

# TOWN OF ANCRAM

## Zoning Law

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Adopted November 20, 2014

Note: This document is a consolidation of the zoning amendments adopted by the Town Board from 2012 through 2014 and incorporates them with previous sections of the Town of Ancram Zoning Ordinance.

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**Town of Ancram Local Law No. 2 of 2014**

**A Local Law enacting a new Zoning Law for the Town of Ancram**

Be it enacted by the Town Board of the Town of Ancram, Columbia County, New York, as follows:

**Article I. Title and Scope**

**A. Title.**

This Local Law shall be known as “A Local Law enacting a new Zoning Law for the Town of Ancram,” and adopted as Local Law No. 2 of 2014. This Local Law may be cited as the “Zoning Law of the Town of Ancram.” This law is referred to herein simply as the “Zoning Law.”

**B. Enactment and Authority.**

This Zoning Law is enacted pursuant to the authority and power granted by Articles 2 and 3 of the New York State Municipal Home Rule Law, by Article 2 of the New York State Statute of Local Governments, and by Article 16 of the New York State Town Law.

**C. Scope.**

This Zoning Law regulates the location, construction, alteration, and use of buildings and structures, and the development and use of land within the Town of Ancram and for said purposes divides the Town into the Zoning Districts as set forth enumerated in Article II of this law.

**D. Purposes.**

This Zoning Law is adopted pursuant to the authority cited above to protect and promote public health, safety, comfort, convenience, economy, aesthetics, environment and general welfare and for the following additional purposes:

1. To guide development of the Town in accordance with the Town of Ancram Comprehensive Plan, and in so doing, achieve the goals and realize the vision of that Plan as a place to live and to work with beneficial relationships among the residential, commercial, and mixed-use areas within the Town.
2. To encourage farming by promoting the profitability and productivity of our current farms, attracting new farms and farm-related businesses, protecting farmland, and preserving open space.
3. To protect the Town’s important scenic views.
4. To protect Ancram’s rural, small town character.
5. To protect all natural resources, including groundwater, watersheds, streams, wetlands, woodlands, ridgelines, steep slopes, wildlife habitats, and clean air, and to restrict and decrease noise, air, and light pollution.
6. To encourage use of alternative energy sources.

7. To enhance the appearance, character, and safety of the hamlets of Ancram, Ancramdale, and Boston Corners to stimulate economic development, attract business investment, create jobs, and serve as centers of town commerce and communal activities.
8. To allow business activities and appropriate non-residential development outside hamlets in a manner that maintains the scenic, rural character; environment; and low density residential nature of those areas.
9. To improve the supply of affordable housing and encourage housing for seniors.
10. To provide flexibility in determining lot sizes, allowing small building lots while promoting open space and rural character.
11. To provide a network of streets, highways, sidewalks, and paths that ensures convenient access and safe, efficient circulation for motorists, cyclists, pedestrians, and emergency vehicles during normal circumstances and during times of fire, flood, and other dangers.
12. To promote Ancram's recreational needs to enhance a sense of community.
13. To ensure new land uses conform to our community's desire to protect farmland, open space, the environment, and our rural character.

**E. Supersession of Inconsistent Laws.**

This Town Board hereby declares its legislative intent to supersede any provision of any local law, rule or regulation, or provision of the New York State Town Law inconsistent with this Zoning Law. The New York State Town Law provisions intended to be superseded include all of Article 16 of the Town Law and any other provision of the law that the Town may supersede pursuant to the New York State Municipal Home Rule Law and the New York State Constitution. The courts are directed to take notice of this legislative intent and apply it in the event the Town has failed to specify any provision of law that may require supersession. The Town Board hereby declares that it would have enacted this Zoning Law and superseded such inconsistent provision had it been apparent.

**F. Repeal and Replacement of Prior Zoning Law.**

By this Local Law, the Town Board of the Town of Ancram hereby repeals the Town's prior Zoning Law and replaces it with this Zoning Law. This shall take place at the moment this Zoning Law becomes effective.

## **Article II. Districts**

**A. Names of Zoning Districts.**

In order to fulfill the purpose of this Law, the Town of Ancram establishes and is hereby divided into the following zoning districts:

|    |                      |
|----|----------------------|
| Ag | Agriculture District |
| H  | Hamlet Districts     |

|        |   |
|--------|---|
| AH-R2  | Ancram Hamlet Residential District          |
| AdH-R2 | Ancramdale Hamlet Residential District      |
| BCH-R2 | Boston Corner Hamlet Residential District   |
| AH-B/R | Ancram Hamlet Business/Residential District |

|                   |   |
|-------------------|---|
| AdH-B/R           | Ancramdale Hamlet Business/Residential District       |
| RhoR1             | Lower Rhoda Residential District                      |
| CarsRd            | Carson Road Residential District                      |
| I-1               | Light Industrial District                             |
| Special Districts |   |
| FBD               | Floating Business District                            |
| F                 | Area of Flood Concern                                 |
| SCOZ              | Scenic Corridor Overlay Zone                          |
| R/SSPOD           | Ridgeline and Steep Slope Protection Overlay District |

**B. District Purposes.**

1. The Agricultural District (Ag) is established to promote the health, safety, and general welfare of the residents of the Town and to:
  - a. conserve, protect, and encourage the development and improvement of agricultural land for the production of food and other agricultural products, and also conserve, protect, and encourage open space for its natural, ecological, and scenic benefits;
  - b. maintain a critical mass of agricultural land and prevent further fragmentation of the Town's existing farms and farmland;
  - c. encourage a development pattern that keeps farmland in productive use or available for future agricultural use consistent with the Town of Ancram Comprehensive Plan;
  - d. promote active agricultural land uses;
  - e. encourage land uses that are compatible with agricultural uses; and
  - f. promote agriculture as a major component of the local economy.
2. The Hamlet Residential Districts, including Ancram Hamlet Residential District (AH-R2), Ancramdale Hamlet Residential District (AdH-R2), and Boston Corner Hamlet Residential District (BCH-R2) have been established for the purpose of promoting the health, safety, and general welfare of the residents of the Town and to:
  - a. recognize these hamlets as traditional concentrations of settlement in Ancram;
  - b. facilitate a higher density of residential development consistent with the existing residential character of these hamlets;
  - c. reinforce these hamlets as principal locations for residential, commercial, and cultural uses;
  - d. ensure new development has a building scale, massing, layout and design that are pedestrian oriented and consistent with the traditional character and environment of each hamlet;
  - e. provide for and encourage a mixture of housing types and opportunities to meet the housing needs of Town residents; and
  - f. build and maintain these hamlets as vital town centers.

3. The Hamlet Business/Residential Districts, including Ancram Hamlet Business/Residential District (AH-B/R) and Ancramdale Hamlet Business/Residential District (AdH-B/R) are established as mixed use districts within the Ancram and Ancramdale hamlets in order to encourage a mix of residential and appropriately scaled commercial uses designed to be compatible with each other and that also reflect the traditional scale, density and character found in those areas.
4. The Lower Rhoda Residential District (RhoR1) is established to accommodate higher density residential development in a manner consistent with lot size configurations in this area and with protection of environmentally sensitive areas, open spaces, and lake shore areas.
5. The Carson Road District (CarsRd) is established to allow for low density residential development in a manner consistent with the existing long and narrow lot configurations and subdivisions in this area.
6. The Light Industrial District (I-1) is established to allow light industry and manufacturing that improve the town's economic base while being of a nature and scale that are compatible with the town's character.
7. The Floating Business District (FBD) is established as an overlay district to allow for light manufacturing uses in appropriate locations where the nature, scale, and intensity of such use are compatible with the physical, scenic, and environmental characteristics in the neighborhood and Town. An additional purpose of an FBD is to flexibly site service and non-retail business uses of greater intensity or scale than are allowed in the use table for a particular district, provided the nature, scale, and intensity of such uses are compatible with the physical, scenic, and environmental characteristics of the neighborhood and town.
8. The Area of Flood Concern (F) is established as an overlay district to ensure the safety, health and welfare of Ancram residents and land uses in areas subject to flooding as mapped on the official Town of Ancram FIRM maps.
9. The Scenic Corridor Overlay Zone (SCOZ) is established as an overlay district to protect important scenic areas along Route 22 and the Harlem Valley known to contribute to the beauty, rural character, and quality of life of Ancram residents. It is the intent of this District to protect views from public roads and to regulate land uses so that they will complement rather than detract from a scenic experience. It is further the purpose of this district to improve the town of Ancram's economic vitality by preserving one of the significant scenic resources within the Town, enhancing the Town's attractiveness to its visitors as well as its citizens.
10. The Ridgeline/Steep Slope Protection Overlay District (R/SSPOD) is established as an overlay district at certain ridgeline and steep slope areas identified as important in the Town of Ancram in order to protect the environment in these environmentally sensitive locations and to maintain the scenic rural character of the Town.

### **C. Zoning Maps.**

The location and boundaries of said zoning districts are shown on the maps entitled 'Zoning Map' or 'Zoning Overlay Map' certified by the Town Clerk as adopted. These maps together

with everything shown on them are hereby adopted and declared to be an appurtenant part of this Law.

**D. Interpretation of District Boundaries.**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the centerlines or right-of-way lines of streets, highways, public utility easements and aqueducts, or watercourses, said boundaries shall be construed to be coincident with such lines.
2. Where district boundaries are indicated as approximately following the Town boundary line, property lines, lot lines or projections thereof, said boundaries shall be construed to be coincident with such lines or projections thereof.
3. Where district boundaries are so indicated that they are approximately parallel to the Town boundary line, property lines, lot lines, right-of-way lines, or projections thereof, said boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the Zoning Map or as shall be determined by the use of the scale shown on the Zoning Map.
4. Where a district boundary line divides a lot in a single or joint ownership of record at the time such line is established, the regulations for the less restricted portion of such lot shall extend not more than 30 feet into the more restricted portion.
5. In all other cases, where not dimensioned, the location of boundaries shown on the Map shall be determined by the use of the scale appearing thereon.

**E. Application of District Regulations**

1. No land or building shall hereafter be used, occupied, erected moved or altered unless in conformity with the regulations specified for the District in which it is located.
2. No building shall hereafter be erected or altered.
  - a. to exceed the maximum height than is required for the District in which such building is located;
  - b. to occupy a greater percentage of lot area than is required for the District in which such building is located;
  - c. to accommodate or house a greater number of families than is required for the District in which such building is located; or
  - d. to have narrower or smaller front yard, rear yard, side yard or other open space than is required for the District in which such building is located.
3. No part of a yard about any building or other open space required shall be included as part of a yard or other open space similarly required for another building unless specified by the Planning Board as part of an open space conservation subdivision.
4. No more than one single family dwelling or two family dwelling shall be permitted on each lot.

5. No off-street parking or loading space required for one building or use shall be included as meeting, in whole or part, the off-street parking or loading space required for another building or use except as provided in Article V.
6. No off-street parking or loading space shall be so reduced in area that it does not meet the requirements of this Law.

## **F. Establishment of a Floating Business District**

### **1. Purpose.**

The Town of Ancram desires to encourage light manufacturing projects that will improve the economic base of the community and, at the same time, protect the town's character. The principal purpose of a Floating Business District (FBD) is to allow for light manufacturing uses in appropriate locations where the nature, scale, and intensity of such uses are compatible with the physical, scenic, and environmental characteristics in the neighborhood and Town. Any application for, or development within an FBD must recognize that protection of Ancram's scenic rural character will be a prime consideration for approval or denial.

An additional purpose of an FBD is to flexibly site service and non-retail business uses of greater intensity or scale than allowed in the use table for a particular district, provided the nature, scale, and intensity of such uses are compatible with the physical, scenic, and environmental characteristics of the neighborhood and town.

### **2. Applicability.**

- a. An FBD zoning district only exists within the text of this zoning law and is not placed on the Ancram Zoning Map until the Town Board approves an application to create a particular FBD and to affix that zoning district designation to a specific property(s). The provisions of an FBD will apply only to a specific property(s) that is rezoned to an FBD designation by the Town Board.
- b. FBD designation shall only be available to and shall be limited to property having primary vehicular access to State Highways 22 and 82 and to County Highways 3, 7, and 8 outside of any hamlet district. In no case shall access be approved if it shall be deemed by the Town Board to be hazardous or deleterious to a residential area or an impediment to agricultural activities.
- c. Upon the Town Board's decision to rezone a property(s) to FBD designation, a unique, numbered zoning district classification (FBD #[ ]) will be created on the Zoning Map of the Town of Ancram. The plan approved by the Town Board in conjunction with the map amendment shall become an integral part of the zoning for land included within that FBD. The Town Board shall establish the zoning standards for that FBD.
- d. Subsequent to the Town Board's approval of the zoning change and FBD designation, a site plan application, and any special use permit application required by the Town Board, must be approved by the Planning Board before site development may begin. Such detailed site plan must comply in all respects with Town of Ancram site plan

requirements, special use permit requirements, standards established by the Town Board for the FBD, and any other applicable provisions of this zoning law.

3. Relationship to Zoning Regulations.

Unless expressly prescribed by this law, all uses, dimensional, architectural, bulk, location, landscaping, parking, and lighting requirements for an FBD shall be established by the Town Board in its sole legislative discretion as part of an approved plan for that zone. The Town may also require FBD uses to meet the specific development standards of Article V (D) Light Industry/Manufacturing.

4. Criteria for Decision Making.

In order to grant approval of an FBD, the Town Board must make the following findings:

- a. That the site is adequate in size to support the proposed quantity of development.
- b. That the site is suitable in terms of topography, soils and other physical attributes and location for the proposed use(s).
- c. That the proposed method of sewage disposal, provision of water and provision of surface water drainage are adequate in accordance with the County and/or New York State Department of Health standards.
- d. That utilities and public services are adequate to serve the needs of the proposed uses.
- e. That ground water supply levels and other natural resources, including critical habitats, are protected to the maximum extent practical and that the project does not disrupt scenic vistas, historic or archaeologically sensitive areas, or other important cultural areas to a significant degree.
- f. That the proposed FBD encourages the conservation and enhancement of the rural character of undeveloped areas by protecting open space, farmland, and natural resources, and minimizes flooding and erosion by protecting the functions of wetlands, wetland buffers, water bodies, water courses, floodplains, areas of high water table, steep slopes, and natural vegetative cover.
- g. That the proposed uses within the FBD are compatible with one another and with adjacent uses, including agriculture.
- h. That the project's impact on traffic flow on surrounding roads and intersections does not reduce levels of service below the current service level.
- i. That the project's visual, noise, light, and other impacts on neighborhood character are acceptable compared to the benefits of the project to the community.
- j. That the proposed plan will not have adverse effects which overbalance its beneficial effects on either the neighborhood, nearby agricultural uses, or the Town.

5. General Requirements.

- a. The minimum gross land area required for a FBD is five (5) contiguous acres on one or more parcels. In the event a proposed FBD consists of more than one (1) parcel, each parcel must have a minimum one hundred (100) foot boundary with another parcel in order to be included in the FBD. There shall be a maximum of 70% lot coverage. The maximum building footprint for any building within the FBD shall not exceed 20,000 square feet. As an incentive to promote growth near B/R districts, the Town Board may reduce the minimum lot size, or increase the maximum lot coverage when a FBD is proposed to be located within ½ mile of the B/R districts within the hamlets of Ancram or Ancramdale or immediately adjacent to an existing FBD, but only if community character and environmental issues are adequately addressed. No FBD shall abut an R2 district anywhere in Ancram.
  - b. All new utilities shall be installed underground, unless waived by the Planning Board during site plan/special use permit review due to physical constraints or other special circumstances. Utilities that are not customarily installed underground, such as transformer boxes, are not required to be installed underground.
  - c. Any structure within the FBD must be located at least one hundred (100) feet from the boundary line of the property. Where existing topography, site conditions, property ownership and/or landscaping will effectively screen the buildings from an abutting residential structure, the Planning Board may modify these building setbacks during site plan/special use permit processes.
  - d. The maximum building height of any structure in a FBD shall be forty-five (45) feet.
6. Uses Permitted in the FBD.
- a. Light manufacturing, service, and non-retail business uses as permitted in the Use Table, but which are of greater intensity or scale than permitted in the Use Table, the dimensions table, or by the criteria of Article V (D), shall only be allowed at such greater intensity or scale in a FBD approved by the Town Board pursuant to this section. This shall not be construed to constrain the ability of a landowner from seeking an area variance. No retail use shall be approved of in a FBD.
  - b. An FBD is to be established to accommodate one use or one application. If, subsequent to the establishment of a FBD, other uses are proposed to be added to the location, the following procedures shall be followed:
    1. The addition of new uses shall be considered an amendment to the FBD.
    2. All new uses shall be decided by the Town Board, after public hearing pursuant to sub-section g (Approval), below.
    3. The applicant shall be required upon approval of the FBD zoning amendment by the Town Board to make a complete application to the Planning Board for site plan, subdivision, and/or special use permits, as may be required by the Town Board.
  - c. The Town Board shall approve all land uses proposed for the FBD prior to establishment of the FBD. All land uses allowed within the FBD, whether in

separate buildings or in mixed use buildings, shall be reviewed and approved pursuant to Article VI (Special Use Permits) and/or Article VII (Site Plan Approval)

7. Procedures to Amend the Zoning Law to Create a Floating Business District.
  - a. Informal Meeting with Town Board. Prior to submission of an application, the Applicant shall schedule one or more preliminary meetings with the Town Board to discuss its proposal to determine if the Town Board is willing to commence the FBD review and decision process. The Town Board, in its sole discretion, may decide at any time not to discuss the proposal with the Applicant, nor to accept, process, and review any proposal or application.
    1. If the Town Board decides to commence the FBD review, it shall establish an escrow account to cover all costs related to the review of the FBD application including, but not limited to site visits, review of the site plan, studies, reports, analysis, or other information that may be required or submitted. All costs shall be borne by the applicant. This escrow account shall be in addition to any application fees established by the Town Board. All procedures and standards of LL#1 of 2004, shall be followed in establishment and management of an escrow account. The applicant shall supply the Town Board information as may be required to calculate the dollar amount required for the escrow account.
  - b. Town Board Petition. The applicant shall petition the Town Board for a zoning amendment to create a FBD in accordance with Article XII (Amendments) of this zoning law. Five copies of this petition, along with any fee as may be established by the Town Board shall be submitted to the Town Board and shall include the following information:
    1. If a proposed FBD contains more than one parcel, the owner of each parcel must sign the application.
    2. The purpose of the FBD, a written description of the proposed land uses in the FBD, and to what extent it meets criteria established in this section.
    3. A site plan that contains the following information:
      - a. A boundary survey of the land to be included in the district at a scale no smaller than 1" = 50 feet, and prepared by a New York State Licensed Land Surveyor;
      - b. Existing topography with 2' contours to show the general gradient of the site, existing structures, existing roads and rights-of-way, major topographic features;
      - c. Existing land uses within five hundred (500) feet of the area to be rezoned;
      - d. Names of all property owners located within five hundred (500) feet of the boundary of the property to be rezoned, as listed on the Town Assessor's records;
      - e. An Ag Data Statement with all adjacent agricultural land uses identified, if applicable.

- f. Limits of wetlands, watercourses and floodplains;
- g. Identification of any known natural and/or cultural resources (e.g., stone walls, foundations, archeological sites, significant natural features including, but not limited to, streams, wetlands, steep slopes, floodplains, critical habitats, heritage trees, etc.) on the site.
- h. Location and size of proposed buildings and structures, including:
  - the square footage of each proposed building;
  - the allocation of uses for each type of building;
  - the height of each building or structure;
  - the location and use of existing buildings or structures, and the intended use thereof; and
  - the architectural design of each building or structure.
- i. Proposed building design showing the exterior materials and finishes to be used, roof lines and materials, fenestration, color palette; building and site illumination; signs, street furniture, and such other design and architectural details.
- j. General proposed water supply needs, documentation on availability of water supplies (such as well data from existing wells on or near the site) and proposed sewage disposal facilities, including test pit data and suitability for on-site disposal; or, for public sewers, the capacity of the treatment plant, the general route of sewer trunk lines, and other preliminary feasibility information. Final engineering design, final governmental approvals, or physical construction of water or effluent disposal facilities shall not be required with the application for zoning amendment and FBD designation, but shall be required prior to the issuance of any Site Plan or Special Permit in accordance with this zoning law.
- k. Analysis of existing and proposed peak rates of storm water discharge from the property for 2, 10, 25, 50 and 100 year storm events;
- l. Description of stormwater drainage improvements to be constructed, including phasing based on a 50 and 100-year storm event;
- m. General locations of utilities and drainage facilities to serve the area to be rezoned;
- n. Analysis, prepared by a licensed engineer, of anticipated traffic to be generated by the land uses proposed for the area to be rezoned, including projected levels of service and queuing at key intersections and description of traffic improvements to mitigate traffic impacts;
- o. Overall analysis of parking demand for the area to be rezoned, including shared use analysis, if applicable;

- p. Public and private streets and circulation patterns and potential traffic improvements proposed by the applicant;
  - q. General locations of on and off-street parking, loading and delivery areas;
  - r. Types, approximate locations and number of parking spaces to be provided;
  - s. Existing and proposed pedestrian facilities and circulation routes;
  - t. Public and private open spaces, both improved and natural, and the square footage or acreage thereof;
  - u. General landscaping plans, including existing vegetation to be preserved and general location of landscape buffers, including general type of landscaping proposed (e.g., evergreen tree, shade tree, flowering tree, evergreen shrub or hedge, flowering shrub, ground cover, existing vegetation to remain) and general location of landscaping (buffers, street trees, parking lot islands, foundation plantings). Details such as the species, number, size, and exact location of such landscaping may be deferred to the subsequent Site Plan/Special Permit review;
  - v. Proposed project phasing of components, including phasing of public improvements and provisions to address construction traffic;
  - w. Anticipated phasing of traffic improvements within project area.
- 4. The applicant shall certify the truth and accuracy of all information presented in the application.
  - 5. The applicant shall certify that he/she understands and accepts that the Town Board, in its sole discretion, may reject the application at any time during the review process for no reason and that he/she willingly and voluntarily makes the application and incurs any expenses thereof with full knowledge of this Town Board prerogative.
- c. **Planning Board Opinion.** If the Town Board agrees to proceed with the FBD review process, the Town Board shall refer the FBD petition and all accompanying application information to the Planning Board for written report and recommendation. The Planning Board may request such additional documentation and information from the Applicant as it deems necessary to prepare its report and recommendation to the Town Board. The report and recommendation of the Planning Board shall include a recommendation as to whether the FBD application should be granted, denied or granted with conditions. The Planning Board shall make its report to the Town Board within 62 days of receipt of the FBD referral application. This timeframe may be extended upon request and mutual consent among the Planning Board, Town Board and applicant.
  - d. **SEQRA.** If the Town Board agrees to proceed with the FBD review process, the Town Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations after the Town Board receives the advisory opinion from

the Planning Board. The FBD application shall not be deemed complete until such time as the Town Board issues a negative SEQRA determination or a Draft Environmental Impact Statement is accepted as complete for purposes of commencing public review. Any petition for a FBD shall be designated a Type 1 action, requiring the submission of the full Environmental Assessment Form (Long Form).

e. Public Hearing

1. If the Town Board agrees to proceed with the FBD review process, the Town Board shall conduct a public hearing on any application for a FBD. The Town Board shall give public notice of the hearing in a newspaper of general circulation in the town at least ten (10) days prior to the date of the hearing.
2. In addition, the Town Board shall provide notice of such hearing by mail to all property owners within five hundred (500) feet of the parcel for which a Zone change is requested. Such mailing shall be sent to at least one owner of each such property not more than fifteen (15) days nor less than ten (10) days before the date set for the public hearing, by transmitting the text of the public hearing notice as provided by the Town Board or its agent. The applicant shall provide a copy of the list of property owners within five hundred (500) feet including names of all the property owners, street address per the Assessor's map and Assessor's map(s) and parcel number(s) for each property. Such list shall be provided at the time of application submission.

f. Referrals

1. At least ten days before any public hearing, the Town board shall refer the FBD application to the Columbia County Planning Board as required by Section 239-m of the General Municipal Law.
2. The Town Board shall refer the application FBD to the Town of Ancram Conservation Advisory Council for an advisory opinion on any environmental issues related to any application being considered for FBD approval. Any CAC advisory opinion must be submitted to the Town Board prior to any SEQRA declaration by the Town Board.

g. Approval

1. The Town Board, in its sole discretion, may reject any request for a FBD at any time during the petition review process. The Town Board, within 62 days of the close of the public hearing and upon completion of the SEQRA findings, shall make its decision to approve, disapprove, or approve with conditions the FBD zoning change. The Town Board may attach any conditions required to ensure that the FBD is consistent with the Comprehensive Plan and the intent of the zoning law. If the Town Board disapproves the FBD zoning change, the Town Board shall make a written statement that sets forth the reasons for the Board's decision not to approve the application. Upon disapproval of the FBD zoning change, the Town 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 Town Board's reasons for disapproval.

If the Town Board determines to approve or approve with conditions the FBD request, the Town Board shall, in writing:

- a. State the criteria used for decision making set forth in sub-section D of this Article and state its finding as to what extent the proposed FBD meets these criteria and to what extent it benefits the Town of Ancram.
- b. Determine the number, type, scale, size, and intensity or other bulk dimensions of uses which shall be allowed in the FBD.
- c. Identify which uses shall require special use permits, in addition to site plan approval.
- d. Establish such other conditions and requirements which the Applicant must adhere to in the development of the FBD.
- h. Filing of Approved FBD and Zoning Map Amendment. Following approval by the Town Board of a FBD, the zoning text and zoning map shall be duly amended by the Town Board to reflect the development location, standards, and requirements as approved by the Town Board. Such map and text shall be filed, as required, as local law with the State of New York Department of State, and a copy shall be filed in the Columbia County Clerk's Office, and Office of the Town Clerk. The approved map amendment shall be identified on the Zoning Map with a numbered FBD designation (e.g. FBD 1, FBD 2).
- i. Site Plan and Special Use Review and Approval by the Planning Board. The zoning of the property as an FBD by the Town Board does not create any vested rights in the applicant or property owner. The applicant shall be required upon approval of the FBD zoning to make a complete application to the Planning Board for site plan, subdivision, and/or special use permits, as may be required by the Town Board. The Planning Board may utilize all information submitted to the Town Board by the applicant in preparation for site plan and/or special use permit applications. The Planning Board may, at its own discretion, require such additional information as needed for conducting the special use and/or site plan reviews.
- j. Expiration of FBD District. The applicant shall submit an application for site plan, special use or subdivision approvals, as the case may be, within 1 year of the date of approval by the Town Board of the FBD zoning. If this application is not made within one (1) year of the date the FBD zoning is granted, the rezoning shall become null and void and the land which is the subject of the FBD rezoning shall revert to the underlying zone. Prior to said one year (1) period, the applicant may request from the Town Board an extension of time for the submission of a plan and reasons for such extension. The Town Board, in its discretion, may approve or deny the extension.

Special Permit approval for one or more phases of an approved FBD or the entire FBD must be obtained no later than three (3) years following the approval of the FBD. All components of the FBD shall be completed no later than five (5) years after final approval of the FBD, provided that the Town Board may grant extensions of time where the developer demonstrates that it is making a good faith

effort to complete the development and there are no outstanding violations of this zoning law with respect to the FBD. Any failure to meet these deadlines shall result in the expiration of the FBD which shall become null and void.

If the FBD becomes null and void, the Town Board shall notify the owners of land within the FBD of such change, place notice of such change in the official newspaper of the Town, and cause the official zoning map to be amended to remove the FBD designation. Any map change related to removal of a FBD shall follow all procedures of Article XII of this law.

- k. Changes. Any significant changes to building location, sizes, type, use, configuration, site plan, or changes which the Planning Board deems may have the potential to have a significant impact or represents a significant deviation from the plans upon which the FBD zone is based, shall be referred back to the Town Board for its review and consideration. The Town Board shall determine whether any changes require amendments to the FBD plan.

8. Design Standards

- a. Building Placement. Buildings shall define the streetscape through the use of setbacks along the build-to line. The build-to line shall be generally continued across side yard setback areas between buildings by using landscaping. The streetscape shall also be reinforced by lines of closely planted shade trees, and may be further reinforced by walls, hedges or fences which define front yards.
- b. Architectural Character. Buildings may be either traditional in their architectural character, or be a contemporary expression of traditional styles and forms respecting the scale, proportion, character and materials of historic village and hamlet structures.
- c. Architectural Variety. A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.
- d. Scale. The scale of new construction, including the arrangement of windows, doors and other openings within the façade shall be compatible or similar with historic buildings in the region.
- e. Building Mass. Buildings of eighty (80) feet or more in width shall be visually divided into smaller increments to reduce their apparent size and contribute to a human scale development. The mass of these buildings shall be de-emphasized in a variety of ways through architectural details such as divisions or breaks in materials, window bays, separate entrances and entry treatments, variation in rooflines, awnings, or the use of sections that may project or be recessed up to ten (10) feet.
- f. Consistent Cornice Lines. Attached buildings shall maintain cornice lines in buildings of the same height.
- g. Fenestration. Windows and other openings shall have proportions and a rhythm of solids to voids similar to historic buildings in the region.

- h. **Roof Materials.** Roof materials and color should be traditional, meaning they should be within the range of colors found on historic buildings in the region. The use of fascia's, dormers and gables is encouraged to provide visual interest.
- i. **Exterior Wall Materials.** Exterior wall materials and texture should be similar to that found on historic buildings in the region.
- j. **Colors.** Colors on exterior surfaces shall use pallets that blend with the surrounding landscape, or that are harmonious with surrounding development, whichever the Town Board determines to be most compatible with the scenic rural character of the neighborhood and the Town.
- k. **Accessory Structures.** All accessory structures, screen walls and exposed areas of retaining walls shall be of a similar type, quality and appearance as the principal structure.
- l. **The Planning Board may require:**
  - 1. Pedestrian facilities, including hiking or bicycle trails.
  - 2. Streetscape and landscaping standards, including materials, street furniture, illumination, cross walks, and preservation of existing specimen trees.
- m. All other development standards of this zoning law for commercial structures including, but not limited to, lighting, landscaping, and signage standards shall be met.

## **Article III. Uses**

### **A. Permitted and Special Permitted Uses**

1. No lot, building or premises shall be erected, altered, or used that does not comply with one or more of the uses designated in the following table for each zoning district.
2. Acronyms in the following use table have these meanings:
  - a. P - designates a use permitted by right;
  - b. SPR -designates a use subject to site plan review and approval by the Planning Board pursuant to Article VII of this Zoning Law;
  - c. ASPR- designates a use subject to abbreviated site plan review and approval by the Planning Board pursuant to Article VII of this Zoning Law;
  - d. SUP -designates a use subject to site plan review and to approval of a special use permit by the Planning Board
  - e. X designates a use that is not permitted.
3. Uses not included in the Use Table shall be considered prohibited.
4. All uses for or within a Floating Business District (FBD) shall be determined at the time the FBD is approved by the Town Board pursuant to Article II (F) of this Law.
5. Light manufacturing, service, and non-retail business are eligible uses for inclusion in a Floating Business District (FBD). This shall not be construed to constrain the ability of a landowner from seeking an area variance from the Zoning Board of Appeals.

| <b>USES</b>  | <b>Ancram,<br/>Ancramdale,<br/>Hamlets-B/R</b>              | <b>Ancram,<br/>Ancramdale,<br/>Boston Corners<br/>Hamlets AH-R2</b> | <b>Ag</b>   | <b>RhoR1</b>   | <b>I-1</b> | <b>CarsRd</b>  |
|--|---|---|---|--|------------|--|
| <b><i>Residential Uses:</i></b>                                |   |   |   |  |            |  |
| ECHO temporary home  | SUP   | SUP   | SUP   | SUP  | X          | SUP  |
| Farm-worker housing if on an actively farmed parcel            | ASPR  | ASPR  | ASPR  | ASPR   | X          | ASPR   |
| Group home   | SUP   | SUP   | SUP   | SUP  | X          | SUP  |
| Manufactured home  | P, or<br>ASPR if it meets<br>criteria of Article<br>VII (G) | P, or<br>ASPR if it meets<br>criteria of Article VII<br>(G)         | P, or<br>ASPR if it meets<br>criteria of Article<br>VII (G) | P,<br>ASPR if it<br>meets<br>criteria of<br>Article VII<br>(G) | X          | P,<br>ASPR if it meets<br>criteria of Article<br>VII (G) |
| One-Family dwelling  | P, or<br>ASPR if it meets<br>criteria of Article<br>VII (G) | P, or<br>ASPR if it meets<br>criteria of Article VII<br>(G)         | P, or<br>ASPR if it meets<br>criteria of Article<br>VII (G) | P,<br>ASPR if it<br>meets<br>criteria of<br>Article VII<br>(G) | X          | P,<br>ASPR if it meets<br>criteria of Article<br>VII (G) |
| Two-Family dwelling  | P, or ASPR if it<br>meets criteria of<br>Article VII (G)    | P, or ASPR if it meets<br>criteria of Article VII<br>(G)            | P, or ASPR if it<br>meets criteria of<br>Article VII (G)    | P,<br>ASPR if it<br>meets<br>criteria of<br>Article VII<br>(G) | X          | P, or ASPR if it<br>meets criteria of<br>Article VII (G) |
| <b><i>Residential Accessory Uses:</i></b>                      |   |   |   |  |            |  |
| Accessory apartment within an existing structure               | P   | P   | P   | P  | X          | P  |
| Accessory apartment in a new addition to an existing structure | ASPR  | ASPR  | ASPR  | ASPR   | X          | ASPR   |
| Agriculture—animals as hobby/home use                          | SUP   | SUP   | P   | SUP  | X          | P  |
| Fence  | P   | P   | P   | P  | X          | P  |
| Garage   | P   | P   | P   | P  | X          | P  |
| Greenhouse or Hothouse < 500 square feet                       | P   | P   | P   | P  | X          | P  |

| <b>USES</b>   | <b>Ancram,<br/>Ancramdale,<br/>Hamlets-B/R</b> | <b>Ancram,<br/>Ancramdale,<br/>Boston Corners<br/>Hamlets AH-R2</b> | <b>Ag</b> | <b>RhoR1</b> | <b>I-1</b> | <b>CarsRd</b> |
|---|--|---|-----------|--------------|------------|---------------|
| Greenhouse or Hothouse 500 square feet or greater                 | ASPR   | ASPR  | P         | ASPR         | X          | ASPR          |
| Guest house   | SPR  | SPR   | SPR       | SPR          | X          | SPR           |
| NC Wind power turbine/tower                                       | SUP  | SUP   | SUP       | SUP          | X          | SUP           |
| Outdoor wood furnace <sup>1</sup>                                 | SUP  | P   | P         | P            | X          | P             |
| Playhouse <100 Square feet  | P  | P   | P         | P            | X          | P             |
| Playhouse 100 square feet or greater                              | ASPR   | ASPR  | P         | ASPR         | X          | P             |
| Pool house/cabana   | P  | P   | P         | P            | X          | P             |
| Private aircraft hangar   | X  | X   | SUP       | X            | X          | X             |
| Private airfield  | X  | X   | SUP       | X            | X          | X             |
| Private animal training arena                                     | SUP  | SUP   | P         | SUP          | X          | P             |
| Private barn/stable   | SUP  | SUP   | SUP       | SUP          | X          | SUP           |
| Private bridge  | SPR  | SPR   | SPR       | SPR          | X          | SPR           |
| Private firing range  | X  | X   | SPR       | X            | X          | SPR           |
| Private golf course   | X  | X   | SPR       | X            | X          | SPR           |
| Private helipad   | X  | X   | X         | X            | X          | X             |
| Private horse course  | SUP  | SUP   | P         | SUP          | X          | P             |
| Private kennel  | P  | P   | P         | P            | X          | P             |
| Private motor sports track/course                                 | X  | X   | SUP       | X            | X          | X             |
| Self-storage pod placed less than 120 days (See also J(10))       | P  | P   | P         | P            | P          | P             |
| Self-storage pod placed 120 days or greater                       | SUP  | SUP   | SUP       | SUP          | SUP        | SUP           |
| Solar energy apparatus installed along the plane of a roof        | P  | P   | P         | P            | P          | P             |
| Solar energy apparatus installed as stand-alone or other mounting | SUP  | SUP   | SUP       | SUP          | X          | SUP           |

<sup>1</sup> All outdoor wood furnaces shall meet all standards of Article V (D) and NYS ECL Part 247 (Outdoor Wood Boilers).

| <b>USES</b>   | <b>Ancram,<br/>Ancramdale,<br/>Hamlets-B/R</b>  | <b>Ancram,<br/>Ancramdale,<br/>Boston Corners<br/>Hamlets AH-R2</b> | <b>Ag</b>   | <b>RhoR1</b>                                    | <b>I-1</b> | <b>CarsRd</b>  |
|---|---|---|---|---|------------|--|
| Swimming pool   | P   | P   | P   | P   | X          | P  |
| Tennis court  | SPR   | P   | P   | P   | X          | P  |
| <b>Residential-Commercial Uses:</b>   |   |   |   |   |            |  |
| Bed & Breakfast   | SPR   | SUP   | ASPR  | SUP   | X          | SUP  |
| Hotel   | SPR   | X   | SUP   | X   | X          | X  |
| Inn   | SPR   | X   | SUP   | X   | X          | X  |
| Lodge   | SPR   | X   | SUP   | X   | X          | X  |
| Motel   | SPR   | X   | SUP   | X   | X          | X  |
| Multi-Family including senior housing   | SUP   | SUP   | SUP   | SUP   | X          | SUP  |
| Assisted living/continuous care<br>Nursing home, convalescent home,<br>half-way house, cancer treatment<br>facility | SUP   | SUP   | SUP   | SUP   | X          | SUP  |
| Manufactured Home Park  | X   | X   | Allowed when<br>approved by the<br>Town Board per<br>Article V (A) (15)   | X   | X          | X  |
| <b>Commercial Agricultural Uses:</b>  |   |   |   |   |            |  |
| Agriculture – animals   | P if in NYS Ag<br>District, SUP if not  | P if in NYS Ag<br>District, SUP if not                              | P   | P if in<br>NYS Ag<br>District,<br>SUP if not    | X          | P  |
| Agriculture—crops, hay  | P   | P   | P   | P   | X          | P  |
| Aquaculture, Fish Hatchery (See<br>Article V, D)  | SUP   | SUP   | P   | SUP   | X          | P  |
| Barns and Stables   | P if 1000 sf or less,<br>ASPR if greater than<br>1000 sf and in in<br>NYS Ag District;<br>SUP if >1000 sf if<br>not in NYS Ag<br>District | ASPR if in NYS Ag<br>District, SUP if not                           | P if 1000 sf or less,<br>ASPR if greater<br>than 1000 sf and in<br>in NYS Ag District;<br>SUP if >1000 sf if<br>not in NYS Ag<br>District | ASPR if in<br>NYS Ag<br>District,<br>SUP if not | X          | P if 1000 sf or<br>less,<br>ASPR if greater<br>than 1000 sf and<br>in in NYS Ag<br>District; SUP if<br>>1000 sf if not in<br>NYS Ag District |
| Beekeeping  | P   | P   | P   | P   | X          | P  |

| <b>USES</b>  | <b>Ancram,<br/>Ancramdale,<br/>Hamlets-B/R</b>                               | <b>Ancram,<br/>Ancramdale,<br/>Boston Corners<br/>Hamlets AH-R2</b>          | <b>Ag</b>  | <b>RhoR1</b>                           | <b>I-1</b> | <b>CarsRd</b>  |
|--|--|--|--|--|------------|--|
| Christmas Tree Farm                                | ASPR   | ASPR   | P  | ASPR                                   | X          | P  |
| Equipment sheds                                    | ASPR if in NYS Ag District, SUP if not                                       | ASPR if in NYS Ag District, SUP if not                                       | P if in NYS Ag District, SUP if not              | ASPR if in NYS Ag District, SUP if not | X          | P if in NYS Ag District, SUP if not  |
| Farm stand   | ASPR   | ASPR   | P  | ASPR                                   | X          | P  |
| Fences   | P  | P  | P  | P                                      | X          | P  |
| Greenhouse, Hot house                              | ASPR   | SUP  | P  | SUP                                    | X          | P  |
| Indoor or covered training arena                   | SUP  | SUP  | ASPR if in NYS Ag District, SUP if not           | SUP                                    | X          | ASPR if in NYS Ag District, SUP if not   |
| Outdoor or uncovered training arena                | SUP  | SUP  | P  | SUP                                    | X          | P  |
| Silos/Bunk Silos                                   | X  | X  | P if in a NYS Ag District, SUP if not            | X                                      | X          | P if in NYS Ag District, SUP if not  |
| Silvaculture/forestry                              | X  | X  | P  | X                                      | X          | P  |
|  |  |  |  |  |            |  |
| Training track/course                              | SUP  | SUP  | P  | SUP                                    | X          | P  |
| Winery, Distillery, Brewery (processing)           | SUP,<br>(in NYS Ag District<br>P if <3000 sf, ASPR<br>if 3000 sf or greater) | SUP,<br>(in NYS Ag District P<br>if <3000 sf, ASPR if<br>3000 sf or greater) | P if < 3000 sf,<br>ASPR if 3000 sf or<br>greater | X                                      | SUP        | SUP,<br>(in NYS Ag<br>District P if<br><3000 sf, ASPR<br>if 3000 sf or<br>greater) |
| <b><i>Agriculture-Related Commercial Uses:</i></b> |  |  |  |  |            |  |
| Agri-tourism [not by farmer]                       | X  | X  | ASPR   | X                                      | X          | ASPR   |
| Agri-tourism [on-farm, farmer's own]               | X  | ASPR   | P  | ASPR                                   | X          | P  |
| Cold Storage Facility                              | X  | X  | ASPR   | X                                      | X          | ASPR   |
| Commercial Kitchen [not by farmer]                 | SPR  | SPR  | ASPR   | SPR                                    | X          | ASPR   |
| Commercial Kitchen [on-farm]                       | SPR  | ASPR   | P  | ASPR                                   | X          | P  |
| Farm equipment sales/service                       | SPR  | X  | SPR  | X                                      | X          | SPR  |
| Farm market  | ASPR   | X  | ASPR   | X                                      | X          | ASPR   |
| Feed sales/distribution [farmer's own]             | ASPR   | ASPR   | P  | ASPR                                   | X          | P  |
| Feed sales/distribution [not by farmer]            | SPR  | X  | SPR  | X                                      | X          | SPR  |

| <b>USES</b>   | <b>Ancram,<br/>Ancramdale,<br/>Hamlets-B/R</b> | <b>Ancram,<br/>Ancramdale,<br/>Boston Corners<br/>Hamlets AH-R2</b> | <b>Ag</b>   | <b>RhoR1</b>  | <b>I-1</b> | <b>CarsRd</b>   |
|---|--|---|---|---|------------|---|
| Harvest storage/dist [farmer's own]                                   | ASPR   | ASPR  | P   | ASPR  | X          | P   |
| Harvest storage/dist [not by farmer]                                  | X  | X   | SPR   | X   | X          | SPR   |
| Shooting preserve   | X  | X   | SUP   | X   | X          | X   |
| Slaughterhouse [not on- farm]   | X  | X   | SUP   | X   | X          | X   |
| Slaughterhouse [on-farm]  | X  | X   | ASPR if in NYS Ag District, SUP If not                    | X   | X          | X   |
| Tannery [not on-farm]   | X  | X   | SUP   | X   | X          | X   |
| Tannery[on-farm]  | X  | X   | ASPR if in NYS Ag District, SUP if not                    | X   | X          | X   |
| Veterinarian/animal clinic/animal hospital                            | SUP  | X   | SUP   | X   | X          | X   |
| Winery, Distillery, Brewery —retail sales [as part of farm operation] | X  | X   | SUP   | X   | X          | X   |
| <b>Business Uses:</b>   |  |   |   |   |            |   |
| Adult entertainment facility/service                                  | SUP  | X   | X   | X   | X          | X   |
| Alcohol/beverage sales/distribution                                   | SPR  | X   | X   | X   | X          | X   |
| Amusement arcade  | SPR  | X   | X   | X   | X          | X   |
| Antique restoration   | SUP  | P for low impact home occupation only, X for all others             | P for low impact home occupation only, SUP for all others | P for low impact Home Occupation only, X for all Others | X          | P for low impact home occupation only, SUP for all others |
| Antique sales   | SPR  | X   | P for low impact home occupation only SUP for all others  | X   | X          | P for low impact home occupation only SUP for all others  |
| Appliance sales/service   | SPR  | X   | X   | X   | X          | X   |
| Art gallery   | SPR  | X   | SUP   | X   | X          | SUP   |
| Artisan/craftsman, e.g. glass, furniture, metal                       | SPR  | P for Low impact Home Occupation only, X all others                 | P for Low impact Home Occupation only, SUP all others     | P for low impact Home Occupation                        | X          | P for Low impact Home Occupation only, SUP all others     |

| <b>USES</b>   | <b>Ancram,<br/>Ancramdale,<br/>Hamlets-B/R</b> | <b>Ancram,<br/>Ancramdale,<br/>Boston Corners<br/>Hamlets AH-R2</b> | <b>Ag</b>   | <b>RhoR1</b>  | <b>I-1</b> | <b>CarsRd</b>   |
|---|--|---|---|---|------------|---|
|   |  |   |   | n only, X<br>for all<br>Others  |            |   |
| Auction house (agricultural items<br>including animals and equipment) | X  | X   | SUP   | X   | X          | SUP   |
| Auction house (non-agricultural items)                                | SPR  | X   | X   | X   | X          | X   |
| Auto body repair/paint shop   | SUP  | X   | X   | X   | SUP        | X   |
| Auto towing   | SUP  | X   | P for low impact<br>home occupation<br>with no repair on<br>premises,<br>X all others | X   | X          | P for low impact<br>home occupation<br>with no repair on<br>premises,<br>X all others |
| Auto/trailer rental office/parking area                               | SPR  | X   | X   | X   | X          | X   |
| Automotive sales/service  | SPR  | X   | X   | X   | X          | X   |
| Bakery  | SPR  | P for low impact<br>Home Occupation<br>only,<br>X all others        | P for low impact<br>Home Occupation<br>only,<br>SUP all others                        | No retail,<br>P for low<br>impact<br>Home<br>Occupatio<br>n only<br>SUP for all<br>others | X          | P for low impact<br>Home<br>Occupation only,<br>SUP all others                        |
| Bank/financial institution  | SPR  | X   | X   | X   | X          | X   |
| Barber or Beauty Salon  | SPR  | P for low impact<br>Home Occupation<br>only,<br>X all others        | P for low impact<br>Home Occupation<br>only,<br>SUP all others                        | X   | X          | P for low impact<br>Home<br>Occupation only,<br>SUP all others                        |
| Baseball hitting facility   | SUP  | X   | X   | X   | X          | X   |
|   |  |   |   |   |            |   |
| Bowling alley   | SPR  | X   | X   | X   | X          | X   |
| Butcher   | SPR  | P for low impact<br>Home Occupation<br>only,                        | P for low impact<br>Home Occupation<br>only,  | X   | X          | P for low impact<br>Home<br>Occupation only,  |

| <b>USES</b>  | <b>Ancram,<br/>Ancramdale,<br/>Hamlets-B/R</b> | <b>Ancram,<br/>Ancramdale,<br/>Boston Corners<br/>Hamlets AH-R2</b> | <b>Ag</b>   | <b>RhoR1</b> | <b>I-1</b> | <b>CarsRd</b>   |
|--|--|---|---|--------------|------------|---|
|  |  | X all others  | SUP all others  |              |            | SUP all others  |
| Camp, campground, campsite, summer camp, camping unit including RVs or Tents for educational, recreational or vacation uses  | X  | X   | SUP   | X            | X          | SUP   |
| Car wash   | SPR  | X   | X   | X            | X          | X   |
| Casino   | X  | X   | X   | X            | X          | X   |
| Cemetery (public)  | X  | X   | SPR   | X            | X          | SPR   |
| Clinic   | SPR  | X   | SUP   | X            | X          | SUP   |
| Commercial airfield  | X  | X   | X   | X            | X          | X   |
| Commercial bus station   | X  | X   | X   | X            | X          | X   |
| Commercial cleaning/janitorial svcs  | SPR  | P for low impact Home Occupation only,<br>X all others              | P for low impact Home Occupation only,<br>SUP all others    | X            | X          | P for low impact Home Occupation only,<br>SUP all others    |
| Commercial Flea market   | SUP  | X   | SUP   | X            | X          | SUP   |
| Commercial kennel  | X  | X   | SUP   | X            | X          | SUP   |
| Commercial Race track/course animal  | X  | X   | X   | X            | X          | X   |
| Computer/electronics sales/service   | SPR  | P for low impact Home Occupation only,<br>X all others              | P for low impact Home Occupation only,<br>SUP all others    | X            | X          | P for low impact Home Occupation only,<br>SUP all others    |
| Consignment/thrift sales   | SPR  | X   | P for low impact Home Occupation only,<br>X all others      | X            | X          | P for low impact Home Occupation only,<br>X all others      |
| Construction equipment/supplies  | SPR  | X   | X   | X            | X          | X   |
| Contracting Office and Structures for excavating, construction, electrical, plumbing, heating, cooling, painting, roofing, gutter, snow removal, blasting services | SPR  | P for low impact home occupation only<br>X for all others           | P for low impact home occupation only<br>SUP for all others | X            | X          | P for low impact home occupation only<br>SUP for all others |
| Convenience store  | SPR  | X   | X   | X            | X          | X   |
| Counseling center, alcohol/drug  | SPR with no                                    | X   | SUP   | X            | X          | X   |

| <b>USES</b>   | <b>Ancram,<br/>Ancramdale,<br/>Hamlets-B/R</b>       | <b>Ancram,<br/>Ancramdale,<br/>Boston Corners<br/>Hamlets AH-R2</b> | <b>Ag</b>   | <b>RhoR1</b> | <b>I-1</b> | <b>CarsRd</b>   |
|---|--|---|---|--------------|------------|---|
| treatment center, abuse treatment center, rehabilitation facility | overnight facility,<br>SUP for an overnight facility |   |   |              |            |   |
| Day care (adult or children)                                      | P  | P for low impact home occupation only<br>X for all others           | P for low impact home occupation only<br>SUP for all others | X            | X          | P for low impact home occupation only<br>SUP for all others |
| Day spa   | SPR  | X   | SUP   | X            | X          | SUP   |
| Demolition services   | SPR  | P for low impact home occupation only<br>X for all others           | P for low impact home occupation only<br>SUP for all others | X            | X          | P for low impact home occupation only<br>SUP for all others |
| Discount store/plan/club  | SPR  | X   | X   | X            | X          | X   |
| Distance learning facility  | SPR  | X   | SUP   | X            | X          | SUP   |
| Driving range, Golf   | X  | X   | SUP   | X            | X          | X   |
| Dry Cleaners—cleaning facility                                    | SUP  | X   | X   | X            | SUP        | X   |
| Dry Cleaners—drop off/pick up shop                                | SPR  | X   | SUP   | X            | X          | X   |
| Electric [vehicle] charging station                               | SPR  | X   | X   | X            | X          | X   |
| Electronic entertainment sales/rent/svc                           | SPR  | X   | X   | X            | X          | X   |
| Employment agency   | SPR  | X   | P for low impact home occupation only<br>X for all others   | X            | X          | P for low impact home occupation only<br>X for all others   |
| EMT/ambulance service   | SUP  | X   | SUP   | X            | X          | SUP   |
| Equipment rental center   | SUP  | X   | SUP   | X            | X          | SUP   |
| Fair/circus permanent facility                                    | X  | X   | Only if permitted in a FBD                                  | X            | X          | Only if permitted in a FBD                                  |
| Fair/circus/similar temporary event                               | SUP  | X   | SUP   | X            | X          | SUP   |
| Firearms sales/service  | SPR  | P for low impact Home Occupation only,<br>X all others              | P for low impact Home Occupation only,<br>SUP all others    | X            | X          | P for low impact Home Occupation only,<br>SUP all others    |
| Firing range [Indoor only]  | SUP  | X   | X   | X            | X          | X   |

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|--|--|---|--|--|------------|--|
| Florist  | SPR  | X   | P for low impact<br>Home Occupation<br>only,<br>SUP all others | X  | X          | P for low impact<br>Home<br>Occupation only,<br>SUP all others |
| Food & beverage establishment <sup>2</sup>   | SPR  | X   | SUP  | X  | X          | X  |
| Funeral home/services, crematory<br>(human or animal)                                | SPR  | X   | X  | X  | X          | X  |
| Furniture refinishing/repair   | SPR  | P for low impact<br>Home Occupation<br>only,<br>X all others        | P for low impact<br>Home Occupation<br>only,<br>SUP all others | P for low<br>impact<br>Home<br>Occupatio<br>n only, X<br>for all<br>Others | X          | P for low impact<br>Home<br>Occupation only,<br>SUP all others |
| Furniture sales  | SPR  | X   | X  | X  | X          | X  |
| Garbage/rubbish/trash removal  | SUP  | X   | SUP  | X  | X          | SUP  |
| Gasoline filling station   | SUP  | X   | X  | X  | X          | X  |
| Gift shop  | SPR  | X   | P for low impact<br>Home Occupation<br>only,<br>X all others   | X  | X          | P for low impact<br>Home<br>Occupation only,<br>X all others   |
| Glass sales/service  | SPR  | X   | P for low impact<br>Home Occupation<br>only,<br>SUP all others | X  | X          | P for low impact<br>Home<br>Occupation only,<br>SUP all others |
| Golf, 9 or 18 hole course  | X  | X   | SUP  | X  | X          | SUP  |
| Grocery store  | SPR  | X   | X  | X  | X          | X  |
| Hardware   | SPR  | X   | X  | X  | X          | X  |
| Health spa/club, commercial<br>swimming pool, Physical fitness<br>facility/gymnasium | SPR  | X   | X  | X  | X          | X  |

<sup>2</sup> Includes banquet hall/catering, restaurant, café, coffee shop, bar/grill/pub/cocktail lounge, take-out restaurant, ice cream parlor, accessory snack bar.

| <b>USES</b>   | <b>Ancram,<br/>Ancramdale,<br/>Hamlets-B/R</b> | <b>Ancram,<br/>Ancramdale,<br/>Boston Corners<br/>Hamlets AH-R2</b> | <b>Ag</b>   | <b>RhoR1</b> | <b>I-1</b> | <b>CarsRd</b>   |
|---|--|---|---|--------------|------------|---|
| Home Occupation, Low Impact                                 | P  | P   | P   | P            | X          | P   |
| Home Occupation, High Impact                                | SUP  | SUP   | SUP   | X            | X          | SUP   |
| Hospital  | SUP  | X   | X   | X            | X          | X   |
| Hunting preserve/Shooting Preserve                          | X  | X   | SUP   | X            | X          | SUP   |
| Extracting Water for Off-Premise Consumption                | X  | X   | SUP   | X            | X          | SUP   |
| Hydro-fracturing for well water for consumption on premises | P  | P   | P   | P            | SUP        | P   |
| Hydrogen fuel cell facility for distribution to vehicles    | SUP  | X   | X   | X            | X          | X   |
| Instruction, Performing arts, martial arts                  | P  | X   | P for low impact home occupation only, SUP for all others   | X            | X          | P for low impact home occupation only SUP for all others    |
| Jewelry and Clothing Retail                                 | SPR  | X   | X   | X            | X          | X   |
| Laboratory— medical test/diagnostic                         | SPR  | X   | SUP   | X            | SUP        | SUP   |
| Laboratory—animal research facility                         | X  | X   | SUP   | X            | SUP        | SUP   |
| Laundry—commercial or self-service Laundromat               | SUP  | X   | X   | X            | X          | X   |
| Lawn/garden/landscape service, arborist, tree services      | SPR  | P for low impact home occupation only<br>X for all others           | P for low impact home occupation only<br>SUP for all others | X            | X          | P for low impact home occupation only<br>SUP for all others |
| Logging contracting   | X  | P for low impact home occupation only<br>X for all others           | P for low impact home occupation only<br>SUP for all others | X            | X          | P for low impact home occupation only<br>SUP for all others |
| Building Materials, Retail 20,000 sf or less                | X  | X   | SUP   | X            | X          | SUP   |
| Mail order distribution                                     | SPR  | X   | X   | X            | X          | X   |
| Man Camp/Worker Camp  | X  | X   | X   | X            | X          | X   |
| Massage service   | SPR  | P for low impact home occupation only                               | P for low impact home occupation only                       | X            | X          | P for low impact home occupation only                       |

| <b>USES</b>                                | <b>Ancram,<br/>Ancramdale,<br/>Hamlets-B/R</b>                             | <b>Ancram,<br/>Ancramdale,<br/>Boston Corners<br/>Hamlets AH-R2</b> | <b>Ag</b>   | <b>RhoR1</b>   | <b>I-1</b> | <b>CarsRd</b>   |
|--|--|---|---|--|------------|---|
|  |  | X for all others  | SUP for all others  |  |            | SUP for all others  |
| Medical claims processing                  | SPR  | P for low impact<br>home occupation<br>only<br>X for all others     | P for low impact<br>home occupation<br>only<br>SUP for all others | P for low<br>impact<br>Home<br>Occupatio<br>n only, X<br>for all<br>Others | X          | P for low impact<br>home occupation<br>only<br>SUP for all others         |
| Medical eqpt/supplies<br>sales/distrib/svc | SUP  | X   | X   | X  | X          | X   |
| Membership club/facility                   | SUP  | X   | SUP   | X  | X          | SUP   |
| Midwife                                    | P for low impact or<br>major home<br>occupation only SPR<br>for all others | P for low impact<br>home occupation<br>only<br>X for all others     | P for low impact or<br>major home<br>occupation only,             | P for low<br>impact<br>Home<br>Occupatio<br>n only, X<br>for all<br>Others | X          | P for low impact<br>or major home<br>occupation only,<br>X for all others |
| Miniature Golf                             | SUP  | X   | X   | X  | X          | X   |
| Motor vehicle track/course                 | X  | X   | X   | X  | X          | X   |
| Moveable Vending                           | SUP  | SUP   | SUP   | SUP  | SUP        | SUP   |
| Movie theater                              | SPR  | X   | X   | X  | X          | X   |
| Nursing/home care services                 | P for low impact or<br>minor home<br>occupation only SPR<br>for all others | P for low impact<br>home occupation<br>only<br>X for all others     | P for low impact<br>home occupation,<br>SUP for all others        | P for low<br>impact<br>Home<br>Occupatio<br>n only, X<br>for all<br>Others | X          | P for low impact<br>home occupation,<br>SUP for all others                |
| Parking area                               | SPR  | X   | X   | X  | X          | X   |
| Party eqpt/supplies sales/rental           | SPR  | X   | X   | X  | X          | X   |
| Pawnshop                                   | SPR  | X   | X   | X  | X          | X   |
| Performing arts venue                      | SPR  | X   | Only if permitted in<br>a FBD                                     | X  | X          | Only if permitted<br>in a FBD   |
| Pest control/exterminator                  | SPR  | X   | SUP   | X  | X          | SUP   |

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|---|--|---|---|--|------------|---|
| Pet shop: sales/eqpt/supplies   | SPR  | X   | P for low impact<br>Home Occupation<br>only,<br>SUP all others    | X  | X          | P for low impact<br>Home<br>Occupation only,<br>SUP all others    |
| Pharmacy  | SPR  | X   | X   | X  | X          | X   |
| Photography   | SPR  | P for low impact<br>Home Occupation<br>only,<br>X all others        | P for low impact<br>Home Occupation<br>only,<br>SUP all others    | P for low<br>impact<br>Home<br>Occupatio<br>n only, X<br>for all<br>Others | X          | P for low impact<br>Home<br>Occupation only,<br>SUP all others    |
| Physician, psychiatrist, psychologist,<br>dentist , chiropractor,<br>physical/occupational therapy,<br>alternative medicine office                        | SPR  | P for low impact<br>home occupation<br>only<br>X for all others     | P for low impact<br>home occupation<br>only<br>SUP for all others | P for low<br>impact<br>home<br>occupatio<br>n only<br>X for all<br>others  | X          | P for low impact<br>home occupation<br>only<br>SUP for all others |
| Pitch & Putt Driving Range/Ball Field   | X  | X   | SUP   | X  | X          | SUP   |
| Pool/billiards hall   | SPR  | X   | X   | X  | X          | X   |
| Pre-school  | SPR  | X   | SUP   | X  | X          | P for low impact<br>Home<br>Occupation only,<br>SUP all others    |
| Printing/engraving  | SPR  | X   | P for low impact<br>Home Occupation<br>only,<br>SUP all others    | X  | SUP        | P for low impact<br>Home<br>Occupation only,<br>SUP all others    |
| Private/religious school, day school,<br>boarding school, charter school,<br>performing arts school, business/trade<br>school (not college or university) | SUP  | X   | SUP   | X  | X          | X   |

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|--|--|---|---|---|--------------|---|
| Professional office <sup>3</sup>                     | SPR  | P for low impact<br>home occupation<br>only<br>X for all others     | P for low impact<br>home occupation<br>only<br>X for all others   | X   | <sup>4</sup> | P for low impact<br>home occupation<br>only<br>X for all others   |
| Radio/TV station office/studio                       | SUP  | X   | X   | X   | X            | X   |
| Retail Communications sales/svc                      | SPR  | X   | P for low impact<br>home occupation<br>only<br>SUP for all others | X   | X            | P for low impact<br>home occupation<br>only<br>SUP for all others |
| Retail stores, not otherwise listed<br>separately    | SPR  | X   | X   | X   | X            | X   |
| Retreat Center/Conference Center                     | SUP  | X   | SUP   | X   | X            | SUP   |
| Self-storage Facility                                | SUP  | X   | SUP   | X   | X            | X   |
| Septic sanitation service                            | SUP  | X   | SUP   | X   | X            | SUP   |
| Shopping center (Multi-business<br>structure)        | SUP  | X   | X   | X   | X            | X   |
| Skating or skateboard facility [Indoor<br>& Outdoor] | SUP  | X   | X   | X   | X            | X   |
| Small animal grooming                                | SPR  | P for low impact<br>home occupation<br>only<br>SUP for all others   | P for low impact<br>home occupation<br>only<br>SUP for all others | P for low<br>impact<br>home<br>occupatio<br>n only<br>SUP for all<br>others | X            | P for low impact<br>home occupation<br>only<br>SUP for all others |
| Small engine repair                                  | SUP  | X   | P for low impact<br>home occupation<br>SUP for all others         | X   | X            | P for low impact<br>home occupation<br>SUP for all others         |

<sup>3</sup> Including but not limited to attorney, legal services, financial services, accounting, tax preparation, architect, engineer, bail bondsman, insurance, real estate sales or management, publishing, mail order sales

<sup>4</sup> Offices associated with a use allowed in the I-1 District shall be allowed as an accessory use and reviewed together with the principal use.

| <b>USES</b>                           | <b>Ancram,<br/>Ancramdale,<br/>Hamlets-B/R</b> | <b>Ancram,<br/>Ancramdale,<br/>Boston Corners<br/>Hamlets AH-R2</b> | <b>Ag</b>   | <b>RhoR1</b>  | <b>I-1</b> | <b>CarsRd</b>   |
|---------------------------------------|--|---|---|---|------------|---|
| Solar energy eqpt sales/dist/svc      | SUP  | X   | SUP   | X   | X          | SUP   |
| Tailor/seamstress                     | SPR  | P for low impact<br>Home Occupation<br>only,<br>X all others        | P for low impact<br>Home Occupation<br>only,<br>SUP all others  | P for low<br>impact<br>Home<br>Occupatio<br>n only, X<br>for all<br>Others  | X          | P for low impact<br>Home<br>Occupation only,<br>SUP all others  |
| Tanning salon                         | SPR  | P for low impact<br>Home Occupation<br>only,<br>X all others        | P for low impact<br>Home Occupation<br>only,<br>SUP all others  | P for low<br>impact<br>home<br>occupatio<br>n only<br>SUP for all<br>others | X          | P for low impact<br>Home<br>Occupation only,<br>SUP all others  |
| Tattoo/body piercing                  | SPR  | P for low impact<br>Home Occupation<br>only,<br>X all others        | P for low impact<br>Home Occupation<br>only,<br>SUP all others  | P for low<br>impact<br>home<br>occupatio<br>n only<br>SUP for all<br>others | X          | P for low impact<br>Home<br>Occupation only,<br>SUP all others  |
| Taxi/limousine service: ofc/parking   | SPR  | P for low impact<br>home occupation<br>only<br>X for all others     | P for low impact<br>home occupation<br>only<br>X for all others | X   | X          | P for low impact<br>home occupation<br>only<br>X for all others |
| Telemarketing facility/service        | SPR  | P for low impact<br>Home Occupation<br>only,<br>X all others        | P for low impact<br>Home Occupation<br>only,<br>SUP all others  | P for low<br>impact<br>Home<br>Occupatio<br>n only, X<br>for all<br>Others  | X          | P for low impact<br>Home<br>Occupation only,<br>SUP all others  |
| Telephone and cable sales and service | SPR  | X   | P for low impact<br>home occupation                             | X   | X          | P for low impact<br>home occupation                             |

| <b>USES</b>   | <b>Ancram,<br/>Ancramdale,<br/>Hamlets-B/R</b> | <b>Ancram,<br/>Ancramdale,<br/>Boston Corners<br/>Hamlets AH-R2</b> | <b>Ag</b>   | <b>RhoR1</b> | <b>I-1</b> | <b>CarsRd</b>   |
|---|--|---|---|--------------|------------|---|
|   |  |   | only<br>SUP for all others  |              |            | only<br>SUP for all others  |
| Tent rental   | SPR  | X   | P for low impact<br>home occupation<br>only<br>SUP for all others | X            | X          | P for low impact<br>home occupation<br>only<br>SUP for all others |
| Tourist information/services                            | SPR  | X   | P for low impact<br>Home Occupation<br>only,<br>SUP all others    | X            | X          | P for low impact<br>Home<br>Occupation only,<br>SUP all others    |
| Transmission towers                                     | SUP  | X   | SUP   | X            | SUP        | SUP   |
| Welding shop  | SUP  | X   | P for low impact<br>home occupation<br>only<br>SUP for all others | X            | SUP        | P for low impact<br>home occupation<br>only<br>SUP for all others |
| Wind energy eqpt sales/dist/svc                         | SUP  | X   | SUP   | X            | X          | SUP   |
| Yoga and meditation                                     | SPR  | X   | P for low impact<br>home occupation<br>only<br>SUP for all others | X            | X          | P for low impact<br>home occupation<br>only<br>SUP for all others |
| <b>Industrial Uses:</b>                                 |  |   |   |              |            |   |
|   |  |   |   |              |            |   |
| Concrete production/dist                                | X  | X   | X   | X            | SUP        | X   |
| Concrete Products Manufacture                           | X  | X   | X   | X            | SUP        | X   |
| Composting Facility                                     | X  | X   | SUP   | X            | SUP        | SUP   |
| Food processing/distribution facility                   | X  | X   | SUP   | X            | SUP        | SUP   |
| Foundry (large: mfg heavy duty<br>products)             | X  | X   | X   | X            | SUP        | X   |
| Foundry (artisan/hobby/blacksmith)                      | SUP  | X   | SUP   | X            | SUP        | SUP   |
| Fuel and oil bulk storage/dist                          | X  | X   | SUP   | X            | X          | X   |
| Furniture manufacturing facility (see<br>Article V (D)) | X  | X   | SUP   | X            | SUP        | SUP   |
| Gravel mining   | X  | X   | SUP   | X            | X          | SUP   |
| Hazardous waste collection/disposal                     | X  | X   | X   | X            | X          | X   |

| <b>USES</b>  | <b>Ancram,<br/>Ancramdale,<br/>Hamlets-B/R</b> | <b>Ancram,<br/>Ancramdale,<br/>Boston Corners<br/>Hamlets AH-R2</b> | <b>Ag</b>                     | <b>RhoR1</b> | <b>I-1</b> | <b>CarsRd</b>                 |
|--|--|---|-------------------------------|--------------|------------|-------------------------------|
| Hydro-fracturing for gas   | X  | X   | X                             | X            | X          | X                             |
| Light Manufacturing  | X  | X   | Only if permitted in<br>a FBD | X            | SUP        | X                             |
|  |  |   |                               |              |            |                               |
| Major pipeline, gas compressor station   | X  | X   | X                             | X            | X          | X                             |
| Manufactured housing mfg/dist  | X  | X   | X                             | X            | SUP        | X                             |
| Manufactured housing sales office  | SPR  | X   | SUP                           | X            | X          | SUP                           |
| Medical eqpt/supplies manufacture  | SUP  | X   | Only if permitted in<br>a FBD | X            | SUP        | Only if permitted<br>in a FBD |
| Moving & Storage   | X  | X   | X                             | X            | SUP        | X                             |
| Natural gas/propane bulk storage and<br>distribution   | X  | X   | X                             | X            | X          | X                             |
| NC Wind Power  | X  | X   | X                             | X            | SUP        | X                             |
| Nuclear power plant  | X  | X   | X                             | X            | X          | X                             |
| Oil and natural gas exploration,<br>extraction, drilling, production,<br>processing, storage of waste or natural<br>gas ancillary uses | X  | X   | X                             | X            | X          | X                             |
| Paving/blacktop contracting office and<br>parking of vehicles, no storage of<br>pavement material on site                              | SUP  | X   | SUP                           | X            | X          | SUP                           |
| Paving/blacktop plant  | X  | X   | X                             | X            | X          | X                             |
| Pipe yard  | X  | X   | X                             | X            | X          | X                             |
| Private Bridge   | X  | X   | X                             | X            | SPR        | X                             |
| Quarry   | X  | X   | X                             | X            | X          | X                             |
| Recycling facility (small, unobtrusive)  | SUP  | X   | SUP                           | X            | X          | SUP                           |
| Recycling/transfer facility (large)  | X  | X   | X                             | X            | X          | X                             |
| Sawmill  | X  | X   | SUP                           | X            | SUP        | X                             |
| Scrap/salvage yard   | X  | X   | X                             | X            | X          | X                             |
| Solar energy eqpt manufacture  | SUP  | X   | SUP                           | X            | SUP        | SUP                           |
| Solar energy apparatus installed along<br>the plane of a roof  | X  | X   | X                             | X            | P          | X                             |
| Solar energy apparatus installed as<br>stand-alone or other mounting   | X  | X   | X                             | X            | SUP        | X                             |

| <b>USES</b>   | <b>Ancram,<br/>Ancramdale,<br/>Hamlets-B/R</b> | <b>Ancram,<br/>Ancramdale,<br/>Boston Corners<br/>Hamlets AH-R2</b> | <b>Ag</b>   | <b>RhoR1</b>  | <b>I-1</b> | <b>CarsRd</b>   |
|---|--|---|---|---|------------|---|
| Staging Area as an ancillary use to natural gas exploration, extraction, drilling, production, processing, storage of waste | X  | X   | X   | X   | X          | X   |
| Stump grinding/mulching facility  | X  | X   | SUP   | X   | X          | X   |
| Transmission facilities [e.g. substations]  | SPR  | X   | SPR   | X   | X          | SPR   |
| Trucking Center   | X  | X   | X   | X   | X          | X   |
| Warehouse (large, tractor-trailer traffic)  | X  | X   | X   | X   | X          | X   |
| Warehouse   | SUP  | X   | SUP   | X   | SUP        | SUP   |
| Water Well Drilling/boring business office and parking of vehicles, no storage of materials on site                         | SUP  | X   | SUP   | X   | X          | SUP   |
| Wind energy eqpt manufacture  | SUP  | X   | SUP   | X   | SUP        | x   |
| <b>Public/Civic Uses:</b>   |  |   |   |   |            |   |
| Detention/correction facility   | X  | X   | X   | X   | X          | X   |
| Government offices/facilities   | SPR  | X   | X   | X   | X          | X   |
| Non-profit organization offices   | SPR  | P for low impact home occupation only<br>X for all others           | P for low impact home occupation only<br>X for all others | P for low impact home occupation only<br>X for all others | X          | P for low impact home occupation only<br>X for all others |
| Parks   | SPR  | SUP   | SPR   | SUP   | X          | SPR   |
| Paths/trails  | SPR  | SUP   | SPR   | SUP   | X          | SPR   |
| Playgrounds   | SPR  | SUP   | SPR   | SUP   | X          | SUP   |
| Religious worship facility  | SPR  | SPR   | SPR   | SPR   | X          | SPR   |
| Reservoir/water treatment facility  | SUP  | SUP   | SUP   | SUP   | SUP        | SUP   |
| Sewage treatment facility   | SUP  | SUP   | SUP   | SUP   | SUP        | SUP   |
| Swimming pools  | SPR  | SUP   | SPR   | SUP   | X          | SPR   |
| Water tower   | SUP  | X   | SUP   | X   | SUP        | SUP   |
| Library   | SPR  | X   | X   | X   | X          | X   |

Adopted November 20, 2014

| <b>USES</b>               | <b>Ancram,<br/>Ancramdale,<br/>Hamlets-B/R</b> | <b>Ancram,<br/>Ancramdale,<br/>Boston Corners<br/>Hamlets AH-R2</b> | <b>Ag</b> | <b>RhoR1</b> | <b>I-1</b> | <b>CarsRd</b> |
|---------------------------|--|---|-----------|--------------|------------|---------------|
| Museum                    | SPR  | X   | SUP       | X            | X          | SUP           |
| Tourist information booth | SPR  | X   | SUP       | X            | X          | SUP           |

## Article IV. Density and Dimensions

### A. Purpose.

In order to provide adequate open space for access of light and circulation of air, to facilitate the prevention and fighting of fires, to prevent undue concentration of population, to lessen congestion on streets, and to meet the other purposes established in this Law pursuant to Article I, no building or premises shall be erected, altered or used except in accordance with the standards set forth in this Article.

### B. Density Control Schedule and Lot Requirements.

The following schedule of density control regulations (Table 1) is hereby adopted and declared to be a part of this Law and is hereinafter referred to as the "Density Control Schedule."

| <b>Table 1: Density Control Schedule</b> |   |  |
|--|---|--|
| <b>District</b>                          | <b>Residential Density (# acres per dwelling)</b> | <b>Minimum Lot Size or Average Lot Size, (acres)</b> |
| <b>Ag</b>                                | 3.5   | Variable <sup>5</sup>                                |
| <b>AH-B/R</b>                            | -   | ½ Minimum  |
| <b>AdH-B/R</b>                           | -   | ½ Minimum  |
| <b>AH-R2</b>                             | -   | 2 Average <sup>6</sup>                               |
| <b>AdH-R2</b>                            | -   | 2 Average  |
| <b>BCH-R2</b>                            | -   | 2 Average  |
| <b>RhoR1</b>                             | -   | 1 Minimum  |
| <b>I-1</b>                               | -   | 2 Minimum  |
| <b>CarsRd</b>                            | -   | 3 Minimum  |

The following schedule of lot dimension requirements (Table 2) is hereby adopted and declared to be a part of this Law and is hereinafter referred to as the "Lot Dimension Schedule".

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<sup>5</sup> Lot size in the Ag District is variable. The minimum lot size shall be ½ acre provided all minimum separation distances and design standards for on-site water supply and/or sewage disposal systems as established by the Columbia County Department of Health are met and provided the average lot size is at least 3.5 acres.

<sup>6</sup> Lot size in the hamlet/residential districts (AH-R2, AdH R-2 and BCH-R2) may be averaged. Use of an average lot size can result in variably sized lots provided that the average of all lots created in a subdivision is 2 acres.

**Table 2: Lot Dimension Schedule<sup>7</sup>**

| <b>District</b>        | <b>Lot Width at front yard setback line (feet) Min.<sup>8</sup></b> | <b>Front Yard Setback (feet) Min.<sup>9 10</sup></b> | <b>Front Yard Setback (feet) Max.</b> | <b>Side Yard Setback, each Min. (feet)</b> | <b>Rear Yard Setback Min. (feet)<sup>11</sup></b> | <b>Building Height Max. (feet)</b> | <b>Maximum Lot Coverage (%)</b> |
|------------------------|---|--|---------------------------------------|--|---|------------------------------------|---------------------------------|
| <b>Ag<sup>12</sup></b> | 50  | 50   | -                                     | 20   | 60  | 35                                 | 25 to 50% <sup>13</sup>         |
| <b>AH-B/R</b>          | 75  | 20   | 35                                    | 10   | 40  | 40                                 | 65                              |
| <b>AdH-B/R</b>         | 75  | 20   | 35                                    | 10   | 40  | 40                                 | 65                              |
| <b>AH-R2</b>           | 50  | 20   | 35                                    | 10   | 40  | 35                                 | 60                              |
| <b>AdH-R2</b>          | 50  | 20   | 35                                    | 10   | 40  | 35                                 | 60                              |
| <b>BCH-R2</b>          | 50  | 20   | 35                                    | 10   | 40  | 35                                 | 60                              |
| <b>RhoR1</b>           | 50  | 20   | -                                     | 20   | 50  | 35                                 | 75                              |
| <b>I-1</b>             | 200   | 50   | -                                     | 30   | 100   | 40                                 | 60                              |
| <b>CarsRd</b>          | 125   | 50   | -                                     | 20   | 60  | 35                                 | 25                              |

### **C. Density Calculation.**

1. For all hamlet residential, business/residential districts, industrial, and RhoR1, the density of development shall be based upon the total gross acreage of the parcel and calculated using the required minimum lot size pursuant to Table 1 of this Article.
2. For the Ag District and Carson Road District, the density of development for any subdivision shall be based upon the net acreage of the parcel and calculated using the required density of Table 1 of this Article. Net density shall be calculated upon net

<sup>7</sup> Minimum lot width, front, side and rear setbacks do not apply to lots created as part of a conservation subdivision. Those bulk dimensions will be established at the time of subdivision.

<sup>8</sup> For a multi-family dwelling, lot width is this measurement plus 2.5 feet per dwelling unit. For Flag Lots, lot width shall be a minimum of 50'. For all lots other than flag lots, the lot depth cannot be more than twice the width.

<sup>9</sup> Measured from the right of way line of the street on which the building fronts. New buildings in any hamlet district will have the option of conforming to the front setback of adjacent buildings. The right-of-way shall be measured from the center of the highway, as determined from measuring from pavement edge to pavement edge.

<sup>10</sup> Attached garages and carports (front-loaded and facing the street) shall be 15 feet behind the front edge of the house. Detached garages (front loaded) shall be 35 feet from the street right-of-way.

<sup>11</sup> Accessory structures shall be allowed to build within the rear yard setback provided there is a minimum 10 foot setback between the structure and the property line.

<sup>12</sup> For slaughterhouse, veterinarian clinic/animal hospital/animal clinic, tannery, commercial kennel, barns and stables, private barns/stable, indoor or covered training arena, greenhouse/hothouse, silo/bunk silo, and equipment sheds, there shall be a setback equal to a distance of at least 10% of the square footage of the proposed structure, plus the applicable required side and rear setbacks established in Table 2 from the property line of any existing adjacent residence. In no case shall the proposed structure be sited closer than the side and rear yard setbacks established in Table 2.

<sup>13</sup> Smaller lots shall be allowed to have a higher percentage of lot coverage than larger lots. Lots ½ acre up to 1 acre in size shall be allowed to have a maximum lot coverage of 60%, lots that are at least 1 acre but less than 2 acres shall be allowed to have a maximum lot coverage of 50%, lots 2 acres in size but less than 3 acres shall be allowed to have a maximum lot coverage of 40%, and lots 3 acres or greater shall be allowed to have a maximum lot coverage of 25%.

acreage after exclusion of the following lands adjusted with the multiplication factor of Table 3 of this section. Calculate this by determining the total acreage of the following environmental features:

- a. The 100-year flood plain as defined by the Federal Emergency Management Agency (FEMA) Flood Hazard Boundary maps as those maps now exist or as they may be amended from time to time;
  - b. Wetlands, including New York State designated wetlands (excluding the 100-foot buffer), wetlands regulated by the U.S. Army Corps of Engineers or any successor agency, and wetlands designated on the Ancram Biodiversity Map, the DEC Ancram Habitat Summary, and the Ancram Town Map of Vernal Pools, as may exist, as those wetlands may now exist or as may be found to exist;
  - c. Lands covered by natural or constructed water bodies including retention and detention basins.
3. Calculate Adjusted Density. The maximum allowable number of lots to be created in any subdivision is calculated by multiplying each of the environmentally constrained acreage by the multiplication factors (Table 3 below) and the 3.5 density. The total number of new lots in any subdivision allowed to be established through this process is the maximum number permitted for the entire parcel. The number of lots created shall be rounded up to the nearest whole number if the density calculation results in a fraction greater than 0.5. If the number calculated is a fraction of 1 (one) then the adjusted density is rounded up to 1 unit.

Table 3. Density Multiplication Factors

| Site Characteristic         | Multiplication Factor* |
|-----------------------------|------------------------|
| Open Water                  | 0.0                    |
| Wetlands, State and Federal | 0.05                   |
| 100 Year Flood Hazard       | 0.2                    |
| Steep Slope 15% to 20%      | 0.3                    |
| Steep Slopes > 20%          | 0.4                    |

\* Where two or more constrained areas overlap, the more restrictive multiplication factor shall be used.

**Readers Aid Box:**

An example of how to calculate adjusted density in Ag District

A parcel has 100 acres

There are 5 acres of state wetlands, 20 acres of slopes over 20%, and 5 acres of slopes 15% to 20%

The parcel is in the Ag district with 3.5 acre density.

The adjustment would be:

5 acres of wetlands X 0.05 = .25

20 acres of >20% steep slopes X .4 = 8

5 acres of 15% to 20% slopes X .3 = 1.5

Total Adjustment = .25 + 8 + 1.5 = 9.75

Adjusted Density = 100 acres total minus 9.75 adjustment = 90.25

90.25 acres @ a density of 3.5 = 25.8 lots, rounded to 26 potential lots

Total eligible Lots = 26

This explanation is only a reader's aid and is not part of the Zoning Law.

4. Allocation of Density. All lots created or remaining from the original parcel shall have at least one allocated dwelling unit unless that land or lot is being permanently joined to an adjacent parcel which either contains an existing dwelling or has allocated to it the right to construct at least one (1) dwelling. If a parcel is not fully subdivided at the time of a subdivision, the remaining lots that could be created from the original parcel pursuant to the Density Control Schedule shall be allocated and recorded (see (5) Monitoring Lot Splits, below) or the Planning Board shall allocate the remaining lots evenly across the remaining acreage of the parcel.
  - a. Whenever a minor or major subdivision occurs on parcels that are not subdivided into the maximum number of lots allowed by this Law at one time, the Planning Board shall require a notation to be placed on all plat maps to clearly inform the landowner(s) how many additional lots remain eligible to be created in a future subdivision. An additional plat note shall be required stating that the 60% open space requirement may be triggered if, in the future, a major subdivision is created from cumulative multiple minor subdivisions. In such case, all major subdivision requirements, including maintaining 60% of the parcel as open space shall be met.
5. Monitoring Lot Splits. The adjusted density calculated pursuant to this Article, is the total and maximum development potential for a particular parcel, regardless of the number of times a parcel is subdivided. Once this full development potential has been reached through subdivisions, no further density or subdivision activity shall be allowed. The Town of Ancram recognizes that proper administration of the average density concept is important in meeting the intent of this law. The following procedures have been established to help ensure proper monitoring of lot splits.

- a. An official parcel map indicating existing lots, parcel numbers, and land ownership shall be established along with an official register containing this information.
- b. The Town shall maintain a record of the estimated allotment of lots and dwelling units possible under this law for each parcel under review.
- c. The Planning Board shall calculate the number of lots allowed as per Article IV of this law.
- d. A property owner submitting a minor or major subdivision plan shall be required to specify on his/her plan and on any approved final plat, which lot or lots shall carry with them the right to erect or place any unused allocation of dwelling units the parcel may have. Plat notes shall be required to indicate the total number of lots eligible to be created, the number of lots proposed to be allocated as part of the subdivision, and the number of remaining lots that could be created in future subdivisions pursuant to the density requirements of this sub-section.
- e. As allotments are used up, the official parcel map and register shall be updated to reflect these changes. All future plat maps shall also reflect this information.
- f. The official map and register shall be maintained by the Planning Board Clerk upon final approval of each subdivision and copies made available for inspection by the public.

#### **D. Corner Lots.**

Wherever a side or rear yard is adjacent to a street, the standards for front yards shall apply.

#### **E. Projections into Required Yards.**

The following projections into required yards may be permitted;

- Open fire escapes - four feet into required side or rear yard
- Awnings or movable canopies - six feet into any required yard
- Cornices, eaves and other similar architectural features - three feet into any required yard
- Septic systems only when lot dimensions prevent adequate separation distances and setbacks from side and rear lot lines.

Any open or enclosed porch or carport shall be considered a part of the building in the determination of the size of the required yard or lot coverage.

Accessory uses not enclosed in a building shall not be located in a required front or side yard but may be located in a required rear yard subject to the provisions of Article V (A) (1) and provided any accessory building is not located closer than 10 feet to the rear lot line. See also Article V (A) (19) for sanitary disposal projections.

**F. Height Exceptions.**

District building height regulations shall not apply to barns, grain elevators, silos, flagpoles, radio or television antennae, transmission towers or cables, spires, or cupolas, chimneys, elevator or stair bulkheads, parapets or railings, water tanks or cooling towers, or any similar structures, provided that such structures in their aggregate coverage occupy no more than 10% of the roof area of the building.

**G. Compliance with Minimum Lot Area per Dwelling Unit Requirements.**

A residential lot of required or larger than required size as set forth in this Law shall not be reduced in size for transfer of ownership if the lot so subdivided will form two or more lots that will not be in compliance with the requirements for the minimum lot area per dwelling unit for the district in which such lot or lots are situated, except as provided in Article V (C) (Open Space Conservation Subdivision) or pursuant to Article VIII (Non-conforming uses).

**H. Side Yards for Semi-Detached and Attached Dwellings.**

Side yards for semi-detached and attached dwellings shall be required at the ends of the total structure only.

**I. Density Bonuses.**

**A. Purpose, Applicability, and Incentives.**

1. Purpose. Pursuant to §268-b of the New York State Town Law, the Town of Ancram hereby establishes a program to encourage the preservation of open space, to promote environmentally sustainable development, to enhance public access for recreation, and to promote development of affordable housing by providing incentive(s) to applicants seeking approval of a subdivision, special use permit, or site plan. The Town Board may grant zoning incentives that are in compliance with the Town of Ancram Comprehensive Plan and with the provisions of this section.
2. Applicability.
  - a. The incentives set forth herein shall be applicable to all permitted uses in all zoning districts in the Town for which an application for a subdivision, special use permit, or site plan approval has been submitted to the Town of Ancram Planning Board pursuant to this law.
  - b. Where an application seeks more than one type of approval, the project shall be considered in its entirety and incentives shall not be granted separately for more than one approval.
  - c. Incentives shall be granted only when the community benefits or amenities offered would not otherwise be required or likely to result from the applicable planning process before the Planning Board.
  - d. Incentives shall not be granted where the community benefits or amenities offered are already required under other provisions of this zoning law or other Town of Ancram Law or State law, including any mitigation measures required pursuant to the State Environmental Quality Review Act.
3. Incentives. Notwithstanding any contrary provision of Town or State law or this law that limits or restricts the maximum unit density of a proposed project or subdivision, an

applicant may apply for an incentive adjustment to the total unit density pursuant to the Density Control Schedule of this Law in exchange for the following benefits. In no case shall the total approved incentives exceed a 20% aggregate increase to the total unit density for the proposed project.

- a. **Permanent Conservation of Natural Areas or Open Spaces.** A bonus may be granted for the permanent preservation of open space lands when a subdivision is designed to preserve greater than 60% of the parcel as open space pursuant to Article V (C) of this law. Up to a ten percent (10%) increase to the maximum unit density for the zoning district may be approved.
- b. **Public Access or Recreational Uses.** A bonus may be granted for the creation of public recreational lands or facilities open to the public including but not limited to public access to streams, access to old railroad beds, access to other open space lands, the provision of fishing rights, or provision of trails and trail linkages. Up to a ten percent (10%) increase to the maximum unit density for the zoning district may be approved.
- c. **Affordable Housing.** For the provision of houses or lots as residential units dedicated for use only by qualified Ancram residents who meet criteria and procedures as established by the Town Board for needing affordable housing, a density bonus of up to a twenty percent (20%) increase to the total unit density as allowed pursuant to the Density Control Schedule for the zoning district may be approved as follows:
  1. When at least 15% of the total allowable units/lots in a proposed development are to be dedicated as affordable units/lots and provided on-site, up to a 20% bonus may be approved.
  2. When at least 15% of the total allowable units/lots in a proposed development are to be dedicated as affordable units/lots and are provided off-site, up to a 10% bonus may be approved.
- d. **Calculation of Density.** To determine the total number of units or lots that may be approved:
  1. Calculate the total number of units or lots that may be allowed in accordance with the Density Control Schedule of Article IV (B) and (C) (Density and Dimensions).
  2. Use Article IV (I) (A) (3) to identify the maximum percentage of increase that may be approved for the benefit(s) being proposed. (The total of all incentives may not be more than a 20% increase).
  3. Multiply the number of units or lots determined from subsection (d) (1) by the total percent increase from subsection (d) (2). The total is rounded to the nearest whole number.
  4. Add the total bonus number of units or lots from subsection (d) (3) to the total number of units allowed by the Density Control Schedule (d) (1).

**Reader Aid Box:**

**Example 1:** if a developer is eligible for 25 lots in accordance with the Density Control Schedule and is awarded the maximum 20% bonus for providing benefit(s) in accordance with A(3), then they would receive 5 bonuses for a total of 30 units or lots. That is  $25 \times 20\% = 5$  bonuses plus the original 25 = 30 total.

**Example 2:** When affordable housing is included in the density bonus request, and if a developer is eligible for 25 lots in accordance with the Density Control Schedule, 15% of those 25 units, or 4 units must be dedicated as affordable. Thus, 4 units would be affordable units and 21 would be regular units. If the 4 units were provided on-site, they would be eligible for up to 5 bonuses for a total of 30 units. If the 4 units were provided off-site, they would be eligible for up to 3 bonus units for a total of 28 units.

**This explanation is only a reader's aid and is not part of the Zoning Law.**

4. Where the plat falls within two or more contiguous districts, the Planning Board may approve an incentive development as follows:
  - a. The total density allowed shall be calculated by summing the total number of residential lots allowed in all such districts together with the incentive density,
  - b. The Planning Board may authorize actual construction to take place in all or any portion of one or more such districts.
5. Affordable units constructed on-site shall be compatible with the design or use of the remaining units in terms of appearance, materials, and finish quality. Affordable units off-site shall be compatible with the finished quality of on-site units and also compatible in appearance with the off-site neighborhood.
6. Procedures and Criteria for Approval of Incentives.
  - a. Authorization of density incentives is subject to the approval by the Town Board prior to the grant of preliminary plat, special use, or site plan approval by the Planning Board. Applicants may seek non-binding input from the Planning Board prior to application to Town Board as to whether the proposal is worthy of consideration for an incentive prior to the preliminary plat, special use, or site plan application. The Town Board, together with the Planning Board, may schedule a workshop to discuss the incentive application with the applicant. The intent of that workshop is to share information between the applicant, the boards and interested members of the public. The workshop will not supplant the formal hearing which will be conducted later in the review process.
  - b. Methods to achieve community benefit. The Town Board shall approve, in its sole discretion, the method or combination of methods that shall be used to achieve the community benefit based on the unique characteristics of the application being

reviewed and based on a recommendation of the Planning Board. Community benefits may be accomplished by:

1. Use of permanent conservation easements.
  2. Donations of land in fee simple for conservation and other community benefit purposes.
  3. Construction of amenities, serving a Town-wide need, accessible to the general public, above and beyond that required to mitigate proposed impacts in accordance with SEQRA and the Town law.
  4. Construction or improvement to public works above and beyond that required to mitigate proposed impacts in accordance with SEQRA and the Town law.
  5. The following methods could be used to provide affordable housing:
    - (a) Construction of affordable housing on site;
    - (b) Construction of affordable housing off site within the Town;
    - (c) Rehabilitation of substandard housing to standard affordable housing;
    - (d) Provision of affordable lots on site;
    - (e) Provision of affordable lots off site; and
    - (f) A combination of the above.
- c. Applications for incentives in exchange for amenities shall be submitted to the Town Board. In order to preliminarily evaluate the adequacy of amenities to be accepted in exchange for the requested incentive, the following information shall be submitted by the applicant:
- (a) The requested incentive.
  - (b) The proposed amenity.
  - (c) The estimated cash value of the proposed amenity.
  - (d) A narrative which describes the benefits to be provided to the community by the proposed amenity.
  - (e) A site plan and narrative information showing all information required in Article V, Section 3 (A) of the Town of Ancram Subdivision Regulations (Major Subdivision Preliminary Plat and Accompanying Data). Further, the submittal shall contain a narrative which describes the method and adequacy of sewer, water, transportation, waste disposal and emergency service protection facilities in the zoning districts in which the proposal is located and a description on what additional demands the incentive and amenity, if it is an on-site amenity, may place on these facilities beyond the demand that would be placed on them as if the district were developed without the density bonus.
  - (f) A narrative that explains how the amenity helps implement the physical, social or cultural policies of the Town of Ancram Comprehensive Plan.

- d. The Town Board may engage an attorney, engineer, planning or other consultant to assist in review of the application, the cost of which will be borne by the applicant. The Town shall establish an escrow account to fund such costs pursuant to Local Law #4 of 2004 (Reimbursement of Taxpayers for Fees and Expenses). If an escrow account has already been established for a particular application, such account may also be used to cover costs related to review of a density bonus request provided that additional funds shall be deposited in such account to cover costs related to the review of the bonus request above and beyond those needed for other site plan, special use, or subdivision reviews.
- e. Compliance with SEQRA. All applicable requirements of the State Environmental Quality Review Act shall be complied with as part of the review and hearing process.
  - (a) Every decision by the Town Board concerning an application for use of incentive zoning on a particular project will fully comply with the provisions of SEQRA.
  - (b) The applicant will submit an Environmental Assessment Form, Part 1, to the Town Board.
- f. The Town Board shall, before taking action, refer the proposal for review and comment to the Planning Board (pursuant to sub-section B (Referrals) of this section). The Town Board shall also refer the proposal to the Ancram Conservation Advisory Council, and may refer to other governmental agencies, and other boards and officials in the Town, for review and comment. The Planning Board shall review the proposal pursuant to the criteria of this section and advise the Town Board as to whether a zoning incentive should be approved, approved with conditions or disapproved.
- g. The Town Board shall hold a public hearing, noticed in the official newspaper of the Town of Ancram. Within 45 days of the close of the public hearing and upon receipt of the advisory opinion from the Planning Board and completion of the SEQRA process, the Town Board may approve, approve with modifications or conditions, or deny the proposed incentive zoning application. A written statement of the findings will be prepared by the Town Board documenting the basis of its decision. The findings will include, but not be limited, to the following:
  - (a) That the proposed density adjustments would not have a significant adverse impact on the property, or to adjoining property, or to the neighborhood in which the property is situated.
  - (b) That proper easements, surety or performance guarantees, if necessary, between the applicant and the Town is or will be in existence as of the date the final plat map is signed by the Chairman of the Planning Board.
  - (c) That the necessary water and septic requirements can be met with the proposed density adjustments.
  - (d) That the proposed amenity provides sufficient public benefit to provide the requested incentive.

- (e) SEQRA. That all requirements of SEQRA have been met, including the required findings under that law.
  - (f) Development capacity. That the proposed project, including the incentive, can be adequately supported by the public facilities available or provided as a result of the project, including but not limited to sewer, water, transportation, waste disposal and fire protection, without reducing the availability of such facilities for projects permitted as of right under the Town of Ancram Zoning Law.
  - (g) Public benefit. That the public benefit realized by the amenity provided by the applicant is commensurate with the incentive granted by the Town Board.
  - (h) Project quality. That the project is in harmony with the purpose and intent of this law, and with the stated objectives and will promote the purposes herein, that the project is sufficiently advantageous to render it appropriate for grant of an incentive and that the project will add to the long-term assets of the Town of Ancram.
  - (i) Comprehensive Plan. That the use of an incentive for the particular project is consistent with the Comprehensive Plan.
  - h. The Planning Board may recommend, and the Town Board impose, conditions on a project to ensure that the above findings are ensured through the subsequent plan review and construction phases of the project.
  - (i) In no circumstances shall the Town Board be compelled to approve any amenity/incentive proposal and it may deny any such proposal.
  - j. Upon approval by the Town Board, the Planning Board is authorized to act on the application for preliminary and final approval pursuant to the Subdivision Regulations, Special Use Permit Regulations and/or Site Plan Review pursuant to this law.
  - k. Certificates of occupancy shall be issued for market rate dwellings in the development only when the required percentage of affordable dwellings or lots have been created, constructed, acquired, or provided for to the satisfaction of the Town of Ancram Town Board.
  - l. Notes shall be placed on any site plan or final subdivision plan reciting the affordable housing obligations of the application in conjunction with the plan. If affordable lots or units are on-site, the final plan shall include the recording of notes indicating which lots or sites are to be set aside for the construction of affordable housing. The Town Board shall also require the imposition of deed restrictions ensuring that future use of the lot or units whether on-site or off-site are limited to the construction and use as affordable housing.
- B. Referral Process.
- 1. Within thirty (30) days of receipt of the application for the incentive, the Town Board shall refer the application to the Planning Board and Conservation Advisory Council for

comment. The Planning Board's referral to the Town Board shall include a report with the following information:

- a. An evaluation of how the incentive would benefit the site and how increased density relates to adjacent uses and structures. The Planning Board shall assess whether such benefits would not otherwise result as provided in the provisions of the Town's laws. (This evaluation is not intended to serve as a site plan or subdivision review, which would otherwise occur after a final decision of the Planning Board on the incentive application.)
  - b. A SEQRA determination as to whether the proposal will have a significant impact on the environment.
  - c. An assessment that there are adequate resources, sewer, water, transportation, waste disposal, and emergency service facilities to serve the proposed incentive development and that such development will not substantially and deleteriously impact upon the development prerogatives of neighboring lands pursuant to local law.
2. The Planning Board and CAC shall review the application and report and, within sixty-two (62) days of their receipt, transmit advisory comments and any suggested modifications to the Town Board for its consideration.
  3. If after receiving the advisory comments from the Planning Board and CAC on the application, the Town Board decides to further consider the application for incentives, a public hearing shall be held. The public hearing related to the incentive application may be combined with any public hearing the Town Board holds pursuant to SEQRA or any other state or local law. At least five days' notice (fourteen (14) days if a draft environmental impact statement or supplemental environmental impact statement is required) of the time and place of a hearing will be published in an official newspaper of the Town.

## **Article V Supplemental Regulations**

### **A. Regulations for All Districts**

#### **1. Accessory Buildings and Uses**

- a. Accessory Apartments. Accessory apartments within an existing structure are a permitted use in all districts except I-1, where they are prohibited. Accessory apartments in a new addition to an existing structure are permitted with an abbreviated site plan review (ASPR) pursuant to Article VII in all districts, except in I-1, where they are prohibited. Conversions of single family to three or four family dwellings shall be considered a multi-family use and shall follow applicable standards as established in this local law.
- b. When Accessory Apartment is in Single-Family Dwellings.
  1. No exterior changes shall be made which will alter or extend the existing foundation of the principal structure.
  2. The accessory apartment is self-contained, with separate cooking, sleeping and sanitary facilities for use by the occupant(s).
  3. The accessory apartment is subordinate to the principal.
  4. The accessory apartment within a single family dwelling shall not occupy more than 40% of the square footage of that single family dwelling.
  5. The conversion of any existing single-family dwelling to accommodate an accessory apartment is limited to one accessory apartment per principal residence.
  6. Parking, as required for an accessory apartment/principal residence, shall be a minimum of two spaces per dwelling unit on-site and shall be designed and located to be convenient without encroaching on any required yard or setback area.
  7. Columbia County Department of Health approved water supplies and sanitary systems shall be required prior to granting of any zoning permit for an accessory apartment. Such systems may be connected to existing or upgraded water supply and sanitary systems of the single-family dwelling or may be separate facilities. If a separate system is necessary, all other standards, setbacks and requirements of this Law and of the County Department of Health shall be met.
  8. In the AR and Carson Road districts, the lot may not be an existing nonconforming lot of less than the prescribed lot area or lot width. In all other districts, nonconforming lots may be used for accessory apartments.
  9. When an existing single-family structure is altered to accommodate an accessory apartment, all construction associated with adaptation of the existing structure shall be performed in a manner that retains and enhances the character of the structure. The design and construction of the adaptation of the accessory

structure shall further be compatible with the parent structure on the premises and with the overall character of the neighborhood.

- c. When Accessory Apartment is in Accessory Structure to Single-Family Dwelling.
  1. The principal dwelling and the accessory apartment shall be, at the time of construction, on a single lot with a lot area no less than the minimum specified for the zoning district. All existing and new accessory apartments shall satisfy all setback requirements set forth for a principal structure within the zoning district. An area variance may be requested for those that do not meet the setbacks.
  2. The accessory apartment is self-contained, with separate cooking, sleeping and sanitary facilities for use by the occupant(s).
  3. Parking, as required for an accessory apartment/principal residence, shall be a minimum of two spaces per dwelling unit on site and shall be designed and located to be convenient without encroaching on any required yard or setback.
  4. The accessory apartment in structure that is accessory to a single-family dwelling shall not occupy more than 40% of the accessory structure and shall not exceed 1000 square feet.
  5. No accessory apartment in an accessory structure shall be housed in a mobile home.
  6. Columbia County Department of Health approved water supplies and sanitary systems shall be required prior to granting of any zoning permit for an accessory apartment. Such systems may be connected to existing or upgraded water supply and sanitary systems of the single-family dwelling or may be separate facilities. If a separate system is necessary, all other standards, setbacks and requirements of this Law and of the County Department of Health shall be met.
  7. Only one accessory apartment shall be allowed in any single-family dwelling and only one accessory apartment shall be allowed on any single-family residential lot.
  8. The design of any proposed addition to the principal single-family dwelling or any accessory structure in which the accessory apartment is proposed shall conform to the general character and appearance of the principal dwelling and be consistent with the general character of the neighborhood.
  9. The driveway for ingress and egress to the accessory apartment should utilize the existing driveway utilized for the ingress and egress of the principal single-family dwelling to the maximum extent practicable. If another driveway is needed, its location and design should not adversely affect the existing driveway on the lot or driveways of neighboring lots in the area with respect to safety and layout.
  10. The location and use of the accessory apartment shall not reduce the value, cause a nuisance or otherwise adversely affect neighboring properties.

11. The design, size, and layout of the accessory apartment shall be consistent with the continual use of the apartment as an accessory use to the principal single-family dwelling on the lot. Such accessory apartment shall not be subdivided from any parcel containing a single-family dwelling for any use.

d. Other Accessory Buildings or Uses

1. Accessory buildings or uses shall not be constructed or established on a lot until construction of the principal structure is completed or the principal use is established. In no instance shall an accessory building or use be established on a vacant lot. Accessory buildings shall not be used for dwelling purposes except where permitted as an accessory dwelling.
2. Accessory structures not attached to principal buildings shall be located no closer to the principal building than 12 feet or a distance equal to the height of each accessory building, whichever is greater. This shall not apply to barns, silos, corn cribs, or other structures used for agricultural purposes.

In a residential district, accessory uses not enclosed in a building, including swimming pools and tennis courts may not be located in front yards of such lot and shall be distant not less than 20 feet from any lot line. No boat or truck over one ton capacity shall be parked or stored, whether registered or un-registered on any residential lot in the R-2 District except in the rear yard and not closer than the required side yard to any side lot line.

3. Accessory buildings shall not exceed the height regulations of the applicable zoning district.
4. Setbacks for accessory structures shall be the same as that allowed for the principal use pursuant to Article IV, Table 2, except where otherwise noted.

**2. Agricultural Data Statement, Disclosures, Coordination with NYS Agricultural Districts.**

- a. When parcels of land are located within a certified New York State Agricultural District, or within 500 feet of the boundary of a certified New York State Agricultural District as defined in Article 25AA of the New York State Agriculture and Markets Law, the following shall apply to any residential or non-residential development:

1. Required Disclosure. The Planning Board shall require the applicant to issue a disclosure to potential purchasers of lots or dwelling units, or place as a plat note as follows:

"It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This disclosure notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors. Prospective residents are also informed that the location of property within an agricultural district may impact the ability to access water and/or sewer services

for such property under certain circumstances. Prospective purchasers are urged to contact the New York State Department of Agriculture and Markets to obtain additional information or clarification regarding their rights and obligations under Article 25-AA of the Agriculture and Markets Law."

This disclosure shall be required as a note on a subdivision plat or Site Plan, and may also be required to be made through other means reasonably calculated to inform a prospective purchaser, such as by posting, distribution of handbills, inclusion in an offering plan or real estate listing information sheet, or letter of notification.

2. **Agricultural Data Statement.** All applications for a Special Use Permit, Site Plan approval, use variance, or subdivision approval requiring Planning Board or Zoning Board of Appeals review and approval for a proposal 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 shall include an agricultural data statement.
  - b. The reviewing board shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district.
  - c. When the planning board or zoning board of appeals receives an application requiring an agricultural data statement, the agricultural data statement shall be mailed to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location, and may be sent in conjunction with any other notice required by state or local law, ordinance, rule or regulation for the said project. The cost of mailing said notice shall be borne by the applicant. The agricultural data statement shall include the following information: 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 land contains farm operations and is located within five hundred feet of the boundary of the 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.
  - d. 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.
  - e. Further, the Town must refer all applications that require an agricultural data statement to the County Planning Board as required by Sections 239-m and 239-n of the NYS General Municipal Law.
  - f. The reviewing board shall evaluate and determine if appropriate mitigation measures are necessary to prevent conflict with farming practices.

**3. Buffers between Farm and Non-farm Uses, and Protection of Agricultural Lands**

- a. All major subdivisions and commercial developments in the Ag District shall provide for an agricultural buffer between itself and an agricultural operation that may be present. Buffers shall be established to reduce the exposure of non-farm uses to odors, noise, and other potential nuisances associated with the agricultural operation and to protect the agricultural operation from potential complaints related to same. Buffers shall also be required between new agricultural-related businesses and residential areas or uses in the Ag District.
- b. Agricultural buffers between farms and minor subdivisions and single and two-family residences are not required provided the applicant states, in writing, that they acknowledge the potential odors, sounds and other potential nuisances associated with an adjacent agricultural operation, that they accept those nuisances, and that they choose to not provide an effective buffer against those agricultural operations and effects. This written statement shall be entered into the official file for that application with the Planning Board. Absent such a written statement, the Planning Board may require an agricultural buffer to be provided for by the non-farm applicant.
- c. When a buffer is required, the following standards shall be met.
  1. Such buffers may consist of vegetative screening, woodlands, vegetated berms, or natural topographic features and shall be no less than fifty (50) feet in width. This buffer shall be within the prescribed setbacks, rather than in addition to the setbacks required for such district. If the setback is less than 50 feet, the buffer shall be to the extent of the setback.
  2. Buffers may be required to be larger depending upon the type of agriculture or farm use adjacent to the non-farm use, the topography and the proposed design and planting of such buffer.
  3. It shall be the responsibility of the non-farm applicant, including new agricultural-related businesses, subject to approval by the Planning Board, to provide an effective buffer that will reasonably protect adjacent non-farm areas from agricultural procedures.
- d. For all site plan, abbreviated site plan, special use permits, and subdivision approvals, land disturbance shall be identified and located in a manner to protect the maximum amount of prime and statewide important farmland soils insofar as practical as follows:
  1. on the least fertile soils for agricultural uses and in a manner which permits access to active agricultural land.
  2. Within any woodland contained within the parcel, or along the far edges of open fields adjacent to any woodland, to reduce impact on agricultural operations and to enable new construction to be visually absorbed by natural landscape features.

3. in locations least likely to block or interrupt scenic vistas as seen from public roadways.

#### **4. Buffers between Zoning Districts**

Where a lot in any business district or industrial district abuts a lot in a residential or agriculture district, the business uses shall provide along each abutting side or rear lot line a wall, fence, compact evergreen hedge or a landscaped strip of trees or shrubs designed to form a visual screen not less than 6 feet in height at the time of planting. Except for the required landscape areas and parking areas, a business use which is not conducted within a completely enclosed building shall be screened by a 6 foot solid masonry wall, chain link fence covered with an evergreen vine, or compact evergreen hedge.

Where a lot in an industrial district abuts a lot in a residential district, such lot in the industrial district shall meet the requirements of Article V (B) (2).

#### **5. Cemeteries**

No burial or memorial plats or buildings shall be located closer than 50 feet to any residential lot line, except when a dense evergreen hedge, wall or landscaped strip at least 6 feet in height provides complete visual screening from all adjacent residential property. Burial or memorial plats with mausoleums or monuments not exceeding six feet in height may be located no closer than 20 feet from any residential lot line.

#### **6. Commercial Logging.**

- a. To protect neighbors and the environment from unprofessional logging practices, a logging permit issued by the Zoning Enforcement Officer is required for any commercial logging activity that proposes harvesting more than 50,000 board feet of timber as measured by international "1/4" log rule in any successive twelve months. Landowners who are cutting less than 50,000 board feet of timber for their own use or for sale shall be exempt from this section.
- b. All commercial timber harvesting shall comply with the most current Timber Harvesting Guidelines for New York and Best Management Practices, as promulgated by the New York State Department of Environmental Conservation (DEC) and available from the Town's Building Inspector.
- c. All commercial timber harvesting shall take place between the hours of 6 AM and 8 PM on Monday through Saturday and shall not take place on any Sunday. No commercial timber harvesting operations or removal of products shall take place between the hours of 8:00 p.m. and 6:00 a.m.
- d. Prior to issuance of a logging permit, the applicant shall provide to the Zoning Enforcement Officer a map clearly identifying the area to be logged. This map shall identify the areas to be logged, access points, the name of the road to which it is accessing, locations of logging roads and all loading areas, and all stream crossings. The applicant shall also submit a logging permit application, provided by the Zoning Enforcement Officer, which shall describe the methods to be used to maintain water quality of streams and wetlands, prevent erosion on landings, logging trails, skid trails, and steep slopes, maintain the aesthetic character of the roadside, and comply with New York State Fire Laws as per the DEC Timber Harvesting Guidelines. Plans

prepared by a consulting forester, a DEC forester, or one to meet the requirements of the New York State 480-a program will be acceptable to meet the informational needs requirements of this sub-section.

- e. The Zoning Enforcement Officer may seek advice from the Columbia County Soil and Water Conservation District in relation to logging road layout and stream disturbances.
- f. The Zoning Enforcement Officer shall have the authority to order the suspension of logging operations if, in his opinion, conditions created by spring thaw, adverse weather or any other cause make soil erosion probable.
- g. The Town Highway Superintendent shall have the authority to:
  - a. Order the suspension of logging operations if it is determined that conditions created by the spring thaw, adverse weather or other cause may likely damage a public road.
  - b. Require the repair of roads, bridges and culverts damaged as a result of a logging operation by the landowner. If the landowner does not complete this repair within thirty (30) days, the Town has the authority to proceed with all necessary repairs and then charge the landowner for all costs incurred related to such repair.
- h. The term of this permit shall be for one term consisting of twelve consecutive months. However, since the operation may be adversely affected or delayed by unusual circumstances of weather or other occurrences, a one-year extension may be granted by the Zoning Enforcement Officer. Any additional extensions shall require application to the Planning Board.
- i. Any logging operation in existence at the time of the enactment of this chapter may continue without interruption, provided that application for a logging permit is made within thirty (30) days of enactment of this law.

## **7. Corner Clearance.**

To minimize traffic hazards at street intersections, no obstruction shall be allowed on any corner lot between a height of two and one half feet and ten feet above the centerline elevation of adjacent pavement. Nothing shall be planted, erected or maintained within the triangle formed by the intersecting pavement lines and a straight line that meets those pavement lines 50 feet from where the pavement lines intersect (or would intersect if rounded corners are projected).

## **8. Demolition**

Demolition/Reclamation. Whenever any principal structure is demolished within any hamlet district, the lot shall be graded and seeded within 15 days of demolition and all debris shall be removed and disposed of in appropriate waste facilities.

## **9. Environmental Performance Standards.**

The Planning Board shall ensure during project review that a proposed development conforms to these standards:

- a. Odor, smoke, dust, and other atmospheric pollutants. The emission of odor, smoke and other particulate matter shall not be permitted in violation of any applicable federal, state, county or town law or regulation, including, but not limited to, Article 6, Part 201 of the New York State Code of Rules and Regulations. For the purpose of grading the density of smoke, the Ringlemann Smoke Chart or US Environmental Protection Agency (EPA) Method 9 or 22 shall be used to determine the total smoke emitted. The emission of one smoke unit per hour or more and smoke with discernable density of No. 2 or higher on the Ringlemann Smoke Chart shall be prohibited. The production of odors of concentrations of noxious or explosive gases shall be prohibited.
- b. Heat. No heat shall be produced that is perceptible beyond the boundaries of the lot from which the heat is emanating.
- c. Industrial wastes. All State and federal laws, rules and regulations applicable to the discharge of solid and liquid waste shall be met. No solid or liquid wastes shall be discharged into any public sewer, private sewage disposal system, stream, or on or into the ground, except in strict accordance with the standards approved by the New York State Department of Health or other duly-empowered agency.
- d. Fire and explosion hazards. All State and federal requirements applicable to fire and explosion hazards shall be met. The Planning Board may request an advisory opinion from the local fire department as to the department's capacity to address any potential fire and explosion hazards which may be generated by the application.
- e. Vibration and noise. No vibration shall be permitted which is capable of being felt by any person lawfully at any adjoining lot line. Noise levels shall not exceed 55 dBA, except for agriculture unless where noted.
- f. Light Pollution and Glare. No use shall produce glare so as to cause illumination beyond the boundaries of the property on which it is located. All exterior lighting, including security lighting, signs or other uses shall be directed away from adjoining streets and properties. No direct glare shall be permitted and all lighting fixtures shall be shielded so that the angle of illumination is directed downwards rather than out.

## **10. Fences and Walls**

No fence or wall, other than the wall of a permitted structure, shall exceed a height of 4 feet in the front yard or where corner sight distances are required for traffic safety. No fence or wall, other than the wall of a permitted structure shall exceed a height of 6 feet in the side or rear yard. Fence height restrictions do not apply in the I-1 district only when the lot does not abut a residential or commercial district and when the fence height and location do not adversely affect site distance at street or driveway intersections.

A fence may be constructed of permanent material, such as wood, chain link, stone, rock, concrete block, masonry brick, brick, decorative wrought iron, or other materials that are similar in durability.

#### **11. Flag Lot**

Exception to lot frontage requirements may be granted for lots designed as “flag lots in the Ag District” provided that:

- a. In the opinion of the Planning Board, the character of the land precludes typical subdivision development, or a unique and desirable lot can be created;
- b. The purpose of creating the flag lot is not to circumvent typical subdivision with internal street development and does not negatively impact the continuing use of farmland. Flag lots are not permitted where they will increase the number of lots accessing roads in the Town of Ancram;
- c. The proposed lot has a minimum “Lot Frontage” of twenty-five (25) feet, as measured along the right-of-way of the fronting highway throughout the entire length leading to the buildable portion of the lot and there shall be 100 feet width at the actual building line;
- d. The required setbacks can be met when measured from the point where the lot meets the required minimum lot width for that zoning district.
- e. The minimum driveway width for a flag lot is 10 feet.
- f. The flagpole portion of the lot shall not be considered in determining the area of the lot.
- g. Land subdivisions shall be restricted to minor subdivisions or where necessary in a major subdivision to eliminate direct access to roads. Subdivisions with two or more flag lots are prohibited unless the subdivision is part of a major subdivision.
- h. The flagpole portion of the flag lot shall be under the same ownership as the flag portion of the lot.

#### **12. Flood Prevention**

- a. The regulations contained in Local Law #1 of 1990 (Flood Damage Prevention) shall apply. In addition, the Planning Board shall review subdivision, special use, and site plan applications located within the mapped floodplain to assure that all such proposals are consistent with the need to minimize flood damage or potential pollution of sensitive groundwater supplies in those locations. All structures and public utilities and facilities shall be located, elevated and constructed to minimize or eliminate flood damage and adequate drainage shall be provided so as to reduce exposure to flood hazards. In order to minimize ground and surface water pollution, the following uses are prohibited within the mapped floodplain:

Golf courses  
Storage of petroleum or chemical products  
Slaughterhouse  
Dry cleaners  
Manure storage

- b. In instances where the current Industrial District coincides with the mapped floodplain at the time this law is adopted, owners and operators of businesses within the I-1 district shall take all prudent precautions and measures to store and protect petroleum and chemical products from exposure to and distribution by floods, or to store petroleum and chemical products outside the mapped floodplain.

### **13. Landscaping.**

1. Landscaping shall be required for all new commercial uses in all districts and shall include at least the following measures:
  - a. Planting areas shall consist of permeable surface areas only.
  - b. Trees, when required, shall be planted 15 feet to 40 feet on center and at least 30 inches from the edge of any paved surface.
  - c. Required plants shall be maintained in a healthy condition at all times. Any plant that dies shall be replaced with another living plant that is comparable to the existing plant specified in the approved landscape plan within 90 days.
  - d. Trees shall measure a minimum of 1-1/2 inch caliper when measured 6 inches above grade. Shrubs shall reach a mature height within five growing seasons.
  - e. Landscaped berms, when required by the Planning Board, shall have a slope not greater than the slope created in 3 horizontal feet with a 1-foot vertical rise. The surface of the berm that is not planted with trees and shrubs shall be covered with grass, perennial ground cover, vines, and woody and herbaceous materials.
  - f. All off-street loading spaces, refuse and outdoor storage areas, mechanical equipment and the bases of antennas and satellite dishes located within the street yard shall be screened from public streets. The screen shall be of a height sufficient to obscure the area or equipment requiring screening. The screen may be provided by plants, a solid screen fence or wall, or a combination.
  - g. Proposed developments that require a site plan or special use permit shall provide landscaping along or within any street providing access to the use.
  - h. Plants, shrubs, and trees used in landscaping shall be native to the Northeastern United States to the maximum extent practical.

### **14. Lighting.**

1. No use shall produce glare so as to cause illumination beyond the boundaries of the property on which it is located.
2. All exterior lighting, including security lighting, signs or other uses shall be directed away from adjoining streets and properties.

3. No direct glare shall be permitted and all lighting fixtures shall be fully shielded so that the angle of illumination is directed downwards rather than out with the exception of incandescent lamps equal to or less than 1650 watts, or glass filed tubes filled such as neon or argon.
4. Light source locations shall be chosen to minimize the hazards of glare. The ratio of spacing to mounting height shall not exceed a 4:1 ratio.
5. All poles or standards used to support outdoor lighting fixtures shall be anodized or otherwise coated to minimize glare from the light source.
6. The maximum height of the luminaire shall not exceed 18 feet.
7. The installation of any mercury-vapor fixture or lamp for use as outdoor lighting is prohibited.
8. The Planning Board may require all exterior lights to be extinguished 30 minutes after the close of business, or after 11:00 PM unless the use is open 24 hours per day. Emergency lighting and pedestrian security lighting may be allowed to remain on after the close of business.
9. The unshielded outdoor illumination of any landscaping, signing, or other accessory purpose is prohibited, except with incandescent fixtures of 150 watts or less, or low-pressure sodium fixtures.
10. Any light source may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show arenas, provided that all of the following conditions are met:
  - a. All fixtures used for event lighting shall be fully shielded, or shall be designed or provided with sharp cut-off capability, in order to minimize up light, spill light, and glare; and
  - b. All events shall be scheduled in order to complete all activity before or as near to 10:30 PM as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 PM except to conclude a scheduled event that was in progress before 11:00 PM and circumstances prevented concluding before 11:00 PM.

#### **15. Manufactured Home Parks.**

- a. Establishment of a Manufactured Home Park. The Town Board may, after Planning Board review, and public notice and hearing, approve establishment of a Manufactured Home Park pursuant to this sub-section.
- b. The following process shall be followed to review and permit a Manufactured Home Park (MHP):
  1. Informal Meeting with Town Board. Prior to submission of an application, the Applicant shall schedule one or more preliminary meetings with the Town Board to

discuss its proposal to determine if the Town Board is willing to commence the MHP review and decision process. The Town Board, in its sole discretion, may decide at any time not to discuss the proposal with the Applicant, nor to accept, process, and review any proposal or application.

2. Town Board Petition. The applicant shall petition the Town Board for approval to approve a MHP. Five copies of this petition, along with any fee as may be established by the Town Board shall be submitted to the Town Board and shall include the following information:
  - a. A site plan that contains the following information:
    1. A boundary survey of the land to be designated as a Manufactured Home Park at a scale no smaller than 1" = 50 feet, and prepared by a New York State Licensed Land Surveyor;
    2. Existing topography with 2' contours to show the general gradient of the site, existing structures, existing roads and rights- of-way, major topographic features;
    3. Existing land uses within five hundred (500) feet of the area to be rezoned;
    4. Names of all property owners located within five hundred (500) feet of the boundary of the property to be rezoned, as listed on the Town Assessor's records;
  2. An Ag Data Statement with all adjacent agricultural land uses identified;
  3. Limits of wetlands, watercourses and floodplains;
  4. Identification of any known natural and/or cultural resources (e.g., stone walls, foundations, archeological sites, significant natural features including, but not limited to, streams, wetlands, steep slopes, floodplains, critical habitats, heritage trees, etc.) on the site.
  5. Location and size of all proposed buildings and structures, including signs, and locations of proposed home site pads.
  6. General proposed water supply facilities, documentation on availability of water supplies (such as well data from existing wells on or near the site) and proposed sewage disposal facilities, including test pit data and suitability for on-site disposal, if required.
  7. Description of stormwater drainage improvements.
  8. General locations of utilities to serve the area;
  9. Identification of anticipated traffic to be generated by the MHP;

10. Proposed parking plans, and public and private streets proposed by the applicant;
  11. Existing and proposed pedestrian facilities;
  12. Public and private open spaces, both improved and natural, and the square footage or acreage thereof;
  13. General landscaping plans, including existing vegetation to be preserved and general location of landscape buffers, if any.
  14. Proposed project phasing of components, including phasing of public improvements and provisions to address construction traffic;
- b. The applicant shall certify that he/she understands and accepts that the Town Board, in its sole discretion, may reject the application at any time during the review process for no reason and that he/she willingly and voluntarily makes the application and incurs any expenses thereof with full knowledge of this Town Board prerogative.
3. SEQRA. If the Town Board agrees to proceed with the MHP review process, the Town Board shall comply with the provisions of the State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations. The MHP application shall not be deemed complete until such time as the Town Board issues a negative SEQRA determination or a Draft Environmental Impact Statement is accepted as complete for purposes of commencing public review.
  4. Planning Board Opinion. If the Town Board agrees to proceed with the MHP review process, the Town Board shall refer the MHP petition and all accompanying application information to the Planning Board for written report and recommendation. The Planning Board may request such additional documentation and information from the Applicant as it deems necessary to prepare its report and recommendation to the Town Board. The report and recommendation of the Planning Board shall include a recommendation as to whether the MHP application should be granted, denied or granted with conditions. The Planning Board shall make its report within 62 days of the issuance of a negative declaration pursuant to Part 617 of the NYS ECL by the Town Board, or within 62 days following completion and acceptance of the DEIS by the Town Board, whichever is later. This timeframe may be extended upon request and mutual consent among the Planning Board, Town Board and applicant.
  5. Public Hearing
    - a. If the Town Board agrees to proceed with the MHP review process, the Town Board shall conduct a public hearing on any application for a MHP. The Town Board shall give public notice of the hearing in a newspaper of general circulation in the town at least ten (10) days prior to the date of the hearing.
    - b. In addition, the Town Board shall provide notice of such hearing by mail to all property owners within five hundred (500) feet of the parcel for which a Zone

change is requested. Such mailing shall be sent to at least one owner of each such property not more than fifteen (15) days nor less than ten (10) days before the date set for the public hearing, by transmitting the text of the public hearing notice as provided by the Town Board or its agent. The applicant shall provide a copy of the list of property owners within five hundred (500) feet including names of all the property owners, street address per the Assessor's map and Assessor's map(s) and parcel number(s) for each property. Such list shall be provided at the time of application submission.

6. Referrals

- a. At least ten days before any public hearing, the Town board shall refer the application thereof to the Columbia County Planning Board as required by Section 239-m of the General Municipal Law.
- b. The Town Board shall refer the application thereof to the Town of Ancram Conservation Advisory Council for an advisory opinion on any environmental issues related to any application being considered for MHP approval. Any CAC advisory opinion must be submitted to the Town Board prior to any SEQRA declaration by the Town Board.

7. Approval

- a. The Town Board, in its sole discretion, may reject any request for a MHP at any time during the petition review process. The Town Board, within 62 days of the close of the public hearing and upon completion of the SEQRA findings, shall make its decision to approve, disapprove, or approve with conditions, the MHP. The Town Board may attach any conditions required to ensure that the MHP is consistent with the Comprehensive Plan and the intent of the zoning law. If the Town Board disapproves the MHP zoning change, the Town Board shall make a written statement that sets forth the reasons for the Board's decision not to approve the application. Upon disapproval of the MHP zoning change, the Town 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 Town Board's reasons for disapproval.

If the Town Board determines to approve or approve with conditions the MHP request, the Town Board shall, in writing:

1. State the criteria used for decision making set forth in sub-section 7 of this sub-section and state its finding as to what extent the proposed MHP meets these criteria and to what extent it benefits the Town of Ancram.
  2. Establish such other conditions and requirements which the Applicant must adhere to in the development of the MHP.
8. Site Plan and Special Use Review and Approval by the Planning Board. The approval of the petition as a MHP by the Town Board does not create any vested rights in the applicant or property owner. The applicant shall be required upon approval of the MHP zoning to make a complete application to the Planning Board for site plan approval pursuant to Article VII. The Planning Board may utilize all information submitted to the Town Board by the applicant in preparation for site plan

applications. The Planning Board may, at its own discretion, require such additional information as needed for conducting the site plan review.

9. Expiration of MHP Approval. The applicant shall submit an application for site plan, within 1 year of the date of approval by the Town Board. If this application is not made within one (1) year of the date the MHP zoning is granted, the MHP shall become null and void. Prior to said one year (1) period, the applicant may request from the Town Board an extension of time for the submission of a plan and reasons for such extension. The Town Board, in its discretion, may approve or deny the extension.

All components of the MHP shall be completed no later than five (5) years after final approval of the MHP, provided that the Town Board may grant extensions of time where the developer demonstrates that it is making a good faith effort to complete the development and there are no outstanding violations of this zoning law with respect to the MHP. Any failure to meet these deadlines shall result in the expiration of the MHP which shall become null and void.

If the MHP becomes null and void, the Town Board shall notify the owners, and place notice of such change in the official newspaper of the Town.

10. Changes. Any significant changes to building location, sizes, type, configuration, site plan, or changes which the Planning Board deems may have the potential to have a significant impact or represents a significant deviation from the plans upon which the MHP is based, shall be referred back to the Town Board for its review and consideration. The Town Board shall determine whether any changes require amendments to the MHP plan.
- c. A Manufactured Home Park may be established only in the Ag district.
  - d. Impact to Surrounding Properties: The Manufactured Home Park shall not be detrimental to present and potential surrounding uses.
  - e. Existing and proposed streets within the Manufactured Home Park shall be suitable and adequate to carry anticipated traffic within the proposed development and in the vicinity of the proposed MHP.
  - f. Existing and proposed utility services shall be adequate for the proposed development and such utility services shall be placed underground. Each individual manufactured home unit shall be served by central water supply facilities and wastewater treatment facilities as approved by the New York State Department of Health Department.
    1. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all manufactured home lots and buildings within the manufactured home park.
    2. Each manufactured home lot shall be connected to an on-site sewer plant, which shall connect to the manufactured home situated on the lot to receive the waste from shower, tub, flush toilets, lavatory and kitchen sink in the home. Sewer connections in unoccupied lots shall be so sealed as to prevent the emission of any odors and the creation of breeding places for insects and secure from tampering or opening.

3. Plumbing connections to each manufactured home shall comply with all regulations of the New York State Plumbing Code;
  4. Weatherproof electrical service connections and outlets shall be of a type approved by the New York State Board of Fire Underwriters;
  5. At least one (1) public telephone for emergency purposes or access to the office telephone shall be required.
- g. Manufactured Home Park standards.
1. Site Development.
    - a. Site Size. Manufactured Home Parks shall be located on a minimum of ten (10) acres and a maximum of twenty (20) acres;
    - b. Grading. The site shall be properly graded to ensure proper drainage so that no portion of the site is subject to flooding or erosion;
    - c. The site shall have a minimum of fifty (50) feet of frontage on the highway providing primary access to the site.
    - d. No manufactured home, manufactured home accessory building, Manufactured Home Park office or service building shall be located within fifty (50) feet from any property line encompassing the site unless otherwise determined by the Planning Board that a lesser distance would be sufficient due to topography, existing on-site screening or other circumstance to ensure adequate screening and buffering of adjacent properties.
    - e. The land lying wholly within the perimeter boundaries of any proposed Manufactured Home Park shall be held in single ownership and shall consist of separately dimensioned, individual lots, collectively held in single ownership and used entirely for rental purposes only.
  2. Density/Lot Standards.
    - a. Lot Density/Lot Setbacks. Each Manufactured Home Park shall be designed to accommodate separately identified manufactured home lots as follows:

**Minimum Lot Area**

|  |                                       |
|--|---------------------------------------|
| Single wide unit.....                                      | 7260 square feet (sf)                 |
| Double wide unit.....                                      | 9700 sf                               |
| Maximum # Units/Gross Acre.....                            | 4 on Columbia County and NYS Highways |
| Maximum# Units/Gross Acre.....                             | 2 on Town of Ancram roads             |
| Minimum Setback from Public Highway Right-of-Way Line..... | 100 feet (ft.)                        |
| Minimum Setback from Non-Dedicated Street Centerline.....  | 75 ft.                                |
| Minimum Unit Separation.....                               | 50 ft.                                |
| Minimum Manufactured Home Lot Width.                       | 70 ft.                                |

- b. Any single-wide unit proposed for expansion shall have a minimum lot area equal to that of a double-wide unit as specified in this Zoning Law.
- 3. Required Manufactured Home Park Caretaker. Each Manufactured Home Park Licensee shall have a duly authorized attendant or caretaker on-site at all times who shall keep the Manufactured Home Park, its facilities and its equipment clean, orderly, and in a sanitary condition at all times.
- h. Open Space/Landscape Plantings. All areas of the site except wetland buffers, stream corridors, steep slopes, or other natural undisturbed areas not occupied by buildings, units, parking areas, driveways or walkways shall be maintained as lawn area with landscape plantings of trees and shrubs, or as natural areas as follows:
  - 1. All margins along the front, side and rear property lines of the Manufactured Home Park site shall be planted with evergreen or deciduous trees in a mass planting or hedgerow, for the purpose of visual screening and noise abatement. Such plantings shall be provided to the extent needed in order to provide for the screening of objectionable views, adequate shade, and suitable settings for the manufactured home and other facilities as approved by the Town of Ancram;
  - 2. The design of individual sites shall take into consideration the natural growth presently on the site and the nature and condition of the terrain as well as the relationship of the site itself with respect to adjoining lands. Screening and/or landscape plantings for such individual sites shall be provided as deemed necessary by the Town of Ancram Planning Board.
- i. Required Storage Space. Storage space for the use of manufactured home park residents shall be provided within a fully enclosed building in an amount equal to at least eighty (80) cubic feet for each manufactured home lot in the Park.
- j. Required Recreation Area. A recreation area shall be incorporated into the design of the Manufactured Home Park to be a minimum of five hundred (500) square feet per manufactured home unit with appropriate facilities to satisfy the needs of the Park residents.
- k. Recreation Areas. The Town of Ancram Planning Board shall also have the authority to require certain recreation or community service facilities at the location of any proposed Manufactured Home Park. These include, but are not limited to, laundry facilities, public telephone, recreational facilities, parks, open spaces, playgrounds, meeting room and rest rooms. The Planning Board may find that due to size, topography or location of the Manufactured Home Park, land for parks, open spaces, playground or other recreational purposes cannot be properly located on the property. In that case, prior to approval and filing of the proposed plan, the Planning Board shall require that a payment in an amount to be determined by the Planning Board shall be made per manufactured home lot within the proposed Park by the applicant to the Town of Ancram and added to Town recreation funds pursuant to Section 277 of the New York State Town Law. Such amount shall be paid to the Town of Ancram at the time that final approval of the plan is made and no such plan shall be finally approved nor filed until such payment has been made.

- l. **Snow Removal.** The Owner of the Manufactured Home Park shall be responsible for snow removal from the Manufactured Home Park to the public highway. The owner shall be required to accomplish snow removal promptly so as to ensure the safety of the residents and access for emergency vehicles.
- m. **Site Lighting.** Street lighting shall be provided at all entrances and exits to the Manufactured Home Park and on all internal streets, intersections, walkways and common areas. Such lighting shall provide an illumination of .6 foot candles to those areas and shall use full cut off or shielded light fixtures to reduce glare.
- n. **Fire Protection.** The owner/operator of a Manufactured Home Park shall provide suitable and operable fire extinguishers and other fire alarm and protection devices as may be prescribed by the fire district where the Manufactured Home Park is located. There shall be clear numbering of manufactured homes within the Manufactured Home Park with a layout map provided to the fire and disaster coordinator and to ambulance and police agencies. The local fire department and ambulance service shall review and approve access plans for the Manufactured Home Park to ensure adequate safety and emergency response.

#### **16. Multi-Family Dwellings**

- a. There shall be a minimum dimension of 800 square feet per unit.
- b. All structures containing multiple family units shall have a minimum roof pitch of 6 over 12.
- c. All front yards attached to multiple family structures shall have a clearly defined front yard using landscaping, fencing, hedging, or brick or stone wall. Front yards of attached townhouses may be unified into one common yard treated as a single front yard for the entire building.
- d. All multiple family units shall have the following dimensions:
  - 1. The maximum impervious surface area coverage, excluding paved areas for recreational facilities, such as a basketball or tennis court or a pool, shall be fifty percent (50%).
  - 2. Maximum building size and density: The maximum number of dwellings shall be no more than the residential density established for that district. The Planning Board shall ensure that any proposed density will meet all New York State Board of Health requirements for waste water treatment systems and water supplies. When multiple structures are included within a multi-family development, there shall be no more than four dwelling units per individual structure provided that density is allowed pursuant to Tables 1 and 2.
  - 3. Open space between buildings on the same lot: minimum 30 feet
  - 4. Rear yard garage or parking shall be provided.
  - 5. All front, side and rear yards shall be as required by the dimensions table.

- e. All multiple family developments shall:
  - 1. Consist of structure of an architectural style that emulates single-family residences in building design, entrance, and other architectural details.
  - 2. Buildings should vary in appearance but share a common design style.
- f. Paved off-street parking areas shall be provided as follows:
  - 1. On-site pedestrian and vehicle circulation shall be designed to limit traffic hazards.
  - 2. Parking spaces shall be required as per Article V (A)(17).
  - 3. Parking and traffic circulation should include appropriate signs and striping to direct traffic on and off-site.
  - 4. Sidewalks shall be provided, as appropriate, to connect the residential units with parking areas, public streets, recreation areas, and other apartment building(s) and other existing sidewalks if present.
  - 5. Parking areas and drives shall be located no closer than 25 feet to a residential building in order to provide an adequate buffer between vehicular areas and residential uses, and to accommodate sidewalks from parking areas to the building. The distance between parking areas and drives may be reduced or eliminated where the Planning Board determines that resident mobility needs demand closer placement of parking areas to the building served.
- g. Buffer areas shall be used to maintain natural areas between multi-family structures. Buffer strips shall consist of trees, hedges, dense plantings, earth berms, and other changes in grade.
- h. Landscaping, lighting, and building elevation plans for each structure shall be submitted to the Planning Board for review. Landscaping and screening shall conform to the following minimum standards:
  - 1. Use of existing vegetation to the greatest extent possible.
  - 2. Along road frontage, a ten (10) foot wide, landscaped buffer shall be provided and designed so as not to obstruct sight distance at road access points.
  - 3. Units shall be sited for maximum preservation of mature trees (trees of twelve (12) inches or more in diameter at breast height).
  - 4. Clear cutting of the entire parcel is prohibited.
  - 5. Lighting provided on the site to ensure safe movement of persons and vehicles and for security purposes shall conform to the following standards:
    - a. All lighting shall be designed and arranged so as to prevent glare and reflection on adjacent properties.
    - b. The maximum height of pole-mounted lights should not exceed eighteen (18) feet.

- c. The source of the lights shall be shielded or located such that it shall not be visible outside the boundaries of the parcel being developed.
- 6. The Planning Board may require that all utilities, exclusive of transformers, be placed underground at the time of initial construction. Required utilities may include water, sewer, storm drainage, telephone, TV cable, electricity, gas, and wiring for streetlights.
- 7. Solid waste and recycling receptacles of adequate capacity shall be provided for the maximum number of residents. Receptacles shall be screened from view by fencing or landscaping and regularly emptied to prevent odor and unsanitary conditions. The receptacle shall be designed to prevent loose litter.
- 8. Snow storage areas shall be indicated on the site plan and shall not interfere with required parking or traffic circulation.
- i. One sign per entrance that identifies the development is permitted and should be compatible with the general environment of the project site. Signs shall conform to Article V (A)(20).
- j. Private roads (those not maintained by the Town of Ancram) within a multi-family development shall not exceed an average grade of eight percent (8%). No section shall exceed a grade of ten percent (10%) unless otherwise allowed by town standards. The local fire department and ambulance service shall be consulted to ensure adequate accessibility for emergency vehicles and services.

**17. Off-Street Parking, Loading, and Access.**

In all districts, off-street automobile parking spaces and truck loading areas for the various permitted uses shall be required at the time any of the main buildings or structures of such uses are constructed or altered as follows:

- a. Off-Street Automobile Parking Spaces: The minimum cumulative number of spaces shall be determined by the amount of dwelling units, bedrooms, floor area, members, equipment, employees, and/or seats contained in such new buildings or structures, or added by alteration of building or structures, and such minimum number of spaces shall be maintained by the owners of such buildings or structures. Since uses vary widely in their need for off-street parking, the parking requirements shall be based on the specific operational characteristics of the proposed use at the time of site plan and/or special use permitting by the Planning Board. The Planning Board, in its sole discretion, shall determine the parking requirements for any proposed use. When making that decision, the Planning Board shall consider:
  - 1. Parking spaces should be sufficient to satisfy 85% of the anticipated peak demand or maximum capacity of an establishment. In most instances, requiring spaces beyond the 85% peak demand is likely to result in parking lots that are larger than necessary.
  - 2. The size of the structure and the site.

3. The environmental, scenic or historic sensitivity of the site. In order to protect these resources, the Planning Board may allow a reduction in the size of the parking lot.
  4. The Planning Board may refer to generally accepted traffic engineering and planning manuals. However, such standards should be used as a guide only.
- b. **Parking Lot Guidelines:** In addition to the general considerations for determining parking lot requirements, the Planning Board shall use the following guidelines for determining the amount of requisite parking:
1. **Office, Business, Commercial, and Governmental Uses:**

For retail business or service, bank, or post office, one space for each 100 square feet of customer floor area.

For office, including professional, personal service, public utility, one space for each 200 sq. ft. of gross office floor area or 1 space for every employee.

For restaurant, bar, or nightclub, one space for each 50 sq. ft. of customer floor area. Parking spaces should be sufficient to satisfy 85% of the anticipated peak demand or maximum capacity of the establishment.

For funeral home, one space for each five seats of chapel or chapels capacity.

For any commercial use, one space for each company vehicle in addition to other required spaces.

For bed and breakfast, hotel, inn, lodge and motel, one space for each bedroom, plus one space for each four employees.

Spaces in municipal parking lots, designed to serve non-governmental uses where provided, may be credited toward the parking requirements for these non-residential uses, provided that:

    - (a) these spaces are within 400 feet of the uses to be served;
    - (b) the parking needs of existing facilities (within 400 feet and computed on the same basis as for new facilities) are satisfied first and only excess capacity is used for this purposes; and
    - (c) a special permit for such use is obtained from the Planning Board.
  2. **Industrial Uses:**

One space for each 400 square feet of floor area devoted to manufacture, including printing, publishing, wholesale, business and laundry or dry cleaning plants.

One space for each 2, 000 sq. ft. of floor area devoted to storage.

One space for each 3, 000 sq. ft. of area devoted to outside storage including equipment rental or sales yards.

For any industrial use, one space for each company vehicle in addition to other required spaces.

3. Public and Semi-Public Uses:

For places of public assembly (including churches, theaters, concert halls) one space for each three seats of seating capacity. Parking spaces should be sufficient to satisfy 85% of the anticipated peak demand or maximum capacity of the establishment.

For elementary school or day nursery, two spaces for each classroom or the above auditorium requirement whichever is greater.

For high school or college, five spaces for each class-room or the above auditorium requirement whichever is greater.

For museum, art gallery, institution, or philanthropic use, one space for each 800 sq. ft. of gross floor area.

For hospital, sanitarium, nursing or convalescent home, one space for each two beds plus one space for every two employees.

For club, one space for each 200 sq. ft. of gross floor area or one space for four seats of seating capacity whichever is greater. Parking spaces should be sufficient to satisfy 85% of the anticipated peak demand or maximum capacity of the establishment.

4. Recreational Uses:

For golf course, bowling alley, four spaces for each tee, or alley.

For skating rinks, one parking space for each 250 sq. ft. of area available for skating.

5. Residential Uses:

For one or two family dwelling - 3 spaces per dwelling unit. For multi-family dwellings - 2 spaces per dwelling unit plus 1 guest parking space for every 2 units. A driveway within a front yard for a single-family or two-family residence may count toward meeting the requisite number of parking spaces.

Customary home occupation or professional office in a dwelling unit, one space for each 150 sq. ft. devoted to such customary home occupation or professional office plus one space for each non-resident employee, plus the required spaces per dwelling unit.

Boarding house, one space for each bedroom.

6. For uses not listed herein, the Planning Board shall determine the parking requirements based on the general considerations in Article V (A) (17). In such instances, the applicant shall provide adequate information by which the proposal can be reviewed including, but not limited to type of use, number of employees, building size, hours of operation, and parking spaces for visitors.

c. Calculation of required spaces: In the case of a combination of uses, the total requirements of off-street automobile parking spaces shall be the sum of the

requirements for the various uses, unless it can be proven that staggered hours of use would permit modification. When-ever a major fraction of a space is required, a full space shall be provided.

- d. Dimensions for Off-Street Automobile Parking Space: Such space provided shall be at least nine feet wide and 19 feet long and every space shall have direct and usable driveway access to a street or alley with minimum maneuver area between spaces as follows:
  - 1. Parallel Curb Parking: Twelve-foot aisle width for one-directional flow and 24 foot aisle width for two-directional flow.
  - 2. 30° Parking: 12-foot width for one-directional flow and 19 foot aisle width for two-directional flow.
  - 3. 45° Parking: 12-foot aisle width for one-directional flow and 19-foot aisle width for two directional flow.
  - 4. 60° Parking: 16-foot aisle width for one-directional flow and 20-foot aisle width for two-directional flow.
  - 5. Perpendicular Parking: 24-foot aisle width for one-direction and two direction flow.
- e. Location of Required Spaces: In any residential district, no open or enclosed parking area shall encroach on any required front yard. For commercial uses, parking lots shall be on the side or in the rear of the building. If front parking is the only feasible location for parking due to lot configuration, such parking shall be landscaped or screened. Open parking areas may encroach on a required side or rear yard to within three feet of a property line. In business districts or industrial districts, such spaces shall be provided on the same lot, or not more than 400 feet from that lot. Any parking lot for any use in any district shall be setback 100 feet from any wetland and water body.

No entrance and exit drives connecting the parking area and the street shall be permitted within twenty-five feet of the intersection of two public rights-of-way.
- f. Set-aside for Future Parking in Phased Projects. For projects consisting of more than one phase, or for those anticipating significant growth, the Planning Board may require that an applicant set aside additional land to meet potential future parking needs. Such land may remain in its natural state or be landscaped, but may not be used in a manner that would prevent it from being used for parking in the future.
- g. Cross-Access and Shared Parking. In cases where two or more commercial developments are adjacent, the Planning Board may require cross-access easements between adjacent parking lots to provide for interconnected parking lots and to facilitate traffic and control access on the main road. Shared parking facilities are encouraged.
- h. Required Off-Street Truck Loading Areas: For funeral homes, one berth for each chapel.

For bed and breakfast, hotel, inn, lodge, and motel, one berth for floor area in excess of 10,000 sq. ft.

For office, business, and commercial uses, one berth for 10, 000 sq. ft. to 25, 000 sq. ft. of floor area and one additional berth for each additional 25, 000 sq. ft. of floor area, unless it can be proven that truck deliveries shall not exceed one vehicle per day.

For light manufacturing and permitted industrial uses, one berth for the first 10, 000 sq. ft. of floor area and one additional berth for each additional 40, 000 sq. ft. of floor area.

For other permitted non-residential uses, one berth for 10, 000 sq. ft. to 25, 000 sq. ft. of floor area, and one additional berth for each additional 25, 000 sq. ft. of floor area, unless it can be proven that truck deliveries shall not exceed one vehicle per day.

- i. Dimensions for Off-Street Loading Berths: Each required loading berth (open or enclosed) shall have the following minimum dimensions: 35 feet long, 12 feet wide, and 14 feet high, except that berths for funeral homes may be 20 feet long, 10 feet wide and 8 feet high.
- j. Location of Required Berths: All off-street loading areas shall be located on the same lot as the use for which they are permitted or required. Open off-street loading areas shall not encroach on any required front or side yard, access way or off-street parking area, except that in Business Districts off-street parking areas where they exist may be used for loading or unloading, provided that such spaces shall not be so used for more than three hours during the daily period that the establishment is open for business.
- k. Construction of Parking Areas: Required parking areas for more than 5 cars accessory to commercial, industrial or multi-family uses shall be paved with either an impermeable surface such as asphalt or concrete, or a permeable surface such as crushed gravel. The Planning Board may require individual spaces to be visibly marked with paint or other durable material. Parking areas to be used at night shall be lighted.
- l. Landscaping: At least fifteen percent of the area of the lot usable for off-street parking shall be devoted to landscaping with lawn, trees, shrubs or other plant material. All loading berths and parking areas of three or more spaces that abut a residential lot line, and any parking lot for more than 20 cars shall be screened by a six-foot high solid masonry wall, or compact evergreen hedge or a landscaped strip of trees and shrubs so designed as to form a visual screen from the adjoining property. All parking areas and landscaping shall be properly maintained thereafter in an aesthetic and well-kept condition.
- m. Lighting in parking lots. Lighting in parking lots shall adhere to standards in Article V (A) (14). Lighting shall be arranged so that the source of light is concealed from public view and from adjacent residential properties and does not interfere with traffic by way of glare. All lights shall be shaded or so directed so as not to cause glare on adjoining residential properties and shall be so directed so as not to cause a traffic hazard due to glare or color.
- n. Handicapped Parking. Adequate parking for handicapped persons shall be provided in accordance with applicable laws and designed in accordance with all State and Federal ADA regulations (ICC/ANSI A117.1).

**o. Parking Lot Design.**

1. No more than two curb cuts shall be created for access into a parking lot.
2. Landscaping shall be integrated into parking areas to visually break up large expanses of paving and to provide shade. All off-street parking areas shall have a minimum landscape area equal to 15% of the paved parking area. Landscaping shall be placed at parking entryways, and at parking end islands, and shall help define vehicular access and pedestrian movement. One deciduous tree per six parking spaces is required. For parking lots greater than thirty cars, planting islands nine feet wide by 18 feet deep, constructed with sub-surface drainage and compaction resistant soil will be required to be placed in the interior of the parking area.
3. Curbing may be required to assure proper drainage, delineate the parking area and driveway access.
4. Stacking lanes may be required to avoid stacking of vehicles into the public right-of-way.
5. The Planning Board may also require bicycle parking spaces at the rate of one per 20 parking spaces.
6. Parking lots are encouraged to be designed with pervious pavement. Low impact stormwater methods such as bioswales and rain gardens shall be required to control runoff.

**18. Protection of Springs and Seeps.**

It is the intent of the Town of Ancram to protect springs and seeps of high hydrogeological and ecological significance. Springs and seeps shall be identified and included on all applications for site plan, special use permit or subdivision permits. If a spring or seep is identified, the applicant shall provide information to the Planning Board about such identified spring or seep that further defines its characteristics and its role in the hydrology and ecology of the area. The Planning Board may establish measures to protect springs and seeps that it determines to be of high hydrogeological and ecological significance including, but not limited to setbacks precluding construction, dredging, filling or other disturbance of the spring or seep; erosion control; and sediment control. In determining the hydrogeological and ecological significance of a spring or seep, the Planning Board may, but shall not be limited to inquiring as to the size, hydrology, seasonal or permanent nature, vegetation in or dependent on it, whether such spring or seep is used as a water supply for an agricultural operation, whether it affects other properties, or other pertinent information.

**19. Sanitary Disposal**

No person shall undertake to construct any new building or structure in the Town without first meeting the requirements for a system, or facilities for, the separate disposal of water-borne sewage, domestic or trade wastes in accordance with applicable regulations of the Town, the Columbia County Department of Health and other governmental agencies. Septic systems may be allowed to be placed in the front yard of a lot only if lot size and dimensions make it impossible to meet required setbacks and separation distances along side or rear yards.

**20. Signs.**

The following signs are exempt from the requirements of this law and shall require no permit or approval by the Planning Board:

- a. Exempt Signs in all Districts. The following signs are exempt from the requirements of this Law:
  1. Sale or rental signs (maximum 6 square feet per side)
  2. Signs denoting the architect, engineer or contractor where construction or repair is in progress (maximum 6 square feet per side)
  3. Professional and trade name plates (maximum 6 square feet per side)
  4. Signs which mark property boundaries, trespassing signs, or warning of hazards (maximum 1 ½ square feet per side)
  5. Signs giving the name of residents or a dwelling and its address (maximum 4 square feet per side)
  6. Temporary signs such as for garage sales, non-recurring events, fund drives, or events undertaken by a political, religious, charitable or educational organization placed for no more than 60 days (maximum 20 square feet per side)
  7. A bulletin board or similar sign connected with a church, museum, library, school, and public structures, one per premise (maximum 24 square feet per side) provided they are located on the premises
  8. Sign identifying the name of a farm, and on premise signs used in conjunction with sale of farm products (maximum 24 square feet per side)
  9. Interior signs
  10. Flags and flags depicting the 'open' or 'closed' status of a business.
  11. Memorial signs, historical markers or tablets, names of buildings, and dates of erection when cut into any necessary surface or when constructed of bronze, stainless steel, or similar material, not exceeding 6 sq. ft. in area per side.
  12. Traffic or other municipal signs, legal notices, and such temporary, emergency, or non-advertising signs as may be authorized by the Town Board.
- b. Signs in Agriculture, R-2, RhoR1, and CarsRd Districts: No sign or other device for advertising purposes of any kind may be erected or established in any Agriculture or Residential District except issued pursuant to this Law as follows:
  1. One freestanding sign, and one building mounted sign are allowed per each permitted non-residential use. The Planning Board may require that a freestanding sign be placed within a landscaped base.
  2. Freestanding signs may have an aggregate total face area of not more than 24 sq. ft., with no more than two sides, and shall not exceed 12 feet in height. Signs shall be no

nearer than 10 feet to any property line or road, whichever requires the greater set back.

3. Building mounted signs may not project beyond the principal building of such use to which they are attached more than 12 inches.
  4. Dwellings for five or more families may display signs identifying the premises, having an aggregate total face of not more than 12 sq. ft. , and not projecting beyond the principal building on the lot more than 12 inches.
- c. Signs in Hamlet B/R Districts:
1. One freestanding sign, and one building mounted sign are allowed per each permitted non-residential use.
  2. The Planning Board may require that a freestanding sign be placed within a landscaped base. The face area of a freestanding sign shall not exceed 24 square feet.
  3. A principal building with more than one tenant is permitted a multi-business director sign that is no larger than 24 square feet as the freestanding sign for the premises. Each individual business in the multi-business building will be allowed one sign to mark their individual entrance that is no larger than four square feet.
  4. For building mounted signs, one sign shall be allowed with the total surface display area not exceeding one square foot per lineal foot of principal frontage of the lot, but not to exceed 50 sq. ft. in area
  5. The top of ground mounted signs shall not extend more than 8 feet above the ground level.
  6. Where a corner lot faces two principal streets, only one such frontage shall be considered the "principal frontage for sign placement." In the case of a corner lot such square foot sign area may be increased by an additional 0.5 sq. ft. lineal foot of frontage of the lot on the secondary street but not to exceed 25 sq. ft. Such signs in general business districts shall not project more than 12 inches beyond the principal building on the lot.
  7. A new business, or a business in a new location, awaiting installation of a permanent sign, may use a portable sign for a period of not more than 60 days or until installation of a permanent sign, whichever occurs first. Such portable sign must meet all the requirements of this Law.
- d. In Industrial District (I-1): One freestanding sign having an aggregate total face area of not more than 36 sq. ft. may be displayed, provided that such signs shall be located no nearer than 10 feet to any property line and provided the top of such signs shall not extend more than 15 feet above ground level. Necessary traffic directional signs shall be permitted.
- e. Representational Signs: No representational sign shall be permitted in any district.

- f. Advertising Signs: All off-premise signs advertising a product are prohibited. All billboards are prohibited. Hereafter, *notwithstanding* any other provisions of this law, signs not pertaining to the use, sale, rent, or lease of property on the same lot, and signs not representing construction or subdivision activity as allowed by this law, are not permitted in any district, except for the following:
  - 1. Signs for the purpose of directing persons to a business or establishment may be erected in any district, providing such signs shall not exceed 4 sq. ft. in area per establishment. Such sign shall conform to applicable regulations of the district in which they are located, shall be grouped on community poles and shall be approved by the Town Planning Board.
- g. Projecting Signs: No sign may project into any public right-of-way.
- h. Subdivision Signs: Any person offering lots for sale in a subdivision may erect non-illuminated, directional signs within the limits of the subdivision, or adjoining property in the same ownership, having an aggregate total face area of not more than 50 square feet. The permit for such signs shall be issued for a period of one year, each following a determination by the Building Inspector that the signs have been repainted or are in good condition in each case.
- i. Roof Signs: No sign shall be placed on the roof of any building or above the roof line of any building. However, signs placed on a porch roof or other subordinate roof of a building shall be allowed provided the sign does not project above the highest roof line of the building.
- j. Neon-type lighted signs and portable signs mounted on wheels are not allowed. Non-flashing, neon signs are allowed only in windows, provided they are inside the building.
- k. Illuminated Signs: Illumination of signs shall not be of intermittent or varying intensity or produce direct glare beyond the limit, of the side property line. Red, green, and amber lights of such shape and hue that may be confused with official traffic lights and signals shall be prohibited. All bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from view. No revolving or neon signs shall be allowed. No illuminated sign shall be placed or directed to cause beams of light to be cast on any public highway, sidewalk, or adjacent premises or to cause glare or reflection that will be a traffic hazard or nuisance. The Planning Board may require an illuminated sign to be turned off two hours after the close of business.
- l. Banners: No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices. These devices, as well as year-round use of strings of lights, shall not be used for, or in conjunction with, advertising when not part of a sign.
- m. Window Signs: No signs erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than 25% of the area of said window.
- n. Posters: Temporary, non-permanent posters, covering such things as political events, sporting events, shows, and elections, shall not be displayed until 4 weeks prior to the

event and must be removed within 5 days after the event. No such sign shall be attached to a tree or utility pole.

- o. All applications for permits for erection or alteration of signs accessory to nonresidential uses in residential districts, multi-family residences, business uses, industrial uses, advertising signs on a community pole and subdivision signs shall be referred to the Planning Board by the Building Inspector/Zoning Enforcement Officer before a permit is issued.
- p. Procedures and Sign Permits.
  - 1. No sign shall be erected without a permit from the Planning Board, except those listed in sub-section (20 (a) above.
  - 2. An applicant may seek sign permit approval in conjunction with a special use or site plan application and no separate sign application shall be required. If no site plan or special use permit approval is required, signs shall be permitted and approved by the Planning Board prior to issuance of building permits.
  - 3. Upon approval of an application for a sign permit, the Zoning Enforcement Officer shall issue a sign permit.
  - 4. Information to be submitted to the Planning Board shall include a scale drawing of the sign, dimensions, content, materials, and method of illumination, method of structural support, colors, location on the land, and name of sign owner responsible for maintenance of the sign. The Planning Board will accept a hand-drawn illustration of the sign to convey the above information.
- q. All signs must be kept clean, neatly painted and free from all hazards, such as but not limited to, faulty wiring, loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety. Any sign not in use shall be removed within six months after cessation of business.
- r. Violations. In the event of violation of any of the foregoing provisions, the building inspector shall give written or personal notice, specifying the violation to the owner of the sign and the owner of the land upon which the sign is erected, sent to the addresses as stated in the application for the sign permit, to conform or remove such sign. The owner shall then ensure the sign conforms to the regulations within 30 days from the date of said notice. In the event such sign is not brought into conformance within 30 days, the building inspector shall thereupon revoke the permit, and such sign shall be removed by the owner of the sign (and/or) the owner of the land.
- s. If the building inspector shall find that any sign regulated by this Law is unsafe or insecure, or is a menace to the public, he shall give written notice to the named owner of the land upon which the sign is erected, who shall remove or repair the said sign within 30 days from the date of said notice. If the said sign is not removed or repaired, the building inspector shall revoke the permit issued for such sign, as herein provided, and may remove or repair said sign and shall assess all costs and expenses incurred in said removal or repair against the land or building on which such sign was located. The building inspector may cause any sign which is a source of immediate peril to persons or property to be removed summarily and with-out notice.

## **21. Stormwater**

- a. Stormwater runoff rates after development shall not exceed the rates that existed prior to the site being developed. Existing natural areas that already provide storm water erosion control shall be protected to the maximum extent practical.
- b. Erosion and stormwater control management practices shall be designed and constructed in accordance with the Stormwater Design Manual of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES), and with the requirements of the Environmental Protection Agency's Phase II National Pollutant Discharge Elimination System (NPDES) regulations.
- c. All non-residential land disturbances of one (1) acre or larger and applicable residential developments that disturb one to five or more acres shall conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities (GP-O-10-001), or as amended or revised.
- d. The Planning Board may require the stormwater treatment to be designed through low-impact stormwater management practices. Bioretention (bioswales), dry wells, filter and buffer strips, grass swales, rain gardens, and infiltration trenches should be installed to infiltrate runoff from parking lots and other impervious surfaces to the maximum extent practical. Where vegetative solutions are not feasible, the Planning Board shall include porous surfaces to allow infiltration of stormwater to the maximum extent practical.

## **22. Supplemental Commercial Design Standards**

- a. General. These standards are in addition to all requirements of the New York State Uniform Fire Prevention and Building Code and to all design standards of Article VII (D) (2) (O) (Site Plan). It is not the intent of this sub-section to discourage contemporary architectural expression but rather to preserve the integrity and authenticity of the zoning district and to ensure the compatibility of new structures within the existing district zoning. The standards established in this sub-section are for the purpose of promoting quality development that is attractive, convenient and compatible with surrounding. These standards are intended to be general in nature and not to restrict creativity, variety or innovation. During project development and review, attention should be given to the compatibility of adjoining developments when reviewing project proposals.
- b. Applicability. These standards apply to all commercial development required to have site plan approval pursuant to Article VII.
- c. Context and Compatibility. These standards and guidelines establish an expectation that new development is similar in context and compatible with existing development. Context and compatibility with respected neighborhood buildings can be judged by the following major points of comparison:
  1. Roof shapes, slopes and cornices are consistent with the prevalent types in the area.
  2. Rhythm of building spacing along the street and overall scale are not interrupted.

3. Proportions for facades and window openings are in harmony with the traditional types within the district.
  4. Materials, textures, and colors are similar, with natural and traditional building materials preferred.
  5. Site details (porches, entrances, signs, landscaping, lighting, screened parking and mechanical systems) complement traditional examples in the area.
  6. Design standards for agricultural businesses and other non-residential uses in the Ag zoning district are established to ensure that the character of the buildings used protects the rural character of the area. These should emphasize 'farm like' buildings, including gambrel roofs, wood siding, and a traditional appearance.
- d. Building Placement.
1. Buildings shall be designed so that entrance doors and windows, rather than blank walls, garages, side walls or storage areas, face the street. Blank walls for commercial applications are discouraged but may be allowed at the discretion of the Planning Board under certain circumstances such as when the structure is along an alley or when facing another blank wall.
  2. The front façade of the building shall be parallel to the main street unless traditional orientation of buildings on that street differs for the majority of buildings.
- e. Building Scale.
1. The scale and mass of buildings shall be reviewed by the Planning Board during Site Plan Review and determined to be compatible with that of adjacent and nearby buildings as viewed from the all exposed (public) vantage points.
  2. In order to minimize the apparent scale of buildings greater than 40' in width, facades facing the main street should be broken by periodic setbacks, façade breaks, and rooflines should include offsets and changes in pitch. Other design features such as porches or cupolas, window bays, separate entrances and entry treatments, or the use of sections that may project or be recessed may also be used.
- f. Building Façades
1. Exterior materials of new construction shall be compatible with those traditionally used in the Hamlet and may include wood or wood-simulated (clapboard, board and batten or shingles, vinyl, red common brick, natural stone, and man-made or processed masonry materials if they simulate brick or stone and have the texture and architectural features sufficiently similar to that of the natural material to be compatible). Primary façade materials such as stucco, sprayed-on textured surface finishes, modular metal panels, and concrete blocks are not permitted.
  2. The front facade of the principal building on any lot shall face onto a public street.
  3. A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.

4. There shall be no blank walls.
  5. New buildings should relate to the surrounding context to form a unified sense of landscape in each district. Repetition of design in multiple building projects should be avoided.
  6. Formula-based architectural styles. All businesses, including commercial franchise or formula-based businesses shall meet all design standards of this Zoning Law. Formula-based architectural styles including, but not limited to uniform color schemes, facades, or signage shall be allowed provided it is of a style consistent with the design standards of this sub-section. In order to protect the public health, safety and welfare of Ancram, this provision is intended to preserve the Town's unique neighborhood and community character and to contribute to the establishment of a diverse economy and revitalized hamlets as established as critical goals in the Town of Ancram Comprehensive Plan
- g. Roof Types and Materials
1. All roofs shall be pitched with a minimum pitch of 5" vertical rise for each 12" horizontal run and have a roof overhang of traditional proportions on all structures. Mansard roofs are not acceptable.
  2. Peaked or slope roof dormers and cupolas are encouraged.
  3. Roofing materials of slate, metal, asphalt or fiberglass shingles or cedar shakes or composites that have the same appearance as these materials are acceptable.
  4. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements that define the front entrance to all residences are encouraged.
  5. Multiple Buildings within a development shall have a variety of different roof overhang profiles, proportioned to replicate a traditional downtown street-front rhythm.
- h. Windows
1. The spacing, pattern and detailing of windows and window openings shall be reviewed by the Planning Board during Site Plan Review and determined to be compatible with adjacent buildings, including historic buildings, where possible.
  2. The relationship of the width of windows to the height of windows in a building shall be visually compatible with adjacent buildings.
- i. When more than one building is proposed per parcel, monotony and similarity shall be minimized through use of changes in façade planes, use of porches, varying roof orientation, roof styles and articulation, building orientation, and trim detailing.

## **23. Utilities**

- a. In all non-residential and multi-family residential developments, the Planning Board may require that all utilities, exclusive of transformers, be placed underground at the time of initial construction.

- b. Required utilities may include water, sewer, storm drainage, telephone, cable, electricity, and wiring for street lights.
- c. Propane gas supplies and three-phase power systems may be placed above the ground surface where completely fenced or screened and not located in front of the building.
- d. Reasonable provision shall be made for the extension of utilities to adjoining properties, and the granting and recording of easements as required.
- e. Fences that are not easily climbed and other safety devices shall be installed and maintained around electric and gas substations or other public utility facilities in order to make the facilities inaccessible to the general public.
- f. The Planning Board may require as-built drawings to depict water lines, vales, fire hydrants, and other elements of a water distribution system or waste treatment system constructed to serve a project.
- g. All roof, wall or ground mounted mechanical equipment including, but not limited to, heating and air conditioning units, exhaust fans, etc., shall be completely screened or located inside the principal building. If visible from the public street, an adjoining property, or a public parking lot, exterior utilities shall be screened by use of a fence, earth berm, or hedge of sufficient height and density. Satellite dishes shall be screened from view to the maximum extent practical.

## **B. Regulations for Specific Districts**

### **1. Ridgeline and Steep Slope Protection Overlay District**

#### **1. Intent:**

- a. Consistent with its Comprehensive Plan, The Town of Ancram seeks to protect topographically prominent and scenically important ridgelines and steep slopes as part of the larger Comprehensive Plan objective to maintain and protect the rural, scenic character of the Town. Accordingly, the Town of Ancram conducted an extensive analysis of the ridgeline and steep slope areas of the Town to identify ridgelines and steep slope areas that have both topographical prominence and scenic importance when viewed from publicly accessible locations. As a result of this effort, certain ridgelines and steep slope areas have been designated as “topographically prominent and scenically important” and are established as a Ridgeline/Steep Slope Protection Overlay District (R/SSPOD) as detailed on the Town of Ancram Scenic Ridgeline/Steep Slope Identification and Protection Map. The R/SSPOD is intended to complement, but not replace, the existing Scenic Corridor Overlay Zone (SCOZ) and these two overlay zones may overlap in certain locations.

- b. The intent of this sub-section is to
  - 1. Establish standards, guidelines and procedures that minimize disturbance and adverse visual impacts to ridgelines and steep slope areas that have been designated by the Town as topographically prominent and scenically important.
  - 2. Ensure that such standards, guidelines and procedures do not have the practical effect of preventing principal and accessory structures from being built within an R/SSPOD, and that no lot becomes unbuildable due to the implementation of these ridgeline development standards.
  - 3. Provide measures that the Planning Board can apply in order to mitigate adverse impacts to ridgelines/steep slope areas identified during any required reviews of projects in Ancram located within the R/SSPOD.
- 2. Applicability:
  - a. Standards Required: Compliance with the development standards of this sub-section shall apply mandatorily to all new structures proposed to be located within the R/SSPOD when such structures are within a major subdivision, except those exempted in B (1) (3) below. These standards shall be in addition to those required for open space conservation subdivisions pursuant to Article V (C) of this Law.
  - b. Standards Encouraged: The development standards of this sub-section are strongly encouraged to be incorporated into:
    - 1. All new structures proposed to be located within the R/SSPOD when such structures are included within a minor subdivision, except those exempted in B (1) (3) below.
    - 2. All new single family and two-family dwelling structures, and any accessory structures, proposed to be located within the R/SSPOD that require abbreviated site plan review subject to Article VII of this Law.
    - 3. All development within the Town of Ancram, especially development within the Town Agricultural District, thereby protecting the Town's visual and scenic resources as urged in Comprehensive Plan vision and goals.
- 3. Exemptions, The following land uses are exempt from compliance with the R/SSPOD requirements:
  - a. Agricultural structures located on a farm operation are exempt from all R/SSPOD requirements.
  - b. Wind turbines and telecommunication towers proposed within an R/SSPOD. For those land uses, all requirements of Local Law #5 of 2011 and Local Law #1 of 2011 shall be met and negative impacts to the visual character of the R/SSPOD shall be mitigated to the maximum extent feasible as part of the reviews pursuant to those laws.

4. Waivers. The applicability of the R/SSPOD and its standards may be waived by the Planning Board in its sole discretion on a case-by-case basis for a particular project as follows: 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 waive the requirement(s) 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.

- a. **Project is not visible from publicly accessible locations.** Any applicant that believes that a structure proposed to be located within the R/SSPOD will not be visible from publicly accessible locations may provide to the Planning Board, at the applicant's expense, a survey, photograph, photo-simulation, visual test or other credible evidence that substantiates the applicant's position. If the Planning Board agrees with the applicant, it may exercise its discretion to waive compliance with the requirements the R/SSPOD of this sub-section.
- b. **Project site proven to be not located within mapped R/SSPOD.** Any applicant that believes that the project site or building envelope is not actually within the R/SSPOD may provide to the Planning Board, at the applicant's expense a survey or other credible evidence that substantiates the applicant's position. If the Planning Board agrees with the applicant, it may rule that the requirements of this sub-section do not apply to the project because it is not located in the R/SSPOD.
- c. **Site visit by Planning Board verifies that R/SSPOD intent and standards are met.** Any applicant may also request the Planning Board conduct a site visit to verify that a proposed structure or building envelope within an R/SSPOD meets the intent and standards of this section. If the Planning Board determines that the proposed structure or building envelope meets the intent and standards, it may exercise its discretion to waive compliance with the requirements of the R/SSPOD.
- d. **Lot becomes unbuildable due to R/SSPOD development standards.** If these ridgeline development standards render a ridgeline and steep slope lot unbuildable due to the size of a parcel or its topography, the Planning Board shall have the authority to waive some or all requirements. As part of such waiver, the Planning Board may establish mitigation measures that enable the proposed structure to be built while also ensuring that these ridgeline/steep slope area development standards are upheld to the maximum extent practicable.

5. Development Standards and Mitigation Tools:

- a. Where a designated ridgeline/steep slope area is forested, the continuity of the tree canopy when viewed from publicly accessible locations shall be retained to the maximum extent practicable. Development shall not produce an area in which trees and native vegetation have been removed to an extent that causes a structure to be silhouetted against the skyline or removes natural screening of the structure.
- b. Clearing of existing vegetation shall be limited to the minimum necessary for the building envelope. However, at least 50% of the trees, shrubs, and other indigenous

vegetation shall be retained to reduce erosion and preserve the natural character of the R/SSPOD.

- c. Forested vegetation shall be maintained to screen the structure and help it blend with the surrounding natural environment, except that tree trimming and minor removal of trees to create view corridors to open views from the structure shall be allowed.
- d. Exterior colors of the sides and roof of structures shall blend with the natural environment of the surrounding R/SSPOD so as to minimize the structure's visibility from publicly accessible locations.
- e. The top of the structure's roof shall not be higher than the designated ridgeline unless the structure is screened by existing vegetation when viewed from publicly accessible locations and conditions are placed on the approval to ensure that said vegetation is not disturbed.
- f. To maintain dark skies and minimize light pollution, exterior lights shall not exceed 0.2 foot-candles at adjacent property lines and shall be fully shielded and angled so that all light is directed downward. Night-time illumination and glare shall not extend beyond property boundaries.
- g. Roads and driveways shall be constructed so as to minimize erosion and the need for the clearing of vegetation.
- h. Where the designated ridgeline/steep slope area is not forested, and the proposed building envelope is on land that consists entirely of open fields or on land covered mostly with vegetation not more than ten (10) feet high, the following shall apply:
  - 1. All intents and standards cited above in 5 (b), (d), (f) and (g) shall be applied.
  - 2. The top of the structure's roof shall not be higher than the designated ridgeline unless trees and shrubs are planted of such height, size, density, and species that will effectively screen the proposed structure from view at publicly accessible locations, and conditions shall be placed on the approval to ensure that said vegetation is not removed. The structure shall blend with the natural environment at that location so that it is as unobtrusive as possible when viewed from publicly accessible locations. All conditions required by the Planning Board shall be included in both the Planning Board's approval resolution and as a plat note added to the final approved plan.
  - 3. Whenever feasible, the building envelope shall minimize adverse impacts by being sited along the edges of open fields, especially if any woodland is adjacent, to enable new development to be visually absorbed by the natural landscape.
- i. Within an R/SSPOD, cupolas, chimneys, satellite dishes, and antennas shall be the only portion of a structure allowed to project above the roofline. When any of these features are proposed to be placed in a manner that is above the top of the roofline, the applicant shall provide to the Planning Board plans or drawings that accurately

depict them in accurate proportion to the structure, the ridgeline and the surrounding vegetation and environment.

1. A cupola is an ornamental structure placed in a prominent position on the top of a roofline or dome. Cupolas shall not contain habitable living space (e.g., office, studio, den, and bedroom).
  2. Cupolas shall not be constructed primarily of glass or other reflective material and shall not be lit to the extent that more than 0.2 foot-candles of light emanating from the cupola are perceptible at the property boundary.
  3. Cupolas that are constructed primarily of glass or reflective material shall be considered part of the roofline and shall be subject to the same screening requirements as all other parts of the structure pursuant to this section.
  4. The height and bulk of a cupola shall not be obtrusive against the skyline. Cupolas shall be considered part of the roofline and shall be subject to all screening requirements of this section if their height is more than eight (8) feet above the top of the roof and if the cupola's bulk dimension, calculated as length of cupola times width in square feet, occupies more than ten percent (10%) of the square footage of the structure's total roof area. Total roof area comprises all roof surfaces of the structure.
6. Remediation for Unapproved Cutting. With regard to projects in the R/SSPOD for which compliance with R/SSPOD standards is required:
- a. During construction of an approved development, if a landowner removes trees or vegetation beyond that approved by the Planning Board, such approval shall be deemed a violation of this section and shall result in the suspension of the building permit and/or denial of Certificate of Occupancy for the construction project unless the trees and vegetation have been restored to the satisfaction of the Planning Board.
  - b. After construction is completed, removal of screening trees and vegetation, other than those that have died or become diseased from natural causes, shall constitute a violation of this section and shall be subject to enforcement pursuant to Article IX of this law entitled "Administration and Enforcement".

## 7. Conditions of Approval and Plat Notations

- a. The Planning Board shall identify all development standards of sub-section Article V (B) (1) (5) that have been applied to protect lands within the R/SSPOD in its adoption resolution. Any such standards that need to be maintained in the future shall also be included as a condition of approval. These shall also be recorded as a plat note added to the final approved and filed plan so as to inform subsequent landowners and Planning Boards as to the required ridgeline/steep slope area development standards.

## 2. Industrial District Performance Standards

1. General standards: The following general standards are hereby adopted for the control of uses in any I-1 Industrial District.

- a. No use shall be permitted, established, maintained, or conducted in an I-1 District which shall cause excessive smoke, fumes, gas, odor, dust, or any other atmospheric pollutant beyond the boundaries of the parcel.
    - i. Smoke is excessive when the shade or appearance of such smoke is darker than No. 2 on the Ringelman Smoke Chart, published by the U. S. Bureau of Mines.
    - ii. Unacceptable noise is that which is perceptible beyond the boundaries of the lot used for an industrial use and that constitutes a nuisance. The volume, timing, duration, and frequency of noise all contribute to what may be deemed an unacceptable noise.
  - b. There shall be no pollution by discharge of any waste material whatsoever into any watercourse, open ditch or land surface.
  - c. Proper and adequate water supply, sewerage and waste disposal, other utility services and accessibility to and from public streets must be provided.
  - d. There shall be no discharge of any waste material whatsoever into any sanitary disposal system or sewerage system, except only in accordance with Department of Health or the public body controlling such sewerage system. Any chemical or industrial waste which places undue loads, as determined by the Town, shall not be discharged into any municipal system and must be treated by the industrial use.
  - e. All storage or stocking of any waste materials shall be in a completely enclosed building.
  - f. There shall be no glare or vibration perceptible beyond the lot lines where such use is conducted.
  - g. There shall be no hazard to persons or property by reason of fire, explosion, radiation, or other cause.
  - h. There shall be no other nuisance harmful to persons or property.
2. Specific standards: The following specific standards shall be met by all uses in an I-1 Industrial district.
- a. Storage Facilities: Materials, supplies, or semi-finished products shall be stored on the rear one-half of the property and shall be screened from any existing or proposed street.
  - b. Loading Docks: No loading docks shall be on any street frontage. Provisions for handling of all freight shall be on those sides of any building which do not face on any street or proposed street.
  - c. Landscaping: All areas of the plot not occupied by buildings, parking, driveways or walkways, or storage shall be landscaped attractively with lawn, trees, shrubs or other plant material. Such landscaping shall take into consideration the natural growth presently on the premises and the nature and condition of the terrain as well as the situation of the lands and premises themselves and with regard to adjoining lands and premises.

- d. Fences and Walls: Property that is adjacent to a residential or business district shall be provided along such property lines with a wall, fence, compact evergreen hedge or a landscaped strip of trees and shrubs so designed as to form a visual screen not less than six feet high at the time of planting. Except for landscaped areas and parking areas, a use which is not conducted within a completely enclosed building shall be screened by a six-foot solid masonry wall, chain link fence covered with an evergreen vine, or compact ever-green hedge. Where a front yard adjoins a street, the wall, fence, or hedge shall be located no closer to the street than the depth of the required yard and such yard shall be landscaped and maintained.
  - e. Special consideration must be given to the traffic generated by each proposed use in an Industrial District and no undue traffic volume shall be permitted on residential streets.
- 3. The Planning Board upon review of the proposed development may prescribe such additional conditions as are in its opinion necessary to secure the objectives of this Law.
  - 4. Principal vehicle access to and from the site shall be from a primary driveway. All loading shall be from the rear or side of the building and shall be completely screened from view at the street. These loading standards apply to new structures only, and existing buildings with loading docks facing the street may continue to be used, restored, or enlarged without being subject to the side or rear loading requirement of this subsection. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to an "I-1" district

## **C. Open Space Conservation Subdivisions**

### **1. Purposes**

- a. A purpose of this section is, through regulation of the subdivision of land, to plan for the orderly, economic, aesthetic, environmentally sound and efficient development of the Town consistent with its community character and the continuing needs of its people for conservation of natural and cultural resources, quality residential building sites and enjoyable open space. The Town of Ancram is home to important agricultural lands, significant scenic viewsheds, historic architecture, natural beauty, and rural landscapes. This section has been carefully designed in recognition of the need to protect such resources as part of the land development process.
- b. A purpose of this section of the Zoning Law is to uphold the Town of Ancram Comprehensive Plan and achieve the following goals and policies of the Comprehensive Plan:
  - 1. To conserve open land, including those areas containing unique and sensitive natural features such as but not limited to steep slopes, streams, stream sides, vernal pools, floodplains, and wetlands, by setting them aside from development.
  - 2. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads and the amount of paving required.

3. To provide for a diversity of lot sizes and housing choices to accommodate a variety of age and income groups.
  4. To conserve a variety of resource lands as established in the Town of Ancram Comprehensive Plan.
  5. To protect agricultural areas by conserving blocks of land large enough for continued agricultural operations.
  6. To create neighborhoods with direct visual or physical access to open land and that have strong neighborhood identity that is consistent with the rural character of Ancram.
  7. To provide standards reflecting the varying circumstances and interests of individual landowners and the individual characteristics of their properties.
  8. To protect and conserve elements of the Town's rural character.
- c. It is a purpose of this Article to supplement the Town of Ancram Land Subdivision Regulations so that, when applied together, this section of the Zoning Law and the Land Subdivision Regulations can better achieve the purposes set forth above.

## **2. Applicability**

- a. This sub-section of the Zoning Law shall apply to all "major subdivisions" in accordance with the definition of that term in the Zoning Law and all major subdivisions shall be designed as an open space conservation subdivision in accordance with the requirements and provisions of this law.
- b. In their interpretation and application, the provisions of this section of the Zoning Law shall be held to be minimum requirements. In approving an Open Space Conservation Subdivision, the Planning Board has the authority to impose such additional conditions and restrictions as are directly related to the proposed subdivision and protection of resources.

## **3. Compliance with other laws**

This section of the Zoning Law shall function as the site plan review process for major subdivisions. In addition to compliance with this sub-section, major subdivisions shall also comply with all of the applicable provisions of the Town of Ancram Subdivision and Site Plan Regulations. Should the requirements of this section conflict with, or otherwise be inconsistent with, any provision of the Town of Ancram Land Subdivision Regulations and the Site Plan Regulations, the provisions of this section shall prevail. In further addition, no major subdivision application shall be approved pursuant to this law without full compliance with the State Environmental Quality Review Act (SEQRA) (6 NYCRR Part 617).

## **4. Procedures and integration**

Site plan review of major subdivisions under this section, and subdivision review pursuant to the Town of Ancram Land Subdivision Regulations each carries its own respective procedures. Whenever the circumstances of a proposed development or application requires compliance with this Open Space Conservation Subdivisions sub-section, the Town of Ancram Land Subdivision Regulations and/or with any other local

law, ordinance or requirement of the Town, to the extent reasonably practicable, the Planning Board shall integrate or run in parallel as many of the applicable procedures and submission requirements as is reasonably practicable so as not to delay review and decision-making.

## **5. Dimensional standards**

The permitted number of dwelling units in an open space conservation subdivision shall not exceed the number of units that would be permitted according to the density requirements of the Town of Ancram Density Control Schedule [Article IV (B)], except when a density bonus has been granted by the Town Board. The Planning Board shall allow alteration of lot dimensions within an open space conservation subdivision in order to properly accomplish the purposes of the Town of Ancram Comprehensive Plan and this law to preserve the maximum amount of open space when a major subdivision is planned. Lots shall be arranged in a way that preserves open space, agriculture, and promotes land conservation as described in this section.

- a. A major subdivision must preserve at least sixty percent (60%) of the parcel's acreage as open space land.
- b. Minimum street frontage per lot shall be twenty five (25) feet.
- c. Minimum lot size. The minimum lot size in major subdivisions where individual wells and septic systems are required shall be equal to that required by the Columbia County Department of Health to meet standards for water and septic system approvals. For lots in major subdivisions that do not need individual well and septic systems, the minimum lot size shall be fifteen thousand (15,000) square feet, on average. Up to twenty percent (20%) of the lots may be reduced to a minimum of ten thousand (10,000) square feet.
- d. Maximum impervious surface shall be thirty (30%) on each lot.
- e. Maximum height of any building or structure to be placed on a lot shall be thirty-five (35) feet.
- f. Setbacks from cropland or pasture land shall be one hundred (100) feet. The setback from barnyards housing livestock shall be three hundred (300) feet.
- g. Stream setbacks. There shall be a minimum 25' undisturbed vegetated buffer along all streams. If native vegetation is not present within the minimum 25' streamside vegetated buffer areas, then a planting plan to establish native vegetation, preferably trees, to create a vegetated buffer is required. There shall be a 100' buffer established along all streams, wetlands, vernal pools and other hydrologically sensitive areas where there shall be no structure, soil removal or disturbance, clearing, filling or vegetation disturbance. In areas such as, but not limited to the Drowned Lands Swamp, the Planning Board may require a buffer in excess of 100'.

## **6. Sketch plan and site analysis**

- a. All requirements and procedures of the Town of Ancram Land Subdivision Regulations Article III, Section 1 (Sketch Plan) shall be followed in addition to this

sub-section.

- b. **Sketch Plan.** In addition to requirements for a sketch plan of Article III, Section 1 of the Town of Ancram Land Subdivision Regulations, the following additional information shall be submitted by the applicant as a basis for informal discussions with the Planning Board regarding the design of a proposed major subdivision. The Planning Board shall evaluate the proposed subdivision during the sketch meeting. The Planning Board shall determine whether the Sketch Plan meets the purposes of this section. Complete and complex engineered plans and architectural drawings are premature and not required at this phase. The sketch plan shall contain:
1. The subdivision name or title, if any; the scale, which shall be no less than one (1) inch equals one hundred (100) feet; North direction, which shall be oriented toward the top of the plan; the plan date; and the label "Concept Plan."
  2. The subdivision boundaries and the owners of all contiguous properties.
  3. The zoning classification and tax map number(s) of the property to be subdivided.
  4. The total acreage of the subdivision and the proposed number and locations of lots. Lots shall be generally located using the four-step design process of Article V (C) (7) of this law.
  5. All existing streets, either mapped or built, adjacent to the tract.
  6. All existing restrictions on the use of land, including easements and covenants, if any.
  7. All existing structures, general location of agricultural fields and wooded areas, watercourses, and other significant physical features of the parcel and within two hundred (200) feet of the parcel boundaries.
  8. If applicable, the location and required setbacks, if any, as may be required by this Law, the Town of Ancram Floodplain Law, or State or Federal laws from watercourses, wetlands, and floodplains.
  9. **Site Analysis.** The following site analysis shall be submitted by the applicant pursuant to this law in addition to requirements of Article III, Section 1 of the Town of Ancram Land Subdivision Regulations. A site analysis shall include an identification of primary and secondary conservation lands within a parcel(s). The site analysis shall include a Site Analysis Map that includes the information listed below. Conditions beyond the parcel boundaries may be generally described on the basis of existing published data available from governmental agencies, or from aerial photographs. The applicant shall review all Ancram maps, plans and studies including but not limited to the Comprehensive Plan, the Biodiversity Map, and the DEC Ancram Habitat Summary in conducting its site analysis. The applicant may obtain advice and assistance from an accredited land trust or environmental organization when preparing the site analysis. The site analysis is not intended to be a highly engineered or exact document, but a

general sketch and description illustrating the location and type of environmental features that are present on the site including:

- a. Areas having where the slope exceeds fifteen percent (15%).
- b. Wetlands, vernal pools, areas of hydrological sensitivity including but not limited to aquifer and aquifer recharge areas, municipal water supply recharge areas, flood-prone areas as shown on Federal Emergency Management Agency maps, lakes, and streams, if any. The Site Analysis Map shall delineate the 100' required stream buffer and the minimum 25' required streamside vegetated buffer.
- c. Agricultural lands including farmland within, and adjacent to, a New York State certified Agricultural District, soils classified as being prime farmland or soils of statewide significance, if any, and the Land Prioritization Score found on the Town of Ancram Farmland Prioritization Map.
- d. Sites where community sewer, community water, or community water and sewer are available or planned, if any.
- e. Lands within, or contiguous to, a Critical Environmental Area designated pursuant to Article 8 of the New York State Environmental Conservation Law, if any.
- f. Lands contiguous to publicly owned or designated open space areas, or privately preserved open spaces, if any.
- g. Historic structures or areas of national, state or local importance, if any, and specifically identifying those structures which are listed on either the federal or New York State Register of Historic Places.
- h. Sites in, or bordering on, known scenic locations identified in the Town's Comprehensive Plan, if any, or sites within the Town of Ancram R/SSPOD and Scenic Overlay District.
- i. Areas with rare vegetation, significant habitats, or habitats of endangered, threatened or special concern species, or unique natural or geological formations, if any. This shall include a description of the biodiversity assessment methods used, site –specific habitat descriptions, discussion of biodiversity implications and alternatives, if needed, to minimize disturbance to sensitive habitats and species.
- j. General description and locations of the vegetative cover on the property according to general cover type including cultivated land, grass land, old field, hedgerow, woodland and wetland, and showing the actual line of existing trees and woodlands.
- k. Lakes, ponds or other significant recreational areas, or sites designated as such in the Town's Comprehensive Plan, if any.

- l. Existing trails, inactive railroad beds, bikeways, and pedestrian routes of Town, State or County significance or those indicated in any Town, County or State plan for future trail development, if any.
- m. Ridgelines on the property. If any portion of the property is located within the mapped R/SSPOD, then the ridgelines shall be shown as depicted as on the Town map.
- n. Location of all existing streets, roads, buildings, utilities and other man-made improvements.
- o. All easements and other encumbrances of property which are or have been filed of record with the Columbia County Clerk's Office.
- p. In addition to compliance with the requirements of this law, all other procedures and requirements of the Town of Ancram Land Subdivision Regulations related to Preliminary and Final Plat Approvals shall be followed. The Planning Board shall refer the Sketch Plan to the Ancram Conservation Advisory Council for review and an advisory opinion about the completeness of the Sketch Plan and the potential effects the subdivision may have on the environment.

## **7. Site design of major subdivisions**

- a. Subsequent to the Sketch Plan meeting and submission of the site analysis, a preliminary plat shall be developed pursuant to Article III, Section 3, of the Ancram Land Subdivision Regulations. The submission requirements for a Preliminary Plat include the site analysis and the submission requirements pursuant to both this section and the Town of Ancram Land Subdivision Regulations.
- b. All preliminary plans in a major subdivision shall include documentation of the following four-step design process in determining the layout of proposed conserved lands, house sites, roads, and lot lines. Applicants may be required to submit four separate sketch maps indicating the findings of each step of the design process if so required by the Planning Board:
- c. Step 1. Delineate Open Space Areas. Proposed open space areas shall be designated as follows:
  1. Primary Conservation Areas shall be delineated and designated on a map.
  2. Secondary Conservation Areas shall be delineated and designated on a map. In delineating Secondary Conservation Areas, the applicant shall prioritize natural and cultural resources on the parcel in terms of their highest to least suitability for inclusion in the proposed open space in consultation with the Planning Board. Secondary Conservation Areas shall be delineated on the basis of those priorities and practical considerations given to the parcel's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives. These features shall be clearly noted, as well as the types of resources included within them, on the map. Calculations shall be

provided indicating the applicant's compliance with the acreage requirements for open space areas on the parcel.

3. Building envelopes shall not encroach upon Primary Conservation or Secondary Conservation areas. The primary and secondary conservation areas, together, constitute the total open space areas to be preserved, and the remaining land is the potential development area.
- d. Step 2. Specify Location of House Sites. Building envelopes shall be tentatively located within the potential development areas. House sites should generally be located not closer than one hundred (100) feet from Primary Conservation Areas and fifty (50) feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas.
- e. Step 3. Align Streets and Trails. After designating the building envelopes, a street plan shall be designed to provide vehicular access to each house, complying with the standards identified in this Zoning Law and bearing a logical relationship to topographic conditions. Impacts of the street plan on proposed open space lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands, traversing steep slopes, and fragmenting agricultural lands. Existing and future street connections are encouraged to eliminate the number of new cul-de-sacs to be developed and maintained, and to facilitate access to and from homes in different parts of the tract and adjoining parcels. Cul-de-sacs are appropriate only when they support greater open space conservation or provide extensive pedestrian linkages. All applicable requirements of the Town of Ancram Highway Law shall be met.
- f. Step 4. Draw Lot Lines. Upon completion of the preceding steps, lot lines are then drawn as required to delineate the boundaries of individual residential lots.
- g. Alternate Design Process. The Planning Board is authorized to require use of traditional neighborhood design (TND) if such layout is appropriate for the parcel proposed to be developed and if it will result in a more effective open space design. For those subdivisions designed to be a TND, the design process shall be a variation on a conservation subdivision outlined in this law. Just as with non-TND developments, the first step is to identify open space lands, including both Primary and Secondary Conservation Areas. However, in TND's, where traditional streetscape is of greater importance, steps 2 and 3 in Sub-sections of Article V(C)(7)(d) and V(C)(7)(e) above may be reversed, so that streets and squares are located before house sites specified. TND's typically have higher density of development, reduced lot sizes, narrow front setbacks, narrow streets, sidewalks, and have a clear demarcation between built and unbuilt lands at the edge of the neighborhood.

## **8. Site design criteria**

- a. Residential structures in a major subdivision should be located according to the following guidelines, which are listed in order of significance. If any of the guidelines below conflict with each other on a particular site, the Planning Board may use its discretion to resolve such conflicts. The lots, house sites, roads and other infrastructure in a proposed subdivision shall avoid or minimize adverse impacts by being designed:

1. On the least fertile agricultural soils and in a manner which maximizes the usable area remaining for agricultural use.
2. Away from the boundaries of any farm preserved with a conservation easement or other permanent protection, to reduce conflicting uses in areas where farmers have made long-term commitments to continue to farm.
3. So that the boundaries between house lots and active farmland are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural uses.
4. To cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table by avoiding placement of impervious surfaces where water is most likely to infiltrate and recharge the groundwater.
5. To avoid disturbance to streams and drainage swales, floodplains, vernal pools, wetlands, and their buffers. Native vegetation shall be maintained to create a buffer of at least 25' and no other disturbance shall take place within 100' of wetlands and surface waters, including creeks, streams, vernal pools, springs and ponds.
6. All grading and earthmoving on slopes greater than fifteen percent (15%) shall be minimized and shall only be to create a house site, driveway and area for a septic system. Such grading shall not result in cut and fills whose highest vertical dimension exceeds eight (8) feet. Roads and driveways shall follow the line of existing topography to minimize the required cut and fill.
7. To avoid disturbing existing cultural and scenic features. Views of house lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping. The layout shall leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. Where these scenic views or vistas exist, a deep non-vegetated buffer is recommended along the road where those views or vistas are prominent or locally significant.
8. To be as visually inconspicuous as practicable when seen from state, county and local roads, and in particular, from designated scenic routes or locations in the R/SSPOD or Scenic Overlay. The subdivision shall preserve woodlands along roadways, property lines, and lines occurring within a site such as along streams, swales, stone fences, and hedgerows to create buffers with adjacent properties. Preservation shall include ground, shrub, understory and canopy vegetation.
9. To minimize the perimeter of the built area by encouraging compact development and discouraging strip development along roads. House lots shall generally be accessed from interior streets, rather than from roads bordering the parcel. New intersections with existing public roads shall be minimized. Although two (2) access ways into and out of subdivisions containing twenty (20) or more dwellings are generally required for safety, proposals for more than two (2) entrances onto public roads shall be discouraged if they would unnecessarily

disrupt traffic flow or unduly impact the environment.

10. On suitable soils for subsurface sewage disposal (where applicable).
  11. Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland to enable new residential development to be visually absorbed by the natural landscape.
  12. Around and so as to preserve sites of historic, archeological or cultural value insofar as needed to safeguard the character of the feature.
  13. To protect biodiversity and wildlife habitat areas of species listed as endangered, threatened, or of special concern by either the United States Department of the Interior or the New York State Department of Environmental Conservation, or critical habitats listed on the DEC Ancram Habitat Summary or the Ancram Biodiversity Map.
- b. Open space standards:
1. The required open space land consists of a combination of Primary Conservation Areas and Secondary Conservation Areas. The proposed subdivision design shall strictly minimize disturbance of these environmentally sensitive areas. The lot layout shall show how those sensitive areas will be protected by the proposed subdivision plan.
  2. Open space lands shall be laid out in general accordance with the Town's Comprehensive Plan to better enable an interconnected network of open space and wildlife corridors. Open space lands shall also be laid out in such a manner that preserves ecological systems that may be present on the site including, but not limited to, preserving wetlands, vernal pools, and their associated upland habitats.
  3. Active agricultural land with farm buildings may be used to meet the minimum required open space land. Access to open space land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations. Land used for agricultural purposes shall be buffered from residential uses, either bordering or within the parcel.
  4. Open space land shall, to the maximum extent practicable, be contiguous to avoid fragmentation and to create a critical mass of land either available for agriculture or left in a natural state.
  5. Open space lands shall be designated as one or more individual conservation lots owned in common, or designated and included as part of one or more house lots. A portion of any house lot five (5) acres or more in size may be used for meeting the minimum required open space land provided that there is a permanent restriction enforceable by the Town that states the future use shall be restricted to open space such as undisturbed wildlife habitat, managed agricultural field, or managed forest, and that prevents development of, or use as, a mowed lawn on that portion of the parcel, and that is contiguous to other lands to form unfragmented open spaces. Any house lot less than five (5) acres does not

qualify as contributing to open space.

6. Walkways, trails, play areas, drainage ways leading directly to streams, historic sites or unique natural features requiring common ownership protection may be included in the preserved open space lands.
7. The required open space may be used for community septic systems.
8. Stormwater management ponds or basins and lands within the rights-of-way for underground utilities may be included as part of the minimum required open space.
9. Recreation lands such as ball fields, golf courses, and parks shall not be considered part of the required open space unless such land is open to the public. Such recreational lands with access only to residents shall not be counted towards the open space requirements, but shall be counted towards any recreation land requirement as per the Town of Ancram Land Subdivision Regulations.
10. Open space shall be directly accessible or viewable from as many home sites as possible.

**9. Streets, driveways and trails**

- a. Common driveway access may be provided. A pedestrian circulation and/or trail system shall be sufficient for the needs of residents, unless waived by the Planning Board.
- b. New streets shall meet the Town Highway Specifications. Where appropriate, the Planning Board shall work with the Highway Department to ensure that the Town of Ancram Highway Specifications, normally applicable to conventional subdivisions, do not impact or detract from the rural and environmental character of a conservation subdivision.
- c. From an aesthetic and speed control perspective, curving roads are preferred in an informal rural cluster to avoid long straight segments. Shorter straight segments connected by ninety degree (90°) and one hundred thirty five degree (135°) bends are preferred in a more formal or traditional arrangement.
- d. Whenever appropriate, street systems should produce terminal vistas of open space in accordance with the conservation emphasis of the subdivision design and to positively contribute to the Town's open space goals.
- e. Use of reverse curves should be considered for local access streets in cluster subdivisions in conjunction with long horizontal curve radii [at least two hundred fifty (250) feet] and where traffic speeds will not exceed thirty (30) mph. Further, use of single-loaded streets is encouraged alongside conservation areas to provide views of the conservation lands for residents and visitors.
- f. Bike paths and other pedestrian trails are encouraged.

**10. Protection of open space**

- a. All required open space shall be depicted and noted on the site plan as protected open space and restricted from further subdivision through one of the following methods to be proposed by the applicant and approved by the Planning Board:
  1. A permanent conservation easement, in a form acceptable to the Town and recorded at the County Clerk's Office. Due to the enforcement responsibilities carried out by easement grantees, this is the preferred method of ensuring permanent protection.
  2. A declaration of covenants or deed restriction, in a form acceptable to the Town, and recorded in the County Clerk's Office.
  3. A fixed-term conservation easement, in a form acceptable to the Town and recorded at the County Clerk's Office.
  4. A registry with the Planning Board and plat note. As part of the subdivision approval, the following shall be included:
    - a. An official register shall be established indicating
      1. a record of the size of the parent parcel being subdivided;
      2. the total number of lots and the total number of dwelling units approved as per the Town of Ancram Zoning Law Density Control Schedule;
      3. specification of which lot or lots carry with them the right to erect or place any unused allocation of dwelling units the parent parcel may have; and
      4. which lands shall be reserved as open spaces and upon which no further allocation of dwelling units shall be made.
    - b. For subdivisions having an unused allocation of dwelling units, the official register shall be updated as development allotments are used up to reflect these changes.
    - c. The Planning Board shall require a plat note to be added to the final approved plat that includes all the information in sub-section 10 (a) (4) (a).
    - d. The official register shall also be maintained by the Planning Board upon final approval of each subdivision and copies made available for inspection by the public.
- b. Open space land may be held in any form of ownership that protects its conservation values, such as where the open space is owned in common by a homeowner's association (HOA).
  1. Open space may also be dedicated to the Town, County or State governments, transferred to a qualified non-profit organization including a land trust, or held by single or multiple private owners. The applicant shall provide proof that the receiving body agrees to accept the dedication.

2. The Town seeks to ensure long-term maintenance of privately-owned lots dedicated to open space. When open space lands are proposed to be privately owned on a lot dedicated for open space use, and such lands are not subject to a conservation easement or are not to be transferred to a qualified non-profit organization or municipality, such lands shall be owned by an HOA, or shall be designated as a house lot allowing only one residence. This house lot shall be considered part of, and not in addition to, the allowed density the parent parcel is eligible for. Any development permitted in connection with the setting aside of open space land shall not compromise the conservation or agricultural value of such open space land.
3. If the open space is to be owned by an HOA, the HOA must be incorporated before the final subdivision plat is signed. The applicant shall provide the Town with a description of the organization of the proposed association, including its by-laws, and all documents governing ownership, maintenance, and use restrictions for common facilities.
  - a. If land is held in common ownership by a homeowners association, such ownership shall be arranged in a manner that real property tax claims may be satisfied against the open space lands by proceeding against individual owners and the residences they own. The HOA must be responsible for liability insurance, local taxes and the maintenance of the conserved land areas. The HOA shall have the power to adjust assessments to meet changing needs. The Planning Board shall find that the HOA documents satisfy the conditions above.
  - b. The homeowners association shall be operating before the sale of any dwelling units in the development. The proposed homeowners association shall be established by the applicant and shall comply with the requirements of Section 352-e of the New York State General Business Law, and have an offering plan for the sale of lots in the subdivision approved by the New York State Department of Law, if required. In the event that the NYS Department of Law grants an exemption from the requirement of an offering plan, the applicant shall have in place a maintenance agreement acceptable to the Town that ensures perpetual maintenance of the open space.
  - c. Membership in the HOA must be mandatory for each property owner within the subdivision and for any successive property owners in title.
  - d. The association shall be responsible for liability insurance, local taxes and maintenance of open space land, recreational facilities and other commonly held facilities.
  - e. The association shall have adequate resources to administer, maintain, and operate such common facilities.
- c. The conservation easement, declaration of covenants or deed restriction, or approved subdivision plan shall permanently restrict development of the open space and shall specify the use of such space only for agriculture, forestry, recreation or similar purposes. The Planning Board shall approve the form and content of any easement,

declaration, restriction, or subdivision plan. Regardless of which method of protecting the required or designated open space is selected, the restriction shall be made a condition of the final plat approval.

d. A conservation easement will be acceptable if:

1. The conservation organization is acceptable to the Town and is a *bona fide* conservation organization as defined in Article 49 of the New York State Environmental Conservation Law.
2. The conveyance contains appropriate provisions for proper reverting or re-transfer in the event that the conservation organization becomes unwilling or unable to continue carrying out its functions.
3. A maintenance agreement acceptable to the Town is established between the owner and the conservation organization to insure perpetual maintenance of the open space.
4. The conservation easement or other legally binding instrument shall permanently restrict the open space from future subdivision, shall define the range of permitted activities, and, if held by a conservation organization, shall give the Town the ability to enforce these restrictions.

#### **11. Maintenance standards**

- a. The owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space.
- b. Failure to adequately maintain any improvements located on the undivided open space and keep them in reasonable operating condition is a violation of the Zoning Law. Upon appropriate authority or process, the Town may enter the premises for necessary maintenance/restoration, and the cost of such maintenance by the Town shall be assessed ratably against the landowner or in the case of an HOA, the owners of properties within the development, and if unpaid, shall become a tax lien on such property.

#### **12. Sewage treatment systems**

Sanitary sewage disposal systems, whether individual or community systems, may be located within, or extend into, required open space areas, provided that subsurface sewage disposal methods are employed, all required separation distances are observed and the ownership and maintenance responsibilities for those systems are clearly defined in agreements submitted for approval as part of the subdivision application. Applications shall be approved that provide lot buyers with both the legal authority and the responsibility, individually or collectively, to maintain all sewer facilities on a continuing basis. This may include the creation of a special district under Articles 12 and 12-a of New York State Town Law.

#### **13. Future subdivisions**

When an applicant includes only a portion of landowner's entire parcel, a sketch layout according to this section shall be included showing future potential subdivision of all the

contiguous lands belonging to the landowner and allocation of density as per Article IV(C) (5) (Monitoring Lot Splits) to ensure that subdivision may be accomplished in accordance with this section and to allow the Planning Board to adequately assess segmentation under the State Environmental Quality Review Act. Subdivision and review of the sketch plan of those locations at this stage shall not constitute approval of the future subdivision shown thereon.

#### **D. Individual Standards for Selected Uses**

In addition to Article V, Article VI (Special Use), Article VII (Site Plan), and other requirements of this zoning law, these development standards shall be met for the following uses requiring a special use permit:

##### **Adult Entertainment**

a. All Adult Entertainment Uses shall comply with the following requirements:

1. No adult entertainment establishment shall be located within the following designated areas<sup>14</sup>:
  - a. Within 500 feet from the nearest boundary line of any residential zoning district;
  - b. Within 1000 feet from the nearest property line of any public or private school, any municipal building open to the general public; any church or other religious facility; any public park or recreation area and any principal or accessory private recreational facility use or club; and any group day care center, family day care center, nursing home and hospital.
  - c. Within 1000 feet from the nearest property line of any other adult entertainment establishment.
2. Not more than one (1) adult entertainment use or adult business uses shall be located in the same building or upon the same lot or parcel of land.
3. Adult entertainment uses shall be on a minimum parcel size of three (3) acres and have a maximum building footprint of 5,000 square feet.
4. All adult entertainment uses shall have a 250' front setback.
5. Screening (minimum height of 6 feet) of the building containing an adult

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<sup>14</sup> The distances specified above shall be measured by a straight line at a 90 degree angle from the nearest property line of the premises on which the adult entertainment is to be located to the nearest boundary line of a residential zoning district, or to the nearest property line of any residential use, public or private school, church or other religious facility, public park or recreational area, group day care center, family day care center, nursing home, hospital or any other adult entertainment use, as the case may be.

entertainment use and/or the accessory uses from all adjacent roads and all parking lots shall be provided for. Such screening may be a forever-live vegetated buffer, or stockade/weave fencing. Such stockade or weave fencing will be built and maintained at all times.

6. An adult entertainment use shall not be allowed within a building containing other retail, consumer or residential uses, or within a shopping center, shopping plaza, or mall.
7. The appearance of buildings for adult uses shall be consistent with the appearance of buildings in the adjacent area, and not employ unusual color or building design that would attract attention to the premises.
8. There shall be screening of windows and doors to prevent the public's view of the interior from any public or private right of way or abutting property.
9. Sign content shall identify the name of the establishment only. Only one free standing or mounted on the building wall identification sign shall be allowed for an adult use and shall not be larger than 12 square feet. All other signs whether on the exterior of the building or visible from the exterior of the building are prohibited.
10. No adult entertainment business or establishment may have any flashing lights visible from outside the establishment. Furthermore, no sign shall rotate, be animated or contain reflective, fluorescent, or neon lighting elements.
11. No pictures, publications, videotapes, movies, covers or other advertising items that fall within the definition of an adult bookstore, adult motion picture theater/media center, adult paraphernalia store, adult live nudity establishment or adult video store shall be displayed in the windows of, or on the building of, any adult entertainment use establishment.

#### **Animal Agriculture in the Hamlet - B/R and R2 Districts**

- a. Application submission requirements for animal agriculture in these districts shall include:
  1. Location of all structures, barns, manure storage areas, ponds, equipment sheds, silos, and pastures to be included in the area used for agricultural purposes.
  2. Description of all fencing to be used.
  3. Location and ownership identification and address for all adjacent lands as shown on the latest tax records.
  4. Description of any farm road or access to fields, pastures and barnyards.
  5. Location of any wetland, stream, floodplain, vernal pool, or other water body on the parcel.

6. Description of methods to remove or manage manure waste from animals.
  7. Description of agricultural operation and kind and number of animals to be raised.
- b. The Planning Board shall ensure that:
1. Adequate acreage exists for proper care and feeding of animals as per the table below:

|   |
|---|
| 1. Rabbits – No minimum acreage requirements if rabbits are kept in hutches.  |
| 2. Poultry, outdoor: ½ acre for 12 birds or less, one acre per 13 to 20 birds, no roosters.   |
| 3. It is recommended livestock should be stocked at one Animal Unit per acre. An Animal Unit is equivalent to a 1000 lb. non-lactating cow.                             |
| 4. Sheep, Goats – Maximum 5 adult animals per acre.   |
| 5. Alpacas and Llamas – Maximum 6 llamas and adult alpacas per acre.  |
| 6. Pigs – Finishing/market hogs (235 to 270 lbs.) – maximum 4 head per acre. Adult pigs (300-500 lbs.) – Maximum 3 head per acre. One or two sows with litter per acre. |
| 7. Cattle – 1 adult animal per acre.  |
| 8. Horses – 1 adult animal per acre.  |
| 9. Miniature equine – Maximum 4 adult animals per acre.   |
| 10. Mink, Raccoons – 10 animals/two acres not to exceed 10% of the lot area.  |
  2. Adequate methods are in place for addressing manure management.
  3. Buffers are established by the agricultural operator to ensure that noise or odors from the agricultural operation are minimized.
  4. Setbacks from property lines and wetlands, streams, and floodplains are established pursuant to sub-section c, below.
- c. The agricultural operator shall provide a minimum of fifty (50) foot buffer between all buildings and structures used to store feed, other materials or manure from adjacent properties to minimize impacts of noise or odor. Such buffers may consist of plant screening, woodlands, vegetated berms, fences, or natural topographic features. A minimum of one hundred (100) feet shall be provided between any area or structure used for the storage of animal wastes and wetlands and waterways. The Planning Board may require other setbacks if necessary to minimize noise, odor or risk of water pollution.
- d. All livestock shall be fenced. No animal shall have direct access to a wetland regulated by the New York State Department of Environmental Conservation or the US Army Corps of Engineers, impoundment, stream, and spring or well on the lot on which the livestock is located.
- e. No roosters shall be allowed in hamlet districts.

**Aquaculture and Fish Hatchery**

- a. The operator shall maintain any required license that may be required by the NYS Department of Environmental Conservation, the NYS Department of Health or other agencies.
- b. Any water tank shall not be connected to any sewer system, if present.
- c. All waste water from the facility shall be treated as per New York State Department of Health requirements and shall not be released into streams, wetlands, or surface or ground water.
- d. The Planning Board shall ensure, prior to approval that an adequate water supply exists and that consumption of such water will not negatively impact wells in the vicinity of the facility.
- e. The Planning Board may require that all structures be soundproofed so as to minimize noise from pumps or other operations beyond the parcel boundary.

**Antique restoration and Furniture Refinishing**

- a. All chemicals used in the restoration process shall be stored indoors.
- b. All waste products resulting from the restoration process shall be properly disposed of in an acceptable waste management facility.
- c. No noxious fumes or odors shall be noticeable at property boundaries.

**Assisted living/continuous care facility, Nursing home**

- a. The building shall not exceed two stories in height. Multiple buildings containing dwelling units are permitted on a single parcel provided each building is separated by at least 25 feet. The maximum number of dwelling units within a single building shall be permitted at a density equivalent to four dwellings per acre, with a maximum of 20 units if the parcel size can accommodate that density.
- b. The building shall conform to the setback and lot coverage standards generally applicable within the zoning district.
- c. Applicants shall consult the Fair Housing Accessibility Guidelines (available online at [www.hud.gov/fhefhag.html](http://www.hud.gov/fhefhag.html)). The applicant shall comply with Section 804(f) (5) (C) of the Fair Housing Act of 1988 and the implementing regulations codified at 24 C.R. R. 100.205.
- d. Common open space areas of 500 square feet per dwelling unit shall be required on the parcel. Open space provided shall be accessible to all residents of the development.
- e. Sidewalks shall be provided for within the interior of the development to link residential buildings with other destinations, such as, but not limited to parking, mailboxes, trash disposal, adjoining sidewalks or open spaces, and on-site amenities such as recreation areas.

- f. Building design shall emulate the typical single-family residence in Ancram. No monotonous, "barracks'-style buildings shall be allowed. Buildings having facades wider than 80 feet shall incorporate wall plane projections or recesses. Ground-floor facades that face public streets shall have windows, entry areas, awnings or other such features for at least 60 percent of the horizontal length.
- g. No one building shall exceed 150 feet in length.
- h. Buildings shall be arranged so that they are aligned parallel to a sidewalk, or around common open space such as courtyards or greens. Buildings shall not face the rear of other buildings on the same lot or parcel.
- i. Entryways shall face a street, sidewalk, or common area.
- j. Parking areas and drives shall be located no closer than 25 feet to a residential building in order to accommodate sidewalks. The distance between parking areas and drives may be reduced where the Planning Board determines that resident mobility needs demand closer placement.
- k. A landscaping plan, lighting plan, building elevations, and floor plans for each residential dwelling shall be submitted as part of the review.
- l. A centralized location, screened from view, shall be provided for on-site solid waste storage and recycling receptacles.

**Auto Body Repair/Paint Shop**

- a. All automotive repair work shall be conducted in fully enclosed building. All vehicles whether registered or not, stored on the premises in excess of seventy two (72) hours shall be shielded from view from the road or placed in an enclosed storage yard.
- b. The exterior display or storage of new or used automobiles, or of automobile parts, is prohibited. The following activities and equipment are permitted in the rear yard and at least 50 feet from the lot line:
  - 1. temporary storage of vehicles during repair and pending deliver to the customer;
  - 2. vacuuming and cleaning
- c. Where an automotive repair use adjoins a residential use, a minimum ten (10) foot high landscape screen shall be provided adjacent to the shared property line.
- d. Bay doors to the garage shall not front on any public right-of-way. Bay doors shall face the rear yard. The Planning Board may approve an alternative orientation to mitigate impacts to adjoining uses.
- e. Dumpster locations shall be screened from public view. All refuse shall be disposed of in appropriate waste containers and removed from the premises on a regular basis. Waste oil, grease and other solvents shall be disposed-of off-site and in accordance with all applicable federal, state and local laws.

- f. No parking shall be permitted within the front yard and shall be provided for to the side or the rear of the structure.

**Baseball Practice Facility**

- a. Sports fields, courts and baseball cages, including any slabs, fences, overhead light-standards, or other accessory fixtures, shall be setback at least fifteen (15) feet from all side property lines and at least 15 feet from the rear property line. .
- b. Fencing shall not exceed a height of twelve feet, and shall be constructed of materials which reduce noise associated with their use. All fencing for batting cages must be lined with a mesh-netting interior to capture balls and reduce noise during use. For all batting cages, padding and a hanging net in front of the rear backstop shall be provided behind home-plate to reduce noise resulting from balls hitting the back of the cage. All structural support posts and framing shall be padded to reduce noise.
- c. The following minimum standards shall be met in the installation of lights. In addition to the following standards, the Planning Board may impose other conditions which are deemed appropriate to minimize lighting impacts:
  - 1. Height. Light standards and fixtures shall not exceed twenty (20) feet in height, measured from the finished surface of the court.
  - 2. Hours of Illumination. Lights shall be turned off between ten p.m. and seven a.m. A timer shall be installed such that it automatically shuts off within one hour of non-use.
  - 3. Intensity Level. Lights shall not blink or flash. Lighting shall be shielded or recessed so that direct glare and reflections are confined to the maximum extent feasible within the boundaries of the site, and shall be directed downward and away from adjoining properties and public rights-of-way. The intensity of lighting shall be not more than one foot-candle above ambient levels at property lines.
- d. Landscape Plan. A landscape plan shall be submitted.

**Bed and Breakfast**

- a. Bed and breakfasts shall be owner-occupied and their Certificate of Occupancy shall so stipulate. Further, all bed and breakfasts must also be consistent with all New York State Uniform Fire Prevention and Building Code standards.
- b. Off-street parking shall not be located in a front yard and shall be screened from roads and adjacent properties so as to provide no variation from the residential character of the site. Off-street parking spaces for members of the owner's family residing in the dwelling unit as well as one (1) parking space per room shall be provided.
- c. Each bed-and-breakfast shall be established, maintained and operated so as to preserve and complement the residential character and integrity of the surrounding area.
- d. A single exterior sign or display may be established on the site of the bed-and-breakfast. The sign or display shall not exceed six (6) square feet in area. No freestanding sign shall be located less than fifteen (15) feet from the front property line or less than five (5) feet from the side property line. Further, the sign or display shall be as unobtrusive as reasonably possible and may be externally illuminated.

- e. During Site Plan Review, the Planning Board shall consider the
  - 1. Adequacy and arrangement of vehicle traffic access and circulation,
  - 2. Location, arrangement, appearance and sufficiency of off-street parking,
  - 3. Location, arrangement, size and design of lighting and signs,
  - 4. Relationship and compatibility of proposed use (bed-and-breakfast) to uses of adjacent parcels in the immediate vicinity, together with their scale,
  - 5. Adequacy, type and arrangement of trees, shrubs, fences and other landscaping or improvement constituting a visual or noise-detering buffer between the site and adjacent or adjoining uses.

**Commercial Kennel and Veterinarian/Animal Clinic/Animal Hospital**

The Planning Board shall review any such proposed use to determine that it will not adversely affect the existing character of the neighborhood or surrounding area. Any special use permit issued for a kennel shall be for a term of one year. Such permit shall be renewable by the Zoning Enforcement Officer provided all original special use permit conditions continue to be met. In particular the Board shall review any application for such use according to the following:

- a. The minimum lot size shall be five (5) acres.
- b. All kennels, animal enclosures, buildings, or fences shall have a setback equal to a distance of at least 10% of the square footage of the proposed structure, plus the applicable required side and rear setbacks established in Table 2 from the property line of any existing, adjacent residence. In no case shall the proposed structure be sited closer than the side and rear yard setbacks established in Table 2.
- c. All outdoor areas used by animals shall be located to the side or rear of the principal building on the site. Such areas shall be enclosed by fencing of a type of construction and height sufficient to confine any animal on the premises.
- d. In considering the application for a Special Use Permit for a kennel, the Planning Board shall consider the number, size, breed and temperament of animals to be sheltered in order to ensure the health, safety and general welfare of the community.
- e. Buildings in which animals are to be housed shall have adequate provisions for heat, ventilation and sanitation for proper maintenance of the health of the animals. Sufficient housing shall be provided to ensure that all animals can be confined inside a building simultaneously.
- f. Adequate provisions shall be made for sanitary disposal of animal waste supplies and to preclude offensive odors becoming a nuisance.
- g. In issuing the Special Use Permit approval for a Kennel, the Planning Board shall stipulate the maximum number and type of animals to be boarded, harbored or trained.
- h. All animals being boarded, harbored or trained in a kennel facility shall be confined indoors during hours of darkness.

**Camp, Campground**

- a. The minimum lot area shall be twenty five (25) acres.
- b. Multiple buildings for sleeping quarters and tents may be permitted on the lot. No building or structure shall be closer than one hundred (100) feet from any lot line and all activities shall be effectively screened as required by the Planning Board from adjacent lots.
- c. Amplifier systems shall be designed so as not to be audible beyond the property lines.
- d. Sanitary and wastewater disposal systems shall be approved by the New York State Department of Health. Sufficient supply of pure drinking water shall be provided for each camp site. Camps must be kept in a clean and sanitary condition and free of physical or fire hazards at all times and must in all respects conform to the provisions of Chapter I, Part 7, of the New York State Sanitary Code entitled "Temporary Residences," which chapter and part are hereby incorporated herein by reference as though set forth herein at length. All camping grounds shall be provided with toilets, showers, sinks, and other sanitary facilities. Toilet facilities shall consist of not less than one flush toilet for every ten camp sites, one urinal for every ten camp sites, one shower with individual dressing accommodations for every ten camp sites, and one sink for every five camp sites.
- e. Adequate emergency access shall be provided throughout the camp site.
- f. No permanent dwellings shall be permitted except for one dwelling to be used by the owner or resident manager of the camp.
- g. Summer camps shall be operational only between Memorial Day and Labor Day.
- h. Any camping site within the campground shall contain not less than 1,600 square feet and shall not be less than 40 feet on its shortest dimension. No two temporary dwellings shall be so located that they are within 20 feet of each other. No camp site shall be located within 50 feet of any public highway or public street line or within 50 feet of any adjacent property line. All units shall be consecutively numbered with the number conspicuously posted on each camp site.
- i. Garbage receptacles. Each camping ground shall provide equipment sufficient to prevent littering of the grounds, in or around the grounds with rubbish, garbage and refuse, and must provide metal depositories with tight-fitting covers at convenient locations throughout the grounds. Such depositories shall be located so that no camp site will be more than 100 feet from a depository collected daily.
- j. Electric service and connections. All such connections and service outlets shall be weatherproof and shall be of the type approved by the New York Board of Fire Underwriters.

**Compost Facility**

- a. The applicant shall include plans and specifications to include:
  1. All works to be constructed;

2. The design capacities of the facilities;
  3. Leachate management plan;
  4. A comprehensive odor management plan designed to prevent noxious odors from migrating off site; and,
  5. An operating and closure plan
- b. An impermeable surface for all areas of the compost facility with the exception of the compost curing area shall be provided for.
  - c. The site shall include appropriate buffer zones of at least 100 feet from adjacent land uses and environmental features such as streams and wetlands.
  - d. No composting facility shall be developed within any floodplain.
  - e. A leachate management system shall be provided for to remove sediment, reduce metals concentrations and destroy pathogens.
  - f. The Planning Board may require an equipment wash area with oil/water separator and water treatment separate from the management system.
  - g. The unloading and preparation area, and active composting areas must be an impermeable surface away from the main traffic flow pattern.
  - h. A designated area where all water is directed to a treatment or sewage system shall be required.
  - i. The hours of operation shall be limited to between 8:00 AM and 7:00 PM.
  - j. The facility shall not generate noise exceeding 55 decibels at the property line.
  - k. All exterior lights shall use full-cut off fixtures to eliminate glare at property lines.

**Contracting Office** – See Service Business. For equipment storage that may be associated with contractor uses, see Equipment Storage.

**Day care/ Pre-school**

- a. The lot area shall be not less than (1) acre.
- b. All buildings, structures, and areas of organized activity such as play areas, swimming pools, etc., shall be not less than 75 feet from any property line.
- c. Off-street parking areas shall be not less than 50 feet from any property line.
- d. Public address systems are prohibited.
- e. Only one (1) identification sign shall be permitted as per Supplemental Regulations, Article V (A)(20), Signs.
- f. Landscaping and fencing shall be provided as required by the Planning Board.

**ECHO (Elder) Housing**

- a. Occupancy. An elder cottage shall not be occupied by more than two persons, who shall be persons 55 years of age or older, and at least one of such person shall be a family relation of the owner occupant of the dwelling. The family relationship may be waived by the Planning Board where the applicant can show a long standing relationship substantially equivalent to a familial relationship and the maintenance of the unit is not simply an economic relationship.
- b. The elder cottage shall not exceed 650 square feet in gross floor area and be no less than 250 square feet.
- c. An elder cottage is permitted accessory to a single-family detached dwelling. No more than one elder cottage is permitted per lot.
- d. An elder cottage is permitted within a rear yard exclusive of the required setback.
- e. The exterior appearance of the elder cottage shall be in harmony with the existing single family detached dwelling.
- f. An elder cottage shall be constructed so as to be easily removable.
- g. The special use permit shall be renewed annually. The owner of the dwelling to which the elder cottage is accessory shall submit a letter substantiating that circumstances of the original application have not changed. Special permit approval shall terminate 120 days after the death or permanent change of residence of the original occupant or occupants of the elder cottage.
- h. The site plan application shall include the following:
  1. Name and age of proposed occupants of the elder cottage and relationship to owner of the dwelling to which the elder cottage will be accessory.
  2. Proposed location and size of the elder cottage.
  3. Photos, sketches, or other materials which describe the floor plan and exterior appearance of the proposed elder cottage.
  4. A signed agreement consenting to remove the elder cottage upon special permit expiration, including consent for the Town to enter on the property and to remove the elder cottage if the owner fails to timely remove it, said cost to be borne by the owner.

**Educational Facility**

- a. There shall be a minimum of 5 acres, plus two acres for each 100 pupils.
- b. Adequate roads for ingress and egress shall be provided, which roads shall create no unusual traffic hazard or traffic congestion.

- c. The maximum permitted building height may be increased from 35' to 45', provided that the minimum property line setback for buildings shall be three times the building height of the tallest building.
- d. Appropriate buffer screening shall be designed and installed within setback areas adjoining or facing residential properties.
- e. All lighting shall use fully shielded cut off fixtures. No glare shall extend beyond property lines.

**Equipment and Material Storage associated with home-based businesses, contracting business, and other businesses that require outdoor storage of equipment and materials.**

- a. The outside storage of goods, supplies, parts, materials, or heavy equipment including the use of portable on-demand storage units, must be located in the rear yard only and hidden visually from adjacent residential uses or shall be stored in an enclosed structure.
- b. Outside storage areas shall not exceed twenty five (25%) percent of the total area of the site for commercial uses where allowed, and thirty percent 30% for home based businesses.
- c. Parking shall be located behind a principal building, if one exists, or if one does not exist, shall be provided in a parking area completely screened from view from the public road and from adjacent residential uses.
- d. The Planning Board shall evaluate impacts related to noise, traffic, hours of operation, and lighting requirements and shall minimize negative impacts on adjacent uses.

**Firing Range (indoor)**

- a. The parcel size shall be a minimum of 2 acres.
- b. No building or structure housing a firing range shall be within five hundred feet of the property line. The minimum setbacks may be increased by the Planning Board or if so warranted by the design standards of the National Rifle Association.
- c. The design of the facility shall clearly show that safety of persons on and off the site is ensured. This shall mean that no projectile of any kind may be permitted to leave the site. Unless this safety requirement is clearly indicated by the design plans, a permit shall not be issued.
- d. The intensity level of sounds if requested by the Planning Board, shall not exceed fifty-five (55) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
- e. There shall be no guns sold on site unless the owner of the property is selling and has a Federal Firearms License by the Federal Law.
- f. The Planning Board may specify hours of operation.

**Food and Beverage Uses (banquet hall, restaurant, café, bar, take out, ice cream parlor, etc.)**

- a. Parking is not permitted in the front yard and shall be situated to the side or rear of the structure. Parking lots located to the side of the structure shall be screened from view by vegetation.
- b. An applicant shall clearly demonstrate that the use will be compatible with the adjoining uses, particularly with regard to traffic circulation, parking, and appearance. No more than two (2) curb cuts per lot frontage shall be allowed.
- c. Sufficient screening shall be provided to buffer the site from noise so that the food or beverage use does not increase the ambient noise conditions and so that there are no noise impacts on adjacent residences.
- d. All lighting shall use fully shielded cut off fixtures. No glare shall extend beyond property lines.
- e. Where a residential building is proposed to be converted to a restaurant, exterior alterations shall be made in a manner that preserves the essential residential character of the building. All new construction shall also meet commercial design standards pursuant to Article V (A) (22).
- f. All bars and taverns shall meet all requirements of the New York State Alcohol and Beverage Liquor Law.

**Food Processing/Distribution Facility** – See Light Industry/Manufacturing Facility.

**Foundry**

- a. The building area shall be limited to 1,000 gross square feet;
- b. The entire operation shall be conducted within a building; and
- c. No outside storage is permitted.

**Garbage/Trash Removal Service**

- a. No garbage or trash shall be stored on-site. All garbage or trash collected by the service shall be delivered to a legal waste management facility licensed for such material.
- b. Sufficient screening shall be provided to buffer the site from noise and odors so that the garbage/trash removal service does not increase the ambient noise conditions and so that there is no noise or odor impacts on adjacent properties.
- c. All lighting shall use fully shielded cut off fixtures. No glare shall extend beyond property lines.
- d. The site shall be fully screened to prevent views of the operations. Screening can include fencing, vegetated berms, or use of natural vegetation.

**Gasoline Station, Service Stations and Related Uses including garage, convenience store, or other multiple uses associated with filling or service station.**

- a. Filling stations (and that portion of a convenience store that may have gas facilities) shall be permitted only on lots having at least one (1) acres of area and having at least two hundred fifty (250) feet of road frontage.
- b. Principal buildings shall be oriented to the street.
- c. Except for any access drive, the area to be used by motor vehicles as well as any structure shall not encroach on any required yard area.
- d. No fuel pump shall be located closer than twenty (20) feet from any side lot line nor closer than thirty five (35) feet from any street line, as measured from the outside of the fuel island. Pumps shall be sited to the side or rear of the structure and not between the building and the street.
- e. All repair work and storage shall be conducted within a completely enclosed building. The maximum height of that building shall be twenty five (25) feet.
- f. Canopies (the protective cover that is not enclosed on any of its four sides and is provided for a service area designated for the dispensing of gasoline, oil, antifreeze, and similar products) shall not exceed 16 feet in height or the height of the principal building, whichever is less. Canopies shall be architecturally integrated with the principal building through the use of the same or compatible materials, colors and roof pitch. Any lighting fixtures that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling surface.
- g. The Planning Board may limit the number of gas pumps to ensure consistency in scale between the gas filling station and adjacent land uses.
- h. There shall be no glare of gas pump island canopies outside the boundaries of the site. All gas pump island canopy lights shall be recessed with no bulb, lens or globes extending below the casing or canopy ceiling.
- i. No signs shall be allowed on the canopy mansard, fascia or roof area covering gas pumps.
- j. There shall be no amplified sound audible at property lines. The Planning Board may prohibit the outdoor use of amplified sound for gas stations if, in their opinion, such sound could disturb adjacent residences.
- k. All pumps, pump islands, tanks, piping and canopies shall be removed when fuel dispensing activity has been inactive for a period of twelve (12) months.
- l. The gas pump island canopy shall reflect the design of the building and be consistent with the main structure's roofline.

- m. Construction, maintenance and inspection of any gas filling station shall use all applicable federal, state and county environmental protection and mitigation requirements relative to installation, use and removal of tanks and pumps.
- n. The Planning Board shall require a traffic impact analysis.
- o. Applicants shall prepare and maintain on site, an acceptable Spill Prevention, Control and Countermeasure Plan prepared under the supervision of a professional licensed engineer.
- p. Employees shall be up-to-date in Spill Prevention training.
- q. The Planning Board may limit hours of operation or limit acceptable hours of fuel delivery where a gas station is adjacent to residential uses.
- r. Applicants shall evaluate site conditions and provide information, analysis, and evidence that the proposed gasoline filling station will not degrade the quality of groundwater. Mitigation measures if needed, including, but not limited to use of encased above ground tanks shall be implemented to reduce or eliminate risks to groundwater.

**Golf Course (private or public, 9 or 18 hole)**

- a. A special use permit shall be required to operate a golf course, including all uses and structures accessory thereto. The following uses shall be permitted as accessory uses to a golf course: clubhouse (including dining rooms, common rooms, pro shop, social rooms, kitchen and locker rooms), snack bar/refreshment stand, a groundskeeper residence, putting greens, practice range, parking, maintenance facility, garage, cart storage facility, and water supply impoundments. The proposed golf course shall be integrated with any existing development and land uses adjacent to the site, including safe locations for golf holes (tees, holes and greens), and practice areas, as related to adjacent roads, residential development, and other neighboring improvements.
- b. Where a golf course site is adjacent to, contains, or incorporates flood plains, open water, watercourses, trails, flyways, and conservation areas, the applicant may be required to provide and maintain an adequately designed walking trail easement within the property open to the public in furtherance of the Town's goal of linking open spaces in the community. The pedestrian easement shall be located so it does not interfere with play and shall be appropriately isolated from the general operation of the golf course. The easement shall be held by the Town of Ancram, a land trust, or another non-profit environmental organization as allowed by New York State Law.
- c. Assurances shall be provided by the applicant that the necessary infrastructure and utilities, including sanitary disposal system, potable water and irrigation water are available from on-site municipal or private systems. The provision of infrastructure and utilities shall not have a detrimental impact on groundwater or surface water resources.
- d. The golf course shall have two safe and adequate access points from one or more public roads. One of the two accesses may be provided for emergency access only, if,

in the determination of the Planning Board, said arrangement provides adequate access. The two means of access shall be connected internally and may be achieved by use of a stabilized surface sufficient to allow passage by emergency vehicles.

- e. Adequate provisions shall be made for solid waste collection and storage. All solid waste storage shall be adequately screened and buffered.
- f. All signs shall meet all requirements of Article V (A)(20).
- g. Amplifier systems shall be designed so as not to be audible beyond the property lines.
- h. The number of parking spaces shall be as few as necessary to serve the golf course and accessory uses. The number shall be determined by a parking needs study to be conducted by the applicant and submitted at the same time as the special use permit application.
- i. A minimum vegetative buffer shall be maintained between any watercourse or wetland and any turf area which is to be treated chemically. The Planning Board shall retain an ecologist and/or other specialist(s) to review the plans and recommend appropriate buffer sizes which will depend on the specific nature of the watercourse or wetland to be protected. The buffer shall be of sufficient size and design to protect the surface water from chemicals carried by stormwater runoff. The Planning Board may consider alternative methods of protecting wetlands and water courses, e.g., diversion of runoff via swales, where it determines that said methods protect watercourses, wetlands and other natural water bodies.
- j. Adequate provisions shall be made by the golf course operator to handle the crowd generated by special events open to the public such as tournaments, and to satisfactorily mitigate off-site impacts including traffic management, parking, trash removal and waste disposal, security and safety and utility demand. The golf course may be required to post a performance guarantee for these purposes. All local permissions and permits required for a special event shall be obtained prior to the event.
- k. The course shall be designed, to the extent possible, in a manner that preserves existing woodland and wooded corridors. Clearance of woodland shall not exceed 50 percent of the total acreage of the lot on which the golf course shall be situated.
- l. Turf management and water quality. As part of the application for site plan approval, the applicant shall submit a turf management plan and an integrated pest management plan specific to the operation and maintenance of the proposed golf course. These plans shall be prepared in accordance with any guidelines established by the New York State Department of Environmental Conservation and shall also take into consideration guidelines established by the United States Golf Association. These plans must include best management practices to prevent or minimize adverse impacts of chemical applications on the groundwater and surface water resources to which the golf course contributes drainage.
- m. Assurances shall be provided that any adverse impacts on groundwater or surface water quality resulting attributable to the golf course will be mitigated. The applicant

shall provide for the monitoring of water quality of groundwater and surface water resources. The monitoring program, including the timing and frequency of testing and the identification of chemical parameters to be tested shall be established at the time the integrated turf management plan and integrated pest management plan are approved as part of the application. The applicant may be required to install permanent water quality monitoring devices to monitor water quality on an ongoing basis. The Planning Board and the applicant shall mutually agree to an independent consultant who shall be responsible for carrying out the monitoring program and the cost of the monitoring shall be borne by the applicant/owner of the golf course facility. The results and findings of any water quality monitoring shall be submitted by the owner to the Town to ensure compliance with the conditions of special use permit approval.

### **Gravel Mining**

- a. All large and small mines, except as exempted in sub-section (b) of this section, shall require a special use permit and site plan approval by the Planning Board. However, for certain mining activities, the New York State Mined Reclamation Law (MLRL) establishes that New York State Department of Environmental Conservation (NYS DEC) is responsible for the regulation and permitting of mining activities and reclamation of same for operations that extract one thousand (1,000) tons or seven hundred fifty (750) cubic yards or more of a mineral during twelve (12) consecutive calendar months. The NYS DEC is the entity responsible for administering a MLRL permit for mining.
- b. Exemptions. The following activities shall not require a gravel mining special use permit, but may require a permit from the ZEO:
  1. The removal of up to seven hundred and forty nine (749) cubic yards of earth material in twelve (12) consecutive months as set forth above.
  2. Operations in connection with construction of improvements, changing of contours, and grading of lots in an approved subdivision, or on a parcel associated with an approved Site Plan provided that no more than seven hundred and forty nine (749) cubic yards of earth materials are removed from the lot.
  3. Construction of a pond where no more than eight thousand (8,000) cubic yards of material are removed from the site.
- c. For Small Mines (no more than 749 cubic yards) where no NYS DEC MLRL Permit is required but a permit from the ZEO is required, the following standards shall be met:
  1. No mining may take place within seventy five (75) feet of any property boundary nor within two hundred (200) feet from any public roadway.
  2. To guard against erosion, no mining may take place on slopes greater than 33%.
  3. If land disturbance is to be one acre or larger, a stormwater and erosion control plan shall be developed and filed with New York State pursuant to the SWPPP requirements of SPDES General Permit for Stormwater Discharges from Construction Activity - GP-0-10-001.

4. The hours of operation shall not exceed twelve (12) hours in any one day nor commence before 7:00 a.m. on any day nor extend beyond 7:00 p.m. on any day, nor shall there be any operation conducted on Sunday.
  5. No sharp pits, depressions or soil erosion problems shall be created and no slopes or banks shall exceed whatever slope is necessary in order to obtain stability.
  6. No dumping or other disposal of either solid or liquid waste shall be allowed as part of the mining operation.
- d. For Large Mines (750 cubic yards or more) subject to NYS MLRL requirements, the applicant shall simultaneously apply to both the NYS DEC and the Planning Board. As per the NYS MLRL, the Town of Ancram can address:
1. Whether mining is permitted in the location indicated on the MLRL permit application.
  2. The appropriate setbacks from roads and property boundaries.
  3. The location and design of barriers to restrict access to the mine.
  4. Dust control measures.
  5. Hours of operation.
  6. Any other issue as may be referenced in and appropriate under the MLRL.
- e. In addition to any other Site Plan, Special Use or DEC Mining Permit Applications that may be required, an application for a local mining approval shall also show the following:
1. The full names, signatures and addresses of the owner, lessee, operator and applicant and the written consent of the mortgagee, if any.
  2. Proof of ownership of the property and the names and addresses of all parties having an interest in any entity involved as the owner or operator of the site, such as a limited liability company, corporation or limited partnership which owns or has an interest in the property. If the property is owned in whole or in part by a corporation or limited liability company, the applicant shall provide the names and addresses of all officers, stock shareholders or members of each entity.
  3. Description of proposed operations. A statement clearly detailing the nature and extent of operations, including the type and amount of material to be filled, re-graded or removed, the manner in which it will be accomplished, the proposed hours of operation, and a time schedule for the completion of the various stages of the operation.
  4. Site Plan Map. A Site Plan map drawn to scale, prepared by an engineer or surveyor licensed to practice in the State of New York, showing all improvements on the property as well as the proposed area for mining and other improvements to be constructed in connection with the mining operation.

5. Boundaries of property. The boundaries of property where the excavation is proposed and the area to be excavated, filled or re-graded.
  6. Existing contours. Existing contours in the area of operations and the proposed contours after completion of the work, which contours shall be prepared from an actual field survey, shall be based on a bench mark note and described on the map and shall be drawn to a scale of not less than one hundred (100) feet to the inch and with a contour interval not to exceed two (2) feet. If necessary, the Planning Board may require more detailed contours.
  7. Existing and proposed water bodies and drainage. Existing and proposed watercourses, water bodies, erosion control and drainage on the premises.
  8. Surrounding area. Surrounding streets and property lines and names of property owners, natural features, existing and proposed structures, a phasing plan, if any, and the environmental assessment form necessary to comply with SEQRA.
  9. Other. Such other maps, plans, boring tests, feasibility studies and engineering data as may be required by the Planning Board in order to determine and provide for the proper enforcement of these regulations.
- f. The Planning Board shall determine the length of any mining permit issued, however, no mining permit shall be issued for more than five years. If it is contemplated that the mining operation will take more than 5 years, then the applicant shall apply to the Planning Board for renewal of the permit before the expiration of the 5 year period.
  - g. With respect to mines which currently are being operated in the Town of Ancram pursuant to valid permits which have not expired, the owner of any such property shall be entitled to continue the operation of same pursuant to the provisions of a valid permit currently in effect through the time that such permit expires. Thereafter, any application for renewal of an existing valid permit shall be subject to the provisions of this law.

#### **Greenhouse or Hothouse**

When a greenhouse or hothouse is illuminated, no glare shall extend beyond the parcel boundary. All exterior lighting shall use fully shielded fixtures to ensure that light is directed downwards. In the Ag District, there shall be a setback equal to a distance of at least 10% of the square footage of the proposed structure, plus the applicable required side and rear setbacks established in Table 2 from the property line of any existing adjacent residence. In no case shall the proposed structure be sited closer than the side and rear yard setbacks established in Table 2.

#### **Group Home**

- a. An appearance shall be maintained that is closely similar to nearby dwellings; and
- b. No sign shall identify the use.
- c. In any residential district, no open or enclosed parking area shall encroach on any required front yard.

## **Home Occupation**

### **General Standards for Low and High Impact Home Occupations**

- a. No home-based business shall generate significantly greater traffic volumes or increased traffic hazards than would normally be expected in a residential district.
- b. The home-based business must be clearly incidental and subordinate to the residential use.
- c. The home-based business shall be allowed to be conducted within the dwelling unit or accessory structure.
- d. The residential character of the single-family dwelling or accessory building and the lot shall not be altered to accommodate a home-based business.
- e. The equipment used by the home-based business and the operation of the home-based business shall:
  1. Not create any vibration, heat, glare, dust, odor, or smoke discernible at the property lines,
  2. Not generate noise exceeding 55 decibels at the property line from 8:00 A.M. to 6:00 P.M.,
  3. Not generate any noise discernible by the human ear at the property lines from 6:00 P.M. to 8:00 A.M.,
  4. Not create electrical, magnetic or other interference off the premises,
  5. Not consume utility quantities that negatively impact the delivery of those utilities to surrounding properties, or
  6. Use or store hazardous materials in excess of the quantities permitted in a residential structure.
- f. Conditions of approval established by the Planning Board may specify:
  1. Hours of operation;
  2. Maximum number of customer/client visits that may occur in any one (1) day; and
  3. The maximum number of customers/clients that can be present at any one time.
- g. Retail sales shall be limited to goods made and/or prepared on site.
- h. No other business shall be permitted to share, let or sublet space for professional use.
- i. All lighting, noise, sign and parking requirements of this law shall be met.

### **Low Impact Home Occupations**

- a. No external evidence of such use shall be permitted except for one sign not exceeding two square feet in area.
- b. No more than fifteen percent (15%) of floor area of the dwelling unit or 500 square feet of an accessory building may be used in connection with a low impact home occupation, whichever is lesser.

- c. There shall be no exterior storage of materials to be used in conjunction with a home occupation.
- d. There shall be no heavy earth moving equipment, tractor trailers, or other similar specialized vehicles upon the property utilized for the home occupation.
- e. Only the person or persons who occupy the dwelling and two (2) additional persons may be employed by the low impact home occupation at any one time.

**High Impact Home Occupations**

- a. No more than twenty-five percent (25%) of the floor area of the dwelling unit or 1000 square feet of an accessory building may be used in connection with a high impact home occupation, whichever is lesser.
- b. All storage of equipment, materials, goods, or supplies shall also meet all requirements for such use pursuant to this Article V. All exterior storage used in conjunction with a high impact home occupation must be screened from view or stored within structures and not visible from the public way or adjacent properties.
- d. Only the person or persons who occupy the dwelling and four (4) additional persons may be employed by the high impact home occupation at any one time.
- e. Adequate parking shall be provided for all home occupants, employees and customers so as not to cause parking congestion or a visual disturbance to the character of the neighborhood.

**Hospital/ Lab, medical clinic/ Health Facility**

- a. There shall be proper disposal of all wastes associated with medical uses pursuant to New York State Department of Health and all other applicable County, State and federal laws.
- b. Setback Requirements. All structures shall be located two hundred (200) feet from any lot line. However, if parking in the front is required for emergency access or use by the handicapped, then such parking shall be screened from view of the street.
- c. The total building area shall not exceed a lot coverage of twenty percent.
- d. Primary access to such use shall not be a minor street or any other street designed to serve primarily as access to abutting residential properties.
- e. Any lighting shall use fully shielded fixtures and be arranged as not to cause glare on adjacent properties.

**Hydrogen Fuel Cell Facility for Distribution Only**

- a. These facilities shall be for distribution for motor vehicles only.
- b. The applicant shall supply, and the Planning Board shall review all hydrogen delivery options (e.g., pipelines, tanker trucks), routes for fueling stations, natural gas or other fuel supplies for large supplementary power fuel cells, and availability of local hydrogen suppliers for backup power fuel cells. The Planning Board may require a traffic impact analysis or a road evaluation to mitigate negative impacts to roads.

- c. The applicant shall meet all U.S. Department of Transportation hazardous material transportation requirements.
- d. There shall be a minimum of 500' between a hydrogen fuel cell facility and all adjacent land uses.
- e. All federal, Department of Energy, and NYS building code requirements for hydrogen fuel delivery and dispensing shall be met.
- f. There shall be a minimum of 25 foot separation distance between all buildings and structures and the fuel storage/dispensing area/air intake areas on the parcel.
- g. The Planning Board may also apply any of the standards for gas stations pursuant to this sub-section.

**Inn/Motel/Hotel/Lodging**

- a. The minimum lot area shall be two (2) acres. One or more principal buildings may be located on a lot. A principal building shall be separated from another principal building a distance of no less than twenty-five (25) feet.
- b. Guest sleeping rooms shall not contain full kitchen facilities and shall not be used as apartments for non-transient tenants.
- c. The following accessory uses shall be permitted:
  - 1. One (1) apartment, with or without kitchen facilities, for the use of the hotel or motel manager or caretaker and his family within the lodging facility.
  - 2. A coffee shop/dining room. Such facilities shall be located within the principal building.
- d. The Town promotes adaptive reuse of buildings, and encourages the preservation of any historical structures.
- e. The lot shall be of adequate size and shape to provide one (1) parking spot for each guest room, employee and property owner, located to the rear of the residence where possible.
- f. The Planning Board may require fencing, earth berms, evergreen vegetation or other buffers to reduce visual conflicts with neighbors.
- g. No guest, employee or owner parking shall be located on the street.
- h. No more than one (1) free standing sign to identify the property is permitted.
- i. Meals offered to the general public shall be allowed as an accessory use. When meals are also offered to the general public all parking shall be in accordance with Article V (A)(17) of these regulations.

- j. Recreational facilities for the sole use of guests are permitted as accessory uses including pool, playground, tennis or other game courts, game or recreation rooms, office and lobby.

**Laundromat/Dry Cleaner/Laundry Commercial**

- a. A dry cleaning facility shall meet all requirements of 6NYCRR Part 232 (Perchloroethylene Dry Cleaning Facilities) prior to final issuance of a special use permit.
- b. All Laundromat or commercial laundry facilities shall:
  - 1. Ensure that an adequate water supply exists to meet the needed capacity. The Planning Board may require additional water capacity testing both on and off-premise to ensure adequate water exists and that such use does not impact nearby wells.
  - 2. Ensure that use of large quantities of water from a well on premises does not negatively impact water capacity from nearby wells;
  - 3. Provide engineered plans for on-site waste water treatment to ensure adequate treatment of water used in the facility and that discharges to streams, wetlands, floodplains, or groundwater are prevented.

**Light Industry/Manufacturing**

- a. The minimum lot area for any light industry/manufacturing uses shall be two (2) acres and the lot shall have no less than one hundred (100) feet of frontage on a county or state road. The light industry/manufacturing building shall be set back no less than one hundred (100) feet from any lot line.
- b. No sales to the general public shall be permitted from the premises.
- c. All uses, processes and storage shall be within a fully enclosed structure, and no tanks or other apparatus incidental to the processing or light industry/manufacturing shall be visible outside of a light industry/manufacturing building. The façade of buildings and structures shall be compatible with the rural character and adjacent development.
- d. The applicant shall submit a list of any other permits that may be required for the operation as well as a list of the goods and materials to be stored and manufactured.
- e. Parking shall not be permitted in the front yard.
- f. There shall be no glare emitted beyond the property boundaries. All lights shall use full cut-off shielded fixtures. The location and all on-site lighting shall be approved by the Planning Board.
- g. The Planning Board may require a wall, fence, landscaping or other buffer to be installed where a property adjoins a residential use. Said buffer shall be no less than ten (10) feet in width.
- h. The Planning Board may require a noise analysis, and if needed, noise mitigation to maintain the area's existing ambient noise levels.

**Membership Club**

- a. Membership clubs shall not exceed 10,000 square feet in size.
- b. The Planning Board may require an applicant to furnish adequate evidence that noise levels, lighting, traffic, and other potentially negative effects of club activities will not disturb adjacent properties. Such evidence must take into account the nature of the club and its activities, the general demeanor of participants, the frequency of the activities, and the day and time of the activities.
- c. The Planning Board may establish hours of operation to minimize potentially negative effects of noise, lighting, traffic, and other features related to club use and activities on adjacent properties.
- d. There shall be no glare emitted beyond the property boundaries. All lights shall use full cut-off shielded fixtures.

**Moveable Vendor**

- a. All signs, carts, chairs, or other equipment shall be removed at the end of each business day.
- b. No moveable vendor shall do business in a location that will impede sight lines, cause traffic congestion, create a parking hazard, or prevent access to a driveway or road. The Planning Board shall review proposed location of the moveable vendor and may establish a specific location that will be permitted.
- c. The Planning Board may establish appropriate times for doing business.
- d. No moveable vendor shall have lights or noises that create a nuisance.

**Non-Commercial Wind Power – See Town of Ancram Non-Commercial Wind Power Facilities Law**

**Outdoor Wood Furnace**

- a. All new outdoor wood boilers including those that are partially or completely enclosed in a non-residential building shall meet all requirements of NYS ECL Part 247 (Outdoor Wood Boilers).
- b. All outdoor wood boilers used for residential purposes shall apply for and receive a special use permit prior to issuance of a building permit.
- c. In addition to all requirements of ECL Part 247, the following requirements shall be met:
  1. The outdoor wood boiler shall be equipped with a properly functioning spark arrester;
  2. The outdoor wood boiler shall be located in the rear yard;
  3. The outdoor wood boiler shall not be located within 1000 feet of parks maintained or operated by the Town of Ancram or any schools. This shall not include foot or bicycle paths unless the same are wholly located within a park maintained or operated by the Town of Ancram.

- d. Notwithstanding any of the above, in no event shall the emissions of the outdoor wood boiler exceed any mandatory emissions standard promulgated by any agency, division, department or office of the Federal or New York State Government.
- e. All outdoor wood boilers in existence prior to the enactment of this Zoning Law shall be allowed to continue operation. All existing outdoor wood boilers that do not meet these requirements shall be considered a nonconforming use. For any outdoor wood boiler installed prior to the date of enactment of this law, an outdoor wood boiler permit must be obtained within 10 years of this law's adoption. It shall be a violation for any person to operate an outdoor wood boiler for which a building permit has expired under this Section.
- f. Seasonal Restrictions. Notwithstanding anything herein, no person shall operate an outdoor wood boiler from May 15<sup>th</sup> to September 15<sup>th</sup>.
- g. Suspension of permit.
  - 1. A permit issued pursuant to this Local Law may be suspended as the Building Inspector may determine to be necessary to protect the public health, safety and welfare of the residents of the Town of Ancram if:
    - a. Emissions from the outdoor wood boiler exceed standards established in ECL Part 247.
    - b. The outdoor wood boiler creates a nuisance or otherwise violates an applicable local (including county), state or federal law, ordinance, statute, rule or regulation. A suspended permit may be reinstated once the condition which resulted in suspension is remedied and reasonable assurances are given that such condition will not recur.

**Private Airfield, Aircraft Hangar**

- a. A minimum of 50 acres is required.
- b. There shall be a no-disturbance buffer located 500 feet of the property line to protect nearby neighbors.
- c. A site plan shall be provided to the Planning Board illustrating the runways, l, location of overhead utilities, lighting, parking areas, and accessory buildings.
- d. The Planning Board may apply conditions related to noise, hours of operation, maximum number of planes to be stored on the premises, and an identification and proof of permits required from outside agencies.
- e. An airspace analysis by the Federal Aviation Administration (FAA) for operation under visual flight rules shall be submitted with the application for a special use permit.
- f. Landing areas shall be designed to comply with the Airport Design Guide of the FAA and any State requirements.

- g. Each landing, takeoff and utility area used by self-powered aircraft shall be provided with a dustproof surface.
- h. There shall be a finding by the Planning Board that such airport shall not cause a hazard to, or be detrimental to nearby properties and buildings, both in the Town and adjacent municipalities, considering the location of buildings in the vicinity of the airport and take-off patterns and lights.

**Private animal training arena, horse or track course (indoor or outdoor See Stable**

**Professional Office**

- a. No professional office use shall be larger than 5,000 square feet in building footprint size.
- b. All commercial design standards of Article V (A)(22) shall apply.
- c. Parking is not permitted in the front yard.
- d. Applicants must clearly demonstrate that the use will be compatible with the adjoining uses, particularly with regard to traffic circulation, parking, and appearance.
- e. No more than two curb cuts per lot frontage shall be allowed.
- f. Where a residential building is proposed to be converted to a professional office, exterior alterations shall be made in a manner that preserves the essential residential character of the building.
- g. All parking, lighting, landscaping, and other requirements of this zoning law shall also be met.

**Recreational Facility (Indoor)**

- a. Parking shall not be permitted in the front yard.
- b. One or more recreational uses are allowed on a lot.
- c. The Planning Board may require that facilities be screened through use of vegetation, fencing or a combination thereof from adjoining residential properties.
- d. Hours of operation. The hours of operation may be limited to minimize impacts associated with noise, lighting, traffic and similar potential effects which may be disruptive to adjoining uses.
- e. Site lighting. A lighting plan shall be provided and designed so as not to affect adjoining residential properties.
- f. Noise. Adequate evidence shall be furnished by the applicant demonstrating that noise levels will not likely disturb nearby residential properties. Such evidence must take into account the nature of the activity, the general demeanor of the participants, the

frequency of the activity and the time and day of the proposed activity. Public address systems are prohibited.

- g. Waste. The site plan shall demonstrate that wastes, including runoff containing fertilizer, pesticides, as well as solid waste will be contained, treated and disposed of in accordance with applicable local, county, state and federal regulations.
- h. Special considerations. Because the range of recreational activities allowed as components of commercial recreation establishments are broad and the characteristics and intensity of use may vary, the approving Board may impose such additional requirements as may be necessary to provide adequate protection to adjoining and nearby properties, considering the proposed activity, the proposed location and the nature of the adjoining community.

**Recreational Facility (outdoor) – skating, skateboarding, pool, gym, miniature golf, etc.)**

- a. No portion of any outdoor commercial recreation facility area shall be located closer than one hundred (100) feet to any property line. Parking shall not be permitted in the front yard.
- b. Consideration shall be given to locating outdoor facilities away from residential property lines. The Planning Board may require that these facilities be screened through use of vegetation, fencing or a combination thereof from adjoining residential properties.
- c. Hours of operation. The hours of operation may be limited to minimize impacts associated with noise, lighting, traffic and similar potential effects which may be disruptive to adjoining uses.
- d. Site lighting. A site lighting plan shall be provided and designed so as not to affect adjoining residential properties. The Planning Board may approve a light fixture that exceeds the height for an outdoor recreation use set forth in Article V (A)(14) provided it finds that there will be no detrimental impact on adjoining uses.
- e. Noise. All requirements of Local Law #4 of 2008 as may be amended from time to time and (Site Plan) Article VII shall be met. Adequate evidence shall be furnished by the applicant demonstrating that noise levels will not disturb nearby residential properties. Such evidence must take into account the nature of the activity, the general demeanor of the participants, the frequency of the activity and the time and day of the proposed activity.
- f. Waste. The Site Plan shall demonstrate that wastes, including runoff containing fertilizer, pesticides, as well as solid waste will be contained, treated and disposed of in accordance with applicable local, county, state and federal regulations. The Planning Board shall approve the location of any portable toilet device or other temporary waste disposal system that may be allowed in conjunction with an outdoor recreation facility.
- g. Special considerations. Because the range of recreational activities allowed as components of commercial recreation establishments are broad and the characteristics and intensity of use may vary, the Planning Board may impose such additional requirements as may be necessary to provide adequate protection to adjoining and

nearby properties, considering the proposed activity, the proposed location and the nature of the adjoining community

**Recycling Facility**

- a. Recycling collection facilities shall operate totally within an enclosed building. Outside storage shall not be permitted.
- b. The collection facility area shall at least be enclosed by an opaque block wall or solid wood fence at least six feet in height and planted with vegetation for landscaping on all street frontages.
- c. Collection facilities shall be setback at least 150 feet from lot lines.
- d. Storage for flammable materials shall be in nonflammable containers.
- e. Parking shall be provided for six vehicles or the anticipated peak customer demand load, whichever is greater. One additional parking space for each commercial vehicle operated by the facility shall be provided.
- f. The facility shall not exceed noise levels of 55 dBA as measured at the property line. g. If the facility is located within 500 feet of a residential use, it shall not operate between the hours of 7:00 p.m. and 7:00 a.m.
- h. All on-site signs shall be in conformance with the standards set forth in this zoning law, and shall clearly identify the responsible operating parties and their telephone numbers.
- i. Additional Development Requirements. Additional development standards may be required as conditions of approval.
- j. Storage of recyclable materials outside of containers or mobile/recycling unit when attendant is not present is prohibited.
- k. Containers shall be clearly marked to indicate the type of material accepted for collection.

**Retail**

- a. No retail use shall be larger than 5,000 square feet in building footprint size.
- b. All commercial design standards of Article V (A)(22) shall apply.
- c. Parking is not permitted in the front yard.
- d. Applicants must clearly demonstrate that the use will be compatible with the adjoining uses, particularly with regard to traffic circulation, parking, and appearance.
- e. No more than two curb cuts per lot frontage shall be allowed.
- f. Where a residential building is proposed to be converted to a retail business, exterior alterations shall be made in a manner that preserves the essential residential character of the building.

- g. All parking, lighting, landscaping, and other requirements of this zoning law shall also be met.

**Retreat Center**

- a. Allowed uses that may be allowed as part of a retreat center include public and private recreational facilities, including but not limited to tennis courts, golf, spa, hiking trails, basketball, and volleyball; lodging units including but not limited to hotels, cottages, campgrounds, or camping unit; offices and infrastructure support services that are ancillary and accessory to the operation of the resort; and meeting rooms and conference facilities.
- b. There shall be no more than forty percent (40%) total building coverage of a site.
- c. No single building shall be larger than ten thousand (10,000) square feet (building footprint). No individual office or business service within the retreat center shall occupy more than two thousand (2,000) square feet. Entrances to any ancillary business, office or business service shall be from within a principal or accessory structure.
- d. All uses shall be screened from adjacent residential uses within or abutting the retreat center by a buffer yard a minimum of 15 feet and maximum of forty (40) feet in width containing canopy trees, understory trees, and shrubs along the perimeter of the lot line abutting the residential use. A vegetated buffer yard of fifteen (15) feet shall be provided to screen all retreat uses from all public roadways. The Planning Board shall determine the appropriate buffer size within this range based on the nature of the proposed use, the nature of the adjacent properties, the topography and other appropriate factors. Existing tall vegetation shall be retained and maintained to the extent possible so as to permit such vegetation to fulfill or contribute to the buffer and screening requirements. In lieu of compliance with the above buffer yard and screening requirements, an applicant may submit a detailed plan and specifications for landscaping and screening which will afford the same degree of buffering or screening provided by the above requirements. The use of natural vegetative covers existing within the buffer should be encouraged. Where the Planning Board requires a fence or wall as part of the buffer, plantings shall be incorporated within the buffer area as functional and aesthetic augmentation to such fence or wall.
- e. A traffic study shall be required if the number of additional vehicle trips per day to be generated by the retreat will exceed one hundred (100) on any existing public roadway. The applicant must provide for any road improvements, traffic access management, and traffic control to accommodate increased traffic generated by the use. The number of egress and ingress curb cuts shall be minimized. Roads within the retreat are to remain private but accessible to all fire and emergency services. The local fire department and ambulance service shall review and approve all access plans to ensure safety and access for emergency services.
- f. Building Height. No building shall be more than three stories in height.
- g. Public Utilities and Service Impacts. The retreat, at completion, shall not exceed the capacities of any public water supply, stormwater management facilities, sewers, solid

waste disposal facilities, public safety, and emergency services of the Town. The applicant shall be responsible for demonstrating this to the satisfaction of the Town.

- h. Setbacks. Because of the intensity of use in a retreat center, the Planning Board may require the following minimum distances from exterior property lines:
  - 1. Principal structures - 100 feet
  - 2. Accessory structure - 60 feet
  - 3. Service structure - 100 feet
  - 4. Outdoor game courts and swimming pools which are generally available to all guests - 200 feet
  - 5. Parking lots and interior drives, excluding exterior points of access 100 feet
  - 6. Any portion of an equestrian facility, including structures, barns, stalls and corrals - 200 feet
- i. Parking requirements shall be established in conjunction with site plan approval and special use permits based on information documenting usage of on-site facilities by guests or visitors and as contained in an approved traffic and parking analysis. The minimum number of parking spaces shall be provided for so as to prevent overbuilt parking lots. Use of pervious surfaces within parking areas shall be used to the maximum extent practical.
  - 1. All parking areas and driveways located within two hundred (200) feet of adjacent residential property shall be screened with a minimum three foot high, solid, decorative wall or a landscaped berm providing equivalent screening or a combination of both.
  - 2. Landscaped islands shall be provided every one hundred (100) feet within surface parking areas. Shade tree planters shall be provided between every four (4) stalls.
  - 3. No loading, truck parking, trash containers or outdoor storage area shall be visible from adjacent residences.
- j. Lighting. All parking and driveway areas shall be located so as to prevent lights from shining onto adjacent residential property.

**Sawmill**

- a. The hours of operation shall be limited to between 7:00 AM and 7:00 PM. The Planning Board may require sound mitigation measures if necessary.
- b. No sawmill activity or storage shall be within 100 feet from the stream edge or any wetland as defined by state or federal law.
- c. All sawmill by-products shall be disposed of on a regular basis. No storage of logs, lumber, sawdust, bark, scrap wood, or equipment of any kind shall be permitted within any yard setback area.
- d. Vehicular access to the sawmill shall be via a minimum twelve (12) foot wide access drive that includes a fifty (50) foot paved apron adjacent to the street, beyond which the access drive can have a stone surface.

- e. All aspects of the sawmill operation (except access drives) shall be set back no less than two hundred (200) feet from all property lines, and five hundred (500) feet from any residentially-zoned and used property. The Planning Board may require a visual screen comprised of evergreen trees to be planted along any site boundary line that abuts one or more residential lots.

**Self-storage**

- a. The lot size shall be a minimum of 2 acres and a maximum of 5 acres. The minimum front setback shall be thirty five (35) feet. The total area covered by buildings shall not exceed 70% of the site.
- b. No security fencing, security gate, or other obstruction to vehicle access shall be permitted in the required front yard or in any required transitional yard. Security fencing shall not include electrically charged, barbed wire or razor wire, and shall not be placed in a required front yard setback area.
- c. No door opening for any storage unit shall be constructed facing any residential use.
- d. Door openings for storage units shall face the interior of the site unless impracticable.
- e. An on-site office for a manager may be approved by the Planning Board as part of the business.
- f. The roof shape and materials shall be pitched and compatible with the design and materials of neighboring buildings and shall meet all design and siting requirements as set forth in Article V (A) (22). Accommodations for resident managers are permitted provided all design standards of Article V (A) (22) are met.
- g. Views of the storage facility from public rights-of-way shall be fully buffered and screened.
- h. All parking shall be to the rear of the building or to the side, and if on the side, must be adequately screened.
- i. Storage units shall not be used for: the servicing or repair of motor vehicles, boats, recreational vehicles, motorcycles, trailers, lawn mowers and other similar equipment; or for office, retail, light manufacturing or other similar uses. The storage of hazardous, toxic, or explosive substances is prohibited.
- j. No activities such as miscellaneous garage sales or auctions shall be conducted on the premises. However, the owner shall have the ability to have a sale for foreclosure purposes.
- k. All storage uses shall be inside an enclosed building. No outside storage is permitted.

- l. Spacing between structures shall be a minimum of twenty (20) feet and emergency access shall be provided to at least three (3) sides of all structures. Access drives shall be designed to handle automobiles, vans, light trucks, and other two-axle vehicles.
- m. All outdoor dumpsters shall be screened.

**Self-storage Pod**

- a. The storage trailer must be structurally sound and pose no detriment to public health, safety, convenience or property values.
- b. The storage trailer must meet the same side, front and rear setback and coverage requirements as would a conventional structure. No storage trailer shall be sited in front of a principal structure.
- c. The storage trailer shall be located so that it does not take up parking spaces required for other uses on the site and does not obstruct emergency access or other essential circulation patterns.
- d. The aggregate area covered by storage trailers shall not exceed 10 percent of the total floor area of all buildings on the site.
- f. A self-storage pod placed for less than 120 days shall be allowed in all zoning districts but shall require a zoning permit from the Zoning Enforcement Officer. A self-storage pod placed for 120 days or longer shall require a special use permit from the Planning Board.

**Service Businesses**

- a. Parking is not permitted in the front yard.
- b. Applicants must clearly demonstrate that the use will be compatible with the adjoining uses, particularly with regard to traffic circulation, parking, and appearance.
- c. No more than two curb cuts per lot frontage shall be allowed.
- d. Where a residential building is proposed to be converted to a service business, exterior alterations shall be made in a manner that preserves the essential residential character of the building.
- e. Where a new building is constructed for a service business use, the design standards of Article V (A) (22) (Supplemental Commercial Design Standards) shall be required.
- f. When a service business is a home occupation, all requirements of Article V (D) (Home Occupation) shall also be met.
- g. All parking, lighting, landscaping, and other requirements of this zoning law shall also be met.
- h. No structure used for a service business use shall exceed 5,000 square feet of building footprint.

- i. When a personal service is proposed as a low or high impact home occupation, all requirements of this Article V (D) related to home occupations shall be met.
- j. When a personal service is proposed as a stand-alone structure that is not part of a home occupation, all requirements for retail uses shall be met.

**Sewage treatment Facility/Water Treatment Facility**

- a. Full visual screening of the facility shall be provided for.
- b. All lighting shall use fully shielded cut off fixtures. No glare shall extend beyond property lines.
- c. A comprehensive odor management plan shall be provided for so that all odors are controlled and do not become nuisances.
- d. All chemicals and other materials used at the treatment facility shall be stored in a fully enclosed structure.

**Shopping Center**

- a. The area covered by impervious surfaces shall be minimized to the greatest extent practicable. Pervious parking lots may be required by the Planning Board.
- b. All parking requirements of Article V (A) (17) shall be met.
- c. A buffer, no less than 15 feet and no more than 40 feet, shall be placed between commercial and residential sites. The Planning Board shall determine the appropriate buffer size within this range based on the nature of the proposed use, the nature of the adjacent properties, the topography and other appropriate factors. The use of natural vegetative covers existing within the buffer should be encouraged. Where the Planning Board requires a fence or wall as part of the buffer, plantings shall be incorporated within the buffer area as functional and aesthetic augmentation to such fence or wall.
- d. Building tops or first-story cornices shall be aligned to generally match those on adjacent buildings.
- e. All building entrances, pathways and other pedestrian areas shall be lit to two-foot candles with pedestrian-scale lighting.
- f. If adjacent to other commercial uses, it is encouraged to create opportunities for shared parking.
- g. The site layout should result so that a pedestrian need not walk across more than 64 lineal feet of parking and driveway area.
- h. The site shall be designed in such a way that it is well integrated with adjacent land uses.
- i. Existing architectural character of the neighborhood shall guide building design. Building facades shall be designed to a human-scale, not auto-scale, for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the neighborhood. At least 50% of the building's front façade shall have windows, doors or window displays

provided. The Ancram Hamlet Improvement Plan included in the 2009 Community Development Strategic Plan should be used as a guide for design of shopping centers.

- j. Sidewalks are provided with awnings or canopies for weather protection.
- k. Parking shall be to the side or rear when possible. Landscape buffering shall be provided for between parking lot and the street. Surface parking shall not exceed 110% of the minimum parking requirement for the land use.
- 12. The building footprint of any single building within a shopping center shall be no more than 5,000 square feet. The total square footage of all buildings combined shall not exceed 20,000.
- 13. All lighting shall use fully shielded cut off fixtures. No glare shall extend beyond property lines.

### **Shooting Preserve**

- a. The minimum lot area shall be 200 acres.
- b. DEC license required. No special use permit for a shooting preserve shall be issued until the applicant has obtained a shooting preserve license issued by the Department of Environmental Conservation pursuant to §11-1903 of the Environmental Conservation Law. Licensed shooting preserves that exist at the time of enactment of this local law shall be considered a non-conforming use and shall be allowed to continue operation without issuance of a Town of Ancram special use permit pursuant to this section.
- g. Setbacks. All shooting shall take place a minimum distance of 1,000 feet from any lot line. An exception to this requirement may be allowed with written permission from the adjoining landowner(s).
- d. Buildings. A shooting preserve is permitted a principal building for the conduct of the business and assembly of members.
- e. The Planning Board may impose such conditions and restrictions on the operation of the shooting preserve which, in its discretion, are necessary to mitigate nuisances such as noise and protect the public safety.
- f. As a condition of special use permit approval, the applicant shall agree to the conduct of annual inspections by the ZEO.
- g. The Planning Board may impose restrictions and conditions including, but shall not necessarily be limited to, the following:
  - 1. Limitations on hours of operation and discharge of firearms.
  - 2. Increased setback requirements.
  - 3. Requirement of vegetative screening, buffering and/or berm.

4. Limitations on areas within the preserve property in which firearms may be discharged.
5. Limitation on the number of shooting preserve members.
6. Prescribed siting, configuration or orientation of activities involving discharge of firearms and/or storage of ammunition.
- h. Application materials. In addition to any special use or site plan review application requirements, applications for a shooting preserve shall include a narrative of all proposed shooting preserve activities, a statement as to the nature and extent of the proposed shooting preserve operation, and a copy of the shooting preserve license issued by the Department of Environmental Conservation.

**Slaughterhouse**

- a. No person shall operate a slaughterhouse or custom processing facility unless that person has first obtained any and all required State or Federal licenses or permits, including USDA certification, where required.
- b. However, the processing of a person's own animals including transportation in intrastate commerce of the animal's products, is allowed without special certification if they are exclusively for use by the owner or members of the owner's household, non-paying guests or employees.
- c. The butchering or processing of any wild game taken by permit issued by the New York State Department of Environmental Conservation is a permitted accessory use in all districts of the Town.
- d. All slaughterhouses shall meet the following conditions:
  1. The slaughter of animals shall take place inside a closed building in a confined area to prevent the transmission of sound associated with the slaughter to the outside. The maximum area for the keeping or slaughtering of animals shall not exceed sixty percent of the individual lot or parcel site.
  2. Parking for all traffic utilizing the business shall be provided for on-site and off public roads.
  3. The main entrance to the facility must be located on a state highway or county road.
  4. Disposal of waste shall be in accordance with all applicable state and county laws and regulations. The facility must have all necessary federal and state permits and approvals and comply with all health and safety regulations. This is meant to include, but is not limited to all sewage, processed and unprocessed animal parts, manure, entrails, blood, hides, and bones.
  5. No feedlot shall be allowed on-site.
  6. Live animals may be held on the site for no more than twenty-four hours.

7. All loading and unloading areas shall be screened from view from adjacent properties and public streets. All exterior storage areas shall be fenced and fully screened from adjacent property and public streets.
8. Animals shall be enclosed in gated enclosures with a minimum height of six feet. Fencing shall be sufficient to provide adequate screening and contain animals securely on the property at all times.
9. In the Ag District, there shall be a setback equal to a distance of at least 10% of the square footage of the proposed structure, plus the applicable required side and rear setbacks established in Table 2 from the property line of any existing, adjacent residence. In no case shall the proposed structure be sited closer than the side and rear yard setbacks established in Table 2.

### **Solar Energy Panels**

- a. For roof mounted panels, an engineer or architect shall verify roof will support the system load.
- b. For pole mount or remote mount system, the application shall:
  1. Provide electrical schematic showing main system components and where they are physically located, including batteries (if included in the installation).
  2. Provide a DC disconnect to be located externally (and labeled) as near the utility meter as possible. If DC disconnect cannot be located within six feet of the utility meter, a label at the meter will indicate the location of the external disconnect, which shall also be labeled.
  3. Have a DC disconnect at the location of the array for remote arrays. Some remote arrays may be roof mounted on a different building than the one using the power from the array.
  4. Describe cable routing from the PV array to the exterior DC disconnect on the building using the power.
  5. Provide scaled drawing showing location of buried cables.
  6. Provide a plot plan showing where property lines and adjacent structures are in relation to the pole mount or remote system. All buildings on the property shall be shown. The Planning Board will evaluate if any glare resulting from the arrays may become a nuisance to adjacent structures or to drivers on nearby roads.
  7. Provide a setback of 20' for all pole or remote mounted solar systems.
  8. Provide screening between any ground mounted solar panel(s) and public byways, and between the solar panel(s) and adjacent properties to the maximum extent practical.
- c. Installation will comply with the Building Code of New York State and the National Electric Code. Labels shall be permanent.

**Stable, Training Arena (Indoor and Outdoor), Training Track/Course**

- a. All horse-related operations including animal waste management or manure storage areas shall be set back a minimum of 100 feet from all wells, and streams, and wetlands, and 200' from all adjoining property lines. All other setbacks required from Table 2 shall also be met.
- b. Horses shall not be stabled or corralled in the area of any septic leach field system.
- c. Proof of sufficient parking and utility capacity (water and sewer) shall be shown to accommodate public events, horse shows, rodeos and competitive events held in connection with a stable.
- d. The use of outdoor public-address systems may be permitted, provided that the sound shall not be audible beyond the property line.
- e. The site plan shall illustrate methods for manure storage and processing. Appropriate structures such as covered concrete platforms or containers shall be required if manure is stored on site to prevent seepage into the ground.
- f. One stable stall shall be provided for each horse housed on the site unless it is demonstrated that a stable stall is not appropriate for the horse.
- g. All lighting shall use fully shielded cut off fixtures. No glare shall extend beyond property lines.

**Stump Grinding/Mulching Facility** – All requirements for Sawmill shall apply.

**Tannery (on or off farm)**

- a. No waste materials from the tannery shall be allowed to leak into streams, wetlands, wells, or groundwater. The applicant shall indicate what processes are to be used to completely destabilize and treat waste materials.
- b. All tannery operations including tanning, storage of hides, storage of chemicals or salt, waste treatment, and loading/unloading areas shall be sited at least 1000 feet from any stream, wetland, well, floodplain, or public water supply. All setback requirements from Table 2 shall also be met.
- c. All materials used in the tanning process shall be stored indoors.
- d. All federal and State regulations relating to tanneries shall be met and no approval of a special use permit shall be issued until the applicant has received permits from all other agencies as may be required.

**Transmission Towers – See Town of Ancram Local Law Telecommunication Towers**

**Warehouse**

- a. The warehouse building shall be set back no less than one hundred (100) feet from any lot line. The building shall not exceed 20,000 square feet.

- b. No security fencing, security gate, or other obstruction shall be situated in such a manner as to obstruct sight distances.
- c. Electrically charged, barbed wire or razor wire fencing is not permitted.
- d. Outdoor storage and display shall not be permitted in connection with a warehouse.
- e. No sales to the general public shall be permitted.
- f. One business identification sign shall be permitted.
- g. The applicant shall submit a list of the goods and materials to be warehoused on the property. The Planning Board shall consider the nature of the materials (e.g., materials which are hazardous, flammable, noxious, odoriferous, etc.), and may impose restrictions on the storage of those materials, or prohibit their storage at the property.
- h. Parking shall not be permitted in the front yard.
- i. A lighting plan shall be submitted for review and approval by the Planning Board. The location and hours of operation of all on-site lighting shall be approved by the Planning Board. Public address systems are prohibited.
- j. The Planning Board may require a wall, fence, landscaping or other buffer be installed where a property adjoins a residential use. The buffer shall be no less than 15 feet and no more than 40 feet. The Planning Board shall determine the appropriate buffer size within this range based on the nature of the proposed use, the nature of the adjacent properties, the topography and other appropriate factors. The use of natural vegetative covers existing within the buffer should be encouraged. Where the Planning Board requires a fence or wall as part of the buffer, plantings shall be incorporated within the buffer area as functional and aesthetic augmentation to such fence or wall.

**Water Tower**

- a. The Planning Board may require a visual assessment to determine if the water tower is visible from other off-site locations.
- b. Water towers shall be the lowest height feasible, and shall be sited so that it is not visible above the tree line to the maximum extent practical.
- c. Water towers shall be painted a natural color to blend into the environment.
- d. Fencing or restriction to ladders shall be provided for to prevent access to climbing.

## **Article VI Special Use Permits**

### **A. Authorization to grant or deny Special Uses.**

The Town Board authorizes the Planning Board to grant or deny special uses in accordance with the requirements set forth in this section. No special use listed in this law may be permitted, enlarged or altered unless approved by the Planning Board.

### **B. Applications for special use.**

Any application for a special use permit shall be made in writing. The application and required information shall be delivered to the Zoning Enforcement Officer at least ten (10) days prior to the date of the next regular meeting of the Planning Board. Seven copies of the application and required information as set forth below shall be submitted.

1. The application must include an Environmental Assessment Form (EAF) and all necessary documentation to comply with State Environmental Quality Review Act, Part 617 (SEQRA). No application shall be deemed complete until a Determination of No Significance has been made, or until a Draft Environmental Impact Statement has been accepted by the lead agency as satisfactory with respect to scope, content and adequacy.
2. Fees. Fees for the special use permit application shall be in accordance with any fees established by the Town of Ancram. All application fees are in addition to any required escrow fees as may be established by the Town Board.
3. Expenses. The applicant shall be responsible for the total cost of environmental reviews determined to be necessary to meet requirements of SEQRA as per 6NYCRR Part 617.13. The Planning Board may also incur other extraordinary expenses in order to properly review documents or conduct special studies in connection with the proposed application including but not limited to the reasonable costs incurred by the Planning Board for private consultation fees, fees for technical and engineering services, legal fees, or other expenses in connection with the review of a special use permit application. All reasonable fees shall be charged to the applicant. The Planning Board shall make a reasonable estimate of the amount of expenses that it expects to incur during the course of each application for a special use permit. The amount so determined by the Planning Board shall be deposited by the applicant in escrow with the Town Clerk, in accordance with Local Law #1 of 2004 prior to the Planning Board's commencing any review of the application. If the amount so deposited is exhausted or diminished to the point that the Planning Board determines that the remaining amount will not be sufficient to complete the review of the application, then the Planning Board shall notify the applicant of the additional amount that must be deposited with the Town Clerk. If the applicant fails to replenish the escrow account or there are unpaid amounts for which the applicant is responsible pursuant to Local Law #1 of 2004, the Planning Board, in its discretion, may cease review of the application until such amounts are paid or deny the application. In no event, however, shall any special use permit be approved until such sums have been paid in full.

4. Informal consultation. Prior to submission of a formal application, applicants are encouraged to meet with the Zoning Enforcement Officer to review submission requirements. Applicants are also encouraged, but not required, to discuss the proposal with abutting landowners to ascertain any issues early in the application process.

### **C. Procedures**

1. Coordination with Site Plan. For any application that requires both site plan and special use approvals, the Planning Board shall review site plans and special use permit applications concurrently. All procedural and submission requirements shall be coordinated so as not to delay review and decision-making. In order to facilitate this coordination, any required information from Article VII (Site Plan Review) shall accompany the special use permit application.
2. Area variance. Where a proposed special use permit contains one or more features which do not comply with the zoning regulations, application may be made to the Zoning Board of Appeals for an area variance pursuant to Article XI, without the necessity of a decision or determination by the Zoning Enforcement Officer.
3. Use variance. All use variance applications to the Zoning Board of Appeals shall be made only after denial of a permit by the Code Enforcement Officer.
4. Waivers. 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 special use application. In such cases, the Planning Board may, in its sole discretion, waive any requirements for the approval, approval with modifications, or disapproval of proposed special uses submitted 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 special use permit application and supporting documents. Requirements of this law may not be waived except as properly voted by the Planning Board.
5. Public Hearing Required. Within sixty two (62) days of receipt of a complete application, the Planning Board shall hold a public hearing. Notice of the public hearing shall be published in the official newspaper at least five (5) days prior to the date set for 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.
6. Notice to Applicant and Columbia County Planning Board. At least ten (10) days before such hearing, the Planning Board shall mail such notices thereof to the applicant and to the Columbia County Planning Board as required by Section 239-m of the General Municipal Law, which shall be accompanied by a full statement of

such proposed action. The County referral shall apply to real property within 500 feet of the following:

- a. The boundary of any village or town; or
- b. The boundary of any existing or proposed county or state park or other recreation area; or
- c. The right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway; or
- d. The existing or proposed right-of-way of any stream or drainage channel owned by the county or for which the county has established channel lines; or
- e. The existing or proposed boundary of any county or state owned land on which a public building or institution is situated; or
- f. The boundary of a farm operation located in an agricultural district, as defined by Article 25-aa of the Agriculture and Markets Law.

The Columbia County Planning Board shall have thirty (30) days to review the full statement of the proposed action. If the County Planning Board fails to report within 30 days, the Planning Board may take final action on the proposed action without such report. However, any county planning board report recommending modification or disapproval of a project and which is received after 30 days or such longer period as may have been agreed upon, but two or more days prior to final action by the Planning Board, the Planning Board shall not act contrary to such recommendation except by a vote of a majority plus one of all the members.

7. SEQRA. The Planning Board shall comply with the provisions of the New York State Environmental Quality Review Act under Article 8 of the Environmental Conservation Law and its implementing regulations. An application shall not be deemed complete until a Negative Declaration has been adopted, or until a draft environmental impact statement has been accepted by the lead agency as satisfactory with respect to scope, content and adequacy.
8. Other Agency Review. In its review, the Planning Board may consult with the Town of Ancram Conservation Advisory Council and professionals such as, but not limited to, an engineer, attorney, surveyor, or land use/environmental planner and other Town and county officials and board, as well as with representatives of federal and state agencies, including the Soil and Water Conservation District, the United States Army Corps of Engineers or the New York State Department of Environmental Conservation. All fees related to consultation with professionals shall be borne by the applicant as per Article VI (B)(2) above.
9. The Planning Board shall require proof that all permits required by other agencies have been applied-for prior to final approval. The Planning Board may approve a special use permit application contingent upon final approval of such application by other agencies. The Zoning Enforcement Officer shall ensure that all other agency approvals have been received and all conditions required by the Planning Board are

met prior to issuing a zoning permit. Such zoning permit shall be approved prior to the Building Inspector issuing a building permit.

10. Decisions

- a. Time of decision. The Planning Board shall decide upon the special use permit application within sixty two (62) days after the close of the public hearing, subject to compliance with the requirements of SEQRA and the General Municipal Law Sections 239-l and 239-m. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board.
- b. Type of Decision. In rendering its decision the Planning Board shall approve, disapprove or approve with modifications and conditions the special use permit application. In authorizing the issuance of a special use permit, the Planning Board has the authority to impose such reasonable conditions and restrictions as are directly related to, and incidental to, the proposed special use. Upon its granting of said special use permit, any such conditions must be met before issuance of permits by the Zoning Enforcement Officer, Code Enforcement Officer or Building Inspector.
- c. Filing. The decision of the Planning Board shall be filed in the office of the Town Clerk within five (5) business days of the date such decision is rendered and a copy thereof shall be mailed to the applicant.
- d. A special use permit shall be deemed to authorize only the particular special use or uses permitted. Once a special use permit has been granted, it shall apply to the approved use on that parcel regardless of ownership, as well as to any subsequent use of the property in the same use category as per the Use Table, provided that such use has no greater impact on adjoining properties, complies with all terms and conditions of the special use permit, and does not involve new construction, enlargement, exterior alteration of existing structures, increased parking, or other changed use of outdoor areas, or lapses in use.

**D. Lapses and Expiration.**

Special use permits will expire if the applicant fails to obtain a building permit or fails to comply with the conditions of the special use permit, unless other provisions are set forth by the Planning Board in connection with its approval, three years after approval. A special use permit will expire if the special use or uses shall cease for more than three years for any reason. If a use subject to an approved special use permit had been in continual operation, but has since lapsed in operation for more than three years between Planning Board approval and re-initiation of such use, the Planning Board shall require a review of such use prior to reinstatement to ensure that all original conditions of the special use permit are still valid. In either case, the Planning Board may, after review, reinstate, or reinstate with conditions such lapsed use. Such Planning Board review shall be initiated through action by the Zoning Enforcement Officer.

**E. Renewal of Permit.**

The Planning Board, as a condition of approval, may require that special use permits be renewed periodically. When the Planning Board has established such a condition of

approval, at least ninety (90) days prior to the expiration of a special use permit, the applicant shall apply to the Zoning Enforcement Officer for renewal of the special use permit. The Zoning Enforcement Officer shall inspect premises, verify that conditions of the permit have been met, and renew the permit for a time equal to the original special use permit. Where the Zoning Enforcement Officer determines that the applicant has not complied with the special use permit, permit renewal shall require Planning Board approval.

**F. Existing violation.**

No special use permit shall be issued for a property in violation of this Zoning Law unless the granting of a special use permit and Site Plan approval will result in the correction of the violation.

**G. Deemed to be conforming.**

Any use for which a special use permit may be granted shall be deemed a conforming use in the district in which the use is located, provided that the special use permit shall affect only the lot, or portion thereof, which is the subject of the special use permit application.

**H. Expansion of special use.**

The expansion of any special use shall require amendment and approval of the special use permit by the Planning Board in accordance with the procedures set forth in this Zoning Law. For purposes of this section, expansion shall be interpreted to mean an increase in the floor or lot area allocated to the special use, an increase in development coverage, increased hours of operation, or an increase in the intensity of the use, e.g., an increase in traffic or need for on-site parking.

**I. Factors for consideration.**

1. In authorizing the issuance of a special use permit, the Planning Board shall take into consideration the public health, safety, and welfare of the community, the purposes of this zoning law, the general considerations as per Article VII (D) (1) and (2), and the Town of Ancram Comprehensive Plan, and shall prescribe appropriate conditions and safeguards to ensure the proposed use's scale and intensity are compatible with adjoining properties, and with the natural and built environment and character in the area and will accomplish the following objectives:
  - a. Adequacy of parking for the proposed use, and its accessibility to fire, police and emergency vehicles.
  - b. The proposed use shall protect natural environmental features, will not negatively impact traffic and will have no greater overall impact on the site and its surroundings than would full development of uses of the property permitted by right, considering environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare or any other nuisances.
  - c. Consistency with the requirements for site plan approval established in Article VII.
  - d. Vehicular traffic access and circulation, including intersections, road widths, drainage channelization structures and traffic controls shall be adequate to serve

the special use and not negatively impact the overall traffic circulation system of the neighborhood and the Town.

- e. Location, arrangement, size, nature, intensity of operations, and design of the special use, including all principal and accessory structures associated with that use, shall be compatible with the neighborhood in which it is located and with the rural and small town character of Ancram and shall safeguard the values of surrounding properties from noise, glare, unsightliness, or other objectionable features.
- f. The special use shall not negatively impact historic or scenic features.
- g. The special use shall be in harmony with the orderly development of the district.
- h. Except for preexisting nonconforming lots of record, the use shall meet the prescribed area and bulk requirements for the district in which it is located.
- i. The level of municipal and other services required to support the proposed activity or use is, or will be, available to meet the needs of the proposed activity or use. This consideration shall include the suitability of water supply and sanitary sewage facilities to accommodate the intended use, and protection from pollution of surface water or groundwater.
- j. The Planning Board shall impose additional conditions and safeguards to the special permit use as are directly related to and incidental to the proposed special use permit and which may be necessary to assure continual conformance to all applicable standards and requirements, including reasonable assurance that these conditions and safeguards can be responsibly monitored and enforced. Restrictions and/or conditions may include those related to design of structures or operation of the use (including hours of operation) necessary either to ensure compatibility with the surrounding uses or to protect the resources of the Town.

## **Article VII 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 Article. 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 Uses and Type of Site Plan Required 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 present.  |

#### **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 (Table 1) as requiring site plan review and approval or special use permit review and approval shall meet all procedures and standards of this Article, 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 Law Article V (C), Town of Ancram Land Subdivision Regulations, and this Site Plan Review Section (VII)".
  - 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 Article 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 article 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 Article including:
    - a. One-family dwelling
    - b. Two-family dwelling
    - c. Accessory Apartment

- d. 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 Article and shall not require either site plan review or abbreviated site plan review pursuant to Sub-Section G of this Article:

- 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. (See Article V, (A) (6) for Commercial Logging regulations.)
- 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 October 2011 but does apply to any change to an existing use as per Sub-Sections B(1)(a) (4) and (5) of this Article.
- 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 Article 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 waive such requirements 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 Law 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.

#### **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 Article. 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 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 so that the design components of the project can be evaluated in context with the habitats and ecology of the site. 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 Law, 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. If native vegetation is not present within the minimum 25' streamside vegetated buffer then a planting plan

to establish native vegetation, preferably trees, to create a vegetated buffer is required.

- 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 and written description describing all pertinent natural features that would be affected by 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. This description should include assessment methods, location-specific wildlife observations, and recommended development alternatives, if needed, to minimize disturbance to sensitive habitats and species. See also sub-section C (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. 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).
  2. 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.
  3. 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:

**1. Biological Value of the Vernal Pool**

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

**2. Condition of the Critical Terrestrial Habitat**

- a. Is at least 75% of the vernal pool envelope (100 feet from pool) undeveloped (largely free of roads, structures or other infrastructure)?
- b. 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, ecological, 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 Law, 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 Article. 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 biodiversity and environmentally and ecologically sensitive areas of the parcel, 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 commercial 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 to the maximum extent practical.
- 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 Article V (C) of the Zoning Law (Open Space Conservation Subdivisions) as well as this section.
2. Minor Subdivisions. All time frames and procedures and requirements 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, ecological, cultural, and historical features on the site. These shall include, but are not limited to, preservation of natural contours, water bodies, streamside and streamside vegetated buffers, vernal pools, 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 in the R/SSPOD, structures are encouraged to 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 should be avoided and existing vegetation preserved to the maximum extent practicable (See Article V (B) (1)).
  - c. The location of the building envelope shall be such that pollution of air, streams, ponds, vernal pools, 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.
- l. 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. 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
  - 6. Has principal dwelling that equals three thousand (3,000) square feet or larger building footprint, or

7. 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).
- c. All new single family and two-family dwelling structures, and any accessory structures that require an ASPR and that are proposed to be located within the R/SSPOD are strongly encouraged to follow design and siting standards of Article V (B).

## **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 October 2011. the Building Inspector shall, prior to issuing a building permit, determine if any of the criteria set forth in sub-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 Article exist, then the Building Inspector shall refer the application to the Planning Board for an abbreviated site plan review as per this Article.
- 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 Law.
    - (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/steep slope overlay district identified in this law 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 Sub-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. Applications for ASPR are exempt from SEQRA pursuant to Part 617.
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 Article 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 Article).

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 Building Inspector 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 Article (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 Law 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 and Code Enforcement Officer 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.

## **Article VIII. Non-Conforming Buildings, Uses and Lots**

### **A. Continuation of Existing Non-Conforming Lots, Buildings and Uses**

Any lawful lot, building, structure or use of premises existing at the time of enactment of this Law, or any subsequent amendment there-of applying to such lot, building, structure or use of premises may be continued although such lot, building, structure or use of premises does not conform to the provisions thereof, except as follows:

1. Any undeveloped lot in a subdivision which was not properly approved by the Planning Board and/or not filed in the office of the County Clerk and whose area and/ or width, and/or depth of this Law shall be considered a violation of this Law.
2. Non-conforming uses shall not be moved to another location where such use would be non-conforming.
3. A non-conforming use may be changed to a conforming use at any time, but shall not thereafter be changed back to a non-conforming use.
4. A non-conforming use may not be changed to another non-conforming use.

### **B. Discontinuance of Non-conforming Use**

1. Any building or land used for or occupied by a non-conforming use which is changed to or replaced by a conforming use shall not there-after be used for or occupied by a non-conforming use.
2. The discontinuance of any nonconforming use for a period of more than two years shall terminate the nonconforming status of that use. A nonconforming use so terminated shall thereafter only be replaced by a conforming, permitted use.

### **C. Extension, Alteration, Restoration**

1. A non-conforming use shall not be extended, enlarged or structurally altered, but the extension of a lawful use to any portion of a non-conforming building which existed prior to the date of adoption of the Town of Ancram Zoning Law on September 20, 2012 shall not be deemed the extension of such non-conforming use.
2. A non-conforming use may be rebuilt in the event of partial destruction thereof to occupy the same space on the lot, or may be rebuilt to provide greater yard space and less lot coverage and to not exceed the height of the totally or partially destroyed building.

### **D. Necessary Maintenance and Repairs**

Nothing in this Law shall prevent the renovation, repair or maintenance of a nonconforming structure or lot made necessary by ordinary wear and tear. A building or structure of a non-conforming use may be repaired or restored to a safe condition.

**E. Construction Started Prior to this Law**

Any building or structure for which construction was begun prior to September 20, 2012, or of any subsequent amendment to the Law, may be completed and used in accordance with the plans and specifications approved for that building or structure. If upon completion, such building or use does not conform to this Law, it shall thereafter be subject to all provisions of this Article.

**F. Existing Undersized Lots**

1. Any separately deeded lot in existence prior to September 20, 2012 or of any subsequent amendment to the Law, and whose area and/or depth are less than the specified minimum density or lot requirements of this Law for the district, may be considered as complying with such minimum lot requirements, shall be allowed to have one principal structure, and no variance shall be required, provided that:

a. The following minimum yard dimensions are maintained for residences:

front yards - 15% of lot depth but not less than 25 feet  
side yards - ea. 20% of lot width but not less than 8 feet.  
rear yards - 15% of lot depth but not less than 25 feet

In no case need the above yard dimensions exceed those for the district in which located.

b. All applicable laws and regulations related to potable water and sewage disposal facilities as required by the Town of Ancram, Columbia County Department of Health, New York State Department of Health, and/or the New York State Department of Environmental Conservation are satisfied.

2. In any district where residences are permitted, such under-sized non-conforming lots may be used for not more than one single family dwelling.
3. Existing Lots under 3.5 acres in size. A lot of non-conforming size may be subdivided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owner's or owners' property or properties.
4. Existing Lots between 3.5 acres and 7 acres in size. Lots existing prior to the establishment of the 3.5 acre average density requirement on September 20, 2012 and that are between 3.5 and 7 acres in size shall be allowed to be subdivided once to create two non-conforming lots. Other than lot size, these newly created lots shall meet all other requirements of sub-section F, of Article VIII of this Law and shall be required to follow all other requirements of the Town of Ancram minor subdivision process.

**G. Reduction in Lot Area**

No lot shall be reduced in area so that it creates a non-conforming bulk or use in violation of any regulations contained in this Law.

**H. Exemption of Lots Shown on Approved Subdivision Plats**

In accordance with Town Law, Section 265-a any lot proposed for residential use in a subdivision whose plat delineates one or more new streets, roads or highways, and which said subdivision plat has been properly approved by the Planning Board, and filed in the office of the County Clerk, prior to the passage of this Law, and whose area and/or width and/or depth are less than the specified minimum lot requirements of this Law for that district shall be considered as complying with such minimum lot requirements for two years after the filing of the subdivision plat.

If at the time of the filing of the subdivision plat referred to above there was no planning board vested with authority to approve subdivision plats, then the exemption provided for in such subdivision shall apply for a period of one year after the filing of said subdivision plat in the office of the County Clerk.

**I. Change to Other Non-Conforming Use.**

A non-conforming use of a building, structure or land may be changed to another non-conforming use which is of the same or more restricted in nature, however, no building in which a non-conforming use has been changed to a more restricted use shall again be devoted to a less restricted use. Uses shall be deemed more restricted or less restricted in accordance with Article III A and Article XI. The change of a non-conforming use of a building, structure, or land to another non-conforming use shall include the right to change an accessory non-conforming sign, providing such sign is not increased in area or does not further violate provisions of this Law.

**J. Pending Planning Board and Building Permit Applications.**

Any Site Plan, subdivision or building permit application which was submitted to the Town of Ancram prior to, the effective date of this Zoning Law but has not yet been permitted may continue to be processed and considered by the Planning Board or Code Enforcement Officer provided the application is amended to fully comply with the requirements of this Zoning Law. This provision shall not be interpreted as vesting any rights in the applicant to approval on any applications submitted prior to, and pending, on the effective date of this Law or any subsequent amendments.

**K. District Boundary Changes.**

Whenever the boundaries of a district are changed by the Town of Ancram Town Board so that, under the regulations that apply in the changed area, a conforming use shall become a nonconforming use, all of the foregoing provisions of this Article shall apply to such nonconforming use.

## **Article IX Administration and Enforcement**

### **A. Creation and Duties of the Zoning Enforcement Officer.**

The Office of Zoning Enforcement Officer is hereby created. The Zoning Enforcement Officer (ZEO) shall administer and enforce all provisions of this Zoning Law. The Town Board may assign the duties of the Zoning Enforcement Officer to the Building Inspector or Code Enforcement Officer.

Reader Aid Box: Towns are empowered to create any or all of three different enforcement officers. The Zoning Enforcement Officer is authorized to issue zoning permits, inspect, and enforce this zoning law. The Building Inspector is authorized to issue building permits, inspect, and enforce the New York State Uniform Fire Prevention and Building Code and the New York State Energy Conservation Construction Code. The Code Enforcement Officer is similar to the Building Inspector but could have broader duties and is often tasked with the enforcement of the Building Code of New York State and other local laws and ordinances dealing with building construction, renovations (interior and exterior), and building demolition and removal. These duties may be held by individual staff or combined into one staff position.

This explanation is a reader's aid only and not a part of the Zoning Law.

The ZEO shall have the following powers and duties:

1. To receive and review for Zoning Law compliance and for clerical completeness all applications for a special use permit, site plan review and subdivision review pursuant to the provisions of this Zoning Law. If the Zoning Enforcement Officer determines that the application meets all requirements of the Zoning Law, the ZEO shall forward the application to the Planning Board for further review in accordance with the provisions of the Zoning Law and/or Land Subdivision Regulations. If the ZEO finds that the application does not comply in one or more respects with the provisions of the Zoning Law, the ZEO shall deny the application and notify the applicant that he/she may appeal the ZEO's determination to the Zoning Board of Appeals in accordance with the provisions of Article XI of this Zoning Law.
2. Upon approval of any application by the Planning Board for a special use permit, site plan approval, or for any other change in use requiring the issuance of a building permit, the ZEO is authorized to issue a zoning permit without additional application by the project sponsor. A zoning permit is a document that acknowledges that a proposed use or structure complies with the Ancram Zoning Law or authorized variance thereof. Such zoning permit shall include all standards and conditions imposed by the Planning Board.
3. To conduct inspections necessary to the investigation of complaints and all other inspections required or permitted under any provision of this Zoning Law.
4. To issue stop work orders, notices of violations and compliance orders.

5. To accept complaints of violations from citizens and public officials, to document and follow up on violations encountered during the course of inspections or through general observation in the community, to investigate potential violations, and where necessary in the discretion of the Town, to commence enforcement of the Zoning Law.
6. To issue orders pursuant to Article IX (L) of this Zoning Law ("Violations").
7. To maintain records.
8. To collect fees set by the Town Board.
9. To pursue administrative and civil enforcement actions and proceedings and/or criminal proceedings to enforce the provisions of this Zoning Law.
10. To consult with the Town Attorney about pursuing such legal actions and proceedings as may be necessary to enforce the provisions of the Zoning Law.
11. To exercise all other powers and fulfill all other duties conferred upon the Zoning Enforcement Officer by this Zoning Law.

**B. Appointment and qualifications.**

The Zoning Enforcement Officer shall be appointed by the Town Board. The Zoning Enforcement Officer shall possess background, skills, training and experience relating to the interpretation, application and enforcement of zoning laws and laws commensurate with the responsibilities of the position and shall, within the time period prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York and the Town shall require for Zoning Enforcement personnel. The Town Board may also appoint a Deputy Zoning Enforcement Officer who shall have the same duties and authority as those conferred upon the ZEO by the Town Board. Such Deputy shall also have the qualifications, training, and skills commensurate with the responsibilities of the Zoning Enforcement Officer position.

**C. Acting Zoning Enforcement Officer.**

In the event the ZEO is unable to serve for any reason, the Deputy ZEO shall be appointed by the Town Board to serve as Acting Zoning Enforcement Officer. The Acting Zoning Enforcement Officer shall possess background and experience relating to the interpretation, application and enforcement of zoning laws and shall, after being appointed by the Town Board, obtain such basic training, in service training, advanced in service training and other training as the State of New York and the Town shall require for Zoning Enforcement personnel. The Acting Zoning Enforcement Officer shall, during the term of his or her appointment, exercise all powers and fulfill all duties conferred upon the ZEO by this Zoning Law.

**D. Compensation.**

Compensation of the Zoning Enforcement Officer shall be reviewed annually by the Town Board.

**E. Authority to issue Stop Work Orders.**

The Zoning Enforcement Officer is authorized to issue stop work orders pursuant to this Article for any work that is determined by the Zoning Enforcement Officer to be conducted

in violation of the Zoning Law, including, but not limited to, work being conducted on land and/or work being conducted on a building or structure for which a special use permit or site plan approval is required but has not been obtained.

**F. Content of Stop Work Order.**

A stop work order shall:

1. Be in writing;
2. Be dated and signed by issuing Officer;
3. State the reason or reasons for issuance; and
4. If applicable, state the conditions that must be satisfied before work will be permitted to resume.

**G. Service of stop work order.**

The ZEO shall cause the stop work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by registered or certified mail. The ZEO shall be permitted, but not required, to cause the stop work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop work order, personally or by registered or certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop work order.

**H. Effect of stop work order.**

When a stop work order is issued, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work that is the subject of the stop work order.

**I. Complaints.**

The ZEO shall review and investigate complaints that allege or assert the existence of conditions or activities that fail to comply with this Zoning Law. The process for responding to a complaint shall include any of the following steps the ZEO may deem to be appropriate:

1. Performing an inspection of the property, conditions and/or activities alleged to be in violation, and documenting the results of such inspection;
2. If a violation is found to exist, providing the owner of the affected property, and any other person who may be responsible for the violation, with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner authorized in Article IX, subsection (L) (Violations) of this Zoning Law;
3. If appropriate, issuing a stop work order and/or compliance order;
4. If a violation that was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing the report with the complaint; and

5. Notify the complainant about the outcome of any investigation initiated as a result of their complaint.

#### **J. Recordkeeping**

The ZEO shall keep permanent official records of all transactions and activities that he/she conducts and those conducted by members of his office, including records of:

1. All applications received, reviewed and approved or denied;
2. All plans, specifications and construction documents approved;
3. All zoning permits, temporary certificates, stop work orders, operating permits, and certificates of use issued;
4. All inspections and tests, including all third party inspections and tests, required and performed;
5. All statements and reports issued and a master list of all reports to be received;
6. All complaints received;
7. All investigations conducted;
8. All other features and activities specified in or contemplated by this Section of the Zoning Law; and
9. All fees charged and collected.

All records shall be public records open for public inspection during normal business hours, except for records exempted from disclosure under the New York State Public Officers Law (Freedom of Information Law) or documents which are protected by attorney-client privilege. All records maintained by the ZEO shall be kept in an organized manner calculated to allow easy and efficient review by Town officials or the public. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by State law and regulation. The ZEO shall periodically check all reports and plans to ensure that appropriate action, if needed, is taken.

#### **K. Program Review and Reporting.**

The ZEO along with the Deputy ZEO shall annually submit to the Town Board a written report and summary of all business conducted by the ZEO office, including a report and summary of all transactions and activities described in Article IX, subsection (J) (Record Keeping) of this Zoning Law and a report and summary of all appeals or litigation pending or concluded.

#### **L. Violations.**

The ZEO is authorized to order in writing the remedying of any condition or activity found to exist in, on, or about any building, structure, property or premises in violation of this Zoning Law.

Upon finding that any violation exists, the officer shall issue a compliance order. The

compliance order shall:

1. be in writing;
2. be dated, shall identify the ZEO, and be signed by the ZEO;
3. specify the condition or activity that violates this Zoning Law;
4. specify the provision or provisions of this Zoning Law that is/are violated by the specified condition or activity;
5. specify the period of time the ZEO believes is reasonably necessary for achieving compliance;
6. direct that compliance be achieved within the specified period of time; and
7. state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time.

The ZEO shall cause the compliance order, or a copy thereof, to be served on the owner of the affected property personally or by registered or certified mail. The Officer shall be permitted, but not required, to cause the compliance order, or a copy thereof; to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work being performed at the affected property personally or by registered or certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the compliance order.

**M. Appearance tickets.**

The ZEO is authorized to issue appearance tickets for any violation of the Zoning Law.

**N. Civil penalties.**

In addition to those penalties authorized by State law, any person who violates any provision of this Zoning Law shall be liable for a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted by the Town of Ancram.

**O. Criminal penalties and enforcement.**

Any violation of the Zoning Law is hereby declared to be an offense punishable by a fine not exceeding \$350 or imprisonment for a period not to exceed six (6) months, or both, for conviction of a first offense; upon conviction of a second offense, both of which were committed within a period of five (5) years, punishable by a fine not less than \$350, nor more than \$700, or imprisonment for a period not to exceed six (6) months, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of five (5) years, punishable by a fine not less than \$700, nor more than \$1,000, or imprisonment for a period not to exceed six (6) months, or both. For the purpose of conferring jurisdiction upon the Courts and judicial officers generally, violations of the Zoning Law shall be deemed misdemeanors and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

**P. Injunctive relief.**

An action or proceeding may be instituted by the Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this Zoning Law. No court action or proceeding shall be commenced without the appropriate authorization from the Town Board. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of this Zoning Law, or any Stop Work Order, Compliance Order or other order obtained under this Zoning Law, an action or proceeding may be commenced in the name of the Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions.

**Q. Remedies not exclusive.**

No remedy or penalty specified in this Article shall be the exclusive remedy or penalty available to address any violation described in this Article, and each remedy or penalty specified in this Article shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified this Section or in any other applicable law. Any remedy or penalty specified in this Article, including stop work orders, may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Article or any other applicable law.

In particular, but not by way of limitation, each remedy and penalty specified in this Article, including stop work orders, shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of Section 381 of the New York State Executive Law (Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code and the New York State Energy Conservation and Construction Code), and any remedy or penalty specified in this Article, including stop work orders, may be pursued at any time, whether prior to, or simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of Section 381 of the New York State Executive Law.

## **Article X. Planning Board**

### **A. Purpose.**

The Planning Board shall have the following jurisdiction and authority:

1. To review and make recommendations on: studies, amendments, or other matters relevant to the Town of Ancram Comprehensive Plan; and matters relating to the planning and development of the Town of Ancram as it seems desirable, provided that the total expenditures of the Planning Board shall not exceed the appropriations therefor.
2. To hear, review and offer its recommendations to the Zoning Board of Appeals when required or requested for variances.
3. To hear, review and finally decide applications for site plan review.
4. To hear, review, and finally decide applications for special use permits.
5. To hear, review, and finally decide applications for subdivision.
6. To investigate and report its recommendations to the Town Board with respect to any proposed study or amendment in the Zoning Law or other land use regulations of the Town of Ancram, the subject matter of which, is within the jurisdiction of the Planning Board pursuant to this Zoning Law or State law or other local law or ordinance of the Town.
7. To review and report upon any matter referred to it by the Town Board pursuant to Section 271(14) of the New York State Town Law or the Zoning Board of Appeals, provided such referral by the Zoning Board of Appeals is authorized by law.
8. To exercise any other powers and carry out any other duties as are authorized by law.

### **B. Membership.**

1. Appointment and terms.
  - a. The Planning Board shall consist of seven (7) members appointed by the Town Board. Members now holding office for terms that do not expire at the end of a calendar year shall, upon the expiration of their term, hold office until the end of the calendar year and their successors shall then be appointed for terms which shall be seven (7) years.
  - b. Successor Board members shall be appointed for the term of seven (7) years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Town Board to fulfill the remaining unexpired term of that member.
  - c. The Town Board shall appoint at least one (1) person as an Alternate Member of the Planning Board for a term of five (5) calendar years. All provisions of this Zoning Law relating to planning board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office,

removal, and service on other boards shall also apply to alternate members. The Chairperson of the Planning Board may designate the alternate member to substitute for a member who is unable to participate in deliberations and decisions of the Planning Board due to conflict of interest on an application or matter before the Board. When so designated: the alternate member shall possess all the powers and responsibilities of such member of the board; shall be allowed to participate in discussions of the proceedings; and shall be allowed to vote. Such designation of the Alternate Member shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made. At all other times, an Alternate Member may participate in discussions of the proceedings, but may not vote except due to the disqualification of a regular member and a designation of substitution by the Chairperson. Disqualification shall be determined pursuant to Article XI, subsection H of this Law and the Town of Ancram Ethics Law (Local Law #4 of 2011).

2. Board composition. All members of the Planning Board shall be residents of the Town of Ancram. No person who is a member of the Town Board shall be eligible for membership on the Planning Board.
3. Vacancies. Permanent vacancies on the Planning Board shall be filled by the Town Board.
4. Mandatory training. All members and alternate members of the Planning Board shall comply with the requirements of New York State Town Law Section 271 that require all planning board members and alternate members to complete a minimum of four (4) hours of training each year. No Planning Board member shall be eligible for reappointment if they have not completed this training as required.
5. Removal.
  - a. The Town Board shall have the power to remove, after public hearing, any member of the Planning Board for cause. Any Planning Board member may be removed for non-compliance with minimum requirements relating to meeting attendance and training as established by this Zoning Law or other law established by the Town Board. Cause for removal of a member may include one (1) or more of the following:
    1. Any undisclosed or unlawful conflict of interest.
    2. Failure to attend 33% of the meetings during the course of one (1) calendar year.
    3. Failure to attend four (4) consecutive meetings.
    4. Failure to complete their mandatory training requirements.
  - b. No member who has been removed for cause shall be reappointed.

**C. Chairperson and Vice Chairperson.**

The Town Board shall appoint one of the Planning Board members as Chairperson, to preside at all meetings and hearings and to fulfill the authorized duties of that office. The Chairperson shall annually appoint one of the Planning Board members as Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall act as Chairperson and shall have all the powers of the Chairperson. The Vice Chairperson shall have such other powers and duties as may, from time to time, be provided by the rules of the Board. All meetings of the Planning Board shall be held at the call of the chairperson and at such other times as such Board may determine. The chairperson, or acting chairperson, may administer oaths to applicants, witnesses, or others appearing before the Board and may compel the attendance of witnesses.

**D. Appointment of Agricultural Member.**

The Town Board should include on the Planning Board one or more members each of whom derives \$10,000 or more annual gross income from agricultural pursuits. As used in this Law, the term “agricultural pursuits” means the production of crops, livestock, and livestock products, aquaculture products and woodland products as defined in Section 301 of the New York State Agriculture and Markets Law.

**E. Planning Board Secretary and Public Record.**

Upon recommendation by the Planning Board in coordination with the Zoning Board of Appeals, the Town Board shall appoint a Planning Board Secretary who shall attend all Planning Board proceedings and, upon request, the proceedings of any of its committees.

1. The Secretary shall keep minutes of the proceedings of the Planning Board, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall maintain all state-mandated permanent records of Board meetings, hearings and proceedings and all correspondence of the Board.
2. The Town Clerk shall provide for keeping a file of all records of the Planning Board, and such records shall be public records open to inspection at reasonable times and upon reasonable notice, except for records exempted from disclosure under the New York State Public Officers Law (Freedom of Information Law) or documents which are protected by attorney-client privilege.

**F. Voting procedures.**

1. Quorum. No business shall be transacted by the Board without four (4) members of the Board being present.
2. Voting. The concurring vote of at least four (4) members shall be necessary for any action by the Board, pursuant to New York State Town Law Section 271(16). Where an action is the subject of a referral to the Columbia County Planning Board, and in the event that the Columbia County Planning Board recommends disapproval of the application within the thirty (30) day time period allowed them, the Planning Board shall not act contrary to such recommendation except by a vote of a majority plus one (1) of all the members after the adoption of a resolution fully setting forth the reasons for such contrary action. Within thirty (30) days after taking final action on an application, the Planning Board shall file a report of the final action it has taken with the Columbia County Planning Board.

3. Assistance to Planning Board. The Board shall have the authority to call upon any department, agency or employee of the town (e.g. the Building Department or Conservation Advisory Council) for such assistance as the Board deems necessary. All costs incurred by any department, agency or employee for providing assistance in a particular proceeding shall be borne by the applicant.

**G. Decisions.**

1. Decisions. Every decision of the Planning Board shall be by resolution and shall expressly set forth any limitations or conditions imposed or use authorized.
2. Final decision. All deliberations and decisions of the Planning Board shall occur at a meeting open to the public and shall state any special circumstances or conditions. Decisions of the Board shall be final upon adoption of resolution of Planning Board by a majority of the members of the Planning Board and the filing of the resolution with the office of the Town Clerk.
3. Notification of decision. Within five (5) business days following the final decision on any action before the Planning Board, a notice of such decision shall be mailed to the applicant and such decision shall be filed in the office of the Town Clerk.
4. Failure to Act. All time periods prescribed for Planning Board action on a preliminary or final plat, special use permit, or site plan approval are specifically intended to provide the Planning Board and the public adequate time for review and to minimize delays in the processing of such applications. Such time periods may be extended only by mutual consent of the owner and the Planning Board. If the Planning Board fails to take action on a preliminary plat, final plat, special use permit, or site plan within the time prescribed after completion of all requirements under the state environmental quality review act, or within such extended period as may have been established by the mutual consent of the owner and the Planning Board, such application shall be deemed granted approval. The certificate of the Town Clerk as to the date of submission of the application and the date when such application is deemed complete for review and the failure of the Planning Board to take action within the prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval as required.

**H. Conflicts.**

No member of the Planning Board shall participate in the hearing or disposition of any matter in which he or she has an interest. Any conflict of interest prohibited by Article 18 of the New York State General Municipal Law or the Town of Ancram Ethics Law (Local Law #4 of 2011) shall disqualify a member.

**I. Appeals.**

Any person or persons, jointly or severally aggrieved by any final decision of the Planning Board, may apply to the New York State Supreme Court for review by a proceeding under Article 78 of the New York Civil Practice Law and Rules. Such proceeding shall be instituted within thirty (30) days after the filing of the decision of the Planning Board in the office of the Town Clerk.

## **Article XI. Zoning Board of Appeals**

### **A. Purpose**

A Zoning Board of Appeals shall be maintained and operate in accordance with Article 16 of the New York State Town Law, Sections 267, 267-a and 267-b. The Zoning Board of Appeals shall have all of the authority, jurisdiction and duties granted to such Boards by Sections 267, 267-a, 267-b and any other applicable State law, and shall fulfill its duties in accordance with those grants of authority and in accordance with Article XI(J) of this Zoning Law.

Reader's Aid Box: Some of the roles of the ZBA will be to:

1. Hear and decide appeals;
2. Provide relief from the strict application of zoning standards;
3. To grant both use variances and area variances;
4. To impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property.

This explanation is only a reader's aid and is not part of the Zoning Law.

### **B. Membership**

The Board shall consist of five (5) members appointed by the Town Board for staggered terms of five (5) calendar years.

1. All members and alternate members of the Zoning Board of Appeals shall be residents of the Town of Ancram. No person who is a member of the Town Board shall be eligible for membership on the Zoning Board of Appeals.
2. The Town Board shall appoint at least one (1) person as an Alternate Member of the Zoning Board of Appeals for a term of five calendar years. All provisions of this Zoning Law relating to zoning board member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards shall also apply to alternate members. The Chairperson of the Zoning Board of Appeals may designate the alternate member to substitute for a member who is unable to participate in deliberations and decisions of the Zoning Board of Appeals due to conflict of interest on an application or matter before the Board. That designation of the Alternate Member shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made. When so designated: the alternate member shall possess all the powers and responsibilities of such member of the board; shall be allowed to participate in discussions of the proceedings; and shall be allowed to vote. At all other times, an Alternate Member may participate in discussions of the proceedings, but may not vote except due to the disqualification of a regular member and a designation of substitution by the Chairperson.

### **C. Terms of members now in office.**

Members now holding office for terms which do not expire at the end of a calendar year shall, upon the expiration of their term, hold office until the end of the year and their

successors shall then be appointed for terms which shall be equal in years to the number of members of the Board.

**D. Training and attendance requirements.**

1. Each member of the Zoning Board of Appeals and each Alternate Member shall complete, at a minimum, four (4) hours of training each year designed to enable such members to more effectively carry out their duties. Training received by a member in excess of four (4) hours in any one (1) year may be carried over by the member into succeeding years in order to meet this requirement. Such training shall be approved by the Town Board and may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.
2. To be eligible for reappointment to the Board, a member or alternate member shall have completed the required training.
3. No decision of the Zoning Board of Appeals shall be voided or declared invalid because of a failure to comply with this training requirement.

**E. Vacancy in office.**

If a vacancy shall occur otherwise than by expiration of term, the Town Board shall appoint a new member for the unexpired term.

**F. Removal of members.**

The Town Board may remove, after public hearing, any member or alternate member of the Zoning Board of Appeals for cause. Cause for removal of a member or alternate member may include one or more of the following:

1. Any undisclosed or unlawful conflict of interest.
2. Failure to attend 33% of the meetings during the course of one calendar year.
3. Failure to complete mandatory training requirements.

**G. Chairperson.**

The Town Board shall appoint one of the Zoning Board of Appeals members as chairperson to preside at all meetings and hearings and to fulfill the authorized duties of that office. The Chairperson shall annually appoint one of the Zoning Board of Appeals members as Vice Chairperson. In the absence of the Chairperson, the Vice Chairperson shall act as Chairperson and shall have all the powers of the Chairperson. The Vice Chairperson shall have such other powers and duties as may be provided by the rules of the Board. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as the board may determine. The Chairperson, or in his or her absence, the Acting Chairperson, may administer oaths to applicants, witnesses, or others appearing before the board and may compel the attendance of witnesses.

**H. Zoning Board of Appeals Clerk and public record.**

Upon recommendation by the Zoning Board of Appeals in coordination with the Planning Board, the Town Board shall appoint a Zoning Board of Appeals Clerk who shall attend all proceedings of the Zoning Board of Appeals and, upon request, the proceedings of any of its committees.

1. The Clerk shall keep minutes of the proceedings of the Zoning Board of Appeals, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall also keep record of its examinations and other official actions.
2. The Town Clerk shall provide for keeping a file of all records of the Zoning Board of Appeals, and those records shall be public records open to inspection at reasonable times and upon reasonable notice.

**I. Board of Appeals procedure.**

1. Meetings, minutes, records. Meetings of the Zoning Board of Appeals shall be open to the public except for records exempted from disclosure under the New York State Public Officers Law (Freedom of Information Law) or documents which are protected by attorney-client privilege. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.
2. Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Zoning Board of Appeals shall be filed in the office of the town clerk within five (5) business days and shall be a public record.
3. Assistance to Zoning Board of Appeals. The Board shall have the authority to call upon any department, agency or employee of the town (e.g. the Building Department or Conservation Advisory Council) for such assistance as the Board deems necessary. All costs incurred by any department, agency or employee for providing assistance in a particular proceeding shall be borne by the applicant."
4. Hearing appeals. Unless otherwise provided in this Zoning Law or other local law, generally the jurisdiction of the Zoning Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the administrative official charged with the enforcement of any ordinance or local law adopted pursuant to Article 16 of New York State Town Law. For the purposes of this law, the administrative official charged with enforcement shall include the Zoning Enforcement Officer, the Building Inspector and/or the Code Enforcement Officer as applicable pursuant to the provisions of this law and those officers shall be referred to collectively in this Article of the Law as "Enforcement Officer". The Zoning Board of Appeals shall have the power, upon appeal from a decision or determination of the Enforcement Officer, to grant use and area variances. Where a proposed special use, site plan, or subdivision contains one or more features which do not comply with the zoning regulations, application may be made to the Zoning Board of Appeals for an area variance without the necessity of a decision or determination by the Enforcement Officer.

5. Filing of administrative decision and time of appeal.
  - a. Each order, requirement, decision, interpretation or determination of the Enforcement Officer charged with the enforcement of the Town of Ancram Zoning Law shall be filed in the office of such Zoning Enforcement Officer, within five (5) business days from the day it is rendered, and shall be a public record.
  - b. All appeals must be taken within sixty (60) days after the filing of any order, requirement, decision, interpretation or determination of the Enforcement Officer by filing with the Enforcement Officer and with the Zoning Board of Appeals a notice of appeal. The notice of appeal shall: specify the grounds for such appeal; the relief sought; identify specifically the section of the Zoning Law or other code or law involved; describe precisely and in detail either the interpretation claimed or the variance or other relief that is sought and the grounds upon which it is claimed the relief should be granted. The notice of appeal shall be accompanied by a short or full Environmental Assessment Form as required by the State Environmental Quality Review Act (SEQRA), by an Agricultural Data Statement as required by NY AML 25-aa, and by other documents relevant to the appeal specified by the Zoning Board of Appeals. The appellant shall also be required to pay a filing fee at the time of the filing of the appeal in an amount to be established by the Town Board. The cost of sending notices relating to such appeal by certified mail, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Board prior to the hearing of such appeal. Upon receiving a notice of appeal, the Enforcement Officer shall transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed from was taken.
6. Stay upon appeal. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Enforcement Officer determines and certifies in writing to the Zoning Board of Appeals, after the notice of appeal shall have been filed with the Enforcement Officer, that by reason of facts stated in the certificate,, a stay would, in his or her opinion,, cause imminent peril to life or property. Should such a certification be made, the proceedings shall not be stayed other than by a restraining order granted by the Zoning Board of appeals or by a court of record on application, on notice to the Enforcement Officer from whom the appeal is taken and on due cause shown..
7. Public Hearing. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it. The appellant and any other parties to the appeal shall be given written notice of the hearing date and of the fact that at such hearing he or she may appear in person or be represented by an attorney or other agent. Said notice shall be provided at least ten (10) days in advance of the hearing and shall be provided to the appellant by certified mail. The Zoning Board of Appeals shall additionally provide notice as follows:
  - a. The Zoning Board of Appeals shall give public notice of such public hearing by publication in an official paper of general circulation in the town at least ten (10) days prior to the date thereof. The cost of sending or publishing any notices relating to such appeal, or a reasonable fee relating thereto, shall be borne by the appealing party and shall be paid to the Board prior to the hearing of such appeal. Upon the hearing, any party may appear in person, or by agent or attorney.

- b. If a New York State Park or New York State Parkway shall be located within five hundred (500) feet of the property affected by the appeal, at least ten (10) calendar days prior to such public hearing, the Zoning Board of Appeals shall send notices to the regional State Park Commission having jurisdiction over the State Park or Parkway.
  - c. The Zoning Board of Appeals shall also give notice to the Columbia County planning agency as required by Section 239-m of the New York State General Municipal Law. Such notice shall be in writing sent at least ten (10) calendar days prior to such public hearing.
  - d. If the land affected by the appeal lies within five hundred (500) feet of the boundary of any other municipality, the Clerk of the Zoning Board of Appeals shall also submit at least ten (10) calendar days prior to the public hearing to the municipal clerk of such other municipality or municipalities a copy of the notice of the substance of every appeal, together with a copy of the official notice of such public hearing.
  - e. In any application or appeal for a variance, the Clerk of the Zoning Board of Appeals shall provide written notice of the public hearing, along with the substance of the variance appeal or application, to: the owners of all property abutting, or directly opposite, that of the property affected by the appeal; and to all other owners of property within five hundred (500) feet of the property which is the subject of the appeal. Such notice shall be provided by certified mail at least ten (10) calendar days prior to the date of the hearing. Compliance with this notification procedure shall be certified to by the Clerk.
  - f. The names and addresses of surrounding property owners to be notified in accordance with the forgoing shall be taken from the last completed tax roll of the Town.
  - g. Provided that there has been substantial compliance with this provision, failure to give notice in exact conformance herewith shall not be deemed to invalidate an action taken by the Zoning Board of Appeals in either granting or denying a variance from a specific provision of this Zoning Law.
8. Referrals and Notice to Columbia County Planning Board & Town of Ancram Planning Board.
- a. At least ten (10) days before such hearing, the Board of Appeals shall mail notice to the Columbia County Planning Board as required by Section 239-m of the New York State General Municipal Law. The notice shall be accompanied by a full statement of the proposed action, as defined in subdivision one of Section 239-m of the General Municipal Law. No action shall be taken by the Board of Appeals until an advisory recommendation has been received from the County Planning and Development Department or thirty (30) calendar days have elapsed since the Planning and Development Department received such full statement. In the event that the Columbia County Planning Board recommends disapproval of the requested variance or the attachments of conditions thereto within such time period or at a later date prior to final action by the Zoning Board of Appeals, the Board of Appeals shall not act contrary to such recommendation except by a vote of a majority plus one (1) of all

the members after the adoption of a resolution fully setting forth the reasons for such contrary action. Within thirty (30) days after such final action, the Board of Appeals shall file a report of the final action it has taken with the Columbia County Planning Board.

- b. The Zoning Board of Appeals shall transmit to the Town of Ancram Planning Board a copy of the appeal or application, and shall request that the Planning Board submit to the Board of Appeals its advisory opinion on said appeal or application. The Planning Board shall submit a report of such advisory opinion prior to the date of the public hearing. The failure of the Planning Board to submit such report within thirty five (35) days from the date the Zoning Board of Appeals transmitted their request for an advisory opinion with a copy of the appeal or application to the Planning Board shall be interpreted as a favorable opinion for the appeal or application.
9. Compliance with state environmental quality review act. The Board of Appeals shall comply with the provisions of the State Environmental Quality Review Act (SEQRA) under Article 8 of the Environmental Conservation Law and its implementing regulations as codified in Title Six, Part 617 of the New York Codes, Rules And Regulations.
10. Time of decision. The Board of Appeals shall decide upon the appeal within sixty-two (62) days after the hearing is completed. The time within which the Board of Appeals must render its decision may be extended by mutual consent of the applicant and the Board.
11. Voting requirements.
  - a. Decision of the board. Except for the voting requirements for rehearing in Article XI (I) (13) below, every motion or resolution of a Board of Appeals shall require for its adoption the affirmative vote of a majority of all the members of the Board of Appeals as fully constituted regardless of vacancies or absences. Where an action is the subject of a referral to the county planning agency the voting provisions of Section 239-m of the New York State General Municipal Law and Article XI (I) (8) of this Law shall apply.
  - b. Default denial of appeal. In exercising its appellate jurisdiction only, if an affirmative vote of a majority of all members of the Board is not attained on a motion or resolution to grant a variance or reverse any order, requirement, decision or determination of the enforcement official within the time allowed by Article XI (I)(10) of this Law, the appeal is denied. The board may amend the failed motion or resolution and vote on the amended motion or resolution within the time allowed without being subject to the rehearing process as set forth in Article XI (I) (13) of this Law.
12. Filing of decision and notice. The decision of the Board of Appeals on the appeal shall be filed in the office of the Town Clerk within five (5) business days after the day such decision is rendered, and a copy thereof mailed to the applicant.
13. Rehearing. A motion for the Zoning Board of Appeals to hold a rehearing to review any order, decision or determination of the board not previously reheard may be made by

any member of the Board. A unanimous vote of all members of the board then present is required for such rehearing to occur. Such rehearing is subject to the same notice provisions as an original hearing. Upon such rehearing the Board may reverse, modify or annul its original order, decision or determination upon the unanimous vote of all members then present, provided the Board finds that the rights vested in persons acting in good faith in reliance upon the reheard order, decision or determination will not be prejudiced thereby.

**J. Permitted action by the Zoning Board of Appeals.**

1. Orders, requirements, decisions, interpretations, determinations. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the Enforcement Officer charged with the enforcement of such ordinance or local law, and to that end, shall have all the powers of such Enforcement Officer from whose order, requirement, decision, interpretation or determination the appeal is taken.
2. Use variances.
  - a. The Zoning Board of Appeals, on appeal from the decision or determination of the Zoning Enforcement Officer, shall have the power to grant use variances.
  - b. No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,
    1. the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
    2. that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
    3. that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
    4. that the alleged hardship has not been self-created.
  - c. The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

3. Area variances.

- a. The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Zoning Enforcement Officer, to grant area variances as defined herein. In addition, the Zoning Board of Appeals shall also have the power to grant area variances which are necessary in the course of site plan, special use permit and subdivision application for which application for such area variance may be made directly to the Zoning Board of Appeals without the necessity of a decision or determination of an administrative official charged with enforcement of the zoning regulations as authorized by Town Law Sections 274-a(3) [site plan], 274-b(3) [special use permits] and 277(6) [subdivisions].
  - b. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:
    1. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
    2. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
    3. whether the requested area variance is substantial;
    4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
    5. whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.
  - c. The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
4. Imposition of conditions. The Zoning Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Zoning Law, and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community

**K. Relief from Decisions.**

Any person or persons, jointly or severally aggrieved by any final decision of the Zoning Board of Appeals, may apply to the New York State Supreme Court for review by a proceeding under Article 78 of the New York Civil Practice Law and Rules. Such proceeding

shall be governed by the specific provisions of CPLR Article 78 except that the action must be commenced as therein provided within thirty (30) days after the filing of the decision of the Zoning Board of Appeals in the office of the Town Clerk

**L. Strict Construction.**

All provisions of this Article pertaining to the Zoning Board of Appeals shall be strictly construed. The Zoning Board of Appeals shall act in strict conformity with all provisions of law and of this Article and in strict compliance with all limitations contained therein, provided however, that if the procedural requirements set forth in this Article have been substantially observed, no applicant or appellant shall be deemed deprived of the right of application or appeal.

**M. Other Provisions of New York State Town Law Section 267-a.**

All other provisions of New York State Town Law Section 267-a with regard to Zoning Board of Appeals procedure not set forth herein, are incorporated herein by reference and shall apply to the Zoning Board of Appeals.

## **Article XII Amendments**

### **A. Procedure**

The Town Board may, from time to time, on its own motion, or on petition, or on recommendation from the Planning Board, amend the regulations and districts established under this Law after public notice and hearing in each case. All petitions for any amendments of the regulations or districts herein established be filed in writing in a form required by the Town Board, and shall be accompanied by a certified check in the amount of \$50 to help defray the cost of advertising the hearing on said petition and incidental disbursements.

### **B. Advisory Report by Planning Board**

Every proposed amendment, unless initiated by the Planning Board, shall be referred to the Planning Board. The Planning Board shall report its recommendations thereon to the Town Board, accompanied by a full statement of the reasons for such recommendations, prior to the public hearing. If the Planning Board fails to report within a period of 45 days from the date of receipt of notice or such longer time as may have been agreed upon by it and the Town Board, the Town Board may act without such report.

### **C. Public Notice and Hearing**

The Town Board, by resolution, shall fix the time and place of the public hearing and cause notice to be given as follows:

1. By publishing a notice of the proposed amendment and the time and place of the public hearing in a newspaper of general circulation in the Town not less than 10 days prior to the date of public hearing.
2. By giving written notice of hearing to any required Municipal County, Regional, Metropolitan, State or Federal Agency in the manner prescribed by law.

### **D. Protest by Owners**

If a protest against the proposed amendment is presented to the Town Board, duly signed and acknowledged by the owners of twenty per-cent or more of the area of land included in such proposed amendment, or by the owners of twenty percent or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of twenty percent or more of the area -of land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of at least 3/4 of the members of the Town Board.

### **E. Changes by Planning Board**

The Planning Board in accordance with Town Law, Section 281 may, simultaneously with the approval of any plat, make any reasonable change to the regulations established under this Law with respect to the land so platted. Before the Planning Board shall make any such change, there shall be a public hearing preceded by the same notice as in the case of the approval of the plat itself. Once the filing of the plat in the office of the County Clerk, such changes shall be and become part of the regulations of this Law, shall

take the place of any regulations established herein by the Town Board shall be enforced in the same manner, and shall be similarly subject to amendment.

**F. Publication and Posting**

Every Amendment to the Zoning Law, including any map incorporated therein, adopted in accordance with the Town Law shall be entered in the minutes of the Town Board; a copy, summary or abstract of the amendment, exclusive of any map incorporated therein, shall be published once in the official newspaper of the Town; and a copy of such amendment together with a copy of any map incorporated therein, shall be posted on the Town's official website and in the Office of the Town Clerk. Affidavits of the publication and posting thereof shall be filed with the Town Clerk.

## **Article XIII. Interpretation and Application**

### **A. Legislative Intent.**

In their interpretation and application, the provisions of this Law shall be held to be minimum requirements adopted for the promotion of the public health, safety and general welfare.

Non-Interference and Precedence. This Law shall not interfere with, abrogate, or annul any ordinance or any rule, regulation, or permit previously or here-after enacted or adopted, or issued pursuant to law, provided that, unless specifically excepted, whenever the requirements of this law are inconsistent with the requirements of any other lawfully adopted rule, regulation, ordinance or local law, the more restrictive provisions that impose higher standards shall govern.

### **B. Reader's Aid Boxes.**

Appearing throughout this Law are black boxes entitled "Reader's Aid". The text within these boxes, and any graphics associated with them, are not part of the Zoning Law nor are they intended to be. Instead, they are simply explanations intended to make it easier for readers to understand the law. In the event of any conflict between the meaning of the law and an explanation in the Reader's Aid box, the meaning of the law, not the Reader's Aid explanation, shall be applied. In the case that any provision of this Zoning Law is found to be ambiguous, in construing that provision, the text in the Reader's Aid box may be considered as some evidence of the intention of the drafters, but not to the exclusion of other statutory interpretation methods.

### **C. Separate Validity.**

If any Article, subsection, paragraph, clause, or other provision of this Law shall be held invalid, the invalidity of such section, subsection, paragraph, clause or other provision shall not affect any of the other provisions of this Law.

### **D. Effective Date.**

This law shall become effective upon filing with the New York State Department of State.

## **Article XIV. Definitions**

**Access Drive:** See “Driveway”

**Access Management:** Placement and design of vehicle access for every lot on a highway segment to create safe egress and ingress in a manner which reduces the number of curb cuts to the maximum extent.

**Access:** Entrance way for vehicles to leave or enter a property or lot from a public highway or private road.

**Accessory Apartment:** A second dwelling unit, either in, or added to, an existing single-family dwelling, or in a separate accessory structure such as barns and garages on the same lot as the existing single-family dwelling, for use as a complete, independent living facility with provisions in the accessory apartment for cooking, eating, sanitation, and sleeping. Such an apartment is a secondary and subordinate use to the principal dwelling. A mobile home or single-wide manufactured home shall not be considered as an accessory apartment.

**Accessory Structure or Use:** A secondary structure or use on the same lot in the same ownership which is associated with the principal use or structure, and which is incidental and subordinate to the principal use or structure. An accessory structure is a detached subordinate building on a lot, the use of which is customarily incidental to that of the main or principal building such as, but not limited to playhouse, pool house, cabana, and garage.

**Acting Official:** A person appointed by the Town Board to temporarily fulfill the role as zoning or code enforcement officer or building inspector.

**Active Agricultural Land:** Land used for production for sale of crops, livestock or livestock products, a commercial horse boarding operation, land used in support of a farm, farm woodland, the production and sale of Christmas trees, or production of other crops such as orchards, apiary, and aquaculture.

**Adaptive reuse:** When an existing building is changed, renovated or adapted from a prior use to a new use.

**Adult Day Care:** A facility providing care for the elderly and/or functionally impaired adults in a protective setting for part of a 24-hour day.

**Adult Entertainment Facility:** An establishment which presents any of the following entertainments, exhibitions or services: adult arcade; adult bookstore, newsstand, video store or combination; adult cabarets; adult motels; adult motion picture theaters; adult theaters; nude model studios and sexual encounter centers. Adult Use and Entertainment Establishments customarily exclude minors by reason of age, and are those businesses that are distinguished from non-adult uses of similar nature due to the predominantly sexual orientation of the activity or merchandise.

**Affordable Housing:** Dwelling units inhabited by households whose annual income is within 80% to 120% of the Columbia County median income, with adjustments for household size, as defined and periodically updated by the US Department of Housing and Urban Development, and the annual rental costs does not exceed 30% of said income, or, for homeowners, the annual cost of

the sum of the principal, interest, taxes, and insurance (PITI) and common charges, as applicable, does not exceed 30% of said income.

**Aggregate Total Face Area:** The total face area of all signs on a premise.

**Agriculture:** the production, keeping, or maintenance, for sale, lease or personal use, of plants and animals including but not limited to forages, grains and seed crops, dairy animals, poultry, livestock including but not limited to fish, beef cattle, sheep, swine, horses, ponies, mules, or goats, including the breeding and grazing of these animals, bees and apiary products, fur animals, fruits, vegetables, nursery, greenhouse, or flowers.

**Agricultural Business:** An establishment that provides products or services to agricultural producers to support production, marketing, and distribution of their products including but not limited to hide tanning operations, farm equipment repair, farm equipment sales, soil preparation services, crop services, veterinary and other animal services, farm labor and management services, and seed or fertilizer sales.

**Agricultural data statement:** A written statement required when certain land use determinations within five hundred (500) feet of a farm operation located in a NYS Agricultural District takes place. The statement must include information about the proposed project, and is included in the application for project approval. A notice of the project application is mailed to owners of land associated with the neighboring farm operation identified in the statement. The Planning Board is required to evaluate and consider the statement in its review of possible impacts of a project on nearby farm operations.

**Agricultural District 1:** That portion of the Town of Ancram that is included in the New York State Certified Agricultural District established as per State Agriculture and Markets Law 25-aa.

**Agricultural Processing:** a facility no larger than 5000 square feet where animals are killed and processed into meat foods, or a facility where plants and plant products are processed into canned, frozen, or fresh food products.

**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.

**Agricultural Use, Animals:** The use of land for raising, harvesting, selling, or feeding, including but not limited to, grazing, breeding, managing, selling, or producing livestock, poultry, fur-bearing animals or honeybees, or by dairying and the sale of dairy products, or by any combination thereof. It also includes the use of land for stabling or training equines, including but not limited to providing riding lessons, training clinics, and schooling shows, including other on-farm niche marketing promotions. Slaughterhouses, meat packing facilities, hide tanning operations, and operations which utilize animals in research shall not be considered an animal agricultural use.

**Agricultural Use, Crops:** The use of land for raising, harvesting, and selling crops by horticulture, floriculture, viticulture, aquaculture, hydroponics, silviculture, or by any combination thereof. A garden accessory to a residential use shall not be deemed an agricultural use.

**Agriculture:** The production, keeping, or maintenance, for sale, lease or personal use, of plants and animals including but not limited to forages, grains and seed crops, dairy animals, poultry, livestock including beef cattle, sheep, swine, horses, ponies, mules, or goats, including the breeding and grazing of these animals, bees and apiary products, fur animals, fish farming, fish hatcheries, fruits, vegetables, nursery, greenhouse, or flowers.

**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.

**Alteration, Structural:** To change or rearrange the walls, roof, ceiling, floors, supporting beams, columns or other structural parts; interior plan or layout, the exterior architectural features; the exit facilities of a structure; or the relocation of a building from one location to another.

**Animal Hospital:** A place where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

**Antique Shop:** A business premises used to display and offer for sale furniture, jewelry, utensils, books, memorabilia and clothing considered examples of the artistry or craftsmanship of other than the present era, .

**Apartment:** One or more rooms with private bath and kitchen facilities constituting an independent, self-contained dwelling unit in a building. See also accessory apartment and multi-family dwellings.

**Applicant:** The person(s), corporation, agency, or other legal entity seeking site plan approval, special use or building permits; certificates of occupancy; variances; subdivision approval; or zoning amendment.

**Approved Building Lot:** A lot which has been approved by the Planning Board as a result of subdivision, re-subdivision or site plan approval in compliance with the Ancram Subdivision Regulations.

**Aquifer recharge area:** The location where surface water enters the ground to replenish an aquifer. These areas are important to protect from surface contamination to prevent pollution.

**Aquifer:** an underground collection of potentially drinkable water.

**Area, Building:** The total area on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

**Area, Lot:** The total area contained within the property lines of an individual parcel of land, excluding any area within an existing street right-of-way.

**Attic:** That space of building which is immediately below, and wholly or partly, within the roof framing. An attic with a finished floor shall be counted as one-half story in determining the permissible number of stories.

**Auction House:** A place where items are offered for sale to persons who bid on the object in competition with each other.

**Average Daily Traffic (AADT):** The average number of vehicles per day that enter and leave the premises or travel over a specific section of road.

**Average Lot Size:** The average size of all lots to be subdivided from a parcel. Use of an average lot size instead of a minimum lot size in the Agriculture District allow for easier protection of open spaces. Parcels subdivided using an average lot size reduces individual lot areas and bulk requirements but the number of lots remains the same as permitted without lot averaging.

**Bar/Tavern:** Premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food is available for consumption on the premises as accessory to the principal use.

**Basement:** A story partly below finished grade, but having at least one half of its height measured from floor to ceiling, but not less than four feet, above average finished grade. A basement shall be counted as one story determining the height of a building in stories.

**Bed and Breakfast:** An owner-occupied residential building also used for renting accommodations to transient, fee-paying guests, and providing not more than one (1) meal daily to guests only. Not more than ten (10) rooms may be let.

**Best management practices:** Accepted design, construction and management practices designed to protect the environment and minimize negative environmental impacts.

**Billboards:** A sign or structure which directs attention to an idea, product, business activity, service, or entertainment which is conducted, sold, or offered elsewhere than upon the lot on which such sign is situated.

**Biodiversity:** A concept that encompasses the natural system of all species – plants, animals, fungi, and microorganisms – the habitats where they live and the broader landscape.

**Biodiversity Assessment:** An inventory and evaluation of the biological and ecological resources on a parcel of land.

**Biodiversity Map:** A map of ecologically significant habitats prepared by Hudsonia, the Ancram CAC and applicants of major subdivisions.

**Bioswale:** A drainage course that runs the length of a block, structure, road or other feature with gently sloped vegetated sides that filter soil and pollutants.

**Boarding House:** A building, other than a hotel, containing a general kitchen and a general dining room, in which at least three but not more than six sleeping rooms are offered for rent, with or without meals. A lodging house, tourist house or rooming house shall be deemed a boarding house.

**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. Natural vegetative covers existing within the buffer area shall be encouraged to be preserved as part of that buffer to the maximum extent practical. See also stream buffer and streamside vegetated buffer.

**Building:** Any structure which is permanently affixed to the land, has one or more floors and a roof, and is intended for the shelter, housing, or enclosure of persons, animals or chattel. The term "building" shall include the term "structure" as well as receiving and transmitting commercial, radio, television, cellular and other utility communication towers, mobile homes, and modular homes.

**Building, Accessory:** See "Accessory Building"

**Building, Detached:** A single building surrounded by undeveloped space on the same lot.

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

**Building Footprint:** The area encompassed by a building's outer wall at ground level.

**Building Group:** A group of two or more principal buildings and any buildings accessory thereto, occupying a lot in ownership and having any yard in common.

**Building Height:** The vertical distance measured from the average finished grade along the wall of the front of the building to the highest point of such building or structure.

**Building Inspector:** The individual designated by the Town to enforce the provisions of the New York State and local building codes.

**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.

**Building, Main:** A building in which is conducted the principal use of the lot on which it is located.

**Building Materials, Retail:** A retail establishment that sells materials used in the construction and maintenance of buildings, structures, and properties including, but not limited to lumber, roofing materials, sheet rock, paint, etc.

**Building Permit:** Written permission issued by the Building Inspector and/or Code Enforcement Officer for the construction, repair, alteration, or addition to a structure.

**Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is situated.

**Building, Semi-Detached:** A building attached by a party wall to another building normally of the same type on another lot, but having one side yard.

**Bulk:** A term used to describe the size, volume, area, and shape of buildings and structures, and the physical relationship of their exterior walls or their location to lot lines, other buildings and structures, or other walls of the same building; and all open spaces required in connection with a building, other structure, or tract of land.

**Bungalow Colony:** A group of two or more dwelling structures on a single premises designed for seasonal occupancy and not more than one of which is used for the purpose of all-year round residence which premises does not include a public lobby or dining rooms serving guests. The term bungalow colony includes cottage or cabin colonies or development but does not include trailer park, trailer camp, boarding house, hotel or motel.

**CAC: Conservation Advisory Council.** 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 and educating the public about management and protection of the environment.

**Camp, Summer:** A location where campers spend all or part of the summer between Memorial Day and Labor Day living in tents, barracks, or dormitories, for recreation, education, or vacation purposes, participating in organized activities, sports, and arts and crafts, and usually eating together in a central dining facility.

**Camp:** Any parcel of land on which are located two or more tents, shelters, recreational vehicles, or other accommodations of a design or character suitable for seasonal or temporary living purposes, including resort and summer camp and recreational vehicle camp, but not including a manufactured home park, boarding house, hotel or motel, bungalow colony, or man camp/worker camp.

**Campground:** A parcel of land upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes but not including a man camp/worker camp.

**Camping Unit:** Any tent, trailer, cabin, lean-to, recreational vehicle, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes. Tents, trailers, cabins, lean-to's, recreational vehicles or other similar structures used for temporarily housing workers shall not be considered a camping unit and are not allowed.

**Campsite:** Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of a camper for recreation, education, or vacation purposes.

**Car Repair:** A building or portion of a building arranged, intended or designed to be used for making repairs to motor vehicles, their mechanical systems and their body structure, including painting.

**Car Sales:** A building and/or area arranged, intended or designed to be used for the rental, lease, sale and/or resale of motor vehicles, new or used.

**Car Wash:** Any commercial building or premises or portions thereof used for washing automobiles. This may include automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.

**Cell Tower (Also known as Telecommunication Tower):** Structure or locations selected, designed or intended to be used to support an antenna. It includes without limit freestanding towers, guyed towers, monopoles and structures of similar height including but not limited to structures such as buildings, church steeples, silos, water towers, utility towers and poles, signs or other similar structures. It is a structure intended for transmitting and/or receiving radio, television, cellular, paging, personal communications services or microwave communications, but excluding those used exclusively for fire, police and other dispatch communications, or exclusively for private radio and television reception and private citizens band, amateur radio and other similar communications that do not exceed height limitations addressed elsewhere in town regulations. See also Local Law #1 of 2011.

**Cellar:** Any space in a building the structural ceiling level of which is less than four feet above average finished grade where such grade meets the exterior walls of the building. A cellar shall not be counted in determining the permissible number of stories.

**Certificate of Occupancy or Use:** A document issued by the Building Inspector, Code Enforcement Officer, and/or Zoning Enforcement Officer allowing the occupancy or use of a building and certifying that the structure or use has been constructed and will be used in compliance with all the applicable municipal codes and ordinances.

**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 local law. Change of occupancy or change of ownership shall not be construed as a change of use.

**Clearcutting:** A regeneration or harvest method that removes essentially all trees in a forest stand over five acres in size as part of a forestry operation intended to result in re-growth of vegetation that is composed of a single age class. Clearcutting does not include the removal of trees, shrubs, and undergrowth for agricultural purposes or for preparation of a parcel for development.

**Clinic:** An establishment where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, other medical personnel, psychologists, or social workers and where such examination and treatment generally require a stay of less than 24 hours.

**Club, Membership:** An organization catering exclusively to members and their guests, or premises and building for recreational or athletic purposes, which are not conducted primarily for gain.

**Clustered subdivision:** A flexible subdivision technique where all the residences to be built on a parcel are located together on smaller lots in order to preserve open space or environmental features on the parcel.

**Code Enforcement Officer:** shall mean the officer appointed to enforce the New York State and local building and fire codes. The Code Enforcement Officer may also be the Zoning Enforcement Officer.

**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 Flea Market:** An occasional or periodic market held in an open area or existing structure, but not in a permanent structure constructed for the purposes of serving as flea market where groups of individual sellers offer goods for sale to the public. This use is limited to a maximum of three operating days weekly.

**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; industrial or large-scale wind turbine, wholesale trade; and any activity involving an office for conducting the affairs of a business, profession, service, industry or government.

**Commercial Vehicle:** A vehicle of more than one ton capacity used for the transportation of persons or goods primarily for gain or a vehicle of any capacity carrying a permanent-affixed sign exceeding one square foot in area or lettering of a commercial nature.

**Community Benefit:** A natural or created feature that enhances the aesthetic quality, visual appeal, recreational value, level of environmental protection of a particular property, place or area, or provides a desired type of development such as senior citizen housing, or cultural or historic facilities.

**Comprehensive Plan:** A document that details an underlying purpose to control land uses for the benefit of the whole community based upon consideration of the community's problems and applying a general policy to obtain a uniform result and adopted pursuant to NYS Town Law 272-a.

**Community Sign:** A sign owned and maintained by the Town Board or by a group of businesses as approved by the Town Board that contains several directional signs for the purpose of directing persons to business and community establishments within the community.

**Complete Application:** An application for development that includes all required documents and submittals pursuant to this law, and where a negative declaration has been made or a draft environmental impact statement has been accepted by the reviewing agency.

**Compatible:** A use of land or building(s) that, in terms of development intensity, building coverage, design, dimensions, occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings or lands.

**Compost Facility:** A commercial establishment designed to manage and control the process of degrading organic matter by microorganisms. A composting facility can accept no more than 1,000 cubic yards of source-separated organic waste per year, animal manure and associated animal bedding material, not more than 3000 cubic yards of yard and brush waste and food

waste. Organic materials suitable for a composting facility shall not include construction and demolition debris, organic materials containing heavy metals, or sewage sludge.

**Concrete Products Manufacture:** The making of products from a construction material consisting of conglomerate gravel, pebbles, broken stone, sand, or slag in a mortar or cement matrix—not cement alone.

**Condominium:** Multiple housing units that are individually owned, but that share land and infrastructure. They can be in the form of a multi-family house, multi-unit apartment building or town houses. Ownership is shared along with attendant responsibilities for the provision, maintenance and/or repair of common internal facilities, utilities, services, exterior building surfaces, land, landscaping and other outdoor facilities.

**Conservation Easement:** A grant of a property right stipulating that the described land will remain in its natural or agricultural state and precluding future or additional development.

**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.

**Consistent in Size and Scale:** Conveys the Town's intent that new development be similar to existing development in terms of size, height, bulk, intensity and aesthetics to its surroundings. New and modified structures should match the context established by neighboring buildings.

**Contamination:** The degradation of the natural quality of water, air, soil, and other natural resources by human or other activities and events to the extent that their usefulness is impaired.

**Contractor's Yard:** Any space whether inside or outside a building used for the storage or keeping of non-agricultural equipment, machinery, or vehicles, or part thereof, which are in active use by a construction contractor, landscaper, lawn mowing, tree service, logger and other similar activities.

**Convenience Store:** A one-story retail store containing less than 4,000 square feet of gross floor area that is designed and stocked primarily to sell food, beverages and household supplies to customers who purchase only a relatively few items, and a limited amount of freshly prepared foods such as sandwiches and salads for off-premises consumption. Such establishments may include the retail sale of gasoline, oil and other automotive fluids, although no repairs or servicing of vehicles is permitted.

**Conversion:** A change in use or occupancy of a dwelling by alteration or by other reorganization as to increase the number of families or dwelling units in a structure.

**Country Inn:** A building or group of buildings for no more than 25 sleeping units, whether detached or in connected units, used as individual sleeping units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term includes other such uses termed as motel, tourist courts, motor lodges, auto courts and similar appellations, but does not include boardinghouses.

**Coverage:** That lot area or percentage of lot area covered by buildings or structures, including accessory buildings, structures, and surface areas covered by impervious surfaces such as parking lots and driveways.

**Critical Environmental Area:** A specific geographic area designated by the Town of Ancram pursuant to 6 NYCRR Part 617, having exceptional or unique characteristics that make the area environmentally important.

**Cul-de-sac:** A road with a single common ingress and egress and a designated turn-around area for vehicles at the end.

**Curb-cut:** A defined opening to provide vehicular access from a public highway to a lot or property.

**Customary:** Used as “commonly associated with”.

**Cut and Fill:** A portion of land surface or area from which earth has been removed or will be removed by excavation and then the earth is moved and deposited to fill in another location.

**Dark Skies:** The term given to the night sky that remains un-impacted by outdoor light pollution.

**Day care:** Any program or facility licensed by the State of New York Office of Children and Family Services and which has a program caring for children of any age for more than three hours per day per child in which child day care is provided in a private residence for three to six children as per New York State Social Services Law § 390. See also Adult Day Care.

**Day Spa:** An establishment that provides multiple personal services that includes, but is not limited to beauty parlor, manicure, tanning, massage, and sauna and where clients use these services for one day with no overnight stays.

**DEC:** Department of Environmental Conservation.

**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.

**Decibel (dB):** A unit for measuring the volume of a sound, as determined by a sound testing instrument.

**Density:** The number of residential structures allowed per acre. It is not the same as minimum lot size. Also the number of families, individuals, dwelling units, households, or housing structures per unit of land.

**Density Bonus:** An applicant can receive an increase in the allowable density that a parcel can have if they supply something desired by the town, such as preserving open space, a scenic view, or other public amenities.

**Density Schedule:** Standards in the Town of Ancram Zoning Law that establish the maximum level of development allowed per acre in each zoning district.

**Development Rights:** The right of a landowner to develop property based on a community's zoning.

**Development:** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; or any use or extension of the use of land.

**Disposal:** The abandonment, discharge, deposit, injection, dumping, spilling, leaking, or placing by any other means of any non-agricultural solid waste, petroleum, radioactive material, hazardous substance, hazardous waste, or aqueous carried waste into or onto land or a surface water body.

**Drainage:** A system of swales, ditches, and culverts, catch-basins, and piping to convey storm-water runoff to retention areas and stabilized discharge points.

**Drive in Use:** An establishment which, by design, physical facilities, and services or by packaging procedures, encourages and permits customers to receive services and obtain goods while remaining in their motor vehicles.

**Driveway:** A private entrance drive privately owned and maintained, and not meant for use by the general public, which commonly leads to a single principal use.

**Dump:** A lot or land used primarily for the disposal by abandonment, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

**Dwelling group:** A group of two or more dwellings occupying a lot in single ownership.

**Dwelling unit:** A building or portion thereof providing complete house-keeping facilities for one family.

**Dwelling, Multiple Family:** A building or group of buildings located on one lot, each containing three (3) but no more than four (4) dwelling units and designed or used for occupancy by 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. A multiple family dwelling unit is distinguished from an accessory apartment because the structure is designed and used with up to four principal dwelling units whereas an accessory apartment is clearly subordinate to the principal use of the single family dwelling.

**Dwelling, one-family:** A building containing one dwelling unit only.

**Dwelling, Single: Family Detached:** A residential dwelling unit designed for occupancy by one family and having no party wall in common with another building or unit.

**Dwelling, Townhouse:** A building divided vertically and consisting of three or four attached dwelling units, each of which has a separate entrance from an outside yard area. Townhouses are regulated as a multi-family dwelling.

**Dwelling, Two-Family:** A building on a single lot designed exclusively for two dwelling units, each of which is totally separated from the other by a wall, ceiling, or floor, except for a common stairwell and occupied exclusively as a home or residence for only two (2) families. Two-family dwelling units shall not be considered townhouses or multi-family dwellings.

**Dwelling:** A building designed or used principally as the living quarters for one or more families. The term 'dwelling', 'one-family dwelling', 'two-family dwelling', 'multi-family dwelling', 'multiple-dwelling', or 'dwelling group' shall not be deemed to include motel, hotel, rooming house or other accommodations used for more or less transient occupancy. (See RESIDENCE)

**Easement:** The right to use the land of another, obtained through the purchase or other acquisition of use rights from a landowner, for a special purpose consistent with the property's current use.

**ECHO (Elder Cottage Housing Opportunity):** A temporary, small (apartment-sized), detached home for use by an older person which is temporarily sited on private property that contains the primary residence of a younger family member. An Elder Cottage utilizes the water, electric, and sewer systems of the primary home. It provides security for the older person, privacy for both the older person and the younger family, and facilitates the care giving efforts of the younger family. An Elder Cottage shall not be a single-wide manufactured home or a permanent structure.

**Educational/Training Facility:** A building or part thereof which is designed, constructed, or used for education, training, or instruction in any branch of knowledge or skill and includes, but is not limited to elementary, parochial, private, secondary or vocational schools.

**Egress:** Access from a property leading onto a public highway or private road.

**Enclosed Storage Yard:** The keeping, in a completely fenced in or area, or enclosed with a roof and four complete sides, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

**Environmental Assessment Form (EAF):** A form used to determine whether a project will have significant environmental impacts. Depending on the site's environmental features and the project's magnitude, either a short or full SEQRA Environmental Assessment Form will be completed.

**Environmental Constraint:** An area with one or more of the following environmental characteristics: 1) steep slopes > 15%; 2) flood plain; 3) exposed bedrock or areas of land incapable of meeting percolation requirements; 4) aquifer recharge or discharge areas; 5) habitats of endangered species; and 6) wetlands.

**Environmental Impact Statement (EIS):** A document prepared pursuant to SEQRA, subsequent to a determination of potential adverse impacts that examines the existing and developed environment, and identifies and presents impacts, mitigation measures and alternatives.

**Equipment Storage:** Any location or structure used for the storage of equipment (machinery and related hardware, etc.)

**Erosion Control:** Use of natural areas, re-seeding, re-vegetation, placement of mulch or artificial matting or rip rap or other methods to prevent soil erosion.

**Erosion:** The wearing away of surface soils by action of wind or water.

**Face Area:** The area or display surface used for the message on a sign. See also Sign Area

**Family:** A family consists of (a) one person, or two or more persons related by blood, marriage or adoption, or (b) not more than five persons not necessarily related by blood, marriage or adoption, and in addition any domestic servants who live together in a single dwelling unit and maintain a common household.

**Farm Market:** A location, or structure larger than 400 square feet, where one or more farmers or vendors can sell agricultural produce to the public on a permanent basis, whether seasonal or year-round.

**Farm Operation:** the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a "commercial horse boarding operation" as defined in subdivision thirteen of this Article 25-AA of the Agricultural Districts Law and "timber processing" as defined in subdivision fourteen of Article 25-AA. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

**Farm Stand:** A temporary use of a structure including small buildings, carts, wagons or stands for the display and sale of farm products, and not more than 400 square feet in size.

**Farm Worker Housing:** an accessory apartment or other dwelling used to house farm workers on a parcel of land used as an agricultural operation.

**Farm:** The land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation, and marketing of crops, livestock, and livestock products as a commercial, for profit enterprise, including a commercial horse boarding operation as defined in this local law. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.

**Fascia:** The front facing surface of trim on a building above the soffit but below the roofline.

**Finished Grade:** The elevation at which the finished surface of the surrounding lot intersects the walls or supports of a building or other structure. If the line of intersection is not reasonably horizontal, the finished grade--in computing height of building and other structures or for other purposes--shall be the average elevation of all finished grade elevations around the periphery of the building.

**Fire Lane:** Access for emergency fire-fighting vehicles.

**Firing Range:** An indoor facility designed specifically for the purpose of firing rifles, pistols, and other firearms.

**Fixed Term Conservation Easement:** a temporary grant of a property right stipulating that the described land will remain in its natural or agricultural state and precluding future or additional development for a period of at least 25 years.

**Flag Lot:** A building lot not meeting the required road frontage and characterized by a narrow strip of property by which access is gained. The lot is shaped like a pole with a fully extended flag at the upper portion thereof, the bottom of the pole being at the street line, the pole portion of the

lot being for use as access to the flag portion of the lot where the principal structure is or will be constructed.

**Floating Zone:** An unmapped zoning district where all the zone requirements are contained in the zoning law and the zone is fixed on the map only when an application for development that meets the zone requirements is approved by the Town Board.

**Flood Area Overzone:** Areas that are subject to periodic inundation as described by the Flood Insurance Rate Map of the Town of Ancram prepared by the Federal Emergency Management Agency. These areas are not necessarily the same as wetlands, which come under the rules and regulations of the NYS DEC and the US Army Corps of Engineers.

**Flood Hazard, Area of:** Land within a community subject to a one percent (1%) or greater chance of flooding in any given year as shown on the Flood Insurance Rate Maps developed by the Federal Emergency Management Agency. Also commonly referred to as base floodplain or 100 year floodplain.

**Flood, 100-Year:** The highest level of flood that, on the average, is likely to occur once every 100 years (i.e., that has a 1% chance of occurring each year).

**Floodplain or Flood Prone Area:** A land area adjoining a river, stream, watercourse, or lake, which is likely to be flooded.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency.

**Floor Area:** The aggregate sum of the gross horizontal areas of the several floors of the building or buildings, measured from the exterior walls or from the centerlines of walls separating two buildings. In particular, the 'floor area of a building or buildings shall include:

- a. Basement space
- b. Elevator shafts and stairwells at each floor
- c. Floor space for mechanical equipment, with structural headroom of 7 feet and 6 inches or more
- d. Penthouse
- e. Attic space (whether or not a floor has actually been laid) providing structural headroom of 7 feet and 6 inches or more
- f. Interior balconies and mezzanines
- g. Enclosed porches
- h. Accessory uses, not including space for accessory off-street parking

However, the 'floor area' of a building shall not include:

- a. Cellar space, except that cellar space used for retailing shall be included for the purposes of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths
- b. Elevator and stair bulkheads, accessory water tanks and cooling towers

- c. Floor space used for mechanical equipment, with structural headroom of less than seven feet and six inches
- d. Attic space, whether or not a floor has actually been laid, providing structural headroom of less than seven feet and six inches
  - i. Uncovered steps; exterior fire escapes
  - j. Terraces, breezeways, open porches, and outside balconies and open spaces
  - k. Accessory off-street parking spaces
  - l. Accessory off-street loading berths

**Footprint:** The amount of space, measured in square feet, taken up on the ground by a structure. A building footprint measurement does not include the square footage of multiple floors of a structure.

**Forestry/Silviculture:** The harvesting of timber for commercial gain in quantities greater than 50 standard cords of wood or 50,000 board feet of timber as measured by the international log rule in any one year. Commercial timber harvesting does not include the cutting of wood by the owner of the property for the following uses, which are permitted by right:

- A. Personal use;
- B. The routine maintenance of roads, and rights-of-way;
- C. The clearing of a home site for which a building permit has been obtained;
- D. Christmas tree culture;
- E. Clearing of approved subdivision roads;
- F. Tree clearing for farm purposes within NYS Agricultural Districts established pursuant to New York State Agriculture and Markets Law.

**Formula-Based Business:** A commercial use that uses a building design that is trademarked or identified with a particular franchise, chain or corporation and is generic or standard in nature.

**Foundry/Blacksmith Shop:** The art and process of casting metal for artisan, not industrial purposes. A blacksmith shop is an establishment where iron is forged and shaped with an anvil and hammer for artisan, not industrial purposes.

**Frontage:** That part of a property bounded by either a public or private road.

**Front-Loaded Road:** A street designed so that all homes are located on only one side to afford each residence maximum viewing of open space lands or other features. This contrasts to a double-loaded street where houses are placed on both sides.

**Foundation:** A wall or pier extending at least four (4) feet below grade or an equivalent load-bearing structure certified by a licensed professional engineer, having a fixed location on the ground and capable of serving as a support for a structure or structural part of a building, such as a wall, pier or column. All foundations shall meet the relevant criteria set forth in Part 3 of the New York State Building Construction Code applicable to general building construction.

**Garbage, Rubbish or Trash Removal:** A service that picks up and transfers animal and vegetable waste, unwanted or discarded material and solid wastes from residences and businesses for delivery to a solid waste disposal facility.

**Gas Compression Station:** An industrial facility used to raise the pressure of natural gas during its extraction, transport, and storage.

**Gasoline Filling Station:** An area of land including structures thereon, or any building or part thereof, that is used primarily for the sale and direct delivery to the motor vehicle of gasoline or any other motor vehicle fuel or oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, washing, but which does not include auto body work, welding, or painting, unless authorized.

**Glare:** The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual clarity and visibility.

**Golf Course, Driving Range, Mini-Golf:** Premises having:

- a. not fewer than nine holes improved with tees, greens, fairways, and hazards for playing the game of golf;
- b. lanes within which golf balls can be hit (driving ranges); and
- c. Recreational facilities containing small putting greens (miniature golf).

Accessory structures and buildings may be associated with these uses including a clubhouse, locker room, food stand, restaurant, banquet or conference rooms, except that overnight accommodations are not permitted.

**Grading:** The leveling of land for site development purposes including construction of roads, building construction, drainage areas and parking.

**Gravel Mine:** The excavation or extraction of earth, sand, gravel, stone, clay, loam, humus, top soil or other earth material from a lot and removal thereof from that lot without drilling or blasting; or any temporary storage of such materials by stock piling, if permitted; or any of the related land use activities engaged in during the above activities such as construction of buildings, barriers and other structures, clearing of property, removal or placement of trees, vegetation and earth material.

**Greenhouse, nursery, or garden shop:** a structure where plants are cultivated and sold for retail or wholesale purposes.

**Grid pattern of streets:** Where streets are in square or modified square blocks, interconnected with one another, and where there are no dead ends or cul-de-sacs.

**Groundwater:** Water below the land surface in a saturated zone of soil or rock. This includes perched water separated from the main body of groundwater by an unsaturated zone.

**Group Day Care:** Any program or facility licensed by the State of New York Office of Children and Family Services; a program caring for children for more than three (3) hours per day per child in which child day care is provided in a private residence for seven (7) to ten (10) children of all ages, including not more than four (4) children under two (2) years of age or up to twelve (12) children where all of such children are over two (2) years of age. Refer to New York State Social Services Law § 390. See also Adult Day Care.

**Group homes:** A dwelling unit or part thereof in which, for compensation, lodging and meals are provided; personal and financial services may be offered as well.

**Guest house:** An accessory structure that is habitable but that does not have a full kitchen and is clearly subordinate to the principal dwelling on the property.

**Habitat:** The place occupied by an organism, population, or community. It is the physical part of the environment in which an organism finds its home, and includes the sum total of all the environmental conditions present in the specific place occupied by an organism.

**Habitable Structure:** Any building, whether a principal structure or accessory structure on a parcel, that is used for living purposes, which includes sleeping, eating, cooking, recreation, assembly; or use as a regular work site; or a combination thereof; and which contains one or more of the following to support those human living or working purposes: operational electricity, heat, sanitation, running water and protection from the elements.

**Hamlet:** A populated area within a town that is not part of an incorporated village. Characterized by densely situated homes and small businesses surrounded by area farms and open space.

**Hazardous Substance:** Any substance listed as a hazardous substance in 6 NYCRR Part 597, Hazardous Substance List, or a mixture thereof. In general, a hazardous substance means any substance which: (1) because of its quantity, concentration, or physical, chemical, or infectious characteristics poses a significant hazard to human health or safety if improperly treated, stored, transported, disposed of, or otherwise managed; (2) poses a present or potential hazard to the environment when improperly treated, stored, transported, disposed of, or otherwise managed; (3) because of its toxicity or concentration within biological chains, presents a demonstrated threat to biological life cycles when released into the environment.

**Hazardous Waste:** A waste, or combination of wastes, which are identified or listed as hazardous pursuant to 6 NYCRR Part 371, Identification and Listing of Hazardous Wastes. Hazardous wastes include but are not limited to petroleum products, organic chemical solvents, heavy metal sludges, acids with a pH less than or equal to 2.0, alkalis with a pH greater than or equal to 12.5, radioactive substances, pathological or infectious wastes, or any material exhibiting the characteristics of ignitability, corrosivity, reactivity, or fails the Toxicity Characteristic Leaching Procedure (TCLP).

**Heritage Tree:** An individual specimen notable because of its age, beauty, species, color, rarity, genetic constitution, location, historic significance, or some combination thereof, and specifically designated by the Ancram Town Board for protection because of historical significance, special character or community benefit. The Town Board may seek professional advice when designating such a tree. Upon designation, with the tree owner's concurrence, the Town shall be responsible for reasonable maintenance of said tree during its natural lifespan and may seek professional advice when determining a need for such maintenance.

**High Tension Line:** Any electric line operating at voltage in excess of 69 Kv.

**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.

**Home Occupation, High Impact:** A business activity resulting in a product or service for financial gain, conducted wholly or partly within a dwelling unit or accessory structure as a non-residential use that is secondary and subordinate to the use of the dwelling for living purposes and which does not change the residential character of the dwelling unit or vicinity. The enterprise is conducted by an owner/operator who must reside on the premises and does not employ more than four persons, in addition to the owner/operator and any other family participants in the home occupation who reside on the premises. A sign is likely to be present. Other exterior evidence of this secondary use includes customers, clients, and other business associates entering the premises daily; storage of business products, waste, equipment, or vehicles is required regardless of the number of employees; and delivery truck visits or other traffic beyond that expected of a typical residence may occur.

**Home Occupation, Low Impact:** A business activity resulting in a product or service for financial gain, conducted wholly or partly within a dwelling unit or accessory structure as a non-residential use that is secondary and subordinate to the use of the dwelling for living purposes and which does not change the residential character of the dwelling unit or vicinity. The enterprise is conducted by an owner/operator who must reside on the premises and does not employ more than two persons, in addition to the owner/operator and any other family participants in the home occupation who reside on the premises. Exterior evidence of this secondary use, if present at all, is limited to a small sign or lawn plaque. Few customers, clients, or other business associates enter the premises daily. The business does not store business products, equipment or vehicles outside. The enterprise normally produces only household quantities and types of waste and does not involve delivery truck visits or other traffic beyond that expected of a typical residence.

**Homeowner's Association:** An organization of homeowners residing within a particular development whose major purpose is to preserve, maintain, and provide community areas, facilities and services for the common enjoyment of the residents.

**Horse Boarding Operation:** An agricultural activity that provides care, housing, health related services and training to animals kept on the premises or on other properties owned or leased by the farm operator. Riding and training activities that are directly related to and incidental to the boarding and raising of horses, including riding lessons for persons who own or have a long-term lease from the farm owner for the horse that is boarded at the farm and used for such activities, are part of the farm operation. Horse shows for horses either boarded at or owned by the farm operation, which are not open to the general public, are also part of the farm operation. A riding academy is not considered to be an agricultural activity under the New York State AML. A riding academy generally offers riding lessons to the public and to individuals that do not own or have a long-term lease for the horse that is boarded and used at the facility for such riding.

**Hospital:** A building containing beds for four or more patients, and used for the diagnosis, treatment, or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment, or other care of human ailments.

**Hotel/Motel:** Commercial overnight sleeping accommodations, consisting of a building or group of buildings. Additional accessory services may be included such as restaurants, meeting rooms, entertainment and recreational facilities. Also, a building, or any part thereof, which contains living and sleeping accommodations for transient occupancy, has a common exterior entrance or entrances and which may contain one or more dining rooms.

**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.

**Hunting Preserve:** Wholly enclosed lands where the release and taking of game animals is allowed. All lands used for a hunting preserve must be one contiguous block with the boundaries posted with appropriate signs in accordance with State Environmental Conservation Law section §11-2111 (Posting; service of notice), and shall be a minimum of 250 acres.

**Hydrogeologically Sensitive Areas:** The hydrogeologic sensitivity of a location is a relative measure of the ease and speed with which a contaminant could migrate into and within the upper-most water-bearing unit. High to very high hydrogeologic sensitivity ratings indicate that, in general, ground water is more susceptible to be impacted by surface activities.

**Impervious Surface:** Any man-made material, such as pavement used in parking lots or driveways, or any building or other structure on a lot, that does not allow precipitation and melted snow to penetrate into the soil.

**Important Aesthetic Features:** Denotes elements of architecture and landscape that have been identified by the community as significant to the local quality of life and sense of place. They may be specific elements such as structures, scenic roads, parks, waterways, crossroads, and stone walls; or they may be more diffuse resources such as open spaces, formal/informal historic districts, and scenic views. These can include historic structures and landscapes, country roads, agricultural fields and operations, views of hills and mountains, streams and wetlands, and the hamlet areas.

**Industry, Heavy:** Any use or activity, which generates significant volumes of smoke, odors, noise, or polluting wastes and is not compatible with other uses in the Town of Ancram. Examples of “heavy industry” which are intended to be included in this definition are: chemical manufacturing; exploration for natural gas; extraction of natural gas; natural gas processing facilities (as defined elsewhere in this Law) and/or compressor stations; exploration for crude oil; extraction of crude oil; oil refineries; coal mining; coal processing; and steel manufacturing. It is expressly stated that the foregoing examples are not intended to be exhaustive and shall not be construed to limit the meaning, scope or application of this definition or to limit the application of this definition solely to the activities identified in the examples.

Generic examples of uses not intended to be included in the definition of “heavy industry” are: milk processing plants; dairy farms; office and communications uses; garment factories; woodworking and cabinet shops; automobile repair shops; wineries and breweries; warehouses; equipment repair and maintenance facilities; parking lots and parking garages; light manufacturing or light industrial facilities (as defined elsewhere in this Law); agriculture; and

surface gravel and sand mining. It is expressly stated that the foregoing examples are not intended to be exhaustive and shall not be construed to limit the meaning, scope or application of this definition or to limit the application of this definition solely to those activities identified in the examples.

**Infill Development:** The development of new houses or other uses on scattered vacant sites in a previously built-up area.

**Infiltration:** the process of percolating stormwater into the subsoil.

**Ingress:** Access from a public highway or private road leading into a lot or property.

**Junk Car Yard:** See Junk Yard.

**Junk Yard:** An area of land with or without buildings used for or occupied by the storage, keeping, or abandonment of junk, including scrap metals or other scrap, used or salvaged building materials, or the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof. The deposit on a lot of two or more old or second hand motor vehicles• no longer intended or in condition for legal use on the public highways shall be deemed to make the lot a 'junk car yard'. All junk yards are prohibited in Ancram.

**Kennel, Commercial:** Any place at which there are kept any number of dogs for the primary purpose of sale or for the boarding, care or breeding for which a fee is charged or paid.

**Kitchen Facility:** Any structure or room that includes space dedicated to cooking including oven, stove, dishwasher, sink, cabinets, microwave oven, and refrigerator. Hotel or motels that provide only microwave ovens or small refrigerators in rooms are not considered to have kitchen facilities in the rooms.

**Land Use Activity:** The occupation, use and/ or maintenance of land or any building, structure or other improvement on land.

**Landowner:** the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

**Light Industry or Manufacturing:** Use in which a product is manufactured but the manufacturing process and facility have minimal impact on the property where the manufacturing takes place and almost none on adjacent properties, with qualities including:

- \*No creation of noise, vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line;
- \*No change to the character of the surrounding neighborhood;
- \*Adequate screening of outside storage of goods, materials, or equipment;
- \*Signs limited in size;
- \*No chemical, metal, or hazardous waste, or potential contamination of surface or groundwater;
- \*Adherence to all applicable commercial design and other standards cited in this zoning law.

**Lodging:** See Hotel, motel and country inn.

**Lot:** A defined portion or parcel of land considered as a unit, devoted to a specific use or occupied by a building or a group of buildings that are united by a common interest, use or ownership, and the customary accessories and open spaces belonging to the same.

**Lot, Corner:** A lot which has an interior angle of less than 135° at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135°.

**Lot Coverage:** The percentage of the lot area covered by the combined area of all buildings, structures, parking areas, or other impervious surfaces on the lot.

**Lot Depth:** The average distance of a lot measured from the front lot line to the rear lot line.

**Lot Frontage:** A lot line which is coincident with a street line.

**Lot Lines:** The lines bounding a lot as defined herein.

**Lot Line Adjustment:** A process regulated by the Town of Ancram Subdivision Law and approved by the Planning Board whereby the line of record dividing one lot from another lot is moved without creation of an additional lot.

**Lot Width:** The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines, or the width of a lot measured along the rear line of the required front yard.

**Lot, Through:** A lot which faces on two streets at opposite ends of the lot and which is not a corner lot.

**Low Volume Roads:** A road designed, constructed and maintained for roads that have an average daily traffic of less than 400 vehicles per day.

**Maintenance Agreement:** a legally binding, written contract, intended for recording in the County Clerk's office and which provides for private long-term maintenance of infrastructure items such as private roads, driveways, storm water management systems and common open space.

**Major Subdivision:** A subdivision, created after February 21, 2013, not classified as a minor subdivision, including but not limited to subdivisions of more than four (4) lots, a planned development, or any size subdivision requiring any new street or extension of water or sewer utilities, or the creation of any public improvements, or any other subdivision classified as major by the Planning Board because of its probable major impact on the surrounding areas. When there have been one to four minor subdivisions of a parcel of land after February 21, 2013, the splitting of a fifth lot shall also result in classification of that subdivision as a major subdivision.

**Man Camp/Worker Camp:** Any parcel of land on which are located two or more tents, shelters, recreational vehicles, or other accommodations of a design or character suitable for seasonal or temporary living purposes for workers and not used for recreational, educational or vacation purposes. Individual tents, trailers, cabins, lean-to's, recreational vehicles or other similar structures used for temporarily housing non-farm workers shall not be considered camping units and shall not be allowed.

**Manufactured Home, double-wide:** A dwelling unit, transportable in two sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is a minimum of 700 or more square feet, and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. A recreational vehicle is not included in this definition. Manufactured homes differ from modular or industrialized housing.

**Manufactured Home, single-wide:** A dwelling unit, transportable in one section, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is 700 or more of square feet, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. A recreational vehicle is not included in this definition.

**Manufactured Home Park:** A residential use in which two or more manufactured homes (double-wide, single-wide, or mobile home) are located on a single property. It is a site containing spaces with required improvements and utilities that are leased for the long-term placement of manufactured homes and may include services and facilities for residents.

**Manufactured Housing:** Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec 5401), commonly known as the HUD code. Mobile homes and modular homes are both manufactured housing. Modular homes typically are manufactured in one or more pieces and transported to the site for placement on a permanent foundation. Manufactured homes and mobile homes are normally built in one or two pieces and transported to the site with a chassis that allows the home to be moved. A manufactured house is a house built in conformity with the provisions of the federal HUD Code. Mobile homes are those built prior to the adoption of the HUD Code.

**Manufacturing:** Any process whereby the nature, size or shape of articles or raw materials are changed, or where articles are assembled or packaged in quantity.

**Massing:** the three dimensions of height, width and depth of a structure.

**Membership Club:** A structure used primarily by an organization with pre-established formal membership requirements, bylaws, and with the objective of promoting the interests of its members.

**Mine, Large:** Any excavation from which 1,000 tons or 750 cubic yards or more, of ore, sand, gravel, clay, stone, loam, humus or topsoil within a period of twelve (12) successive calendar months produced for sale or exchange or for commercial, industrial or municipal use or for use other than on the property from which the material is extracted. (Soil mining shall also include any activity requiring a permit from DEC pursuant to Article 23 of the Environmental Conservation Law.)

**Mine, Small:** Any excavation from which less than 1,000 tons or 750 cubic yards, whichever is less, of ore, sand, gravel, clay, stone, loam, humus or topsoil within a period of twelve (12) successive calendar months produced for sale or exchange or for commercial, industrial or municipal use or for use other than on the property from which the material is extracted. (Soil mining shall also include any activity requiring a permit from DEC pursuant to Article 23 of the Environmental Conservation Law.)

**Mineral:** any naturally formed, usually inorganic, solid material located on or below the surface of the earth, peat and topsoil shall be considered minerals

**Minor Subdivision:** The subdivision of land into two (2), three (3) or four (4) lots fronting on an existing road, not including any new street or road, or the extension of utilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan or Official Map of the Town.

**Mixed-use dwelling:** a residential dwelling located in the same building that contains nonresidential uses. All nonresidential uses in a mixed-use dwelling shall front the street

**Mobile Home:** Manufactured homes built prior to the adoption of the HUD Code.

**Mobile Home Park:** See Manufactured Home Park.

**Modular Unit:** A factory-fabricated, New York State code approved, transportable building unit designed to be used by itself

**Moving and Storage:** A building or structure used for the temporary storage of goods and materials during transportation of such goods and materials from one location to another. A moving and storage facility also may have loading docks, parking lots, moving trucks, and truck parking facilities.

**Natural Gas and Propane Bulk Storage and Distribution:** A facility for the temporary storage and distribution of natural gas and propane for delivery to local residential and commercial customers via fuel trucks. Natural gas and propane bulk storage and delivery is not associated with or related to any natural gas exploration, extraction, drilling, production, processing, storage of production wastes, or natural gas drilling ancillary uses.

**Natural Gas Exploration, Extraction, Drilling, Production, Processing, Storage of Production Wastes or Natural Gas Drilling Ancillary Uses:** The exploration for natural gas, the extraction of natural gas from the ground regardless of the extraction method used, and/or the processing of natural gas. This definition shall specifically include, but not be limited to, the extraction method commonly known as hydraulic fracturing. This definition shall also be construed to encompass and include any activity or ancillary use of land which facilitates or supports natural gas exploration, extraction, or processing. Examples of activities or uses of land expressly intended to be included in this definition are set forth below:

- Drilling and/or installation of a new gas well, regardless of well type;

- Development of a well operations site and associated structures, infrastructure, and storage;

- Mixing, storage, treatment, and/or disposal of chemicals, wastewater, proppant or other materials used for, or in connection in any way with, the exploration for or extraction of natural gas;

- Parking, standing and/or storage of any type of vehicle, equipment, and/or materials used for, or in connection in any way with, the exploration for or extraction of natural gas (also known as staging areas);

Installation and/or use or storage (pipe yard) of pipes, conduits or other material transport or gathering equipment or systems used for, or in connection in any way with, the exploration for or extraction of natural gas;  
Natural Gas and/or Petroleum Support Activities.

It is expressly stated that the foregoing examples are not intended to be exhaustive and shall not be construed to limit the meaning, scope or application of this definition or to limit the application of this definition solely to those activities identified in the examples.

**Natural Gas and/or Petroleum Support Activities:** mean the construction, use, or maintenance of a storage or staging yard, a water or fluid injection station, a water or fluid gathering station, a natural gas or petroleum storage facility, or a natural gas or petroleum gathering line, venting station, or compressor associated with the exploration or extraction of natural gas or petroleum.

**Noise, Nuisance:** An undesired audible sound that interferes with the enjoyment and use of property. For purposes of this law a decibel level exceeding 55 dB measured at the property boundary shall be a nuisance noise.

**Non-Conforming Bulk:** That part of a building, other structure or tract of land which does not conform to one or more of the applicable bulk regulations of this Law, either following its effective date or as a result of subsequent amendments thereto.

**Non-Conforming Structure:** A structure or building, the size, dimensions, or location or which was lawful prior to the adoption, revision, or amendment of the zoning law but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning law.

**Non-Conforming Use:** Any use of a building, structure, or tract of land, which does not conform to the use regulations for the district in which such use is located, either at the effective date of this law or as a result of subsequent amendment thereto.

**Nonpoint Source Pollution:** Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

**Non-reflective or low reflective building materials:** A product or material included in a building that is designed to absorb light rather than to reflect it.

**Nursery School:** Any place, however designated, operated for the purpose of providing daytime care or instruction for two or more children from two to five years of age inclusive, and operated on a regular basis, including kindergartens, day nurseries, and day care centers.

**Nursing or Convalescent Home:** A building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire. See also Senior Housing.

**NWI: National Wetlands Inventory:** a nationwide system of wetlands inventory and mapping.

**Off Premise Sign:** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located. Synonymous with 'billboard'.

**Off Street Parking:** Area provided for parking not in any public or private road.

**Office:** Premises available for the transaction of general business but excluding retail and manufacturing uses. It is a place or establishment used for the organizational or administrative aspects of a trade or used in the conduct of a business and not involving the manufacture, storage, display or direct retail sale of goods.

**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.

**Open Space:** Land left in a natural state for conservation and agricultural purposes or for scenic purposes, devoted to the preservation of distinctive ecological, physical, visual, architectural, historic, geologic or botanic sites. It shall also mean land left in a natural state and that is devoted to active or passive recreation. The term shall not include land that is paved, used for the storage, parking or circulation of automobiles, used for playgrounds or manicured recreational lands such as ball fields, lawns, or occupied by any structure except agricultural buildings. Open space may be included as a portion of one or more large lots provided the lot(s) are greater than 5 acres in size, and are contiguous to form a larger un-fragmented open space area, or may be contained in a separate open space lot but shall not include private yards within 50 feet of a principal structure.

**Operating Permit:** See Certificate of Use.

**Outdoor Storage:** The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours and not associated with an outdoor retail sales establishment. See also retail sales, outdoor.

**Overlay District:** A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone. Overlay zones deal with special situations that are not appropriate to a specific zoning district or apply to several districts.

**Parking Space:** An area reserved for the parking of one motor vehicle.

**Peak Hours of Operation:** The busiest hours of operation in an average 24-hour period of a non-residential use, which may represent the time of heaviest production or of customer or employee traffic, depending on the nature of the use.

**Permitted Use By Right:** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district and for which no review by the Planning Board is required. However, a building permit issued by the Building Inspector may be required.

**Person:** Any individual, group of individuals, partnership, firm, corporation, association, or other legal entity.

**Pesticide:** Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, weeds, or other form of plant or animal life or viruses, except viruses on or in living man/or other animal; and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. These substances include but are not limited to: herbicides, fungicides, insecticides, and rodenticides.

**Petroleum:** Any petroleum-based oil of any kind which is liquid at 20 degrees Celsius under atmospheric pressure and has been refined, re-refined, or otherwise processed for the purpose of: 1) being burned to produce heat or energy; 2) as a motor fuel or lubricant; or 3) in the operation of hydraulic equipment.

**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.

**Phasing Plan:** A written document and/or site plan or plat showing development that is to be undertaken in a logical time and geographical sequence.

**Pipeline:** A line of pipe connected to valves and other control devices, for conducting fluids, gases, or finely divided solids.

**Pipe yard:** A parcel of land, or part of a parcel of land used to store, cut, bend, fit, or prepare pipes used as part of a pipeline, gas compressor station, or associated with the transmission of gas, oil and other petroleum products.

**Planning Board:** An appointed body whose principal duties include review and deciding about site plans, special use permits, subdivision applications, and reviewing and recommending about matters relevant to the Town Comprehensive Plan, Zoning Law, and other town regulations.

**Plat:** A map representing a tract of land showing the boundaries and location of individual properties and streets.

**Pollution:** The presence of matter or energy, or the discharge of a toxic or contaminating substance that is likely to have a significantly adverse effect on the natural environment or life.

**Poster:** A temporary, non-permanent device, which announces, directs or advertises any political, educational, charitable, philanthropic, civic, professional, religious or similar organization, campaign, show, drive, movement, or event.

**Preliminary Plat:** An initial map or plan, with supporting documentation, showing the proposed layout of a subdivision or site plan that is submitted for preliminary approval by the Planning Board.

**Premises:** A lot together with all the buildings and uses thereon.

**Primary Conservation Area:** The area delineated in a conservation subdivision to have priority resource areas to be conserved including, but not limited to streams, floodplains, wetlands,

critical habitats, steep slopes, areas with rocky outcrops, agricultural lands, and groundwater recharge areas.

**Prime Soils:** Prime farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable level of acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks. Its soils are permeable to water and air. Prime farmland is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected from flooding.

**Principal Building or Structure:** A building in which is conducted the principal use of the lot on which it is located.

**Principal Use:** The building where the main use of the lot is conducted.

**Private Airfield:** A place where small, single engine, propeller driven, fixed-wing aircraft can land and take off. This does not include facilities for jets and helicopters.

**Private Kennel:** A facility in which no more than four dogs are housed, groomed, bred, boarded, or trained for personal use and not for compensation.

**Professional Office:** The office of a member of a recognized profession maintained for the conduct of that profession.

**Prohibited Use:** A use that is not permitted in a zoning district.

**Public Assembly:** Any area where large numbers of individuals collect to participate or to observe programs of participation. The most common include, but are not limited to, auditoriums, stadia, gymnasiums, field houses, theater, banquet rooms, or comparable facilities.

**Public Utility:** A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary to the public health, safety, and welfare including all uses deemed to be a public utility by New York State. Other uses may be a public utility if it provides a service that is essential to the public health, safety and general welfare, is regulated by a government agency, is granted an exclusive or near exclusive franchise for a specific geographic area, and is required to provide service to all who apply within their franchised area.

**Quarry:** Excavating and removing rock, stone, ore, minerals and similar materials from the subsurface.

**Radioactive Material:** Any material in any form that emits radiation spontaneously, excluding those radioactive materials or devices containing radioactive materials which are exempt from licensing and regulatory control pursuant to regulations of the New York State Department of Labor or the United States Nuclear Regulatory Commission.

**Rain Garden:** a shallow planted depression designed to retain or detain stormwater before it is infiltrated or discharged downstream.

**Recharge:** the replenishment of underground water reserves.

**Recreation, Outdoor:** A commercial use designed and equipped principally for the conduct of sports and leisure time activities, whether or not membership to said activity is required. Outdoor activities including but not limited to ball fields, tennis and racquet courts, swimming, bike trails, hiking, playing fields, batting cages, driving ranges, and similar outdoor activities conducted on a commercial or fee basis. Golf courses are regulated as a separate use.

**Recreational Business:** A place designed and equipped for the conduct of sports and leisure time activities for profit.

**Recreational Vehicle:** A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation use.

**Recycling Facility (Small):** A neighborhood drop-off point for the temporary storage of glass, plastic, or paper recyclables and where no processing of recyclables takes place.

**Recycling/Transfer Facility (Large):** A facility in which glass, plastic or paper recyclables are separated and processed, reprocessed or treated to return such products to a condition in which they may be used again in new products.

**Research Laboratory:** A building or group of buildings, in which are located facilities for scientific research, investigation, experimentation, or testing where products are not manufactured, serviced, repaired, displayed, or sold.

**Residence, Residential:** A building, or any part of a building, which contains living and sleeping accommodations for permanent occupancy. 'Residence', therefore, includes all one-family, multi-family, boarding, fraternity and sorority houses. However, 'residences' shall not include transient accommodations, such as hotels, motels and hospitals, or that part of a building containing both residences and other uses which is used for any non-residential uses, except accessory uses for residences.

**Resort, Resort Hotel, Resort Ranch, Resort Lodge:** An area of land on which is located a hotel or group of buildings containing living and sleeping accommodations hired out for compensation, which has a public lobby serving guests and contains one or more dining rooms and recreation facilities. These are self-contained uses that attempt to provide for all or most of a vacationer's wants while remaining on the premises, such as food, drink, lodging, sports, entertainment, and shopping.

**Restaurant:** An establishment where food and drink are prepared, served and consumed, mostly within a principal building. See also Outdoor Restaurant, Take Out Restaurant, and Temporary Retail Food Establishment.

**Restaurant, outdoor:** any part of a food establishment located outdoors, not used for any other purposes, and open to the sky with the exception that it may have a retractable awning or umbrellas, and may contain furniture, including tables, chairs, railings, and planters that are readily moveable.

**Restaurant, take-out:** An establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant part of the consumption takes place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

**Retail Business:** Establishments engaged in the selling or rental of goods or merchandise (usually to the general public for personal use or household consumption or use, although, they may also serve businesses and institutional clients) and in rendering services incidental to the sale of such goods.

**Retail Sales, Outdoor:** The display and sale of products and services, primarily outside of a building or structure, including vehicles; garden supplies, flowers, shrubs, and other plant materials; gas, tires, and motor oil; food and beverages; boats and aircraft; farm equipment; motor homes; burial monuments; building and landscape materials; and lumberyards.

**Retreat/Conference Center:** A facility used for conferences, seminars, or periods of seclusion, retirement, or solitude, with accommodations for sleeping, food preparation and eating, recreation, entertainment, resource facilities, meeting rooms, fitness and health facilities, and serves primarily for conference or retreat guests.

**Reverse Curve:** A street constructed with two curves bending in opposite directions.

**Ridge Top or Ridgeline:** The long, narrow crest or horizontal line of hills or mountains, usually at the highest elevation.

**Riding Academy:** Any establishment where horses are kept for riding, driving or stabling for compensation. According to New York State AML, riding academies are not considered farm operations.

**Right to Farm Law:** A State, County, or local law passed that states that an agricultural practice used on land subject to an agricultural assessment shall not constitute a private nuisance, when an action is brought by a person, provided such agricultural practice constitutes a sound agricultural practice pursuant to an opinion issued upon request by the commissioner of NYS Department of Agriculture and Markets.

**Right-Of-Way:** The property of a circulatory facility. (See Street Width)

**Road, Primary:** Where the subject property has frontage on two or more roads, this refers to the road that is used most intensively (e.g. has the greater volume of vehicular traffic). This usually corresponds to the public road classification and size, assuming county roads receive greater traffic than local roads, and that State highways have greater traffic volumes than county roads.

**Road, Private:** An access drive or roadway, privately owned and maintained, and not meant for use by the general public and that accesses two or more principal uses, that may exist, or that may exist in the future, and that have not been accepted by the Town as a public road

**Road, Right-of-Way:** A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, sidewalk, road shoulder, crosswalk, railroad, utility line, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses.

**Road, Secondary:** Where the subject property has frontage on two or more roads, this refers to the second (or least) most intensively used road (See Road, Primary).

**Road:** A public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, which affords the principal means of access to abutting property.

**Roof Line:** The highest portion of the outside top covering of a building or structure. Flat roofs also have a roof line even when there is no pitch and the surface of the roof is generally parallel to the ground.

**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, modular's, 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:

- a. In which open space and natural landscapes are preferred over built-up environments;
- b. In which clean air and dark skies are prized and protected;
- c. That foster traditional rural lifestyles, rural- based economies, and opportunities to both live and work in rural areas;
- d. Which values the nature of farming and the role it plays in the community, and accepts the sounds and smells of a working farm;
- e. That provide visual landscapes that are traditionally found in rural areas and communities;
- f. That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- g. That generally do not require extensive municipal services; and
- h. That are consistent with the protection of natural surface water flows and ground water and surface water recharge and discharge areas.

**Sandwich Sign:** A temporary self-standing sign or advertising display made of plywood or other solid material and designed or intended to be displayed only for the period of time the business is open or event taking place.

**Sawmill:** An operation using a mill to produce lumber products from raw uncut timber obtained onsite or offsite to be sold for commercial purposes.

**School/Educational/Training Facility, Public or Private:** A building or part thereof which is designed, constructed, or used for instruction or education including, but is not limited to elementary, parochial, private, secondary or vocational schools, and public higher education facilities, colleges, or universities. It shall also mean a business organized to operate for a profit, or an organization that operates not-for-profit offering instruction and training in a trade, service or art.

**Scenic Corridor Overlay Zone:** A zoning district established by the Town of Ancram to regulate land uses in a designated location, usually along one or more roads and having been identified as being scenic.

**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.

**Scrap or Salvage Yard:** A facility or area for storing, selling, dismantling, shredding, compressing, or salvaging scrap ferrous metal materials. A salvage yard includes the storing, dismantling, compressing or salvaging of any junk motor vehicles.

**Screening:** Vegetation, fencing, or earthen materials used to block visibility toward and/or away from a site. Screening may also be used to lessen noise, lighting or visual impacts from a particular site or from adjacent land uses.

**Secondary Conservation Area:** The area delineated in a conservation subdivision to have secondary resource areas to be conserved including, but not limited to agricultural lands, healthy woodlands holding important ecological functions such as soil stabilization and protection of streams, hedgerows and other vegetation features representing the site's rural past, historic structures or sites, and visually prominent features such as knolls, or hilltops.

**Sediment Control:** measures that prevent eroded sediment from leaving the site.

**Sediment:** Soils or other surficial materials transported by surface water as a product of erosion. Sedimentation occurs when there is a deposition of sediment and silt in drainage-ways, watercourses and water bodies which may result in pollution, murkiness, accumulation, and blockage.

**Seep:** Hydrogeologically sensitive location where groundwater flows back to the surface over a diffuse area, having no well-defined origin. Seeps have low flow rate and rarely have enough volume of water to form a stream. A significant characteristic of a seep is that the water is cooler than typical surface waters in the summer and warmer in the winter, which is a significant characteristic important to plants and animals.

**Self-Storage Facility:** One or more buildings consisting of self-contained units that are leased or owned for the storage of business or household goods. Existing structures such as barns may be suitable for use as a self-storage facility subject to a special use permit.

**Self-Storage Pod:** A large container designed and rented or leased for the temporary storage of commercial or residential household goods, that does not contain a foundation or wheels for movement. Examples of this use include piggyback containers that can be transported by mounting on a chassis, and "POD" type boxes that can be transported on a flatbed or other truck; but do not include prefabricated sheds that are not designed for transport after erection, or commercial trailers used by construction or other uses in the regular performance of their business.

**Senior Citizen Housing:** Multifamily housing designed for older people. This includes adult retirement community, assisted living facility, continuing care retirement community, and retirement community types of structures.

**Sensitive Environmental Features and Areas:** Refers to natural resource locations that have a high potential for significant damage or degradation from direct or cumulative impacts arising from new development or shifts in existing land uses. Some sensitive environmental features and areas have been inventoried, mapped or identified as being locally, regionally, nationally or globally significant for its rarity and/or degree of vulnerability. Typical examples include but are not limited to: wetlands, streams/river corridors, steep slopes, floodplains, highly erodible soils, and aquifer recharge and discharge areas, and habitats of rare or endangered species.

**Separation Distance:** Distance between the two closest points of reference between two facilities, structures, uses or properties (e.g. the distance between an on-site septic system absorption field and a well).

**Septage:** The contents of a septic tank, cesspool, or other individual wastewater treatment work which receives domestic sewage wastes.

**Septic System:** A on-site sewage disposal system (designed as a simple gravity or alternative system), which consists of a septic tank and septic field, in which waste material is distributed through a network of tile fields following a process in the septic tank where solids are settled out of the waste.

**SEQRA (State Environmental Quality Review):** Review of an application according to the provisions of the State Environmental Quality Review Act, 6NYCRR, Part 617 (Statutory Authority: Environmental Conservation Law, Section 8-0113), which incorporates the consideration of environmental, social and economic factors into the planning, review and decision-making processes of state, county and local government agencies.

**Service Business:** An establishment primarily engaged in providing assistance, rather than products, to individuals, business, industry, government, and other enterprises. Service businesses include, but are not limited to: personal services (examples include beauty salons, massage, instruction, counseling, repair, funeral); business/contractual services (examples include janitorial services/property maintenance, excavation, plumbing/heating, consulting); and professional services (examples include physicians, engineers, legal, financial).

**Setback:** The distance in feet between the building or other use and any lot line or designated point.

**Sewage:** The combination of human and household waste with water which is discharged to the home plumbing system.

**Sewer:** Any pipe or conduit used to collect and carry away sewage or stormwater runoff from the generating source to treatment plants. A sewer system is devices for the collection, treatment, and disposal of sewage of multiple dwellings and may be privately or publicly operated.

**Shared Access Way:** A means of physical approach for vehicular or pedestrian traffic into or out of a location that is shared and used by one or more different parcels of land.

**Shopping Center:** A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, and with provision for goods delivery separated from customer access.

**Shooting Preserve:** Wholly enclosed lands where the release and taking of propagated domestic game birds by shooting is allowed from September 1- April 15. A shooting preserve may or may not have a minimum acreage requirement, depending upon its classification as either a Class A or Class B shooting preserve as per DEC regulations. All lands used for a shooting preserve must be one contiguous block with the boundaries posted with appropriate signs in accordance with State Environmental Conservation Law section §11-2111 (Posting; service of notice), §11-1903 (Shooting Preserves), and NYCRR 6 NYCRR Part 153 Preserve License, 6 NYCRR Part 154 Domestic Waterfowl, and 6 NYCRR Part 175 Special License and Permits: Definitions and Uniform Procedures.

**Sight Distance:** The length of an unobstructed view from a particular access point to the farther visible point of reference on a roadway. Used in these regulations as a reference for unobstructed road visibility.

**Sign:** Any structure or part thereof, or any device attached to a structure or painted or represented on a structure which shall display or include any lettering, wording, model, drawing, picture, banner, flag, insignia, device, marking, or representation used as, or which is in the nature of an announcement, direction or advertisement. A sign includes a bill board, neon tube, fluorescent tube, or other artificial light or string of lights, outlining or hung upon any part of a building or lot for the purposes mentioned above, but does not include the flag or insignia of any nation or of any governmental agency or of any political, educational, charitable, philanthropic, civic, professional, religious, or similar organization, campaign, drive, movement or event which is temporary in nature.

**Sign Advertising:** A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered else-where than on the premises and only incidentally on the premises if at all.

**Sign Area (Face Area):** The area within the shortest lines that can be drawn around the outside perimeter of one side of a sign including all decorations and lights, but excluding the supports if they are not used for advertising purposes. Total face area is when all faces of the sign are counted in computing the area. Any neon tube, string of lights, or similar device shall be deemed to have minimum dimensions of one foot.

**Sign, Banner:** A temporary sign made of cloth or similar material that is used to advertise an event, season, community, neighborhood, or district and is sponsored by a recognized community agency or organization.

**Sign, Building Mounted:** A sign that is wholly dependent upon a building for support and that is mounted parallel to the building façade.

**Sign, Business:** A sign which directs attention to a business or profession conducted on the premises. A 'For Sale' sign or a 'To Let' sign relating to the property on which it is displayed shall be deemed a 'business sign'.

**Sign, Directly Illuminated:** A sign which incorporates any artificial lighting as an inherent part or feature or which depends for its illumination on transparent or translucent material or electricity or radioactive or gaseous material or substance.

**Sign, Directional:** Signs limited to directional messages such as 'one way,' 'entrance,' and 'exit.'

**Sign, Flashing:** An illuminated sign on which the artificial lighting is not maintained stationary or constant in intensity and color at all times while in use.

**Sign, Freestanding:** A sign that is attached to, erected on or supported by some structure such as a pole, mast, frame, or other structure that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of the sign.

**Sign, Ground Mounted:** A freestanding sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground.

**Sign, Height of:** The distance from the ground level, measured from the mid-point of the base of the sign, to the top of the sign.

**Sign, Illuminated:** A sign designed to give forth any artificial light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection.

**Sign, Indirectly Illuminated:** A sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere than on a plot where such illumination occurs. If such illumination is thus visible, such sign shall be deemed to be a directly illuminated sign. Indirectly illuminated signs have artificial light separated from and not an intrinsic part of the sign itself.

**Sign, Portable:** Any device on wheels or stand that is designed to be easily moved, the purpose of which is to display a sign.

**Sign, Projecting:** A sign that is wholly or partly dependent on a building for support and that projects more than 12 inches away from such building.

**Sign, Representational:** Any three-dimensional sign which is built so as to physically represent the object advertised.

**Sign, Roof:** A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat

roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

**Sign, Temporary:** A sign that advertises or gives direction to a business or activity that will terminate in seven (7) days.

**Sign, Window:** A permanent sign that is painted or mounted onto a windowpane, or that is hung directly inside a window solely for the purpose or effect of identifying any product or businesses from the sidewalk or street.

**Single-loaded Street:** An existing public way or private way which affords principal means of access on only one side to abutting properties and is suitably improved.

**Single Ownership:** Possession of land under single or unified control, whether by sole, joint, common or other ownership or by a lease having a term of not less than 30 years, regardless of any division of such land into parcels for the purpose of financing.

**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. Site Plan Review is the process, pursuant to Article VII of this law.

**Sketch Map:** Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for the initial review. May be used by the applicant as the basis for preparing the site plans for Planning Board review.

**Slaughterhouse:** a place where animals are butchered for food.

**Slope:** The vertical distance, in feet, between the highest elevation of a lot or development and the lowest elevation of a lot or development, divided by the horizontal difference between these two elevations, in feet, said horizontal distance ordinarily to be the natural course of stormwater runoff.

**Sludge:** The solid, semi-solid, or liquid waste generated from a waste processing facility, but does not include the liquid stream of effluent.

**Soils of Statewide Importance:** This is land, in addition to prime and unique farmlands, that is of statewide importance for the production of food, feed, fiber, forage, and oil seed crops. Criteria for defining and delineating this land are determined by New York State. Generally, additional farmlands of statewide importance include those that are nearly prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some may produce as high a yield as prime farmlands if conditions are favorable. In some states, additional farmlands of statewide importance may include tracts of land that have been designated for agriculture by state law.

**Solid Waste:** Material as defined in 6 NYCRR Part 360, including any garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded materials including solid, liquid, semi-solid, or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but not including solid or dissolved materials in domestic sewage, or solid or dissolved

materials in irrigation return flows or industrial discharges that are point sources subject to permit. Discarded materials that are being beneficially used pursuant to 6 NYCRR Part 360-1.15 are not considered solid waste.

**SPDES General Permit for Construction Activities GP-02-01:** A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

**Special Use Permit:** A land use which is deemed permissible within a given zoning district or districts, but which may have the potential to exhibit characteristics or create impacts incompatible with the purposes of such district. The special use shall, therefore, be subject to approval by the Planning Board in accordance with conditions set forth for such use, as well as other applicable provisions of this law.

**Spring:** Hydrogeologically sensitive location where groundwater flows back to the surface at a single point. Such flows can be small or large, and can form headwaters of streams. A significant characteristic of a spring is that the water is cooler than typical surface waters in the summer and warmer in the winter, which is a significant characteristic important to plants and animals.

**Stable:** A structure that is used for the shelter or care of horses and cattle.

**Stabilization:** The use of practices that prevent exposed soil from eroding.

**Stacking Lanes:** Off- street temporary parking space specifically provided for vehicles to park behind one another while waiting for drive-up customer assistance. This type of parking is required for bank window tellers, fast food restaurants, cash wash bays, etc.

**Start of Construction:** The initiation of any physical alteration of the property, excluding planning and design, during any phase of a project and shall include land preparation, such as clearing, grading and filling, installation of roads, excavation for a basement, footings, foundations, or the erection of temporary forms. Start of construction also includes any work for which a valid building permit is required.

**Steep Slope:** Land areas where the slope exceeds 15%.

**Stop Work Order:** Issued by the Zoning Enforcement Officer for nonconformance of this local law or by the Code Enforcement Officer or Building Inspector for nonconformance with the New York State Building Code. When a stop work order is issued, the owner of the affected property, the permit holder, and any other person performing, taking part in, or assisting in the work shall immediately cease all work that is the subject of the stop work order.

**Storage:** The holding or safekeeping of goods in a warehouse or other depository to await the happening of some future event or contingency which will call for the removal of the goods. Existing structures such as barns may be suitable as storage facilities subject to a special use permit.

**Stormwater Management Facility:** One or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

**Stormwater Management:** The use of natural features, or structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

**Stormwater Pollution Prevention Plan (SWPPP):** a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

**Stormwater Runoff:** flow on the surface of the ground, resulting from precipitation.

**Stormwater:** Rainwater, surface runoff, snowmelt and drainage.

**Story, Half:** That portion of a building situated above a full story and having at least two opposite exterior walls meeting a sloping roof at a level not higher above the floor than a distance equal to one-half the floor-to-ceiling height of the story below.

**Story:** That part of a building comprised between a floor and the floor or roof next above it. (See Attic, Basement and Cellar)

**Stream:** Perennial and intermittent water courses identified through site inspection and US Geological Survey maps. Perennial streams are those depicted on a USGS map with a solid blue line. Intermittent streams are those depicted on a USGS map with a dotted blue line.

**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.

**Street Tree:** A tree growing or planted along a road.

**Street Width:** The width of the right-of-way or the distance between property lines on opposite sides of a street.

**Street:** An existing public way or private way which affords principal means of access to abutting properties and is suitably improved; or a proposed way shown on a plat approved by the Town Planning Board and/or recorded in the office of the County Clerk.

**Structure:** Anything constructed or built, any edifice or building of any kind, which requires location on the ground or is attached to something having a location on the ground, including, but without limitation, buildings, stadiums, display stands, storage bins, signs, reviewing stands, gasoline pumps, mobile dwellings (whether mobile or stationary at the time), fences, swimming pools, covered patios, towers, poles, sheds, signs, tanks, etc., except outdoor areas such as paved areas and walkways.

**Subdivision review:** A process where the Planning Board reviews and approves all new lots to be created in the town.

**Subsidized Rental Unit:** Assistance toward rental or purchase price from public or private agency. This is different from "affordable housing" (see affordable housing definition above).

**Substantial Construction (or Substantively Commenced):** Any land use activity in which the lot has been cleared, graded, and the building's foundation and structure initiated.

**Surface Waters of the State of New York:** lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to man-made bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

**Swimming Pool:** A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches, designed, used, and maintained for swimming and bathing. A private swimming pool is an accessory use to a residence for the exclusive use of the occupants of the residential building and their guests.

**Tannery:** a place or building where skins and hides are tanned.

**Temporary Certificate:** Authorization for a land use activity for a limited period of time.

**Temporary Garage and Lawn Sale:** A temporary, private sale of household goods, furniture, clothing and other similar articles from a lawn, garage, or other accessory structure on a residential property for no more than 15 days per calendar year.

**Temporary Retail Food Establishment:** A retail food establishment that operates at a fixed location for a temporary period of time in connection with a fair, carnival, circus, picnic, concert, or public exhibition Hot dog stands or other similar peddler carts that sell food shall also be considered a temporary retail food establishment.

**Temporary Living Quarters:** A structure, camping unit, or campground used for a limited period of time that is measured in days to several months.

**Temporary Roadside Stand:** See Farm Stand.

**Terminal Vista:** A building, structure, streetscape, or landscape element such as open space that terminates a view and that provides a visual focal point from a location, typically from a public road or facility.

**Total Face Area:** The total sign area including all sides of a sign.

**Traditional Character of the Community:** Describes the qualities and attributes of Ancram's physical and visual landscapes that embody the varied events, traditions and personalities of its

past. Traditional character describes the architectural variety, style and scale of the Community, including color, proportion, form, and architectural detail. The physical layout of the Community, the landscape patterns, the pre-automobile network of roads, and other scenic and economic elements also contribute to Ancram's traditional 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 traditional character is strengthened by the presence of historic farmhouses, barns and out-buildings from the periods of its settlement by farmers in the 1700's and early 1800s. Our traditional character is also boosted by the presence of sites related to NY State and Federal Historic Register listed properties. Also see Rural Character, Historic Character.

**Traditional Neighborhood Design:** A development pattern that reflects the characteristics of small, older communities of the late 19th and early 20th centuries. Traditional neighborhood designs result in communities that are characterized by mixed of housing types, small scale non-retail commercial businesses, grid street patterns, pedestrian circulation, intensively-used open spaces, and buildings with consistent architectural character.

**Transmission Tower:** A support structure used to hold high voltage electrical wires and transformers.

**Transmission Facility:** A structure housing wires and equipment used to transmit electrical or phone signals.

**Use:** This term is employed in referring to the purpose for which any building, other structure or land may be arranged, designed, intended, maintained, or occupied; and any occupation, business activity, or operation conducted (or intended to be conducted) in a building or other structure or on land.

**Use, Accessory:** A use or structure which is incidental to, but associated with, the principal use such as a separate garage or shed, fencing, and recreational facilities (e.g. pool, tennis court, etc.).

**Use, Principal:** The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained.

**Variance, Area:** A variance from the area and bulk requirements or supplementary regulations of a related character (such as amount, size, location of design or access, off-street parking, landscaping, signs) to authorize on a specific lot a permitted use which could not feasibly be established without relief from one or more of the dimensional requirements pertaining to the district.

**Variance, Use:** A variance from the use regulations to allow the establishment on a specific lot of a use otherwise prohibited in the district.

**Vegetation:** Indigenous or introduced trees, shrubs, vines, ground covers, and herbaceous materials.

**Vernal pools:** 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 after 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.

**View Corridor:** The strategic removal of selected groupings of trees and other vegetation from a forested area to allow for long views from doors and windows of a structure.

**Viewscape:** A unique view to or from a particular point.

**Visual Impact Analysis:** A process used to analyze the visibility of a project, structure, building, or use from a variety of points or locations. NYS DEC publishes guidance documents that outline procedures for conducting such an analysis.

**Warehouse:** A building or part of a building no larger than 20,000 square feet including existing structures such as barns, for storing of goods, wares, and merchandise. A public warehouse is used primarily for the storage of goods and materials and is available to the general public for a fee. Private warehouse is a building used for the storage of goods and materials for a particular commercial establishment.

**Water, Ground:** Water that infiltrates into the ground, accumulating and saturating the spaces in earth material.

**Water, Surface:** Water contained in streams, rivers, ponds, wet areas, lakes, and other water-bodies and watercourses, or that drains across land.

**Water-body:** Any natural or man-made body of water, such as a pond, lake, wetland, or wet area which does not necessarily flow in a definite direction or course.

**Watercourse:** a permanent or intermittent channel or stream or other body of water, either natural or man-made, which gathers or carries surface water.

**Watershed:** The area which is a drainage basin for a particular freshwater body.

**Waterway:** a channel that directs surface runoff to a watercourse or to the public storm drain.

**Way:** A thoroughfare, however designated, permanently established for passage of persons or vehicles.

**Wetlands:** Lands and submerged lands commonly called, but not limited to swamps, marshes, sloughs, bogs, flats, pools, vernal pools, fens, natural ponds, kettle ponds, wet meadows, lakes, and streams supporting aquatic or semi-aquatic vegetation as defined and used by the NYS Department of Environmental Conservation (DEC) and US Army Corps of Engineers (ACOE). The US ACOE or NYS DEC is the governing body for matters affecting wetlands, depending on the size of those wetlands. If wetland is less than 12.4 acres, US Army Corps of Engineers definition shall apply; If 12.4 acres or larger, NYS Department of Environmental Conservation definition shall apply.

**Wind Turbine:** Any mechanism designed for the purpose of converting the kinetic energy of wind into electrical or mechanical energy.

**Wind Power Facility, Non-Commercial (NWPF):**

1. When not used in connection with farm operation, an NWPF is defined as a single wind turbine with a generating capacity of 27.5 kW or less designed solely for on-site power consumption except that unused or excess power may be sold to an electrical utility company in accordance with the provisions of Section 66-l of the New York State Public Service Law.
2. When used in connection with “farm operation” as such is defined in Section 301, subdivision 11 of the New York State Agriculture and Markets Law (NYSAML), an NWPF is considered an on-farm building and is further defined as a single wind turbine designed solely for on-site power consumption as governed by the NYSAML and/or Section 66-l of the New York State Public Service Law.

**Wind Power Tower:** The support structure to which a nacelle and rotor blade are attached.

**Wind Power Tower Height:** The height from the original grade of the land to the highest point of any part of the wind turbine including the top of the blade when it is in the vertical position.

**Workforce housing:** Housing that is economically feasible for families whose income level is categorized as moderate within the standards set by HUD or a local housing agency.

**Yard, Front:** A yard extending across the full width of the lot and lying between the front lot line of the lot and the nearest point of the building.

**Yard, Required:** That portion of the open area of a lot extending open and unobstructed from the ground upward, along a lot line for a depth or width as specified by the bulk regulations of the district in which the lot is located. No part of such yard shall be included as part of a yard or other open space similarly required for buildings on another lot.

**Yard, Side:** A yard situated between the building and the side line of a lot and extending from the front yard rear line (or from the front lot line, if there is no required front yard) to the rear yard front line or rear lot line).

**Yard, Rear:** A yard extending across the full width of the lot and lying between the rear lot line of the lot and the nearest point of the building.

**ZBA (The Zoning Board of Appeals):** The board designated by the Town to consider requests for variances to and interpretations of the Town Zoning Law.

**Zoning Enforcement Officer:** The administrative officer designated to administer the zoning law and issue zoning related permits.

**Zoning Permit:** A document signed by the Zoning Enforcement Officer and as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure, or building complies with the provisions of the Ancram zoning law or authorized variance.


# Town of Ancram Columbia County, NY

## Ridgeline/Steep Slope Identification and Protection Map

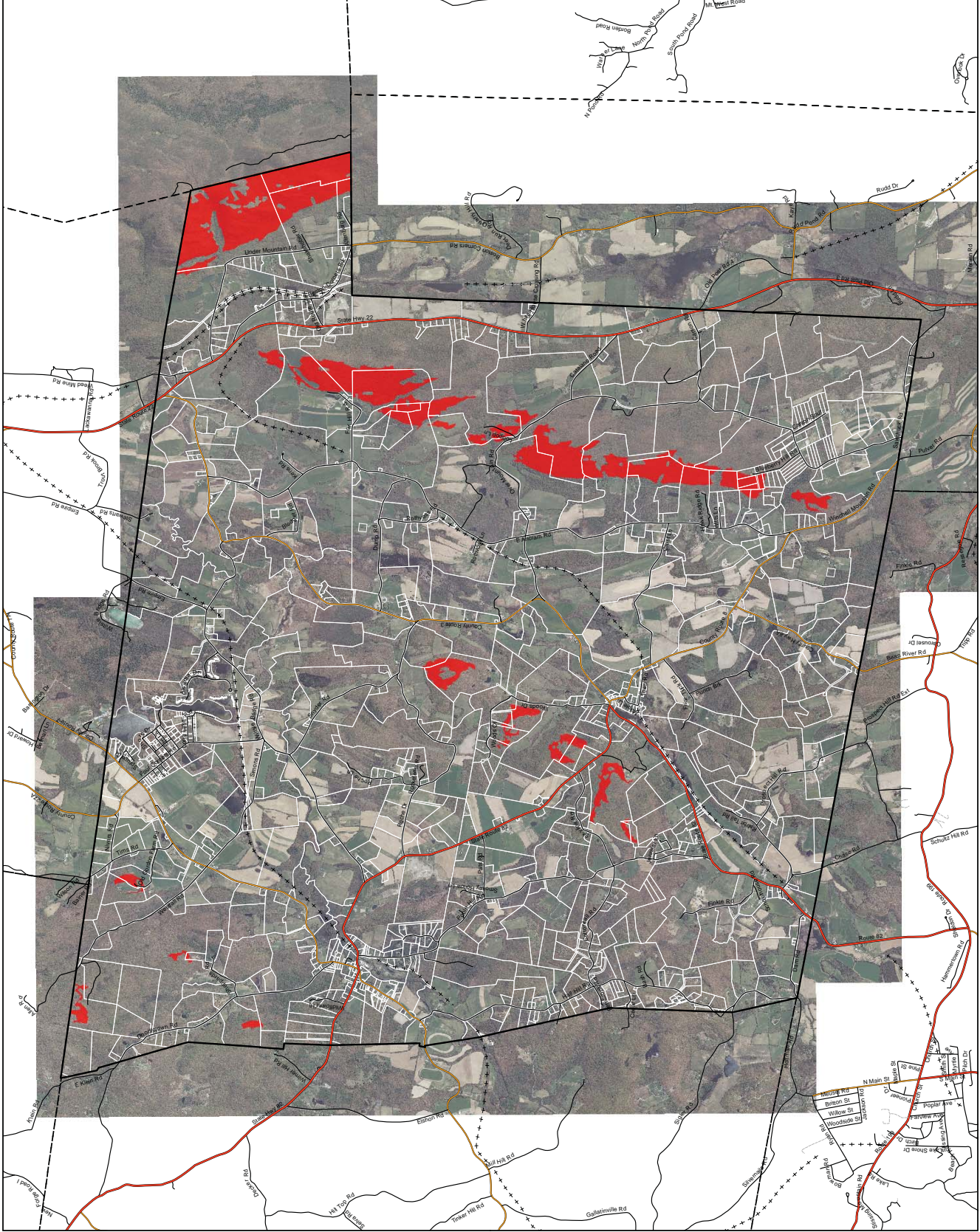
Over 800' elevation,  
with slope exceeding 15%,  
visible from more than 4 miles of road,  
and areas 3.5 acres or larger

- Town Boundary
- Neighboring Towns
- Roads**
  - State Route
  - County Road
  - Local Road
  - Private Road/Parking Driveway
  - Railroads (abandoned)
- Parcels
- Ridgeline/Steep Slope Protection Overlay District (RSSPOD)

Map Date:  
4-28-2014




Community Planning &  
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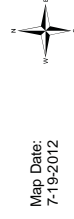


# Town of Ancram Columbia County, NY

Note: There is an obvious error in the 100 year flood hazard zone around the Hamlet of Boston Corners. This is a problem with the digital data. The official paper FEMA FIRMS should be consulted to verify any flood zones shown on this map.

## Zoning Map

- Town Boundary
- Property Boundaries
- Water and Streams
- Streams
- Roads**
  - State Route
  - County Road
  - Local Road
  - Private Road/Parking
  - Driveway
  - Railroads (abandoned)
- Zoning Districts**
  - Hamlet Business Residential Districts
    - Ancram (AH-B/R)
    - Ancramdale (ACh-B/R)
  - Hamlet Residential Districts
    - Ancram (AH-R2)
    - Ancramdale (ACh-R2)
    - Boston Corners (BCH-R2)
  - Lower Rhoda Residential District (RhoR1)
  - Carson Road District (CarsRd)
  - Agriculture District (Ag)
  - Light Industrial District (I-1)
  - Area of Flood Concern (F)
  - Scenic Corridor Overlay Zone (SCOZ)



Map Date:  
7-19-2012

0 0.25 0.5 1 1.5 Miles



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