

**Town of Ancram Local Law No. 6 of 2022**

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## ***Local Law Filing***

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### **Town of Ancram Local Law No. 6 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 “Zoning Update of 6 2022.”

##### **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.

#### **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:**

- a. Add "Racquet Sports Facility" as a use in the Use Table allowed in the Hamlet Business/Residential Districts, the Hamlet R-2 Districts, and the Agricultural District with a Special Use Permit.
- b. Add EV Charging Stations, Public and Private Use as a permitted use in all zoning districts, noting that this use has supplemental regulations.
- c. Add Paintball/Laser Tag Facility as an allowed use in the Ag District with a Special Use Permit.
- d. Change Low Impact Home Occupation to Minor Impact Home Occupation in all locations where this text occurs in the Use Table.
- e. Change High Impact Home Occupation to Major Impact Home Occupation in all the Use Table.
- f. Delete "Automotive Sales/Service".
- g. Add "Motor Vehicle Sales/Service" to Use Table.
- h. Change "Auto Towing" to "Motor Vehicle Towing."
- i. Change "Auto/trailer rental office/parking area" to "Motor vehicle/trailer rental office/parking area."
- j. Add a clarifying footnote to Use Table to clarify intent of home occupations stating: "These two uses are intended to enable citizens to engage in a home occupation that is not explicitly addressed elsewhere in the Zoning Law if that proposed home occupation meets definitions in Article XIV, and if that proposed home occupation meets all standards in Article V (D), and if that proposed home occupation meets all conditions that the Planning Board may impose pursuant to Article VI."
- k. Add Cannabis Dispensary as an allowed use in the Hamlet B/R districts with Site Plan Review.

##### **At Article V, Supplemental Regulations (D), amend the following:**

- a. Amend Article V (A) (6) (a) to replace 50,000 board feet with 30,000 board feet and (a) shall now read (new text underlined): "To protect neighbors and the environment from unprofessional logging practices, a logging permit issued by the Zoning Enforcement Officer is required for any commercial logging activity that proposes harvesting more than 30,000 board feet of timber as measured by the international "1/4" log rule in any successive twelve months. This shall also include commercial logging operations that use a portable log chipping plant to process the equivalent of more than 30,000 board feet, or an equivalent weight, of whole-trees or tops/limbs for pulp at the site of forest operations by chipping, shredding, or grinding. Landowners who are cutting less than 30,000 board feet of timber for their own use or for sale shall be exempt from this section.
- b. Replace Article V (A) (6) (e) to now read as follows: "Prior to issuance of a logging permit, the applicant shall provide to the Zoning Enforcement Officer a map clearly identifying the area to be logged, the name of the access road, locations of logging

roads and all loading areas, and all stream crossings. The applicant shall also submit a logging permit application, provided by the Zoning Enforcement Officer. The logging permit will require a forest management plan which will comply with the most recent versions of Timber Harvesting Guidelines for New York and Best Management Practices, as set forth by the New York State Department of Environmental Conservation.

Among other best practices criteria, this forest management plan shall describe the methods to be used to maintain water quality of streams and wetlands, to prevent erosion on landings and stream banks, logging trails, skid trails, and steep slopes, to maintain the aesthetic character of the roadside, and flag the line designating the protected 150' buffer for streams and 100' buffer for wetlands and use selective timber cutting. The plan shall provide for cleanup and restoration of the logged area, including control of invasive vegetation and the planting of native trees at least as diverse as those that were harvested, that will allow for regeneration of forest and shall comply with the New York State Fire laws as per the DEC Timber Harvesting Guidelines. The plan will also mark all trees selected for harvest and mark any specimen trees identified for protection. Plans prepared by a consulting forester, a DEC forester, or one to meet the requirements of the New York State 480-a program will be acceptable to meet the informational needs requirements of this sub-section if they satisfy the requirements set forth above.

- c. For Individual Standards for Short Term Rentals, add the following sub-section: “d. If the applicant continues to meet all conditions of the most recent STR permit, no public hearing shall be required for renewal of a STR permit. If the applicant fails to meet one or more conditions of the most recent STR permit, the Planning Board may, but shall not be required to, convene a public hearing about renewal of the STR permit.”
- d. Add the following sub-section for Individual Standards for Electric Vehicle Charging Stations: “Electric Vehicle (EV) Charging Station
  - a. EV Charging Stations shall be permitted as per the Use Table.
  - b. All EV Charging Station installations shall meet the National Electrical Code Article 625.
  - c. EV Charging Stations--Private Use: Shall meet all relevant supplemental standards at Article V (D).
  - d. EV Charging Station—Public Use:
    - (1) Charging station outlets and connectors shall be no less than 36 inches high and no higher than 48 inches from the surface where mounted.
    - (2) Adequate protections, such as concrete-filled steel bollards with signage attached, shall be installed.
    - (3) Adequate site lighting shall be provided. All sites shall also comply with Article V (A) (9) (f) and Article V (A) (14) to prevent light pollution and glare.
    - (4) Any area or parking spot having EV charging stations shall be identified with signs indicating such area is reserved for EV charging only and that non-EV users shall not block access to the EV charging station.
- e. Amend Individual Standards for Recreational Facility (Indoor) to read as follows (new text underlined):

“The following standards shall be applied by the Planning Board for all indoor recreational facilities:

- a. Parking shall not be permitted in the front yard.
  - b. One or more recreational uses are allowed on a lot.
  - c. The Planning Board may require that facilities be screened through use of vegetation, fencing or a combination thereof from adjoining residential properties.
  - d. Hours of operation. The hours of operation may be limited to minimize impacts associated with noise, lighting, traffic and similar potential effects which may be disruptive to adjoining uses.
  - e. Site lighting. A lighting plan shall be provided and designed so as not to affect adjoining residential properties.
  - f. Noise. Adequate evidence shall be furnished by the applicant demonstrating that noise levels will not likely disturb nearby residential properties. Such evidence must take into account the nature of the activity, the general demeanor of the participants, the frequency of the activity and the time and day of the proposed activity. Public address systems are prohibited.
  - g. Waste. The site plan shall demonstrate that wastes, including runoff containing fertilizer, pesticides, as well as solid waste will be contained, treated and disposed of in accordance with applicable local, county, state and federal regulations.
  - h. Special considerations. Because the range of recreational activities allowed as components of commercial recreation establishments are broad and the characteristics and intensity of use may vary, the approving Board may impose such additional requirements as may be necessary to provide adequate protection to adjoining and nearby properties, considering the proposed activity, the proposed location and the nature of the adjoining community.
  - i. For Indoor paintball/laser tag facilities, only biodegradable dyes, paints, gelatins, and other tagging substances shall be used.”
- f. Replace Article V (A) (3) in its entirety to now read as follows:
3. Buffers
    - a. Buffers between Farm and Non-Farm Uses.
      1. All major subdivisions and commercial developments in the Ag District shall provide for an agricultural buffer between itself and an agricultural operation that may be present. Buffers shall be established to reduce the exposure of non-farm uses to odors, noise, and other potential nuisances associated with the agricultural operation and to protect the agricultural operation from potential complaints related to same. Buffers shall also be required between new agricultural-related businesses and residential areas or uses in the Ag District.

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

2. 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 Map. This streamside vegetated buffer shall consist of undisturbed vegetation designed to conserve the areas immediately adjacent to streams and rivers extending along both sides of a water course and including any adjacent wetlands, floodplains or slopes. 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.
3. Open space subdivisions, solar facilities, and site plan reviews pursuant to this local law all require identification of any stream buffer or streamside vegetated buffer on plat or site plans, and the Planning Board shall review the proposed development and ensure such buffers are in place.
4. Waivers, under certain circumstances, may be allowed by the Planning Board pursuant to Article VII (B) (6) of this local law.

- g.** Amend Individual Standards for Recreational Facility (Outdoor) to read as follows (new text underlined):

“The following standards shall be applied by the Planning Board for all outdoor recreational facilities:

- a. No portion of any outdoor commercial recreation facility area shall be located closer than one hundred (100) feet to any property line. Parking shall not be permitted in the front yard.
- b. Consideration shall be given to locating outdoor facilities away from residential property lines. The Planning Board may require that these facilities be screened through use of vegetation, fencing or a combination thereof from adjoining residential properties.
- c. Hours of operation. The hours of operation may be limited to minimize impacts associated with noise, lighting, traffic and similar potential effects which may be disruptive to adjoining uses.
- d. Site lighting. A site lighting plan shall be provided and designed so as not to affect adjoining residential properties. The Planning Board may approve a light fixture that exceeds the height for an outdoor recreation use set forth in Article V (A)(14) provided it finds that there will be no detrimental impact on adjoining uses.
- e. Noise. All requirements of Local Law #4 of 2008 as may be amended from time to time and (Site Plan) Article VII shall be met. Adequate evidence shall be furnished by the applicant demonstrating that noise levels will not disturb nearby residential

properties. Such evidence must take into account the nature of the activity, the general demeanor of the participants, the frequency of the activity and the time and day of the proposed activity.

- f. Waste. The Site Plan shall demonstrate that wastes, including runoff containing fertilizer, pesticides, as well as solid waste will be contained, treated and disposed of in accordance with applicable local, county, state and federal regulations. The Planning Board shall approve the location of any portable toilet device or other temporary waste disposal system that may be allowed in conjunction with an outdoor recreation facility.
- g. Special considerations. Because the range of recreational activities allowed as components of commercial recreation establishments are broad and the characteristics and intensity of use may vary, the Planning Board may impose such additional requirements as may be necessary to provide adequate protection to adjoining and nearby properties, considering the proposed activity, the proposed location and the nature of the adjoining community.
- h. For outdoor paintball/laser tag facilities, only biodegradable dyes, paints, gelatins, and other tagging substances shall be used.

- h. For individual standards for Home Occupations, the following footnote shall be added referring to both minor and major home occupations to read as follows: "These two uses are intended to enable citizens to engage in a home occupation that is not explicitly addressed elsewhere in the Zoning Law if that proposed home occupation meets definitions in Article XIV, and if that proposed home occupation meets all standards in Article V (D), and if that proposed home occupation meets all conditions that the Planning Board may impose pursuant to Article VI."
- i. For individual standards, Auto Body Repair/Paint Shop shall be changed to read "Motor Vehicle Sales/Service", remove references to "automotive repair work" and that section re-alphabetized. This section shall now read as follows:

**Motor Vehicle Sales/Service**

- a. All motor vehicle repair work shall be conducted in a fully enclosed building. All vehicles whether registered or not, stored on the premises in excess of seventy-two (72) hours shall be shielded from view from the road or placed in an enclosed storage yard.
- b. The exterior display or storage of new or used motor vehicle, or of motor vehicle parts, is prohibited. The following activities and equipment are permitted in the rear yard and at least 50 feet from the lot line:
  - 1. temporary storage of vehicles during repair and pending deliver to the customer;
  - 2. vacuuming and cleaning.
- c. Where a motor vehicle repair use adjoins a residential use, or is part of a home occupations, a minimum ten (10) foot high landscape screen shall be provided



adjacent to the shared property line.

- d. Bay doors to the garage shall not front on any public right-of-way. Bay doors shall face the rear yard. The Planning Board may approve an alternative orientation to mitigate impacts to adjoining uses.
- e. Dumpster locations shall be screened from public view. All refuse shall be disposed of in appropriate waste containers and removed from the premises on a regular basis. Waste oil, grease and other solvents shall be disposed-of off-site and in accordance with all applicable federal, state and local laws.
- f. No parking shall be permitted within the front yard and shall be provided for to the side or the rear of the structure.

#### **At Article XIV Definitions**

- a. Add: “Racquet Sports Facility: A commercial indoor or outdoor facility open to the public for a fee and operated to accommodate the playing of one or more racquet sports, including—but not limited to—tennis, badminton, pickleball, paddle tennis, squash, and racquetball.”
- b. Add: “Paintball/Laser Tag Facility: A commercial indoor or outdoor facility open to the public for a fee and operated to accommodate the playing of paintball, laser tag, and similar recreational activities in which players eliminate opponents from play by hitting them with dye-filled capsules (“paintballs”) that break upon impact, or by using infrared-emitting light guns to tag designated targets, or by employing similar devices and technologies.”
- c. Add: “Helipad: A landing and takeoff area for helicopters, which are a type of aircraft that derives both lift and propulsion from one or more sets of horizontally revolving overhead rotors. This definition shall also include a landing and takeoff area for autogiros, a form of aircraft with freely rotating horizontal vanes and a propeller, which differs from a helicopter in that the vanes are not powered but rotate in the slipstream with propulsion provided by a conventional mounted engine.”
- d. Add: “Days –a period of twenty-four (24) hours as a unit of time. When referred to in this zoning law as ‘business days,’ such term means the days of Monday through Friday in which there is United States postal service. When referred to in this zoning law as ‘days’ without reference to ‘business,’ it shall mean consecutive calendar days and shall include Saturday, Sunday, and Federal holidays. When the Zoning Law requires submission of application or other documents a specified number of days prior to a Planning Board or Zoning Board of Appeals meeting, hearing, or like event, that date shall not count among the submission days. For example, if a document is to be submitted ten days prior to a meeting, the meeting day is the eleventh day.”
- e. Add: Motor Vehicle—A self-propelled vehicle powered by an electric, gas, diesel, hybrid, or other type of motor used to transport people, goods, or equipment on roads,

unimproved surfaces, or water. Motor vehicles include automobiles, trucks, motorcycles, off-road motor vehicles (e.g., all-terrain vehicles, snowmobiles, motorized trail bikes), and boats when the boat motor is an integral part of the boat. Tractors and other self-propelled farm equipment shall not be considered motor vehicles. See Farm Equipment definition.

- f. Add: “Motor Vehicle Sales/Service (new text underlined) — An establishment primarily engaged in selling, renting, or leasing automobiles, trucks, and other motor vehicles and/or which provides motor vehicle repair services to the general public. Such automotive repair services shall include replacement or repair of any part, system, or body structure, including painting, detailing, and upholstery, as well as any vehicle preparation or warranty work.”
- g. Add: “Farm Equipment – Includes, but is not limited to tractors, milking equipment and storage and cooling facilities, feed handling equipment, irrigation equipment, harvesters, choppers, grain drills and planters, tillage tools, scales, combines, spreaders, sprayers, haying equipment, including balers and cubers, and any other machinery or equipment used primarily for agricultural purposes.”
- h. Add: “Farm Equipment Sales/Service – An establishment primarily engaged in the selling, renting, leasing and service of farm equipment.”
- i. Delete the entire definition for “Car Repair”.
- j. Delete the entire definition for Car Sales”.
- k. Delete the entire definition for “Retail Sales, Outdoor”.
- l. Amend to read as follows: “Outdoor Storage: The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours ~~and not associated with an outdoor retail sales establishment. See also retail sales, outdoor.~~”
- m. Amend as follows: “Car Wash: Any commercial building or premises or portions thereof used for washing ~~automobiles~~ motor vehicles. This may include automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.”
- n. Add: “ Electric Vehicle (EV) Charging Station - A public or private parking space that is served by electric vehicle supply equipment that has as its primary purpose the transfer of electric energy to a battery in an electric vehicle.  
EV Charging Station--Private Use: An electric vehicle supply equipment that is privately owned and has restricted access (e.g., dwellings, designated employee parking) or publicly owned and restricted (e.g., fleet parking with no access to the general public).  
  
EV Charging Station--Public Use: An electric vehicle supply equipment that is publicly owned and publicly available (e.g., on-street parking or Town-owned parking facilities

- for the public), or privately owned and publicly available (e.g., gasoline station, malls and commercial uses, multi-family parking lots).”
- o. Amend to read as follows: “Forestry/Silviculture (deleted text and new text shown as cross out or underline): The harvesting of timber for commercial gain in quantities greater than ~~50 standard cords of wood or 50,000~~ 30,000 board feet of timber as measured by the international ¼ log rule in any one year. Commercial timber harvesting does not include the cutting of wood by the owner of the property for the following uses, which are permitted by right:
    - A. Personal use;
    - B. The routine maintenance of roads, and rights-of-way;
    - C. The clearing of a home site for which a building permit has been obtained;
    - D. Christmas tree culture;
    - E. Clearing of approved subdivision roads;
    - F. Tree clearing for farm purposes within NYS Agricultural Districts established pursuant to New York State Agriculture and Markets Law.
  - p. Add: “Cannabis Dispensary: A retail establishment licensed by New York State to sell cannabis products.”
  - q. Add: “Private Bridge: a structure owned and maintained by a private landowner 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.”

**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.