

Local Law Filing

**Town of Ancram
Columbia County, New York**

Local Law No. 2 of 2023

A Local Law Establishing a Temporary Moratorium on Certain Applications for the Approval of Building Permits, Abbreviated Site Plan Approval, Site Plan Approval and Special Use Permits Related to Hospitality-Related Land Uses That Are Pending or May Be Subsequently Filed with the Town of Ancram.

BE IT ENACTED by the Town Board of the Town of Ancram, Columbia County, New York, as follows:

Section 1. Title of Local Law.

This local law shall be entitled "*A Local Law Establishing a Temporary Moratorium on Certain Applications for the Approval of Building Permits, Abbreviated Site Plan Approval, Site Plan Approval and Special Use Permits Related to Hospitality-Related Land Uses That Are Pending or May Be Subsequently Filed with the Town of Ancram.*"

Section 2. Authorization.

- 2.1. This local law establishes a temporary moratorium on certain applications for the approval of building permits, abbreviated site plan approval, site plan approvals and special use permits related to hospitality-related land uses that are pending or may be subsequently filed with the Town of Ancram pursuant to either Article VI (Special Use Permits) or Article VII (Site Plan Review) of the Town of Ancram Town Zoning Law. This local law shall be referred to herein as the "Moratorium".
- 2.2. This local law is enacted pursuant to Article IX of the New York State Constitution, the authorizations established in the New York State Municipal Home Rule Law, the relevant provisions of the New York State Town Law (unless superseded by this local law), and the general police powers vested with the Town of Ancram (the "Town") to promote the health, safety, and welfare of all of the residents and property owners in the Town.

Section 3. Purpose.

The Town of Ancram desires to place a Moratorium on the review and approval via the abbreviated site plan, site plan, or special use permit review and approval processes, and approval of building permits for all hospitality-related land uses on land in the Town of Ancram in order to maintain the status quo while

the Town of Ancram Town Board addresses long-range community planning and zoning objectives as they relate to the hospitality-related uses of land in Ancram.

Hospitality-related uses include “Residential-Commercial Uses” (as currently listed in the Zoning Law, Article III, Uses) as follows:

- Bed & Breakfast
- Hotel
- Inn
- Lodge
- Motel

Hospitality-related uses also include “Agriculture-Related Commercial Uses” (as currently listed in Zoning Law Article III, Uses):

- Agri-Tourism [not by farmer]

Hospitality-related uses also include “Business Uses” (as currently listed in Zoning Law Article III, Uses) as follows:

- Camp
- Campground
- Campsite
- summer camp (excluding summer camps already in existence at the time this local law takes effect)
- camping unit including RV’s or Tents for educational, recreational or vacation uses
- Day spa
- Food & beverage establishment
- Health spa/club
- Commercial swimming pool
- Physical fitness facility/gymnasium
- Membership club/facility
- Retreat Center/Conference Center
- Special Event Facilities
- Yoga and meditation

The Town and many adjacent communities have recently seen increases in interest in developing land for hospitality-related uses for commercial purposes. This trend is part of an overall increase seen throughout the Hudson Valley, especially since COVID has made short travels from the New York City metropolitan area very attractive. Multiple applications to develop uses such as a retreat center, camping, and other similar uses have been proposed in Columbia County, some near Ancram, (including proposed projects in Kinderhook, Copake, and Claverack). There is pressure for this type of development within our region. In Ancram, a retreat center application had been recently proposed, but was later withdrawn. While that application was pending before the Ancram Planning Board for review, that proposal made the Town Board and the Ancram community aware that, although hospitality-related

land uses were allowed in Ancram, the Ancram Zoning Law needed improvement in the regulation of those uses. In addition, the land use regulations related to hospitality uses needed to be revised to make them more consistent with Ancram's updated Comprehensive Plan. The Town Board has concluded that the current regulation of these uses by the Zoning Law do not adequately address Ancram's vision for the development in the Town, nor do those regulations adequately address the role hospitality-related development should have in Ancram.

The Town adopted an updated Comprehensive Plan in 2019 and subsequently convened its Zoning Revisions Committee (ZRC) to implement amendments to the Zoning Law to make the Zoning Law consistent with the policies established in the 2019 Comprehensive Plan. Since 2019, the ZRC has been working on a variety of amendments to the Zoning Law.

An overriding policy of the Town has been, and continues to be, to promote development that is consistent with Ancram's rural, scenic, and small town character. Goal 7 of the Plan related to economic development establishes that Ancram desires "home and arts-based businesses, cafes, convenience shops, restaurants in the Hamlets, farm retail/eco-tourism activities and other small business enterprises consistent with our rural, scenic and small town character." An action step to implement that goal is to "Review and update zoning related to the use table to ensure it includes all desired businesses." The Town recognizes that updates are needed to ensure for appropriate hospitality-related uses, and an appropriate scale of those uses, along with correlated development standards for each type to ensure consistency with those core Ancram Values.

The Town Board wishes to gather information and planning advice about hospitality related uses, their scale and intensity of use, and potential impacts on the community and the environment with the goal of amending the Zoning Law. Further, in light of the existing hospitality-related development pressures being experienced in Ancram, and because the update of the land use laws by the ZRC will take significant time, the Town Board wishes to take interim action to try to address these issues so that the Town Zoning Law can be amended, revised and improved to conform with the new Comprehensive Plan.

The Moratorium is intended to ensure that no Abbreviated Site Plan, Site Plan, Special Use Permit, or Building Permit Applications specifically related to hospitality-related uses as listed in Section 3, above, subject to the exceptions expressly provided for herein, are considered or acted upon in the Town of Ancram until the Town of Ancram Town Board (the "Town Board") prepares and considers revisions or amendments to the Town of Ancram Zoning Law.

Section 4. Affected Properties.

Except as noted in Section 6 herein entitled "*Exceptions to this Moratorium*," this local law shall be applicable to all real property located within the boundaries of the Town of Ancram.

Section 5. Moratorium and Scope of Moratorium.

- 5.1. Except as noted in Section 9 herein entitled "*Exceptions to this Moratorium*," no board, commission, agency, department, officer, employee, consultant, or agent of the Town of Ancram shall accept for review, continue to review, hold a hearing or meeting, or make any decision upon any application and/or appeal for use of land for any hospitality-

related use as listed in Section 3, above, during the time period for which this Moratorium is in effect, whether or not such abbreviated site plan, site plan, special use permit or building permit applications were submitted prior to or after the effective date of this Moratorium.

- 5.2. As discussed in Section 9 herein entitled "*Supersession of State Town Law , Conflict of Laws, and Supersession,*" the New York State statutory and locally-enacted time periods for processing and making decisions on all such abbreviated site plan, site plan, special use permit or building permit applications for hospitality-related uses are suspended and stayed while this Moratorium is in effect pursuant to the powers granted to the Town by the NYS Municipal Home Rule Law.

Section 6. Exceptions to this Moratorium.

This local law shall only apply to applications for any hospitality-related use listed in Section 3, above and shall not apply to the following situations:

- 6.1. Applications for the renewal of valid, existing special use permits for any hospitality-related use described in Section 3 of this Moratorium; and
- 6.2. Applications for the amendment of any site plan for any hospitality-related use described in Section 3 of this Moratorium provided that the previous site plan was complete and final, including the final site plan map having been signed by the Chair of the Ancram Planning Board, provided that the amendment does not propose the expansion, enlargement, or intensification of the existing hospitality-related land use.
- 6.3. Applications for new, or amendments to existing abbreviated site plans, site plans, special use permits or building permits for summer camps already in operation at the time this local law takes effect.

Section 7. Duration of Moratorium.

- 7.1. The provisions of this local law and Moratorium shall be in effect for a period of nine (9) months from the effective date noted herein unless earlier repealed, modified, extended, or supplemented by a further local law of the Town of Ancram.
- 7.2. This Moratorium may be extended by two (2) additional periods of up to six (6) months by resolution of the Town Board upon a finding of the necessity for such extension.

Section 8. Appeal Procedure.

- 8.1. The Town Board shall have the authority to vary or waive the application of any provision of this local law, in its legislative discretion, upon its determination that such variance or waiver is required to alleviate an unnecessary and/or unique hardship affecting a lot. In reviewing such a request, the Town Board may consider:

- 8.1.1. Whether the variance or waiver will adversely affect the purpose of the Moratorium, the health, safety or welfare of the Town or will substantially undermine the land-use planning and potential revision process under review.
- 8.1.2. The Town Board may take into account the existing land use in the immediate vicinity of the property, whether the lot is vacant or developed, the impact of the variance or waiver on infrastructure, neighborhood and community character, community planning goals and objectives, natural resources, government services, and other environmental issues.
- 8.1.3. A proposed project must comply with all other applicable provisions of the Town's local laws and the Town of Ancram Zoning Law.
- 8.1.4. Whether the Moratorium would leave the property owner or applicant completely unable, after a thorough review of alternative solutions, to have a reasonable alternative use of the property.
- 8.2. Any application for a variance or waiver of provisions in this local law shall be filed with the Town of Ancram Town Clerk and shall include a fee of \$500 dollars (As per the Town of Ancram Fee Schedule for Zoning Reclassification) for the processing of such application. An application for a variance or waiver shall contain the complete details of the proposed project. To the extent that the Town Board requires a consultant (e.g., attorney, engineer, planner, surveyor, etc.) to assist it in reviewing such application, it may also require the applicant to pay the reasonable costs of such consultant. Any consultant shall be selected at the sole discretion of the Town Board.
- 8.3. In the sole discretion of the Town Board, the Board may refer any application for a variance or waiver of this local law to any official, department, and/or land use board for a recommendation. The Town Board shall not be bound by any recommendation of any official, department, or land use board and shall conduct a public hearing and make a final decision on the application, with or without conditions. The Town Board shall render a decision on an application for a variance or waiver of the Moratorium within ninety (90) calendar days of the Town Clerk's receipt of a complete application. This time period may be extended upon the consent of the applicant.
- 8.4. The Town Board shall notify the applicant of the Board's decision to approve, approve with conditions, or deny an application to vary or waive the application of any provision of the Moratorium. In the event that the Town Board determines to approve such application, the applicant may seek approvals from the relevant officials and/or land use boards under the terms set forth within the Town Board's decision.

Section 9. Supersession of State Town Law , Conflict of Laws, and Supersession.

- 9.1. Pursuant to the powers granted by the New York State Municipal Home Rule Law, this Local Law hereby supersedes all provisions of Article 16 of the New York State Town Law pertaining to zoning and planning, insofar as such statutes are inconsistent with this local law. This shall include all deadlines for making decisions, interpretations or determinations.

9.2. This supersession specifically includes, but is not limited to, the following provisions of the New York State Town Law:

9.2.1. Section 274-a entitled "*Site Plan Review*" and § 274-b entitled "*Special Use Permits.*"

9.2.2. Section 267 entitled "*Zoning Board of Appeals;*" § 267-a entitled "*Board of Appeals Procedure;*" and § 267-b entitled "*Permitted Action by Board of Appeals;*" and § 267-c entitled "*Article Seventy Eight Proceeding.*"

9.3. This Local Law also supersedes all other laws or regulations of the Town of Ancram which are inconsistent with this Local Law.

Section 10. New York State Environmental Quality Review Act.

This local law constitutes a Type II Action under the State Environmental Quality Review Act because it constitutes the adoption of a moratorium on land development or construction. As such this "action" is not subject to review under the New York State Environmental Quality Review Act.

Section 11. Severability.

If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 12. Effective date.

This local law shall take effect immediately upon filing with the New York State Secretary of State.

End of Town of Ancram Local Law No. 2 of 2023.