

**ANCRAM PLANNING BOARD**  
**March 4th, 2021**  
**Via Zoom**

**Board Members Present:** John Ingram, Joe Crocco, James Stickle, Dennis Sigler, Erin Robertson, Ann Rader (alternate), Palmer Irving (alternate)

**Board Member(s) Absent:** Bob Roche

**Others Present:**

On March 4, 2021, the monthly meeting of the Town of Ancram Planning Board was called to order at 7:05 PM by the Chair, John Ingram.

**Minutes:** Due to a family emergency the minutes from February were not completed.

**Correspondence:** The CCPB had responded to the LebensArt referral.

Terry Boyles submitted a letter of resignation to John Ingram. Following a brief discussion it was decided that Ann Radar would fill-in and vote on applications.

**Conflicts Check:** The Chair asked if there were any conflicts there were none.

**OLD BUSINESS:**

**Danny Velazquez**

**Abbreviated Site Plan Review**

**State Route 22**

**215.-1-12**

Pat Pendergrast responded to the contents of the CAC memo, attached as Exhibit A. He noted that the requirements the CAC referenced were not requirements for a single-family residence. The Applicant does not plan any tree removal along Route 22. The topography was placed on the map using data from the NYS GIS clearinghouse. The driveway was designed to be comply with the code and keep a 10% grade. The Applicant will obtain a SWPPP.

John Ingram asked if there was anything in the CAC memo Dany wished to address.

He stated that the DEC's concern was limited to the tree removal.

Dany stated that he had contacted the Columbia Land Conservancy.

James Stickle asked about the total disturbance.

They believe that the disturbance will be 2.72 acres and the actual disturbance will be 1.5 acres.

The plan is to have a modular with walkout.

Regarding the driveway and foundation they will start with a D8 and if that is not adequate will move to a hydraulic hammer or blasting.

The residence will be a 3 bedroom 2 bathroom and under 2,000 square feet.

John Ingram asked when the driveway could be flagged.

They believe it could be done by the following week.

James Stickle motioned to authorize John Ingram to sign a resolution permitting the tree removal after the CAC and the Planning Board had a chance to look at which trees would need to be removed following the staking of the proposed driveway. The motion was seconded by Joe Crocco. John Ingram, James Stickle, Dennis Sigler, and Joe Crocco voted in favor and Erin Robertson and Ann Radar abstained. Motion carries.

#### **NEW BUSINESS:**

##### **Iron Star**

##### **Pre-Application Conference**

##### **Site Plan and Special Use Permit**

##### **2540 Route 82**

##### **Parcel ID: 205.-1-24.7, 205.-1-24.5, 205.-1-24.6**

Taylor Palmer presented on behalf of The Applicant. The majority of the property is in the Agricultural district. There are 4 lots. Lot 2 will be the site of a single family residence. The Applicant is proposing a 15 unit inn, and 14 glamping sites. They estimate there were be approximately 19 vehicle trip/hour. The project contains individual wells and septic. The disturbance will be over 1 acre. The project will be dark sky compliant. The issue was raised about whether the Short Term Rental law would apply.

John Ingram asked about campers (RV's)

There will not be any hookups for RVs.

The intersection of 82 and 7 was discussed.

James Stickle motioned to declare the Ancram Planning Board Lead Agency. The motion was seconded by Joe Crocco. All in favor, motion carries.

James Stickle motioned to grant sketch plan approval. The motion was seconded by Dennis Sigler. All in favor, motion carries.

**Spencer Schattman**  
**Abbreviated Site Plan Review**  
**1232-14 County Route 7**  
**205.-1-72**

The Applicant plans to add a garage to the existing cabin. The reason for the referral was due to the proximity to the Roe Jan. The garage will be 676 square feet, two car garage. The garage will come off the existing driveway with no change to the driveway. The garage will not be over the septic or well. It is close to the property line but there is currently a berm, which will create some natural screening. The proposal does not include any living space simply storage.

Dennis Sigler motioned to declare the Ancram Planning Board Lead Agency for the purpose of environmental review. The motion was seconded by Joe Crocco. All in favor motion carries.

Joe Crocco motioned to classify the project as a Type II action, not requiring environmental review. The motion was seconded by Dennis Sigler. All in favor, motion carries.

Joe Crocco motioned to approve. The motion was seconded by Dennis Sigler. All in favor, motion carries.

**Stein/Potkin**  
**Abbreviated Site Plan Review**  
**162 Pat's Road**  
**213.-1-7.200**

The Applicant plans to convert a shed to a home office. There will be a bathroom connected to a tank and the existing septic. Clients will come to the office on occasion but there will not be any employees. The Applicant plans to extend the driveway by approximately 100 feet. There will not be a kitchen but the office will include a small kitchenette. There will not be signage.

James Stickle motioned to declare the Ancram Planning Board Lead Agency for the purpose of environmental review. The motion was seconded by Dennis Sigler. All in favor motion carries.

James Stickle motioned to classify the project as a Type II action, not requiring environmental review. The motion was seconded by Erin Robertson. All in favor, motion carries.

Joe Crocco motioned to approve. The motion was seconded by Dennis Sigler. All in favor, motion carries.

**Dominick Buttner**  
**Pre-Application Conference**  
**Special Use Permit**  
**261 Boston Corner Road**  
**208.-1-18**

The Applicant has had a business repairing motorcycles, ATVs, and UTVs since 2010. He has lived in Ancram since 1999. Now he is seeking to become a DMV licensed repair shop. He constructed the garage in 2013 with the intent of using for his business. The Applicant has stated that he plans to keep everything within the garage.

The Applicant plans on having a small 2 by 3 sign on the building and the lights will be the existing lights.

The Applicant would plan on taking the waste oil to one of the local shops. There will not be any drains in the garage. The Applicant has a waste oil tank. All metal is taken to scrape and waste tires go to Catskill

There will not be a test track.

The Board needs a survey or Site Plan, with setbacks, and a note on the map that there will not be any outside parking and/or storage of equipment being serviced.

The property is in the wetland check zone.

James Stickle motioned to declare the Ancram Planning Board Lead Agency for the purpose of environmental review. The motion was seconded by Dennis Sigler. All in favor motion carries.

James Stickle motioned to set the Public Hearing for May 6, 2021 at 7PM. The motion was seconded by Dennis Sigler. All in favor, motion carries.

James Stickle motioned to grant sketch plan approval. The motion was seconded by Joe Crocco. All in favor, motion carries.

The Board briefly discussed the proposed the proposed local law updating the Zoning Code. Joe Crocco mentioned that the Zoning Code should not discuss building code rather relate back. Joe Crocco was not sure about the legality of requiring a performance for a private venture. Further, the Planning Board questioned the wisdom of requiring fencing as some projects would be extremely large.

Joe Crocco motioned to adjourn the meeting. The motion was seconded by James Stickles. All in favor, motion carries.

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Respectfully submitted,  
J. Hoffman, Secretary Town of Ancram Planning Board

# EXHIBIT A

To: The Town of Ancram Planning Board  
From: Town of Ancram Conservation Advisory Council  
Date: February 18, 2021

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Thank you for your February 6, 2021 request for CAC to review the Route 22 Velazquez application and the potential environmental impacts of the proposed house, septic and driveway. We received the application information on February 6, 2021 and did a site visit on February 10, 2021 with Danny Velazquez.

We made the following notes base upon our site visit:

- The driveway entry was flagged but not the driveway itself, the house site nor the septic field. With the owner's assistance we were able to review the general areas of proposed construction.
- It is evident from our site visit that the site plan contours do not reflect the actual variation in the land. For example, midway up the property the slopes appear to be much steeper than shown on the site plan and there are some plateau areas beneath those steep slopes that are also not reflected in the contour information.
- The stream is within the southwest corner of the property and adjacent to the southern border. Some of the upper driveway is included in the stream watershed. The revised site plan did not show the correct buffer measurements along the entire stream corridor taken from the edge of the waterway, including the associated slopes, as per the zoning law.
- The driveway plan as shown will impact a large number of older oak trees. The actual driveway plan needs to be flagged to show how it will avoid or mitigate impact on larger trees.
- In regards to the site plan, the swath of cut and fill and area of impact for trees will be much wider than shown on the cut and fill plan. The cuts will be made on steep, wooded land.
- Given that the septic field is proposed on a sloped wooded area, the area of tree removal will be far beyond the actual field plotted on the site plan.
- The cut areas for the driveway, house and septic will be visible from the Boston Corner homes and Taconic Park public areas.
- Herbacious rare plant identification was impossible due to deep snow cover.

## Research;

The Velazquez parcel is located in the Ancram Scenic Corridor Overlay Zone (Zoning Law V.B. 3. Pg 99) which includes some of the Town's and surrounding community's premium scenic and environmental assets. The scenic resources contribute significantly to the overall rural character of the Town and possess attributes which the community seeks to preserve and enhance while accommodating growth and change. The purpose of the zoning law is to provide a predominantly open and rural character to the town, to preserve the natural environment and to protect one of

the Town's significant scenic resources as identified in the Scenic Resources Protection Plan adopted by the Town Board.

The Town of Ancram Natural Resources Conservation Plan (NRCP) was adopted by the Town to determine the critical environmental areas and the natural resources that should be protected. As per the NRCP, the Velazquez parcel is located on the Fox Hill Round Ball Mountain corridor which:

- Has 2 of the 3 highest elevations in Ancram and is a significant scenic resource.
- Has the largest contiguous forest area within Ancram and is substantially unaffected by human land uses.
- Is identified by the DEC as a 'Significant Biodiversity Area' with a high concentration of biological diversity or value for regional diversity.
- Has exposed ledges which are rare and critical habitat.
- Has steep slopes with shallow soils prone to erosion.
- Has many wetlands and small streams.
- Provides groundwater that feeds fens and other wetlands, streams, and farms in the lowland areas to the east and west.
- Have been identified (the eastern parts, where this parcel is located) as important areas by the NY Natural Heritage Program.

The proposed dwelling would be located near the highest area on the parcel -- about 1,016' elevation. The Ancram Steep Slopes map shows this parcel to be mostly 15% to 25% slopes and some areas on the parcels are 25 to 45% slope. These are considered to be extremely steep slopes.

**NRCP pg 9**

Steep Slopes and Shallow Soils Map shows that this parcel has shallow soils on steep slopes. The Town of Ancram seeks to protect steep slopes as part of the larger Comprehensive Plan objective to maintain and protect the rural, scenic character of the town. Shallow soils are prone to erosion and any soil disturbance would cause runoff rather than ground water recharge.

**NRCP pg 18**

Clearing vegetation and disturbing soil on steep slopes or in areas of shallow soils often leads to rapid runoff precipitation and snowmelt, erosion of soils and destabilization and siltation of nearby streams.

**NRCP pg vii**

...the town needs to guard against the potential for residential sprawl -- widespread low density residential development that in Ancram tends to happen not in large subdivision projects, but one house at a time. The current fashion for building houses at high elevations and for constructing long driveways to set houses back from a road can be harmful to scenic landscapes, biodiversity, and water resources. The more splendid the view from any house location, the larger the visual impact on the landscape of the house and associated disturbance.

#### **NRCP Pg 40 Forests**

Large forests are a declining habitat in the region, so protection of large forested areas, and prevention of further forest fragmentation is a major goal of this plan. Prioritizing conservation of large forests can protect habitat for many plants and animals of conservation concern, maintain habitat connectivity, facilitate plant and animal movement in a changing climate, protect ground water and surface water resources, promote and maintain high levels of carbon sequestration and preserve scenic view sheds.

#### **NRCP Pg 52**

NY Natural Heritage Program "Important Areas" are identified as areas important for the health of rare plants, rare animals and significant ecosystems. The purpose of the designation is to alert landowners, developers, municipal agencies, and other land use decision-makers to the potential for impacts to rare species and rare communities, so that the most sensitive areas can be protected.

#### **NRCP Pg 52 High Elevation Areas**

High elevation areas of mountains, ridges and hills, especially those that are remote from frequent human activity, often serve as important core habitats and travel corridors for area-sensitive wildlife such as black bear, bobcat and fisher -- animals with large home ranges that require large areas of substantially undisturbed forested habitat. They are generally intolerant of human activity near their dens and nursery sites. Artificial lights on ridge tops and hillsides cause injury to migrating birds and disrupt navigation.

#### **NRCP**

##### **Pg 79 Action Items for Conservation**

##### **#10 Closely scrutinize erosion control and storm water**

Soil disturbances should be kept to the absolute minimum. Exposed soils on the steep slopes should be covered with erosion mats and seeded with a quick germinating ground cover to prevent loss of soil. Silt fence and collection ponds should be used at all areas of construction to prevent storm water runoff.

#### **Town of Ancram Zoning Law**

##### **Article VII Site Plan Review F. 2. Page 187**

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, streamside and streamside vegetated buffers, rare threatened or endangered wildlife habitats...

c. ... The building envelope shall also be sited to avoid stream and stream vegetated buffers.

##### **Definition of Stream Buffer page 260**

A 100' area extending along both sides of a watercourse, 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 pesticides or herbicides, placement of septic systems, and placement of dwellings, other kinds of development, mining, and commercial logging are prohibited in order to protect water quality and ecological health of streams.

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.

Article V, A. 21. Stormwater page 89

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. Article V, B. Scenic Corridor Overlay Zone pg 99

9. Site Plan Review

The development standards set forth herein, as well as the development criteria set forth under the Town's Zoning Ordinance, all of which provide for the preservation of;

b. The scenic quality of the rural landscape and mountain environment through the retention of native vegetation and natural rolling topography.

**CAC findings and recommendations;**

1. The building envelope including the driveway with its many switchbacks, will result in significant forest fragmentation and its associated harmful impacts on soils, drainage, scenic views and wildlife. The CAC does not see that the proposed site plan tries to preserve the natural resources to the maximum extent as per the zoning law. The long winding driveway on the steep slope disturbs a significantly large proportion of the fragile parcel of land. It is the recommendation of the CAC that the building envelope should be located further down the mountain side to help reduce the many environmental impacts.
2. As our research shows, this site is ecologically important to the Town of Ancram and the surrounding community. Currently, there are no other homes on the east side of Fox Hill at the high elevations proposed by this project. Houses at that elevation would set a standard for new construction in the Scenic Corridor Overlay Zone that also goes against the Ancram Comp Plan goals and The Natural Resource Conservation Plan recommendations for land use planning and land development.
3. The views of this site from the protected lands and mountains to the east, the Rail Trail and homes in Boston Corner are part of the Scenic Corridor Overlay Zone protections and will be impacted significantly by the length, width and high elevation tree clearings.
4. There are many significant older oaks in the 20 to 30" caliper size that are in the path of the engineered driveway plan -- some likely to be over 100 years old. These older trees are key habitat for bats and many other animals (since many of the trees have cavities); therefore the driveway layout should be flagged out so the applicant can show how they plan to avoid older and significant trees.
5. Given the expense of going to the top of this Fox Hill slope, it is likely that this or any future property owner will want to clear trees in order to create views. This area of

clearing should be reviewed so there is clarity on how much actual clearing is planned and permitted. The applicant should understand the process of vista pruning rather than tree removals to gently open windows to the view specifically and with care. As per the Town regulations for steep slopes, the applicant needs to show how it will "maintain the continuity of the tree canopy when viewed from publicly accessible locations."

6. Some of the proposed grading work for driveway and house is within the watershed of the stream. We recommend clearly flagging the 100' buffer from the top edge of the ravine including the watershed slopes to prevent any disturbance in those areas. As per the Zoning Law.
7. The very long steep driveway and extent of tree removals will dramatically alter the natural drainage patterns of the site. The drainage plans should include storm water collection areas to reduce runoff and provide for ground water recharge.
8. The shallow soils are highly subject to erosion and all protections should be clearly shown and described on the site plan for all areas of disturbance for the contractors and the ZEO to enforce before and during construction. This should include silt fence, erosion mats, seeding and planting plans. CAC recommends that native grass seed mixes be used for all disturbed soils. Plantings on all areas of 15% slope or greater should include native woody understory shrubs and trees to prevent erosion.
9. This proposed house site is within a mostly undisturbed wildlife ridgeline corridor and will impact travel and migration paths and will reduce habitat for many different species. Building lower on the site will help reduce this impact.
10. The stream is also a natural wildlife corridor so locating the house on the northern side of the property and protecting the buffer zone from any disturbance will help reduce the impact to the stream corridor.
11. The site should be reviewed during better conditions to identify areas of rare plants that are typical of steep forested mountain sides to avoid disturbance.