

**Town of Ancram
Zoning Revisions Committee
28 October 2019**

Members Present: Hugh Clark, Beth Corteville, Jim Miller, Steve Olyha, Erin Robertson, Dennis Sigler
Members Absent: Terry Boyles, Carol Falcetti, Donna Hoyt, Bonnie Hundt, Bob Roche

The Chair called the meeting to order at 7:00 p.m.

The committee approved minutes of the 21 October meeting.

The 2019 Comprehensive Plan calls for implementation by stakeholders (pp. 25-26). Accordingly, on 1 June, The Comp Plan Implementation Committee charged various panels, including the Hamlet Planning Groups, to execute specific Comp Plan strategies. To help the Boston Corner HPG focus its research, deliberation, and conclusions on questions most helpful to the ZRC and Town Board, committee members examined and approved draft guidance to the BC HPG, including target dates for delivery.

Guidance to the Boston Corner HPG focuses on strategies 7.1.1. (identify all businesses to include in ZL), 7.1.2. (BC as mixed-use bus/res hamlet district), and 4.3.3. (hamlet boundaries) and requests facts and recommendations not later than 15 April 2020.

Given Comp Plan strategy 7.1.4. (“Add short term rentals to the use table.”) and strategy 7.1.4.2. (“Consider registration/regulation of STR to avoid adverse effects on community character.”), the committee examined options in order to determine the best approach to accomplish these strategies. Two principal options emerged: (1) the ZRC could research and examine all aspects of these strategies as a “committee of the whole;” or (2) the ZRC could appoint a sub-committee to research, deliberate, and report their conclusions to the ZRC as a foundation for further deliberation and recommendations by the full ZRC to the Town Board.

Before deciding which option to use, committee members identified and discussed several questions/tasks that must be researched and answered/accomplished either by a sub-group or by the committee working as a whole. These include, *but are not limited to*:

*What is a “short term rental” property? Define STR—including physical configurations (e.g. space, room, entire structure, perhaps even land without a structure) and time factors (e.g. what constitutes rental for a “short term?”).

*What are the components of “community character” that may be “adversely affected?”

*What, if any, adverse effects have STRs exerted on Ancram’s community character? Note: members cited experience with, or potential concerns about, noise, litter, sanitation, fire/carbon monoxide safety, intrusion on others’ property, theft, excessive renters/guests per space available, etc.

*What are adverse effects that STRs may exert, or are likely to exert, on community character?

*Where, if anywhere, have STRs adversely affected community character? If so, have adverse effects occurred wherever there are STRs in town or only in certain locations?

*Have adverse effects occurred in all types of STRs, or only in certain types of STRS? What sorts of adverse effects? In which types of STRs?

*Looking at the experience of other municipalities, what are the benefits that STRs have brought to communities, especially rural communities, in the Northeast?

*What are the adverse effects that STRs have brought to communities, especially rural communities, in the Northeast?

*Where should STRs be inserted in the Use Table? In all districts? In some districts? Which ones?

*What review and controls, if any, should be established for STRs to preclude or minimize adverse effects on community character?

*Should review and controls, if any, be the same for all STRs of all types in all districts, or should any review and controls vary according to type of STR and the district in which it's located?

Members also noted a recent STR situation and the benefits of affected neighbors reaching accord on a set of standards that were publicized among owners and renters in that neighborhood.

Members determined that the best approach to sound research and thorough deliberation about strategies 7.1.4. and 7.1.4.2. would be to designate a sub-committee of 3-5 persons who have experience with varying sorts of STRs in various zoning districts. Sub-committee members must be willing and able to devote sufficient time and thought to properly research STR issues and reach reasonable conclusions. The sub-committee would periodically report its progress to the ZRC and, at a time to be determined, would convey its research and final conclusions to the full ZRC. The ZRC would then review all sub-committee findings and recommendations, and conduct its own deliberations, before presenting its recommendations to the Town Board.

It is likely that a member of the ZRC will chair the sub-committee. However, individuals appointed to the sub-committee need not be members of the ZRC. Those who are interested, but do not have sufficient time to serve as a sub-committee member, could be interviewed or otherwise aid during the research phase of this project. Mr. Olyha and Mr. Miller will approach 2-3 potential sub-committee members, explain the project, and determine whether those individuals want to participate. The Chair will approach his counterparts on the Economic Development Committee to determine interest and identify a potential member from that panel.

Further deliberation and decision will occur at the next ZRC meeting on 4 November.

The committee then examined a feature of the 2014 Zoning Law to determine whether an adjustment is warranted.

"Business Uses" on page 29 of Article III, Uses, include "Auction House (agricultural items including animals and equipment)" and "Auction House (non-agricultural items.)" On page 199 of Article XIV, Definitions, "auction house" is defined as "a place where items are offered for sale to persons who bid on the object in competition with each other."

However, all auctions do not occur in auction houses. For example, there are real estate auctions that occur on a site where the property and/or structure itself is to be bid upon. There are "estate auctions" on a site where the contents of a structure or structures are to be bid upon. There are farm auctions, going-out-of-business auctions, and similar one-time or infrequent sales events conducted in an auction format.

The Zoning Law contains no definition for "auction," nor does "auction" appear in the Use Table and "uses not included in the Use Table shall be prohibited" (Article III A 3). Hence, the question: Should "auction" as an event not conducted in an auction house be defined and included in the Use Table?

Reviewing the difficulties encountered by applicants, the ZEO/Building Department, and the Planning Board when dealing with this omission, and the realities of traffic safety, parking, sanitation, noise, litter, and other public factors that may be associated with such events, ZRC members

determined that auction as an event not conducted in an auction house should be defined and included in the Use Table.

Concurrent with this determination, the ZRC stressed that they do not intend for the definition and use designation to be applied to raffles, silent auctions, and like events conducted as fund-raisers by churches, social organizations, the fire company, and similar organizations when those fund-raising events are ancillary to a featured event such as a community dinner.

The ZRC examined the wording of two draft definitions of “auction.” The Chair will work with Nan Stolzenburg to refine those definitions so the committee can reach a determination at its next meeting.

The ZRC also agreed that auctions as events should be permitted in all districts, subject to Special Use Permit.

When discussing potential fees, committee members tentatively distinguished two types of auctions as events. For a one-time event, such as an auction by which a farmer or business is closing down, the ZRC suggests no fee—although the SUP would still apply. For an event at which items regularly on site are auctioned, but also items are brought to the site to be consigned for auction, the ZRC suggests that the SUP application fee plus an oversight fee be charged. Additional deliberation will occur at the next meeting.

As the meeting concluded, with great regret, Beth Corteville tendered her resignation from the ZRC, effective immediately. Beth works for the US Department of Housing and Urban Development. HUD’s Regional Counsel has directed her to resign from the ZRC to avoid any possible appearance of a conflict of interest. Committee members applauded Beth’s work with the committee to this point and conveyed their dismay and disappointment that she has been forced to curtail her contributions. All encouraged Beth to continue conveying her well-reasoned perspectives as a citizen of the Ancram community.

The next meeting will convene at 7:00 pm, Monday, 4 November 2019.

The committee adjourned at 8:40 pm.