

January 12, 2021

Town of Ancram Local Law No. 1 of 2022

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Local Law Filing

Town of Ancram Local Law No. 1 of 2022

A Local Law Amending Miscellaneous Provisions of the Town of Ancram Zoning Law

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

Part 1. Title

This Local Law shall be known as the “Local Law Amending Miscellaneous Provisions of the Town of Ancram Zoning Law.”

Part 2. Enactment

This Local Law is adopted and enacted pursuant to the authority and power granted by §10 of the Municipal Home Rule Law of the State of New York, Articles 2 and 3, and pursuant to Article 2 of the New York State Statute of Local Governments.

Part 3. Purpose, Background and Findings

The purpose of this Local Law is to amend selected provisions of the Town of Ancram Zoning Law adopted on November 20, 2014, and as amended since (hereafter the “Zoning Law”).

Further purposes are to implement the 2019 Town of Ancram updated 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 Review 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 Review Committee with their consultants and submitted to the Town Board for review and adoption.

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Part 4. Amendments of Zoning Law

The Town of Ancram Zoning Law Article III is hereby amended to add the following uses to the Table of Uses set forth therein:

At Article III (A), Table is amended as described as follows and shown in updated table to be inserted:

- a. Remove ‘sports’ from the row Private Motor Sports Track/Course and rename this “Private motor vehicle track/course”.
- b. Add Movie Making/Filming allowed in all districts with a special use permit.
- c. Clarify descriptions in the use table for gravel mining by size (already regulated) and replace.

The relevant lines in the Use Table will now read:

USES	Ancram, Ancramdale, Hamlets-B/R	Ancram, Ancramdale, Boston Corners Hamlets AH-R2	Ag	RhoR1	I-1	CarsRd
Private motor vehicle track/course*	X	X	SUP	X	X	X
Movie Making/Filming	SUP	SUP	SUP	SUP	SUP	SUP
Gravel mine, small*, 750 cubic yards or less or 1,000 tons or less in 12 consecutive months and not exempted pursuant to Article V (D) Gravel Mining	X	X	SUP	X	X	SUP
Gravel mine small, exempt*, 750 cubic yards or less or 1,000 tons or less in 12 consecutive months and exempted pursuant to Article V (D) Gravel Mining	X	X	P	X	X	P
Gravel mine, large*, more than 750 cubic yards or more than 1,000 tons in 12 consecutive months	X	X	SUP	X	X	SUP

At Article V, Supplemental Regulations (A), amend the following:

Add:

24. Type I Actions

- a. For subdivision, site plan, or special use permit actions that meet or exceed a Type I threshold, as classified pursuant to 6 NYCRR Part 617 (SEQR) and/or the Town of Ancram Environmental Quality Review Law Type I List (LL 3 of 2021), the Planning Board may require additional information to be included on Part I of the FEAF to enable the Planning Board to fully evaluate and determine consistency with the environment, community character, and the Town's Comprehensive Plan.
- b. When required, such information shall be sufficient to enable the Planning Board to complete Part 2 of the SEQR Full Environmental Assessment Form and evaluate whether the proposed use will result in: a change in residential density that may not be supported by existing infrastructure; new or expanded public infrastructure will be required; secondary development impacts in the community may be induced; a demand for additional community services may be created, new or expanded public wastewater treatment facilities will be required; capacity of existing roads will be diminished; or new or upgraded electric supplies will be required. Pursuant to SEQR, the Planning Board shall compare the development-induced changes to existing conditions and may impose conditions to mitigate such impacts.

At Article V, Supplemental Regulations (D) Individual Standards for Selected Uses, Short Term Rentals (b) (5) (a)

Replace (b) (5) (a) Renewals to now read:

5. Renewals.

- a. A STR renewal application shall include a fee, as may be established by the Town Board, and a list of all components that were part of the original STR application required by (b) (1) (a) through (g) of this short-term rental section. These are:
 - Approved Site Plan of the property
 - Approved Floor Plan
 - Photographs of structures and parking areas
 - Proof of property taxes paid
 - Septic Certification
 - Certificate of Insurance and paid insurance receipt
 - Contact Information

For each listed component, the applicant shall state whether any changes from the original, permitted STR use have been made since that application was approved:

1. If no changes have been made to the approved site plan, approved floor plan, photographs, or contact information in the original, approved STR application, and if changes to proof of taxes paid, septic certification, and certificate of insurance consist only of annual or periodic renewal with no decrease in coverage, the renewal application

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shall include a signed, notarized affidavit from the applicant attesting that no changes have occurred in these seven components of the permitted short-term rental.

2. If changes have been made to any of the seven components after issuance of the original STR permit, the renewal application shall include a signed, notarized affidavit from the applicant listing the unchanged components and attesting that no changes have occurred in those components, and shall include all information required in (b) (1) (a) through (g) relevant to the changed component(s).

At Article V Supplemental Regulations, (B) Regulations for Specific Districts:

Replace Ridgeline and Steep Slope Protection Overlay District (2), Applicability to now read:

- 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 including:
 1. Structures within a major or minor subdivision, except those exempted in B (3) below. These standards shall be in addition to those required for open space conservation subdivisions pursuant to Article V (C) of this Law.
 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.

Replace Waiver (4) to now read:

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. Any waivers granted by the Planning Board shall be the minimum waiver necessary to allow the requested flexibility by the applicant, but also to protect the environment. The Planning Board must state, in writing, its grounds for electing to waive the requirement(s), cite whatever evidence that the Planning Board relied upon in making the determination, 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.

Replace Waiver (4) (d) to now read:

- 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 should 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. The Planning Board is encouraged to include the CAC in establishing mitigation measures.

Replace C. Open Space Conservation Subdivisions, (5) Dimensional Standards (g) and footnotes to now read:

(g) Stream and areas of high hydrogeological sensitivity setbacks¹.

1. There shall be a minimum 25 feet of undisturbed vegetated buffer along all streams, fens, seeps, vernal pools or other hydrologically sensitive areas as identified on the current Ancram Significant Habitats Map². The presence of these habitats on the Ancram Significant Habitats Map confirms the need to protect such habitat during development. If native vegetation is not present within the minimum 25 feet streamside vegetated buffer areas, then a planting plan to establish native vegetation, preferably trees, to create a vegetated buffer is required.
2. There shall be a 150 feet buffer established along all streams, and any adjacent wetlands, floodplains, or slopes 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 150 feet.

Amend V (C) (6) Sketch Plan and Site Analysis (b) (9) (b) to read:

- 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 150 foot required stream buffer and the minimum 25 foot required streamside vegetated buffer.

Replace C. Open Space Conservation Subdivisions, (8) Site Design Criteria (a) to now read:

- a. Residential structures in a major subdivision shall 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. In order to be consistent with the goals of the Town of Ancram, and specifically the purposes of open space conservation subdivisions, major subdivisions shall be designed primarily to protect the environment, maintain open space, and protect Ancram's rural character. The lots, house sites, roads and other

¹ See Ancram Groundwater Protection Plan Map, page 34.

² The Ancram Significant Habitats Map shall be used for informational purposes only. Any feature shown on this map shall be confirmed as present on the parcel through field verification.

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infrastructure in a proposed major subdivision shall avoid or minimize adverse impacts by being designed:

Replace C. Open Space Conservation Subdivisions, (8) Site Design Criteria (a) (5) to now read:

5. To avoid disturbance to streams and drainage swales, fens, seeps, floodplains, vernal pools, wetlands, and their buffers. Native vegetation shall be maintained to create a buffer of at least 25 feet and no other disturbance shall take place within 100 feet of wetlands and vernal pools, pursuant to Article VII (C) (6) (d), and springs, fens and seeps pursuant to Article V (A) (18). There shall be a 150 foot buffer along any streams and any adjacent wetlands, floodplains and slopes.

Replace D. Individual Standards for Selected Uses, Gravel Mining (a) to now read:

- a. All large and small gravel 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 more than one thousand (1,000) tons or seven hundred fifty (750) cubic yards of a mineral during twelve (12) consecutive calendar months. The NYS DEC is the entity responsible for administering a MLRL permit for mining.

Replace D. Individual Standards for Selected Uses, Gravel Mining (b) to now read:

- b. Exemptions. The following activities, which are exempted small gravel mines, shall not require a gravel mining special use permit:
 1. The removal of 750 cubic yards or less of earth material or 1,000 tons or less in twelve (12) consecutive months by landowners on their own land for their own use.
 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 750 cubic yards or less or 1,000 tons or less 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.

Replace D. Individual Standards for Selected Uses, Gravel Mining (c) to now read:

- c. Except for exempted small gravel mines cited in (b) above, small gravel mines (750 cubic yards or less or 1,000 tons or less) where no NYS DEC MLRL Permit is required shall require a permit from the ZEO and the following standards shall be met:

[Note that Items 1-6 in this sub-section remain the same.]

Replace D. Individual Standards for Selected Uses, Gravel Mining (d) to now read

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- d. For large gravel mines (more than 750 cubic yards or 1,000 tons) 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:

[Note that items 1-6 in this sub-section remain the same.]

At Article VI Special Use Permits (C)

Replace (4) Waivers to read:

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. Any waivers granted by the Planning Board shall be the minimum waiver necessary to allow the requested flexibility by the applicant, but also to protect the environment. The Planning Board must state, in writing, its grounds for electing to waive such requirements, cite whatever evidence that the Planning Board relied upon in making the determination, 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. For waivers related to stream buffers, see Article VII (B) (6).

Replace Article VI Special Use Permits I (1) (i) to now read:

- i. The level of municipal and other services such as but not limited to road and utility infrastructure, transportation systems, emergency services, schools, civic facilities, and services for residents required to support the proposed activity or use is, or will be, available to meet the long-term 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. For Type I actions pursuant to 6 NYCRR Part 617 and/or the Town of Ancram Environmental Quality Review Law (LL 3 of 2021), see Article V (A) (24). The Planning Board shall compare the development-induced changes to existing conditions and may impose conditions to mitigate such impacts pursuant to Article VI (I) (1) (j).

Replace Article VII Site Plan (B) Uses Requiring Site Plan Review and Abbreviated Site Plan Review, and General Procedures (6) to read as follows:

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. Any waivers granted by the Planning Board shall be the minimum waiver necessary to allow the requested flexibility by the applicant, but also to protect the environment. The Planning Board must state, in writing, its grounds for electing to waive such requirements, cite whatever evidence that the Planning Board relied upon in making the determination, 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. Specific Criteria for Stream Buffer Waiver Request. There shall be a 150 foot buffer along streams and any stream-adjacent wetlands, floodplains, and slopes. When an applicant specifically requests reduction of the 150 foot required stream buffer, the Planning Board shall consider the following criteria in making a determination. In determining whether to issue a waiver, the Planning Board may ask, at the applicant's expense, for survey information, photography or other credible evidence that substantiates the applicant's position that a reduction should be granted. In no case shall the Planning Board approve a waiver of the 150 foot stream buffer requirement when the buffer borders a Class C (t) or C (ts) stream unless the lot becomes unbuildable due to the stream buffer standards as per (1) below. In all other cases, the Planning Board may consider a waiver if:

1. Lot becomes unbuildable due to stream buffer standards.

(a) If the 150 foot stream buffer standards render a lot unbuildable due to the size of a parcel, its configuration, or its topography, the Planning Board shall have the authority to alter the 150 foot stream buffer requirement. As part of such waiver, the Planning Board may establish mitigation measures that enable the proposed development to be built while also ensuring that the stream and its adjacent banks, riparian areas, wetlands and floodplains are protected to the maximum extent practicable.

or

(b) If the lot configuration, topography, soils, or other site conditions are such that lands within the 150 foot stream buffer are determined by the Columbia County Health Department, the NYS DEC, or other permitting agencies to be the only suitable location on the lot for placement of any portion of a septic system, the Planning Board may reduce the 150 foot stream buffer requirement by the minimum extent necessary to accommodate the septic system or part thereof.

2. View corridor is proposed within stream buffer and streamside vegetated buffer.

(a) Creation of a view corridor within a 150 foot stream buffer shall be reviewed as part of the site plan or plat when proposed on a parcel subject to subdivision, site plan, special use, or ASPR approval by the Planning Board. The Planning Board may consider a waiver of the 150 foot stream buffer requirement as follows:

i. When the Planning Board has determined, based on the unique site-specific conditions, that creation of a view corridor of up to 50 feet' will not adversely affect the functioning of the buffer by ways of erosion, forest fragmentation, elimination of unique vegetation, disturbance of steep slopes along the banks, impairment of the functioning of the floodplain, or creating an open area that would warm important cold stream habitats. The Planning Board may request an advisory opinion from the Conservation Advisory Council.

(b) For landowners seeking to create a view corridor within the 150 foot stream buffer when Planning Board review is not required, plans for such corridor shall require ASPR. The Planning Board may waive the 150 foot stream buffer requirement pursuant to (a) above.

Add to Article VII Site Plan (D) Criteria for Commercial Site Plan Approval (2) (o) the following:

Site plans shall be designed to be consistent with and protective of Ancram's rural character.

Replace Article VII Site Plan (F) Site Plan Review for Subdivisions (1) and (2 a-b) in its entirety and remove (2c) entirely to now read as follows:

1. Major Subdivisions. The Open Space Conservation Subdivision process shall be considered to be the site plan review process for all major subdivisions. As required by this Zoning Law, all major subdivisions shall be designed to protect the environment, maintain open space, and protect Ancram's rural character and 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, and specifically including the Town of Ancram Natural Resources Conservation Plan. In designing a proposed site plan, all applicants shall review the current Ancram Significant Habitats Map. Any specific significant habitats appearing on that Map that lie within the site plan area shall be identified on the site plan and their location shall be plotted on the subdivision site plan map. The subdivision site plan map shall include the proposed building envelope and shall include identification of the following specific significant habitats on the site as identified by the current Ancram Significant Habitats Map: All wetland habitats; Cool Ravine; Oak-heath Barren; Crest, Ledge and Talus.

- b. Building envelopes shall be sited to preserve to the maximum extent significant natural, ecological, cultural, and historical features on the site. Any building envelope depicted on the subdivision site plan shall be located on the site and on the lot hosting that building envelope such that the following will be avoided or will be mitigated to the maximum extent practicable: air pollution; pollution of, or disturbance of, surface waters of any kind, including streams, ponds, state and federally regulated wetlands, vernal pools, and lakes; pollution of soils, groundwater, fens, seeps; disturbance of continuous woodlands; alteration of natural contours, habitats of rare, threatened or endangered wildlife habitats as identified by the New York State Department of Environmental Conservation or the United States Fish and Wildlife Service; pollution of, or disturbance to, significant habitats identified on the Ancram Significant Habitats Map including all wetland and Cool Ravine, Oak-heath Barren, or Crest, Ledge and Talus habitats; and historic locations included on the State and National Historic Register. All building envelopes shall also be sited to avoid stream and streamside vegetated buffers, preserving a 25 foot vegetated streamside buffer. If the parcels contain defined ridgelines and scenic locations as identified by the Town of Ancram in the R/SSPOD, structures should 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)). The Planning Board may require a mitigation plan in order to ensure that natural resources on the parcel are avoided or mitigated. The Planning Board may require a site visit or additional review of such plan by the Ancram Conservation Advisory Council.

Renumber remaining subsections of (F) Site Plan Review for Subdivisions (2) d-l to be (2) c-k.

Replace Article VII Site Plan (G) Abbreviated Site Plan Review for Single-Family and Two-Family Dwellings Not Part of a Subdivision, and for Agricultural Buildings and Agri-Tourism Operations and for Certain Agricultural Uses (1) (b) (2) to read:

2. Contains a wetland regulated by the New York State Department of Environmental Conservation (NYS DEC) or a wetland check zone as shown on the NYS DEC freshwater wetland maps, or contains a wetland regulated by the United States Army Corps of Engineers as listed and shown on the National Wetlands Inventory maps.

Replace Article VII Site Plan (G) Abbreviated Site Plan Review for Single-Family and Two-Family Dwellings Not Part of a Subdivision, and for Agricultural Buildings and Agri-Tourism Operations and for Certain Agricultural Uses (1) (b) (3) to read

3. Contains or is within 150', as measured from the high-water mark of the streambank, of a New York State Department of Environmental Conservation Regulated Stream, Class C(t) or C(ts) or higher, or

Replace Article VII Site Plan (G) Abbreviated Site Plan Review for Single-Family and Two-Family

Dwellings Not Part of a Subdivision, and for Agricultural Buildings and Agri-Tourism Operations and for Certain Agricultural Uses (1) (e) to read:

- e. 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 required to follow design and siting standards of Article V (B).

At Article XII Amendments, Replace A – F in its entirety to now read as follows:

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 shall be filed in writing in a form required by the Town Board, and shall be accompanied by a certified check in the amount to be determined by the Town Board to help defray the cost of advertising the hearing on said petition and incidental disbursements. Further requirements and procedures related to petitions for zoning amendments are:

1. **Town Requirements Related to Zoning Petitions.** New York State Law prohibits piecemeal or spot zoning. In general terms, spot zoning occurs when an area of property is rezoned solely for the benefit of a property owner or group of property owners with no significant benefit to the community as a whole. In order to be legally valid, amendments to the Zoning Law made at the request of a petitioner or petitioners must be shown to be consistent with the goals and strategies of the Town Comprehensive Plan and, in addition to benefitting the party(s) seeking the amendment, the amendment must benefit the Town of Ancram as a whole and promote the general welfare of the community. This State law standard must be met in order for an amendment to be valid and to withstand any legal challenge. The Town of Ancram's requirements and procedures related to zoning petitions are established to achieve the following purposes:
 - a. to establish a fair, objective procedure for Town Board consideration of petitions to amend the Town Zoning Law;
 - b. to establish a single policy and detailed procedures coordinated with Article XII of the Town Zoning Law that will apply equally to all parties asking for the Town Board to amend the Town Zoning Law by petition;
 - c. to establish a process that will ensure that any amendments to the Zoning Law adopted pursuant to a petition will be legally valid and meet the applicable standards in New York State law;
 - d. to ensure that the Town Board does not waste municipal time and money resources in the consideration of proposals which cannot meet applicable standards;
 - e. to ensure that the Town is not unduly burdened by the municipal expenses which must be incurred in connection with the amendment review and adoption process; and

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- f. to inform potential petitioners at the outset about the legal requirements and procedures necessary to accomplish the adoption of a valid amendment to the Zoning Law.
2. Zoning Petition Considerations. When evaluating a zoning petition, the Town Board must consider the Town Comprehensive Plan and the following factors:
 - a. the size of the properties to be rezoned (the smaller the area of land to be rezoned, the more difficult it may be to establish community benefit);
 - b. the benefit to the party(s) asking for the amendment;
 - c. the benefit to the community as a whole;
 - d. the character of the uses permitted by the proposed amendment (how consistent are they with the Town Comprehensive Plan); and
 - e. the character of the surrounding neighborhood and the potential negative and positive impacts of the amendment on character of the surrounding area.
3. Considerations for the Petitioner(s)
 - a. Any amendment to the Zoning Law is a legislative act. The Town Board is under no legal obligation to adopt, or even consider, requests to amend the Zoning Law.
 - b. Petitioners agree to enter into this process with the awareness that the Town Board may not grant the amendment sought by the Petitioner(s).
 - c. This process will require Petitioners to incur expenses. Any expenses incurred, including escrow contributions, will be the sole responsibility of the petitioner whether the petition is granted or not.
 - d. Petitioners should carefully review the legal and substantive standards which must be met, as they are described in this section.
4. Zoning Petition Requirements. Petitions which do not comply with the following requirements will not be accepted. All petitions must be in writing and contain the information as follows:
 - a. Name and address of petitioning party(s) and the addresses and tax grid identifying numbers of all property owned by the petitioning party(s) in the Town of Ancram.
 - b. Identification of the Zoning District(s) to be affected by the proposed amendment and an itemized list of all properties to which the proposed amendment would apply and which would benefit therefrom, including the names of property owners, property addresses and tax grid identifying numbers.
 - c. Identification of all Zoning Districts contiguous to any Zoning District to be impacted by the proposed amendment.

- d. List of uses currently allowed under the existing Zoning Law as per Article III, both permitted by right and as authorized by special use permit, in any Zoning District to be impacted by the proposed amendment.
- e. A report containing narrative statements which provide the following information:
 - 1. The changes to the Zoning Law sought by the proposed amendment.
 - 2. The reasons for which the amendment is sought and how the proposed amendment will benefit the properties affected.
 - 3. A detailed description of how the proposed amendment complies with the goals and strategies of the Town of Ancram Comprehensive Plan containing citations to the appropriate sections of the Comprehensive Plan.
 - 4. A detailed description of how the proposed amendment will benefit the Town and community as a whole and promote its general welfare.
 - 5. The size, location and character of the parcel or parcels benefitted by the proposed amendment.
 - 6. A detailed description of the character of the land uses which surround the properties benefitted by the proposed amendment.
 - 7. If the petition seeks to add a new use currently not allowed as per Article III or a use currently allowed in Ancram, but not in the particular location desired by the petitioner(s), a detailed statement describing the character of such new use to be permitted by the proposed amendment.
 - 8. If the petition seeks to change a current requirement of this zoning law, but not a use, a detailed statement describing how an alteration of the requirement complies with the purposes stated in Article I (D) of this zoning law, and those district purposes stated in Article II of this zoning law.
 - 9. Identification of any property or structure within an area to be rezoned which is on the State or Federal Register of Historic Places.
 - 10. Identification of all special districts, protections, or designations within which an area to be rezoned is located.
 - 11. Identification and location of all significant habitats as identified on the Town of Ancram Significant Habitats map which are in an area to be rezoned.
 - 12. Identification of any other significant environmental or natural resources located within an area to be rezoned.
- f. A Full Environmental Assessment Form (FEAF), Part 1.

- g. In addition to the foregoing, the petition must comply with the disclosure requirements of Section 809 of the NYS General Municipal Law. That section requires disclosure of the name, residence and nature and extent of interest of any officer or employee of the state or the Town of Ancram who may have an interest in, or benefit by, the amendment of the Zoning Law pursuant to the petitioner.
 - h. A draft proposed amendment to the Town Zoning Law sufficient in both form and content to meet the requirements for a Local Law under the NYS Municipal Home Rule Law to accomplish both the proposed amendment to the Zoning Law and any amendments to the Town Zoning Map.
5. Processing of a Zoning Petition. The decision whether to accept a zoning petition and move it forward for formal consideration is a decision which lies in the sole discretion of the Town Board. If the Town Board decides to accept the petition for further consideration, the steps below will be followed:
- a. Agreement to Establish Escrow. An escrow account shall be established by the Town Board sufficient to reimburse the Town for all reasonable out-of-pocket costs incurred by the Town in connection with its review and consideration of the proposed amendment, its SEQRA review, and the adoption of the amendment to the Zoning Law. All escrow deposits shall be governed by the provisions of LL#1 of 2004.
 - b. Referral to the Planning Board. Any petition accepted by the Town Board for review shall be referred to the Planning Board as per sub-section (B), below. The Planning Board will report its recommendations, accompanied by a full statement of the reasons for such recommendations prior to a public hearing held by the Town Board.
 - c. Subsequent to the recommendation by the Planning Board, the Town Board will then decide whether to continue the process. If the Town Board chooses to continue the process, the Town Board shall hold a public hearing as per sub-section (C), below and will also obtain the advice of its attorneys on the form and content of the amendment.
 - d. The Town Board will also conduct an environmental review as required by the State Environmental Quality Review Act (SEQRA). The Town Board will refer the proposed amendment to the Columbia County Planning Department as required by Section 239-m of the New York State General Municipal Law.
 - e. As per sub-section (D), if a protest against the proposed amendment is presented to the Town Board, then the Town Board shall not pass the zoning amendment except by the favorable vote of at least $\frac{3}{4}$ of the Town Board.

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

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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

If the Town Board chooses to continue the process, prior to any decision about the proposed petition, the Town Board, by resolution, shall hold a public hearing within 45 days of receiving the advisory report from the Planning Board, or if no such report was submitted, within 90 days from the date the petition was referred to the Planning Board 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.

At Article XIV Definitions

Add the following new definitions:

Ancram Biodiversity Map: See Town of Ancram Significant Habitats Map.

Cool Ravine: A rare type of ravine with very steep, high, rocky walls narrowly flanking a rocky stream. The rocky ravine walls are typically vegetated with eastern hemlock. The very cool, dark, moist environment of the cool ravine habitat often supports plant and animal communities typical of more northern latitudes or higher elevations; for example, plants such as Canada yew or mountain spleenwort. These cool areas of the landscape may play an important role as temporary refuges for species that are shifting their ranges northward in response to climate warming. Two “cool ravines” are known in Ancram—on Winchell Mountain and on the west-facing slope of the Taconics—and others may be discovered as habitat mapping continues. (Ancram Natural Resources Conservation Plan, pgs. 42-43).

Crest, Ledge and Talus: Habitats of exposed bedrock areas that in Ancram are most extensive in the Taconics and the Fox Hill ridge, but also occur at scattered other locations. The plants and animals of rocky habitats differ according to the rock and soil chemistry, the degree of exposure, and land use history, but these places are often hotspots for biodiversity. In some cases they might serve as refugia for plants and animals because of their relative inaccessibility to browsing or grazing animals, to predators, and to humans. Ledges with an open canopy tend to have a warmer microclimate than the surrounding forested habitat, and can have significant habitat value for timber rattlesnake, eastern racer, eastern rat snake, and other snakes of conservation concern. Deep rock fissures can provide overwintering sites for these species and the exposed ledges provide basking and breeding habitat. The snakes also travel long distances from these ledgy areas to forage in forests and meadows. Rare butterflies may use these areas if their larval host plants are present. Birds such as whip-poor-will or blackburnian warbler may nest at these sites, and ledges provide important denning habitat for porcupine and bobcat. Exposed ledges at high elevations are often scenic viewpoints and are valued as lookouts, and as picnic and resting sites along hiking trails. (Ancram Natural Resources Conservation Plan, pgs. 42-43).

Fen: Open, herb and low-shrub dominated wetland fed by calcareous groundwater seepage. This habitat has a distinctive plant and animal community that includes state-listed rare species such as bog turtle, and marsh valerian. (Ancram Natural Resources Conservation Plan, pgs. 44 and 99).

Motor Vehicle Track/Course: A facility that provides a surface on which motor vehicles may be raced, competitively driven, or otherwise operated at speeds and/or in a manner generally incompatible with standards permitted on public highways. The track or course may be circular, straight, or in other configurations. The track or course surface may be dirt, clay, asphalt, or other materials.

Moveable Vendor: A motorized vehicle from which food for human consumption or other products are sold or dispensed to the public as a commercial enterprise. Such vehicle may be self-propelled or towed by another vehicle, which is permitted, meets all applicable health

department codes, and which is properly insured.

Movie-Making/Filming: The temporary use of land or structure or part thereof related to the act of staging and recording on a camera or other device a story or event as a set of moving images—normally to be shown in a theater, on television, or on another device as a motion picture for commercial entertainment or educational purposes. Videotaping or otherwise recording people, events, structures, or landscapes for personal use or for public informational use, such as a news report, is not considered commercial movie-making/filming.

Oak-heath Barren: A special subset of crest and ledge habitats, typically occur on summits and shoulders in the Taconic hills with exposed bedrock, shallow, acidic soils, and sparse, stunted vegetation dominated by some combination of pitch pine, scrub oak, other oaks, and blueberry, huckleberry, and chokeberry shrubs (Figures 14 and 16). Several species of rare plants are known from these habitats in the region, and the larvae of several species of rare butterflies and moths feed on the unusual plants of oak-heath barrens. For example, Edward's hairstreak larvae feed on scrub oak, and cobweb skipper and dusted skipper on little bluestem; both butterflies are regionally rare. (Ancram Natural Resources Conservation Plan, pgs. 42-43).

Private Bridge: A structure owned and maintained by a private landowner having a span of more than 10 feet designed to convey vehicles and/or pedestrians over a watercourse, railroad, public or private right-of-way, or any depression. Box culverts or other types of culverts designed simply to convey water are not private bridges.

Private Motor Vehicle Track/Course: A motor vehicle track/course as defined elsewhere in this law that is operated by an individual or entity for personal use by that individual or entity and/or by others whom that individual or entity invites or otherwise allows to use the track/course with no compensation sought, charged, proffered, or received. Such track/course is not open to the public in any capacity.

Septic Sanitation Service: A commercial business engaged in installing new septic systems, pumping and maintaining septic systems, and disposing of pumped septage material which may include providing and maintaining temporary septic facilities (e.g. porta-potties), to include permitted disposition of waste and associated materials.

Significant Habitats Map: A map created by the Town of Ancram showing specific forestlands, shrubland, meadows, ponds, water bodies, marshes, swamps, fens, and other ecologically significant habitats in Town.

Move Mine, Large and Mine, Small to be sub-sets of Gravel Mine, and add the new definition for Gravel Mine, Small Exempted, to read as follows:

Gravel Mine, Large: Any excavation from which more than 1,000 tons or more than 750 cubic yards of ore, sand, gravel, clay, stone, loam, humus or topsoil within a period of twelve (12) successive calendar months are 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

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of the Environmental Conservation Law.)

Gravel Mine, Small: Any excavation from which 1,000 tons or less or 750 cubic yards or less, whichever is less, of ore, sand, gravel, clay, stone, loam, humus or topsoil within a period of twelve (12) successive calendar months are 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.)

Gravel Mine, Small Exempted: A small mine that does not require a gravel mining special use permit and that removes seven hundred and fifty (750) cubic yards or less of earth material or 1,000 tons or less in twelve (12) consecutive months by landowners for their own use on their own land; 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 fifty (750) cubic yards or 1,000 tons or less of earth materials are removed from the lot; or for construction of a pond where no more than eight thousand (8,000) cubic yards of material are removed from the site.

Amend the following definitions to read:

Short term rental (STR): is the use of land for: (a) rental for payment of a portion of a dwelling unit, entire dwelling unit, accessory apartment, portion of an accessory apartment, free-standing accessory dwelling, or portion of a free-standing accessory dwelling for a period of 30 consecutive days or less, where the owner of the property may or may not be present for a portion or the entirety of the rental; or (b) the rental for payment of a portion or whole part of a property where no principal or accessory use building exists for a period of 30 consecutive days or less, where the owner of the property may or may not be present for a portion or entirety of the rental. This STR definition does not apply to an on-going month-to-month rental of a dwelling or premises by a landowner-landlord to the same tenant(s) where the tenant(s) occupancy of a rented premises is ongoing on a month-to-month basis and the tenant(s) are not transient.

Stream Buffer: A 150 foot area extending along both sides of a water course, measured from the edge of the waterway and from any adjacent wetlands, floodplains or slopes. In this buffer, except for agricultural uses (animals or crops) – 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.

Move the following definitions to be properly alphabetized:

NYS DEC or DEC: Department of Environmental Conservation.

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Part 5. Severability

The invalidity of any part or provision (e.g., word, section, clause, paragraph, sentence) of this Law shall not affect the validity of any other part of this Law which can be given effect in the absence of the invalid part or provision.

Part 6. Supersession

This Local Law is intended to supersede any provisions of the Town Law, the laws of the Town of Ancram and the New York State General Municipal Law which are inconsistent with the provisions of this Local Law.

Part 7. Effective Date

This Local Law shall take effect immediately upon the filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically Article 3, Section 27 of the New York State Municipal Home Rule Law.