

**Town of Ancram
Town Board
Regular Meeting
December 16, 2021**

Present: Supervisor Arthur Bassin Councilman Hugh Clark
 Councilman David Boice Councilwoman Madeline Israel
 Councilwoman Bonnie Hundt Town Clerk Monica Cleveland
 Highway Superintendent James Miller

The regular meeting of the Ancram Town Board was called to order by Supervisor Bassin at 7:15pm with a salute to the flag.

Mr. Bassin asked if there were any items on the agenda any town board member felt they needed to recuse themselves from. There were none.

A motion was made by Councilwoman Hundt and seconded by Councilman Boice to approve the minutes of the previous meeting. Motion carried.

Kelsey West of Climate Smart Planning with Cornell gave a presentation on behalf of the Climate Smart Task Force. She had done research on the towns climate resilience and had a recommendation checklist. Some items included an open space plan, emergency preparedness, flood management plan, trainings on flood prone buildings, etc. She said that the more of the items on the check list the town addresses, the better the town's scoring for the grant process will increase. One item the town could look at is the Ancram Emergency Response Plan. The town should include Routes, timing, transportation. Councilman Clark asked about the Columbia Counties digital Flood Insurance Rate Maps maps. Ms. West said that this is slowly getting completed but that there are no updates yet. Mr. Bassin asked the CSCTF to look at the recommended actions list, choose the top three they felt could be looked at, and map out costs, a timeline and possible grant money.

The Iron Star development project presented the town with a petition requesting the town to consider revising the town zoning map to move 13.27 acres of the property out of the Ancram Hamlet Zoning and into the Ancram Ag Zone. The group was represented by the attorney Taylor Palmer, engineer Mike Bodindorff and owner Stacy Sturgen. The 13.27 acres are a part of the overall 150 acres, of which 90% is in the ag district. The property is four separate lots. The board was informed that the project is in front of the planning board at this time and that the project will include a horse trail, barns, an organic farm stand, cabins and a "glamping" area. The "carve out" of 13.27 acres, in the opinion of the owners and developers, does not go along with any lot lines and makes no sense. Councilwoman Hundt asked about the plan having two larger houses on it. The answer was yes, in the place where the old house burned down and the existing home. Councilwoman Israel questioned the proposed farm help housing and where the organic farming is going to be. Mrs. Israel said that to be organic farming there are certain steps,

like letting the ground be fallow for a time. The answer was that it had not been decided where the crops will be or what they will be but that the land has not been farmed in some time. Councilwoman Hundt pointed out that two families were put out of their homes when two trailers were removed from the property. The project has taken away two affordable houses, something Ancram lacks. She asked how many this project will employ. The answer was there will be fourteen jobs at the inn and 2-3 farmhands. There was a question about glamping and what it is. The answer was glamorous camping. Councilman Boice asked about the road into the property and noted that this would have to be a large road. He questioned if NYS had said the access to the property was okay for this project. Councilman Clark said that at this time the town board should acknowledge receipt of the petition and then meet with the town consultants.

The following resolution was offered by Councilman Clark and seconded by Councilwoman Israel and moved for adoption. Resolution carried by unanimous roll call vote.

Resolution #75 of 2021: In the Matter of the Petition of JSG Farms, LLC, P&M Farms, LLC, RSG Farms, LLC and SSG Farms, LLC, for an Amendment of the Town of Ancram Zoning Map

Whereas:

I. Background

1. Petitioner.

The Petitioners are JSG Farms, LLC, P&M Farms, LLC, RSG Farms, LLC and SSG Farms, LLC, referred to hereafter collectively as the "Petitioner".

The Petitioner is represented before this board by Taylor M. Palmer, Esq. of the law firm of Cuddy + Feder LLP.

The Petitioner is an applicant presently before the Town of Ancram Planning Board ["Planning Board"] seeking a special use permit, and approvals of a site plan approval, and a lot line adjustment for the proposed "Iron Star Retreat Center" project [the "Project"].

The Project proposes a rural retreat center for paying guests, including generally:

- the adaptive reuse of an existing residence for an inn;
- the development of separate lodging cottages;
- the development of separate buildings for recreational support uses;
- a "glamping" area with individual camping structures;
- a restaurant;
- various recreational amenities;
- a well house and two composting restrooms;
- parking, access roads, private wells, individual sewage disposal systems;
- stormwater management infrastructure;
- organic farming; and
- new farm-related buildings to support produce processing and equipment storage.

2. Project properties.

This Project is proposed for properties located at 2540 New York State [NYS] Route 82 in the Town of Ancram, Columbia County, and which properties bear the following Tax Parcel Identification Numbers: 205.-1-24.4; 205.-1-24.5; 205.-1-24.6; and 205.-1-24.7. Together these properties are approximately 146.75 acres in area.

Pursuant to the Town of Ancram Zoning Map, the Petitioner's properties are located partially in the Agricultural (Ag) Zoning District and partially in the Ancram Hamlet Residential District (AH-R2) Zoning District. The "retreat center" is an allowed use under the Zoning Law in the Ag Zoning District, but it is not an allowed use in the AH-R2 Zoning District.

3. The proposed Zoning Map amendment.

The Town of Ancram Town Board ["Town Board"] received a Petition dated 03 December 2021 from the Petitioner asking the Town Board to adopt legislation amending the Town of Ancram Zoning Map.

As noted above, the Petitioner's properties are located partially in the Agricultural (Ag) Zoning District and partially in the Ancram Hamlet Residential District (AH-R2) Zoning District. Thus, as presently designed and proposed, the Project is located on lands in the AH-R2 District as well as lands in the Ag District.

The Petition asks the Town Board to amend the Zoning Map so that all of the Petitioner's properties will be located solely in the Ag Zoning District. In other words, the Petitioner asks that the portion of the AH-R2 District which lies within the Petitioner's properties be removed and that land area be reclassified as being in the Ag Zoning District. If granted, the amendment will facilitate the development of the Project in accordance with its current design such that the entire "retreat center" use would be located in the Ag Zoning District.

The geographic area that the Petitioner seeks to have rezoned is identified in Exhibits D, E and I to the Petition.

The Petition includes a proposed amendment, included as Exhibit H to the Petition.

II. Commencement of Town Board Review of Petition

4. Zoning Law Article XII "Amendments," and the recently adopted Town Board Policy on petitions to amend the Zoning Law.

Petitions to amend the Town of Ancram Zoning Law are authorized pursuant to Zoning Law Article XII entitled "Amendments." Article XII also establishes a general procedure for the Town Board to amend the Zoning Law.

On 18 November 2021, the Town Board adopted by resolution a policy on petitions to amend the Town of Ancram Zoning Law [the "Policy"] to supplement Article XII. This Policy provides more detail and guidance to Town Board members, petitioners and the

public about the process of reviewing and evaluating petitions to amend the Zoning Law. The Town Board intends to process this Petition in accordance with Zoning Law Article XII and that Policy.

In addition, amendments to the Zoning Law must also comply with the requirements for the adoption of a Local Law pursuant to the New York State (“NYS”) Municipal Home Rule Law.

5. Commencement of review for the limited purpose of determining whether to accept the Petition for further review, consideration, and possible action.

As noted in our Policy, whether we decide to accept a petition and to move it forward for further Town Board consideration is a decision which lies in the sole discretion of the Town Board.

The first step in the process is for the Town Board to make an initial, preliminary determination whether to accept the petition for further consideration. The Town Board may reject a petition if the Town Board is not willing to entertain the possibility of the amendment sought.

The Town Board may decide to accept a petition for further consideration if the members of the Board determine they are interested in the possibility of amending the Zoning Law in accordance with the request set forth in the petition.

“Acceptance” of a petition for that purpose is only a preliminary determination. This preliminary determination means only that the Town Board is willing to embark upon a further and deeper review of the petition in order to decide whether the Board is willing to advance the proposed zoning amendment as a piece of proposed legislation.

“Acceptance” of a petition for further review does not constitute a decision by the Town Board to proceed with the introduction proposed legislation advancing the amendment sought.

Review in accordance with the provisions of Town of Ancram Zoning Law Article XII “Amendments” shall not begin unless, and until such time as, the Town Board decides to accept the Petition for further review and consideration.

III. Action

NOW, THEREFORE BE IT RESOLVED, based on the foregoing, as follows:

Section 1. The Town Board formally acknowledges receipt of the Petition and supporting documents from the Petitioner.

Section 2. The Town Board will review the Petition and all supporting documentation in contemplation of making a subsequent decision whether to “accept” the Petition for further and deeper review and consideration. This action item does not constitute acceptance of the Petition, nor a decision by this Board to proceed with the introduction proposed legislation advancing the amendment sought.

Section 3. As regards legal matters associated with the Petition and the upcoming process,

the Town Board may consult with its legal counsel for the purpose of obtaining legal advice on those matters.

Section 4. As regards land use planning matters associated with the Petition and the upcoming process, the Town Board may consult with the Town's land use planning consultant.

Section 5. This matter of this Petition shall be placed on the agenda of the Town Board meeting to be held on 20 January, 2022 for further discussion and possible further action.

Mr. Bassin told the town board members that there have been no proposals yet for the HVAC RFP.

A resolution was offered by Councilwoman Israel and seconded by Councilman Boice and moved for adoption. Resolution carried.

Resolution #76 of 2021: Historic banners – Resolved, that the budget for printing the Historic Banners is approved, not to exceed \$5,000.

Mr. Bassin said he was still waiting to hear back from the Summer Camp head counselors.

Councilwoman Hundt suggested that the board wait for Jack Lindsey to be in attendance at the January meeting to discuss the harassment training.

The following resolution was offered by Councilwoman Hundt and seconded by Councilwoman Israel and moved for adoption. Resolution carried by unanimous roll call vote.

Resolution #77 of 2021: Adopt LL#5 – Resolved, that the Ancram Town Board adopts Local Law #5 of 2021 approving 2022 salaries for certain elected officials.

Supervisors Report

1. Financial Report – Another normal financial month. We still expect to end the year with over \$1.4 million in cash, compared to our normal \$800,000. Sales tax continues strong

2. Climate Smart Planning – Kelsey West of Cornell Cooperative Extension has been working with our CSCTF and CAC to develop recommendations for how the Town can better deal with climate change and be better prepared to deal with flooding. Kelsey will be at our 12/16 Town Board meeting to review her work, talk about next steps and respond to questions.

3. Iron Star Petition - Iron Star has applied to the Town Planning Board to build a retreat center on 82 just east of the hamlet of Ancram. As part of their development plan, Iron Star has submitted a Petition requesting that the Ancram Town Board consider revising the town zoning map to move a 13.27 acre section of land now included in the Ancram Hamlet Zone to the adjacent Ag Zone. Iron Star will be at our 12/16 meeting to explain their Petition request and respond to questions. Next steps for us after our 12/16 meeting will be to review the Petition with our legal and planning advisors and decide at the January 20 Town Board meeting if we

want to consider the Petition for approval. If we do decide to consider the Petition, we will refer it to the Town and County Planning Boards for review and schedule a public hearing, probably at the February Town Board meeting.

4. Local Law # 5 of 2021 - Salary Increases for Elected Officials – We will conduct public hearing on Local Law #5 of 2021, which sets 2022 salaries for elected officials, and consider this local law for adoption at our 12/16 Town Board meeting. This local law is required because the salaries for elected officials proposed in our 2022 Budget are in aggregate about 3% (\$5,000) higher than the amounts indicated in the public notice for the Preliminary Budget public hearing and is subject to a permissive referendum.

5 Town Hall HVAC – We have issued the RFPs for the ASHPs, electrical upgrades and new generator. We expect to have bids in by the end of December.

6. Planning Board Appointments – Dennis Sigler has indicated he will be resigning from the Planning Board as of December 31. Planning Board Chair John Ingram has recommended that we appoint Planning Board alternate Palmer Irving to replace Dennis. As you may recall, we received 8 expressions of interest for the two Planning Board alternate positions and interviewed five people. Planning Board Chair John Ingram has recommended we appoint Colleen Lutz and Philip Hack as Planning Board alternates. These appointments will be part of the Organizational Resolutions we approve at our January 20 Town Board meeting.

7. Technology – Edmunds GovTech installed our new server and upgraded security software last week. After the normal conversion issues were resolved, things seem to have settled down and the new system seems to be working well. Technology Committee members Philip Hack and Michael DelRossi actively participated in the conversion process and have been active and essential in assisting staff to resolve the technical issues that came up.

8. Local Law # 4 of 2021 - Zoning Amendments – We will hold a public hearing on LL#4 prior to the 12/16 Town Board meeting, but will have to wait until the County Planning Board reviews the Law before we can consider it for adoption which should be at our January 20, 2022 meeting.

Mr. Bassin noted the note that came from Carol Falcetti regarding the concerns she and other residents have about the appointment process to boards and committees.

Councilwoman Hundt felt that she would like to see resumes of the people who are being chosen for the boards and committees. She felt the town is picking from the same people and she does not know how they are chosen. Mr. Bassin noted that he did not see a problem in the way the town appoints people. Mr. Bassin said that the vacancies are usually filled with the alternates if they wish to take a full seat. Then that alternate seat is advertised as open, resumes are collected, people are interviewed by board/committee chairs, recommendations

are made and appointments made. Ms. Falcetti asked that the ag members of the planning and zoning boards be noted. Councilman Boice felt that the CAC members on these boards should be noted as well. Ms. Falcetti asked if people are automatically reinstated and then continued to reappoint those coming up for reappointment this year. Mr. Bassin said that this is the standard practice.

The following resolution was offered by Councilwoman Hundt and seconded by Councilman Clark and moved for adoption. Resolution carried with an abstention from Councilwoman Israel.

Resolution #78 of 2021: Resolution of Appreciation for Madeleine Israel - RESOLVED, that the Ancram Town Board recognizes and appreciates the valuable contributions that Madeleine Israel has made to the Town of Ancram over the 17 years of her public service on the Town Board and on the Planning Board, thanks her for her commitment to the Ancram Community, wishes her continued success in all her future activities and looks forward to her continued participation in Town and community activities.

Mrs. Israel thanked the town board and the residents. She said that she very much enjoyed her time on the town board and that it has been a very important part of her life.

Board Member Comments

Councilwoman Israel noted that the directory is completed and printed.

Councilman Boice noted that the NHN van still cannot be ordered.

The following resolution was offered by Councilman Boice and seconded by Councilwoman Hundt and moved for adoption. Resolution carried by unanimous roll call vote.

Resolution #79 of 2021: NEGATIVE DECLARATION – UPDATE TO ZONING LAW Adoption of Local Law Updating the Town of Ancram Zoning Law (Local Law No. 4 of 2021) DATE: DECEMBER 16, 2021 WHEREAS: 1. Proposed new legislation in the form of a local law updating the Town of Ancram Zoning Law has been introduced and reviewed. 2. The new provisions related to the updated zoning are proposed in the form of a Local Law pursuant to the authority and power granted to the Town Board and the Town by Articles 2 and 3 of the New York State Municipal Home Rule Law and by Article 2 of the New York State Statute of Local Governments. 3. In 2019, pursuant to the authority granted in New York State Town Law § 272-a, the Town of Ancram adopted an updated Comprehensive Plan. That Plan sets forth Ancram’s vision for its future, and the blueprint for how the Town should grow and how Ancram should preserve the characteristics and qualities of the Town so valued by Town residents. The Comprehensive Plan consists of materials, written and/or graphic, including, but not limited to, maps, charts, elements, appendices, and other descriptive material. Section 272-a (11) of the Town Law requires, in relevant part, that all town land use regulations must be in accordance with an adopted Comprehensive Plan. 4. It is our intention to adopt a local law which brings Ancram’s land use regulations into accord with the 2019 Comprehensive Plan. In so doing, the Town developed a series of amendments designed to enhance environmental review for certain actions and to strengthen the Town’s ability to mitigate or avoid adverse impacts that may result from future development in the Town. 5. In addition to, and in support of the implementation of the goals of the Town’s Comprehensive Plan, it is also the purpose of the

proposed updated zoning to exercise our Town's right to protect our citizens by ensuring new uses of land are protective of the public health, safety and general welfare, and that are consistent with locally established goals and objectives in accordance with our comprehensive plan. Ancram's Plan is designed to preserve and protect, for the benefit of the town as a whole, the basically rural-agricultural character of the Town. 6. This proposed Local Law is the result of hours of work and consideration by the Town's CAC and ZRC, and planning consultant. 7. Adoption of the Local Law No. 4 of 2021 establishing an updated zoning law has been determined to be a Type I action, pursuant to the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617.4, and 2 8. The proposed action will not require permits and approvals from any other local, regional, or State agencies prior to adoption, and a coordinated SEQRA review is not required; and 9. The Town Board carefully reviewed Parts I, II, and III of the Full Environmental Assessment Form and took the required hard look on the above-described action according to SEQRA, 6 NYCRR Part 617 as part of the required adoption procedures; and 10. The Town Board, after consideration of the Full Environmental Assessment Form Part III finds that: The Town has not identified any significant, adverse environmental impacts that would result from adopting Local Law No. 4 of 2021 related to amending the zoning law. The Town Board has reviewed Part I and II and has determined that there are no identified potential moderate to large adverse environmental impacts associated with adopting an updated zoning law for the Town of Ancram. This action implements policies established in the 2019 Town of Ancram Comprehensive Plan. Protection of the environment and maintenance of the rural character of the Town are paramount policies of the Town and this local law is established to update the zoning regulations to ensure consistency between future development and that Comprehensive Plan. The updated Plan outlined a variety of zoning changes needed to address ongoing and new issues facing the Town. The Town of Ancram appointed a Zoning Revisions Committee to implement these recommendations made in the adopted Comprehensive Plan through updated zoning regulations. The amendments contained in this Local Law were drafted by the Zoning Revisions Committee with their consultants and submitted to the Town Board for review and adoption. The action of adopting a local law by itself will not result in any physical change to the environment. The proposed zoning changes relate to furthering the environmental protection goals of the Town of Ancram. These changes strengthened the review process and mitigation measures to be used in the Ridgeline and Steep Slope Overlay District; expanded the stream buffer to protect stream water quality and habitats to 150'; established site design criteria for residential structures in a major subdivision to ensure protection of the environment, open space, and rural character; added in language when stream buffer waivers may be granted; strengthened language to ensure major subdivisions are protective of Ancram's rural character; added in habitat and biological terms used in the zoning law; changed ASPR to now be applicable to parcels having lands within 150' of a wetland checkzone or NWI wetland. A detailed Section F narrative attached to Part I of the Full EAF was provided to fully describe these proposed zoning changes. As detailed in Section F, the proposed zoning changes strengthen environmental protections when new development is proposed, and will therefore positively benefit the Town of Ancram and is fully consistent with the goals of SEQRA. The depth and breadth of environmental topics addressed in the Town's Plan and translated into land use regulations via the zoning law, illustrate the commitment Ancram has made to protect, preserve, and enhance the environment. The primary purpose of the

proposed amendments to the zoning law is to implement these principles through land use regulations. 3 NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF THE TOWN OF ANCRAM, COLUMBIA COUNTY, NEW YORK: 1. That the Town Supervisor is authorized to execute and sign the Full Environmental Assessment Form. 2. That the Town of Ancram Town Board hereby declares that adoption of the proposed Local Law No. 4 of 2021 establishing a Local Law that updates the Town of Ancram Zoning Law as described herein, will not have any potential significant adverse environmental impact; and 3. That the Town Board hereby makes a negative declaration regarding SEQR 6NYCRR Part 617 and authorizes filing of such negative declaration (Part III of the FEAF); and 4. That the Town Board directs the Town Clerk to file a notice in the Environmental Notice Bulletin according to SEQRA, 6 NYCRR Part 617 as required; and WHEREUPON this Resolution was declared adopted by the Town Board of the Town of Ancram.

The following resolution was offered by Councilwoman Israel and seconded by Councilman Boice and moved for adoption. Resolution carried unanimously.

Resolution #79 of 2021: Contracts for Dog Kennels – Resolved, that the Ancram Town Supervisor is authorized to enter into agreements with the Columbia Greene Humane Society and the Pine Plains Veterinary Associates to care for dogs brought to them by the Town of Ancram Dog Control Officer.

The following resolution was offered by Councilman Clark and seconded by Councilwoman Israel and moved for adoption. Resolution carried unanimously.

Resolution #80 of 2021: County MIS Shared Services Agreement – Resolved, that the Ancram Town Supervisor is authorized to enter into a Shared Services Agreement with the Columbia County MIS Department for the year 2022.

Highway

Diesel Fuel used: 715 gallons

Gasoline used: 424 gallons

*We've been keeping leaves from ditches and pipes to keep them clear.

* We have been stockpiling sand for the winter and replenishing our gravel pile as well.

*We conducted snow and/or ice removal operations on 11/26, 11/27 and 12/8.

*We continue to check over and maintain the plow trucks and make repairs when needed.

*Truck 38 (one of the 2016 Kenworths) was out of service and unavailable for a period due to an emissions problem. Back in service on 12/8.

*Beavers have been extremely active as of late. There are 4 places on town roads that need regular attention to keep the water flowing as it should. I have hired a licensed trapper to help deal with them.

*On 12/16 one employee informed me that he tested positive for Covid. I had all employees get tested and another came up positive. But, we were told because they were unvaccinated that two employees should go on precautionary quarantine for an unspecified period even though they tested negative for the virus. The negative vaxxed crew members can continue working.

Town Clerk

The town clerk reported that the tax bills have been printed and will be going out before the end of the month.

A motion was made by Councilwoman Israel and seconded by Councilman Clark to make the budget adjustments, approve the warrants and pay the bills. Motion carried.

Mr. Bassin instructed the town board members that they have authorization to meet with counsel about the Iron Star petition.

There being no more business, a motion was made by Councilwoman Israel and seconded by Councilman Clark to adjourn the meeting. Motion carried.

Respectfully submitted by,

Monica R. Cleveland
Ancram Town Clerk