

**Town of Ancram
Comprehensive Plan Committee Meeting
February 23, 2009**

Comp Plan Members Present: Art Bassin, Barry Chase, Hugh Clark, Jim Miller, Kyle Lougheed, Don MacLean, Leah Wilcox
Absent: Suzanne Bressler, Bonnie Hundt
Others Present: Sheila Clark

The Comp Plan meeting was called to order by Chair Art Bassin at 7 PM. The minutes of the 1/26 meeting and the minutes of the 2/2, 2/7, 2/9 and 2/16 Strategy Workshops, including the questions and comments from the workshop note cards, were approved as written.

1. Strategy Workshop Feedback – The Committee discussed the feedback from the Workshops. The Committee noted that the attendance was about 50 people over the four workshops, and believed low level of participation was a reflection of the extensive communications effort that the Committee had undertaken over the past 18 months, which gave most Ancram residents interested in the Comp Planning process the information they needed to be comfortable with the process and preliminary outcomes of the Comp Plan effort.

2. Open Issues List – Based on the feedback from the Strategy Workshops and from discussions held with individuals and groups of residents and town officials over the past 90 days, the Committee had developed a list of 22 suggestions, comments and questions which it believed required discussion and resolution prior to finalizing the recommended Comp Plan Strategies documents. Here are the 22 open issues and their status:

1. Scenic Corridor Overlay Zone

a) Gravel Mining – Gravel mining is one of the four commercial activities not allowed in the scenic corridor overlay zone. The other three are airports, bus stations and equipment sales and rental businesses. The Committee discussed the history of the decision to exclude gravel mining, reviewed the Comp Plan survey results related to gravel mining, and evaluated the pro and cons of recommending a change to open up the scenic corridor overlay zone to mining. Mr. Miller and Mr. Lougheed expressed the opinion that they would like to find a way to “open the door” to mining if it could be done without giving up all town control.

As part of understanding the history of the gravel mining restriction in the scenic corridor overlay zone, the Committee decided to get a copy of the 2003 DEC decision which denied a mining permit to the Palumbo family, and understand what the issues were that caused DEC to deny the permit. The Committee will also review the DEC decision to deny the permit in 2003 to determine if it had any relevance to a more recent application by a local farmer, which was

subsequently withdrawn, to seek a mining permit from the Town after securing an agricultural exemption from DEC on the Palumbo mine parcel.

A review of the survey results indicated a majority of the respondents believed that 1) gravel mining should be permitted in Ancram; 2) the Town should exercise its rights under NYS Law to control the things that DEC allowed Towns to control; and 3) it was OK to designate some part of Town where gravel mining was not permitted.

The Committee also reviewed what it had learned from discussions with mining industry representatives, miners, residents and public officials with mining experience during the Comp Planning process, which included: 1) DEC was getting better at overseeing mines, but was still inadequately staffed to properly supervise mining to protect local communities; 2) miners were required to post larger financial bonds to protect communities; 3) miners were required to conduct Environmental Impact Analyses under the NY State Environmental Quality Review Act (SEQRA); 4) miners were required to provide visual and environmental buffers to mitigate possible negative impacts of their activities; and 5) miners were required to reclaim as they go, to ease the negative visual impact of large scale mining activities and also to ensure that by the end of the mine's life, reclamation was essentially done.

The Committee noted that there were no apparent financial or public benefits to a local community to permit mining, but there was the potential for major disruptions for properties adjacent to mining operations and potentially significant negative impacts to noise and dust levels and to the environment, including risks to groundwater.

The Committee also discussed the long term nature of a mining permit, which suggested a mine, once granted a DEC permit, could be operating for 20 or 30 years without any material town oversight. The Committee expressed concern that given the current State budget environment, DEC mining oversight budgets and staff might get sharply curtailed, making DEC oversight and supervision of mining even less effective in the future.

The Committee concluded that there were no reasons, based on the evidence developed during the comp planning process, to recommend in the Comp Plan that the restrictions on gravel mining in the scenic corridor overlay zone be removed, but that there were substantial risks to the Community to permit mining in areas which had significant scenic and environmental value.

The Committee did note, however, that if NYS Law were to change in the future to give Towns more control and authority over mining activities, and if State law were to authorize towns to require and hold substantial financial bonds to insure town requirements were met by miners, that the Town Board should reevaluate the mining restriction in the scenic corridor overlay zone.

Finally, the Committee did not identify any other areas of Town in which gravel mining should be restricted using the scenic corridor overlay zone process.

b) Businesses -- There is a perception that businesses are not permitted in the scenic corridor overlay zone. Currently, the only businesses not allowed in the scenic corridor overlay zone are gravel mining, airports, bus stations and equipment sales and rental operations. The Committee decided that the Comprehensive Plan should clarify that any businesses that would be permitted in other parts of the Agricultural Zoning District in Ancram, except gravel mining, should also be permitted in the scenic corridor overlay zone, subject to the existing commercial design standards now in effect in the scenic corridor overlay zone, and to any new commercial design standards which will be developed to insure all new commercial operations, either in the scenic corridor overlay zone or elsewhere, are consistent in size and scale with the small town, rural character of the Community we are trying to protect.

2. 3-5.99 acre lots – The Committee discussed the possibility of allowing parcels between 3 (or 3.5) and 5.99 acres to be subdivided one time. The new lots could be as small as ½ acre if water and septic were available. This would add about 234 potential new lots in areas which were not likely to negatively affect farmland, environmentally sensitive areas, scenic resources or rural character. The Committee will review this idea and decide on it next week.

3. Vernal Pools – The Committee decided that vernal pools should be identified and protected as proposed in the detailed strategies document in all major (over 4 units) subdivisions. This would be a normal requirement of the SEQRA process. Single family lots would not be required to protect vernal pools, but would be advised to know where they are so they do not inadvertently build on them and get flooded out in the spring.

4. Boundaries of Hamlets – Mr. Chase and Mr. MacLean will propose revised zoning for the hamlets at next week’s meeting. Their recommendation will include expanding the commercial zones, parcel boundaries and hamlet boundaries.

5. Echo Housing – The Committee decided not to recommend ECHO housing based on our feeling that the Comp Plan recommendations for accessory apartments in homes, garages and barns adequately covered this need, and eliminated the enforcement problem which would be part of the ECHO program.

6. Mobile Home Parks – The Committee decided to recommend that the language in the current zoning governing mobile home parks be maintained and that Mobile Home Parks be allowed under the same terms and conditions as any residential development, which would require site plan review, adequate visual

buffers and screening, an access management plan and meeting open space development guidelines.

7. Water Study – The Committee recommends that the ground water protection plan be adopted and its suggestions for protecting well water quality and quantity be adopted. Over 90 % of the homes in Ancram use wells for water, and 94 % of the survey respondents believe protecting groundwater is the most important thing the Town can do. Mr. Bassin will re-circulate a summary of the Water Study recommendations to refresh everyone on the importance of implementing these ideas.

8. Protection of Ridgelines – The Committee decided that current language of section 2.12 should be adopted as written.

9. Design standards – The Committee decided that design standards be developed for commercial development and major (over 4 units) subdivisions, but not be applied to single family residences.

10. Wetland/streamside buffers – The Committee decided to recommend adopting the DEC 100 foot minimum wetland buffer, subject to adjustment based on the slope of the terrain. The Comp Plan Committee (or the Zoning Revisions Committee) should research and communicate the DEC slope adjustment standards which would determine actual setbacks from wetlands and streams. This variable system would replace the Town's current 150 foot fixed buffer; The Committee also decided to clarify language regarding access to streams, to permit streamside access only to the property owner.

11. Large Scale Wind/Solar – Discuss/decide next week.

12. 60% open space and businesses – The Committee concluded that the 60% open space rule should not apply to a business building on a parcel, but applies to subdivisions.

13. Logging Permits – The Committee decided this process should be as simple as getting a building permit. The kinds of things the Town should control are the times of day and days of the week logging can be done, setbacks from neighbors, what erosion control needs to be done, etc...the intent of the logging permit process is to protect the rights of neighbors.

14. Change Tax Incentives to incentives -- Agreed

15. Visual Impact Analysis -- The Committee decided that section 2.15 covering visual impact analyses and mitigation of negative affects (screening and buffers) should be mandatory for all major (over 4 homes) subdivisions and commercial developments and recommended for single family homes. Language changes suggested by Ms. Hoyt was incorporated into this section.

16. Planning Board Discretion – Whenever possible, the Planning Board should have the discretion, if it feels it is warranted, to waive requirements...language should reflect that the PL “may require” certain things, but it must be clear in the language that when the PL does require this stuff, it cannot be ignored.

17. 3 acres average lot size v. 3.5 acres – Current zoning requires a 3 acre minimum lot size; Comp Plan proposes an average lot size of 3.5 acres, based on recommendations from the NY State Rural Water Association. The 3.5 acres is the density the NYSRWA believes our area can support long term. The Comp Plan Committee recommends staying with the 3.5 acres.

18. Gravel Mining 2.6.3 – This recommendation clarifies language in current zoning which permits the ZBA, as part of the site plan and special use permit processes, to require miners to provide the environmental and site plan information needed by the town to protect the community and the environment from the potentially negative effects of mining. These supplemental town requirements are consistent with DEC rules permitting towns to oversee mining activities which Dec does not oversee.

19. Buildout Impact Assessment – The Committee reviewed the Buildout Analysis Chart and discussed how various zoning decisions could affect the number of potential buildable. Under current zoning there could be 5337 additional building lots in Ancram. Based on the final recommendations of the Comp Plan, it will be possible to determine what the revised Buildout will look like. That could be done by the zoning revisions committee.

Buildout based on current zoning	5337
Impact based on:	
Eliminating Water, Wetlands, Floodplains	-800
3.5 v 3 acre average lot size	-750
½ acre lots in hamlets	+500
1 acre lots in hamlets	+119
One subdivision for 3-5.99 Acre lots	+234
50% development on 15%+ steep slopes	-1000

20. School Taxes/School Boards – Should the Comp Plan recommend that the Town try to recruit Ancram residents to join the PP, Taconic and Webatuck School Boards? **Next Week**

21. Noise and air quality standards – **Next Week**

22. Commercial manure and composting operations – **Next week**

3. Comp Plan Timetable and Table of Contents – The Committee reviewed the proposed timeline for the completion of the Comp Plan, which indicates the draft Comp

Plan would be presented to a public hearing in mid-April, and to the town board in mid-May. The Committee also reviewed the proposed table of contents of the Comprehensive Plan. Both the proposed timetable and the table of contents documents are attached.

4. Next Meeting -- The next Comp Plan meeting will be at 7PM on 3/2. Ms. Stolzenburg will be joining us.

5. The meeting adjourned at 9.30 PM.