

## MEMORANDUM

**FOR:** Ancram Town Board  
**FROM:** Hugh Clark, Chair, Subdivision Regulations Review Committee (SRRC)  
**SUBJECT:** Recommended Subdivision Regulation Revisions  
**DATE:** 17 December 2014

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**The Task:** The Zoning Revisions Committee and the SRRC were appointed to “bring the Town’s zoning and subdivision laws into alignment with the Comprehensive Plan.”

Replacing a 1972 Ordinance, The Town Board adopted a comprehensive, updated Zoning Law on 20 November 2014.

**This Project:** Ancram’s current Land Subdivision Regulations were adopted in 1994. They consist of three parts plus two appendices. Part I is Subdivision Regulations; Part II is Subdivision Design and Construction Standards; Part III is Approved Materials for Subdivision Construction. Appendix A is Town of Ancram Highway Specifications; Appendix B is Forms.

This proposed Local Law contains two components. First are the Land Subdivision Regulations (the updated version of what had been Part I of the 1994 Regulations). The second component is Subdivision and Highway Construction Standards (which had been Part II, Part III, and Appendix A in the 1994 Regulations).

**The SRRC:** Due to the technical nature of subdivision regulations, all members of the SRRC except the Chair are present or former chairmen or members of the Town Planning Board. Hence, SRRC panelists possess the experience and insight to identify significant shortcomings in the 1994 regulations and to determine revisions that correct those shortcomings. Nan Stolzenburg serves as expert consultant and principal editor.

**The Situation:** Although the 1994 Subdivision Regulations (Part I) have served as a framework for Planning Board review and approval of plats in accordance with Town policy, they do not uniformly align with the 2014 Zoning Law and with the 2010 Comprehensive Plan, nor do they consistently provide clear guidance about all types of applications and about the procedures to deal with those applications. Furthermore, some aspects of the procedures are not consistent with New York State Town Law.

**Improvements:** Features of Part I that received extensive deliberation include: clarifying definitions for roads and driveways; determining frontage; adding boundary line adjustments as a classification; clarifying when the classification clock starts; emphasizing the PB’s openness to communication with all applicants and the corresponding intent and nature of the sketch plan conference; coordination and conduct of site visits; road layout standards; and format/heading changes to enable readers to more easily identify each section.

The SRRC also deleted some features that are outdated or otherwise don’t coincide with current practice, including passages about notifications, filing notices, and copy requirements. In

addition, all procedures and time frames were brought into conformance with New York State Town Law.

Most significant is the nature of Part II (Subdivision Design and Construction Materials), Part III (Approved Materials for Subdivision Construction, and Appendix A (Highway Specifications). Nan pointed out, and the SRRC agrees, that these pieces may be useful, but they do not properly belong in subdivision regulations as they deal with facilities, rather than with land. Indeed, the 1994 text notes that these standards “are formulated so that all facilities may eventually be accepted for maintenance by the Town,” a premise that does not generally find favor in the 21<sup>st</sup> Century. Furthermore, Parts II, III, and Appendix A are highly technical and deal with everything from pipe sizes to specifications for concrete and to gravel/crushed stone sub-bases for roads. These technical specifications have not been reviewed during the past twenty years. It is likely that some have been superseded or incorporated in New York State or Federal laws or engineering guidelines. It also is probable that road standards have changed over time, and that standards in the 1994 rules are over-engineered for rural residential roads in Ancram.

The SRRC agrees with Nan that Part II, Part III, and Appendix A should be excised from the subdivision regulations and moved into a separate law, manual, or other publication in 2015. As prelude to that move, these elements should be reviewed for currency and completeness by a qualified professional engineer and/or others with appropriate expertise. However, until that review, revision, adoption, and publication can occur, the SRRC concluded that there is benefit in keeping current text “on the books” as part of this proposal. Even if the standards in Part II, Part III, and Appendix A may not be wholly current, the text does provide information that the Planning Board, Building Department, and Highway Superintendent can refer to when considering projects. Accordingly, language from Parts II and III, and illustrations, have been left “as is,” with only minor edits. The SEQRA forms have been removed as they reflected outdated forms that have been replaced by NYS DEC.

Attorney John Lyons was asked to review the proposed packet for legal sufficiency. Concluding that review on 12 December 2014, he suggested many “word-smithing” edits to text and also offered many related observations and suggestions. Recognizing the SRRC’s preference for keeping Part II, Part III, and Appendix A in force during the period between adoption of this package and the adoption of updated construction standards later in 2015, Mr. Lyons was amenable to incorporating those features in this package as the simplest, most efficient course of action.

**Recommended Action:** On behalf of the SRRC, I recommend that the Town Board:

- accept this proposed local law;
- schedule a public hearing;
- provide an opportunity for Columbia County Planning Board review;
- complete SEQRA;
- adopt this local law;
- and authorize the SRRC to seek professional review of the second component (Subdivision and Highway Construction Standards) and subsequently configure those texts into a separate law(s), manual(s), or other appropriate publication(s) for review and adoption by the Town Board in 2015.