainage patterns, protects other properties and public roadways, and mitigates water quality impacts to the greatest extent practical.
- f. The location of the building envelope ensures adequate water supply and sewage disposal.
- g. All new utility service systems shall be installed underground where practical.
- h. Siting of the building envelope and conversion of agricultural land to residential use shall be compatible with active agricultural activities.
- i. To minimize impacts on agriculture, the building envelope shall be sited on the least fertile soils for agricultural uses and in a manner which permits access to active agricultural land. Structures shall, to the maximum extent practicable, avoid being placed on lands defined by the Columbia County Soil Survey as being Prime Farmlands, or Soils of Statewide Importance. The building envelope shall be sited along the edges of open fields or in wooded areas.
- j. Wherever feasible, retain and reuse existing old farm roads and lanes rather than constructing new roads or driveways to minimize clearing and disruption of the landscape. Driveways shall be adequate for emergency services to access the site.
- k. Applicant has received an agricultural disclosure notice about the sights,

sounds, smells, and other aspects of agriculture in the area.

- I. Applicant acknowledges that it is the applicant's responsibility, not the farmer's responsibility, to establish a buffer between proposed development and adjacent farmland.

**G. Abbreviated Site Plan Review for Single-Family and Two-Family Residences Not Part of a Subdivision, and for Agricultural Buildings and Agri-Tourism Operations.**

**1. Applicability**

- a. Any single family or two-family residence, including mobile homes and accessory apartments, shall meet all procedures and requirements for an abbreviated site plan review if they are proposed on a parcel of land in the Town of Ancram that:
  - (1) Contains more than twenty five percent (25%) of the total acreage of the parcel in slopes that are greater than fifteen percent (15%), or
  - (2) Contains a wetland regulated by the New York State Department of Environmental Conservation (NYS DEC) or United States Army Corps of Engineers, or
  - (3) Contains a New York State Department of Environmental Conservation Regulated Stream, Class C (t) or C (ts) or higher, or
  - (4) Contains a structure listed on the State or Federal Register of Historic Places, or
  - (5) Contains an important ridgeline defined and mapped by the Town of Ancram, or
  - (6) Appears on the Land Evaluation and Site Assessment (LESA) Farmland Prioritization Map (at Appendix 6 of the Ancram Agriculture and Farmland Protection Plan) or is within five hundred (500) feet of a farm operation, or
  - (7) Has principal dwelling that equals three thousand (3,000) square feet or larger building footprint, or
  - (8) Is intended to be used for farm worker housing.
- b. Any agricultural structure that is larger than three thousand (3,000) square feet building footprint and any agri-tourism operations shall meet all the procedures and requirements for an abbreviated site plan review pursuant to

Sub-Section G(6).

**2. Application Requirements, Procedures and Time Frames for Abbreviated Site Plan Review of Single-Family and Two-Family Residences**

- a. For all building permit applications for single-family or two-family residences that are on parcels of land not part of a subdivision approved after the effective date of these regulations, the Building Inspector shall, prior to issuing a building permit, determine if any of the criteria set forth in Section G(1)(a) exist. If none exist, the Building Inspector shall issue a building permit provided all other zoning and building code requirements are met. If one or more criteria set forth in Sub-Section G(1)(a) of this section exist, then the Building Inspector shall refer the application to the Planning Board for an abbreviated site plan review as per this section.
- b. If referred to the Planning Board for an abbreviated site plan review, the applicant shall provide seven (7) copies of the following information to the Planning Board at least ten (10) days prior to a regularly scheduled Planning Board meeting. As part of this application, the Planning Board shall accept printed maps included in the Town of Ancram Comprehensive Plan in which the parcel in question, and its natural resources, are clearly shown. A surveyed plan is not required. The Building Inspector may require additional plans, drawings, or documents as part of the building permit application, including some or all of the following documents and/or information:
  - (1) A statement and rough sketch showing the locations and dimensions of the building envelope which includes principal and accessory structures, driveways and curb cut.
  - (2) A description and map of existing conditions and general anticipated changes in the existing topography, natural features, and where applicable, wetlands, streams, flood hazards and slopes over fifteen (15%) and also showing:
    - (a) The footprint of the proposed dwelling structure drawn to scale and the distance from the actual property lines showing setbacks that comply with the Town of Ancram Zoning Ordinance.
    - (b) The percent of the gross lot area that will be covered in impermeable surfaces shall also be provided.
    - (c) The location of proposed water well, septic tank and the primary, and secondary (if required), leach field.
    - (d) The location of proposed utilities.

- (3) The zoning district within which the parcel is located, identification of whether the parcel is in a New York State certified Agricultural District, and whether a farm operation is taking place within five hundred (500) feet of the parcel.
- (4) Whether there is likely to be a disturbance of more than one (1) acre. If land disturbance is greater than one (1) acre, then the applicant shall submit to the Planning Board evidence that a State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges pursuant to New York State Department of Environmental Conservation Construction Activity Permit No. GP-0-10-001 has been applied for and received.
- (5) An area map showing the general location of the parcel under consideration for site plan review.
- (6) A map showing the location of the parcel in relation to any ridgeline or viewshed as defined in this Zoning Ordinance, in the Town of Ancram Comprehensive Plan, or otherwise by the Town of Ancram.
- (7) A description of any historical structure listed on the State or Federal Register of Historic Places that is on the parcel.
- (8) Any existing easements or rights-of-way.

### **3. Planning Board Action on Abbreviated Site Plan**

- a. The Planning Board shall, at the first regularly scheduled meeting held after submission of the abbreviated site plan application, begin the review process. Incomplete applications shall be returned to the applicant, without prejudice, with a letter stating application deficiencies. No abbreviated site plan application shall be deemed complete until the application form, fee, and site plan information described in Sub-Section G(2) have been accepted by the Planning Board.
- b. Once a complete application has been received, the Planning Board shall conduct its abbreviated review and render a decision in one meeting unless an extended time frame is mutually agreed upon pursuant to Section G(4). If the application is deemed complete, the Planning Board shall conduct its review and render a decision on the abbreviated site plan at the first regularly scheduled meeting held after submission of the abbreviated site plan application to the Planning Board. The Planning Board's action shall be in the form of a resolution stating whether the abbreviated site plan is approved, disapproved or approved conditionally with modifications. Any modification

required by the Planning Board shall be considered a condition for issuance of a building permit. If the abbreviated site plan is disapproved, the Planning Board's resolution will contain the reasons for such findings. In such a case, the Planning Board may recommend further study of the site plan and resubmission to the Planning Board after it has been revised or redesigned.

- (1) Approval. Upon approval of the abbreviated site plan and payment by the applicant of all fees due to the Town, the Planning Board shall endorse its approval on a copy of the site plan and shall, within five (5) business days of its decision, file with the a copy of the approved resolution approving the abbreviated site plan with the Building Inspector. A copy of the written statement of approval shall be mailed to the applicant. Upon approval of the abbreviated site plan, the applicant shall be eligible for applying for a building permit.
- (2) Approval with Modifications. The Planning Board may approve the abbreviated site plan and require that specific modifications or conditions be made. A copy of the resolution of approval containing the modifications required by the Planning Board shall be mailed to the applicant and filed with the Town Clerk and the Building Inspector. The Building Inspector shall not issue a building permit until the modified abbreviated site plan has been reviewed and certified by the Zoning Enforcement Officer that the plan reflects modifications as required by the Planning Board.
- (3) Disapproval. The Planning Board shall make a resolution if its decision is to disapprove the application. The resolution shall set forth the reasons for the Board's decision not to approve the application. Upon disapproval of the site plan, the Planning Board shall, within five (5) business days, file the resolution with the Town Clerk and Building Inspector. No building permit shall be issued when an abbreviated site plan has been disapproved.

#### **4. Extension of Time.**

The time period in which the Planning Board must render its decision on the abbreviated site plan may be extended only upon mutual consent of the applicant and the Planning Board. Failure of the Planning Board to act within the one-meeting time period specified or other time frame agreed upon between the applicant and Board, shall constitute Planning Board approval of the site plan as submitted or last amended, and shall be deemed automatic approval. An applicant's failure to follow through within the specified time period on submitting application requirements shall not be considered a failure of the Planning Board and thus shall not be deemed automatic approval.

## **5. Criteria for Review of Abbreviated Site Plan for Single-Family and Two-Family Residences**

All the conditions of Sub-section F (2) of this Section shall be met.

## **6. Abbreviated Site Plan Review for Agricultural Buildings and Agri-tourism Operations.**

- a. The applicant shall submit the following documents or information to the Planning Board for an abbreviated site plan review as per this Sub-section with a copy of the application furnished to the Building Inspector.
  - (1) Sketch of the parcel on a location map (e.g., tax map) showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known easements or rights-of-way and roadways. For modular, double-wide manufactured, and stick-built farm worker housing, such sketch shall also include all information pursuant to Article V, Section 1 (Sketch Plan) of the Town of Ancram Land Subdivision Regulations. The Planning Board shall review this sketch plan to determine and ensure that all residential density requirements of this law can be met when farm worker housing is proposed (see Sub-section G (6) (a) (10) of this section).
  - (2) Existing features of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.
  - (3) For agri-tourism operations, the proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking, circulation of traffic, and signs.
  - (4) The proposed location and arrangement of specific land uses such as pasture, livestock containment areas, or manure storage/manure composting sites.
  - (5) Sketch of any proposed building, structure or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.
  - (6) Provide a description of the farm or agri-tourism operation (existing and/or proposed) and a narrative of the intended use and/or location of proposed buildings, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes and describe setbacks or other methods to minimize impacts to water bodies.

- (7) Include the name and address of the applicant or if the applicant is not the owner of the property, provide authorization of the owner.
  - (8) If any new structures are going to be located adjacent to a stream or wetland provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.
  - (9) Application form and fee (if required). If the municipality issues a permit for the structure, the Code Enforcement Officer (CEO) determines if the structures are subject to and comply with the local building code or New York State Uniform Fire Prevention and Building Code prior to issuing the permit. Similarly, the Zoning Enforcement Officer would ensure compliance with applicable zoning provisions.
  - (10) Abbreviated Site Plan Review for Farm Worker Housing.
    - (a) All housing proposed for farm workers shall be required to obtain Planning Board approval pursuant to Sub-section G of this Section (Abbreviated Site Plan Review) prior to approval of a building permit.
    - (b) All modular, double-wide manufactured, and stick-built housing to be erected for farm worker housing shall be sited so that all density, frontage and setback regulations of the Town of Ancram Zoning Ordinance shall be met so that a future subdivision would result in a conforming lot.
    - (c) Farm worker housing shall meet all Columbia County Department of Health requirements for water and septic systems.
    - (d) Single-wide manufactured homes may be used for farm worker housing as an accessory use to the farm operation. In that circumstance, such structures do not need to meet density requirements. Such structures shall be set back a minimum of one hundred (100) feet from all side and rear property lines, fifty (50) feet from public road rights-of-way, and fifty (50) feet from other dwelling units or agricultural structures. Any single-wide manufactured home used for farm worker housing shall be removed from the premises within six (6) months of cessation of a farm operation, or when such housing no longer is needed for farm workers, unless one or more lots can be created that meet all requirements of: this Law (including density and dimensions); the Town of Ancram Land Subdivision Regulations for single family residences, or mobile home parks; and the Columbia County Department of Health for water and septic systems.
- b. A one hundred (100) foot buffer shall be placed between agricultural

structures and any stream, lake, wetland, or other water body. In addition, the Planning Board shall ensure that all pertinent criteria of Sub-Section G (5) shall be considered and met.

- c. All time frames and procedures of Sub-Sections G (3) and (4) shall be followed.

## **H. Compliance with Approval**

1. No person shall undertake any land use or development for which a site plan or abbreviated site plan approval is required until a valid site plan approval has been issued by the Planning Board and a building permit has been issued by the Building Inspector. A building permit will be issued only when the Building Inspector has determined that all requirements of this law, and of all other applicable Federal, State, County and local laws and regulations are satisfied.
  2. Site Plan Completion. Where an approved site plan or abbreviated site plan is required under this law, no permit or certificate of occupancy shall be issued by the Code Enforcement Officer and/or Building Inspector except upon authorization by, and in conformity with, an approved site plan or abbreviated site plan.
- I. **Relief from Decisions.** Any person aggrieved by a decision of the Planning Board may apply to the Supreme Court for review by a proceeding under Article 78 of the New York Civil Practice Law and Rules. Such proceedings shall be instituted within thirty (30) days after the final decision by the Planning Board is filed in the office of the Town Clerk. Such proceeding shall be governed by the specific provisions of New York Civil Practice Law and Rules Article 78.

## **J. Definitions**

When used in this Ordinance, unless otherwise expressly stated, the following definitions shall apply:

**Agricultural data statement:** an identification of farm operations located within five hundred feet of the boundary of property upon which an action requiring municipal review and approval by the planning board is proposed, as provided in section three hundred five-a of Article 25-AA of the New York State Agriculture and Markets law.

**Agricultural Structure:** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation but used in the raising, growing or storage of agricultural products by a farmer engaged in a farming operation including but not limited to barns, sheds, poultry houses and other buildings and equipment on the premises used directly and solely for agricultural purposes.

**Agritourism:** Activities conducted on a farm and offered to the public, or to invited

groups, for the sale of agricultural products, education, recreation or active involvement in the farm operation. An agri-tourism activity may be secondary to the primary farm use on a property. Agri-tourism activities may be conducted in an accessory building or structure. Agri-tourism activities include, but are not limited to on-farm bed and breakfasts, farm stay programs, u-pick operations, and pumpkin patches.

**Biodiversity Map:** A map developed by the Town of Ancram showing ecologically significant habitats that detail the natural systems present.

**Buffer Area:** An undeveloped part of a property or an entire property specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties. See also stream buffer and streamside vegetated buffer.

**Building Envelope:** The space within which a structure and its supporting infrastructure is permitted to be built on a lot and that includes lands where the building, driveway, parking lot, and any lands disturbed for water well and septic system areas shall be located.

**Build-To Line:** An alignment which dictates the front yard setback from a street or public right-of-way, to be followed by buildings or structures fronting on it. The build-to line does not apply to building projections or recesses such as porches.

**Conservation Advisory Council (CAC):** An advisory committee, established by the Town Board and tasked with providing information, tools and advice for use in town planning; reviewing land use proposals, and advising the Town government in the protection of the environment.

**Change of Use:** The change of use or occupancy of land, or buildings, structures, or other improvements on land, from either residential, commercial or industrial to one of the other uses, or change in the nature, substance or intensity of the same use including, but not limited to, changes in use which require the issuance of a Certification of Occupancy pursuant to the New York State Building and Fire Code. Any use that substantially differs from the previous use of a building or land. Chapter 3 (Use and Occupancy Classification) of the Building Code of New York State shall be used to define uses that are not specifically defined in this ordinance. A change of use shall also occur when there is a change from one type of use to another within the same category. Change of occupancy or change of ownership shall not be construed as a change of use.

**Commercial Design Standards:** A set of guidelines to be followed in site and/or building design and development of commercial uses to help maintain the character of a community and prevent new commercial development from dramatically changing the physical and visual footprint of the community.

**Commercial Use:** Any activity involving the sale of goods or provision of services carried out for profit; and other economic activities including mining, construction, manufacturing, transportation, communication, electric, gas, and sanitary services; wholesale trade; and any activity involving an office for conducting the affairs of a business, profession, service, industry or government.

**DEC Ancram Habitat Summary:** An analysis of important wildlife habitats in the Town of Ancram prepared by the New York State Department of Environmental Conservation.

**Dwelling, Multiple Family:** A building, portion of a building, or group of buildings on one lot each containing three (3) or more dwelling units and designed or used for occupancy by three (3) or more families living independently of each other. A multiple family dwelling includes townhouses. Multiple-family dwellings shall be considered a commercial use and subject to site plan review.

**Farm Stand -** A temporary structure used for the display and sale of farm products, and not more than 400 square feet in size.

**Historic Character or Traditional Character:** Describes the qualities and attributes of Ancram's physical and visual landscape that embody the events, traditions and personalities of its past. Historic character describes the unique architectural variety, style and scale of our Community, including color, proportion, form, and architectural detail. However, the physical layout of the Community, its landscape patterns, the pre-automobile network of roads, and other elements also contribute to historic character. Among these elements are active agricultural operations with low density residential development interspersed with denser population centers such as the hamlets, roads and windbreaks lined with old mature trees, stone walls, deep rural setbacks, and small/irregular field or pasture dimensions. Ancram's historic character is strengthened by the presence of historic churches, houses, barns and out-buildings from the periods of its settlement by farmers in the 1700's and early 1800s. Historic character is also boosted by the presence of sites related to NY State and Federal Historic Register listed properties.

**Hudson River Valley Greenway:** The Hudson River Valley Greenway Act establishes the Greenway Compact. This compact creates a process for voluntary regional cooperation and decision making among the communities in the Hudson River valley. As such, the Town has formally documented its support for the criteria contained in the Greenway Act within its adopted Comprehensive Plan. As a Greenway Community, Ancram has agreed to plan for consistency between the Greenway criteria and Town actions.

**Open Space Conservation Subdivision:** A residential subdivision where the dwelling units that would result on a given parcel under a conventional subdivision plan are allowed to be placed on the parcel in a flexible manner, where lot sizes, road frontages, and other bulk dimensions are allowed to be relaxed and where a majority

of the remaining land is left in its natural open space condition in perpetuity. Conservation development results in a flexibility of design and development to promote the most appropriate use of land, to facilitate the adequate and economical provisions of streets and utilities, and to preserve the natural and scenic qualities of open lands.

Phase: Development that is undertaken in logical time and geographical sequence. A single-phase project is completed all at the same time. A multi-phase project has different components implemented at different times and locations.

Principal Use: The main use of a lot or structure.

Rural Character: Describes the features and qualities of Ancram's physical and natural landscape that were shaped by current and past economic activities such as agriculture, mining, forestry and low density residential uses, interspersed with open, working agricultural landscapes and scenic views. Concentrations of population and structures exist in a limited way in the hamlets, but Ancram's land is predominantly used for agriculture - as pastures, cropland and woodlands. Ancram does not have an extensive street grid or transportation network, and has limited pedestrian walkways other than narrow often unpaved rural roads. Our hamlets typically have a fairly well defined border and buffer of undeveloped open spaces and agricultural lands, and are located at key road crossings, near important civic structures such as places of worship, or adjacent to historically important natural features like streams. Our hamlets have a diverse mix of lot size and architectural styles. Historic structures from various periods in the community's life are present. Outside these hamlets, residents typically occupy a range of residential types such as estates, farms and a variety of residences including old farmhouses, newly built modern homes, modulars, manufactured homes and trailers. Evidence of current and past agricultural activity is present, including but not limited to crop fields, hay fields, livestock pastures, corrals, orchards, farm buildings, stone walls, windbreaks, hedgerows, and woodlots. Farm equipment noise and farm smells are a daily fact of rural life. Most local roadways tend to be narrow with limited driveways or crossroads, and rural roads tend to be lined with trees, fences, or stone walls.

Ancram's rural character also embodies a quality of life based upon traditional rural landscapes, activities, lifestyles, and values. Ancram is characterized by a balance between the natural environment and human uses with low-density residential dwellings, farms, forests, mining areas, outdoor recreation and other open space activities. Ancram's rural character can also be defined as the patterns of land use and development:

- In which open space and natural landscapes are preferred over built-up environments;
- In which clean air and dark skies are prized and protected;
- That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

- Which values the nature of farming and the role it plays in the community, and accepts the sounds and smells of a working farm;
- That provide visual landscapes that are traditionally found in rural areas and communities;
- That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- That reduce the conversion of undeveloped land into sprawling, low- density development;
- That generally do not require extensive municipal services; and
- That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

Scenic Viewshed: That portion of land included in the Town of Ancram Comprehensive Plan as being scenic including, but not limited to the designated Scenic Overlay District and other areas where scenic resources contribute significantly to the overall rural character of the Town and possess attributes which the community seeks to preserve and enhance.

Site Plan: A rendering, drawing, or sketch prepared to specifications and containing necessary elements, as set forth in this law, which shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan.

Steep slope: land areas where the slope exceeds fifteen percent (15%).

Stream Buffer: A 100' area extending along both sides of a water course, measured from the edge of the waterway, and any adjacent wetlands, floodplains or slopes where clearing, soil removal or disturbance, filling, dumping, ditching, storage and use of pesticide or herbicides, placement of septic systems, and placement of dwellings, other kind of development, mining, and commercial logging are prohibited in order to protect water quality and ecological health of streams.

Streamside Vegetated Buffer: A 25' area, measured from the edge of the waterway, of undisturbed vegetation designed to conserve the areas immediately adjacent to streams and rivers extending along both sides of a water course and any adjacent wetlands, floodplains or slopes.

Vernal Pool: A wetland in a small, shallow depression within an upland forest. Vernal Pools have a physical isolation from navigable bodies of water, do not support fish and provide essential breeding habitat for certain amphibians and invertebrates. Vernal pools are flooded in spring or have a heavy rainfall, but are usually dry during summer and fill again in autumn. In the winter vernal pools may be frozen over after having been filled with fall rains. In the spring, usually around mid-March through April, the pools melt and amphibians begin to lay their eggs there.