

## Comprehensive Plan Draft 10 Clarifications and Changes

6-11-09

*The Comprehensive Planning Committee has made the following clarifications and changes to the Ancram Comprehensive Plan, which are incorporated into Draft 10 of the Comp Plan, dated June 10, 2009. These changes are based on questions and comments from residents, property owners and public officials during, and for ten days after, the 4/25/09 Public Hearing.*

**1. The purpose of a Comprehensive Plan** is to describe where a Community wants things to be in the future, and recommend ways to get there. Ancram's Comprehensive Plan has been developed with extensive participation from all the Town's constituencies, and with expert advice. The Plan will help steer the Community toward a consensus future "vision". The Plan balances the rights of property owners, their neighbors and the Community. The Plan recommends strategies designed to implement the Community's vision and goals, while protecting the Community from the threats of dangerous, inconsiderate or objectionable activities or development.

We have had a Master Plan and zoning in place for 35 years, and they seem to have worked well. Some people even wonder if we need any changes to what we have. But based on the wishes and concerns of current property owners and residents, it is time for some changes to help preserve and protect the Town's rural character, groundwater and the environment, and support agriculture, business and affordable housing. On balance, the Comprehensive Plan is based on the *Community's* shared vision, goals, perspectives and priorities, and not on those of any individual or special interest group.

**2. Any future legal challenges** to the Comprehensive Plan will most likely be caused by insufficient detail in the Plan, not too much detail. A "general" Plan with insufficient details could result in a variety of possible interpretations when translated into zoning. If a variety of zoning outcomes could result from the Plan, whichever one is selected would be subject to challenge as not intended.

In addition, the Plan and resulting zoning could also be challenged legally if they do not reflect the vision, goals and intent of the Community, as outlined during the planning process in the workshops and the survey. The Comprehensive Plan document is organized to provide both a general overview of the Plan's vision, goals, conclusions and recommendations and specific recommended strategies by goal. By providing both the general and the specific, we believe there will be less ambiguity and less opportunity for misunderstanding down the road.

**3. Agriculture and Business** are viewed in the Plan as equally important economic activities. The Comp Plan suggests that small businesses and home-based businesses should be accorded the same degree of Community and Town support as agricultural businesses, and that zoning should be reviewed and revised to make it "friendly" to small businesses, home-based businesses and agricultural businesses.

The Plan recommends that specific businesses which are permitted for the hamlet commercial zones and the agricultural zone be identified, and that a “floating zone” law be set up to evaluate any businesses not specifically permitted in a zone. The Plan recommends making it easier to secure approvals for farm-worker housing, and clarifies that most Ancram residents want agricultural and non-agricultural businesses which are of a size and scale consistent with the small town rural character of the Community.

**4. Open Space Development** is required for major (five or more lots) subdivisions, and is recommended but not required for minor subdivisions unless, as required by the SEQR “total project” view, a minor subdivision could evolve into a major over time. Open space development does not apply to single, stand-alone building lots. The Plan recommends that all major subdivisions be designed to protect open space, the environment, rural character, and scenic resources. The Plan recommends that 60% of a parcel being subdivided be kept in open space, and the building and development related to the subdivision be concentrated in 40% of the parcel. This 40% of a parcel allowed for development can either be clustered in 40% of the parcel area, or can be distributed across the entire parcel, as long as the building envelopes are sited such that after the parcel is fully developed, there is a 60% contiguous area of open space. The purpose of this open space development rule is to keep fields open for agriculture and recreation, and to prevent Ancram from turning into a suburb over time.

The Zoning Revisions Committee will define what can and cannot be included in the definition of “open space”. Things such as leach fields, flood plains and water may be included, while things such as roads, yards and driveways may not be included. There should be no building of any kind permitted in designated “open space” areas.

The creation of required open space and the determination of the ownership and taxpaying responsibilities for open space will be determined at the time of the subdivision by the parcel owner/developer who does the subdivision.

All indications are that open space is very highly valued in Ancram and the Hudson Valley generally, tends to draw people to the Community to take advantage of the “quality of life” in the area, and has the effect of improving overall property values while helping stimulate residential development.

**5. Wetland, water, streamside and vernal pool buffers** are proposed at a fixed 100 feet, which is the DEC standard wetland/water/streamside buffer. This 100 foot buffer compares to the 150 foot buffer which currently exists, and the 750 foot buffer previously proposed for vernal pools. There is no longer a provision in the Plan for increasing the buffer to 150 feet based on soils, terrain or slope. In addition, the Plan recommends that streamside natural vegetation buffers of 25 feet be maintained if they are already there, but if not already there, they do not need to be planted, except in major subdivisions.

**6. Roadside vegetation and roadside trees** are important elements of rural character, but the Plan acknowledges the Town has little control over State, County

or electric company crews doing work on roadside trees and vegetation. Nevertheless, the Plan proposes that the Town adopt policies to protect roadside vegetation and trees, communicate these policies to NY State DOT, County and electric company crews, and require the Town highway department follow them.

**7. Camping sites and public access to the Roe Jan Kill** and other water and wetlands for recreational purposes are now supported in the Plan. The language pertaining to access to streams through privately owned lands has been clarified to indicate such access is for the landowner, not the public, unless special arrangements have been made for public access.

**8. Scenic Corridor Overlay Zone** - The Comp Plan clarifies that all businesses permitted elsewhere in Ancram are permitted in the SCOZ except gravel mining, airports and bus stations, and proposes that a new business/residential zone be considered for the area around the Citgo/AmeriStore on Route 22.

**9. Gravel Mining** is still excluded in the SCOZ, but remain permitted in the rest of the Town, including in flood plains, subject to DEC and Town oversight. Miners mining less than 1000 tons a year on their own land for their own use or for sale are excluded from any Town mining regulation. The Plan continues to recommend that the Town exercises all rights to oversee all gravel mining to the extent permitted by DEC. Survey results on gravel mining suggest about one third of the Town believes there should be no Town regulation of mining, one third believes there should be town regulation of mining as permitted by DEC, and one third of the Town believes there should be no mining at all. In addition, slightly over half of the survey respondents believe that there should be areas of Town where mining is permitted, and other areas where mining is not permitted. On balance, the Comp Plan proposals regarding gravel mining are consistent with these Community views.

**10. Logging** done by a landowner for his personal use without using a commercial logger will be exempt from the commercial logging permitting process recommended in the Plan. Logging will be permitted in flood plains.

**11. Development in Ancram** is controlled by three sets of laws: the NY State Building Code, the NY State Environmental Quality Review Act (SEQR) and Town zoning and subdivision laws. Town building department officials, Planning Board officials and members of the Zoning Board of Appeals are required to follow all three sets of laws. While in the past, application of these three sets of laws may not have been uniformly consistent, better training and more care to follow the rules have been made, and should continue to make, the application of these laws more even-handed and predictable. The Comprehensive Plan recommends written materials covering the building permit, Planning and ZBA processes be compiled so applicants know exactly what is expected, how long things are likely to take and how much things are likely to cost. Having these written guidelines, along with the increased training for all town officials involved with the building permitting and review processes, should eliminate the kinds of building inspector and planning board “problems” that have been reported in past years.

**12. A minor-to-major subdivision “transition”** happens when five or more lots have been subdivided from a parcel over a period of time. The first four lots are treated as a “minor” subdivision, but the fifth triggers requirements of a “major” subdivision. Under current zoning, any subdivision going back to 1972 is included when calculating when a “major” subdivision occurs. Because the Comp Plan proposes several important zoning changes -- moving to a 60% open space requirement for major subdivisions, and allowing flexible lot sizes as small as ½ acre -- the Plan now proposes that lots subdivided prior to the adoption of the proposed new zoning laws not be counted as part of the five lots which would trigger a major subdivision. Under this proposal, lots to be included in a major subdivision would be those subdivided after the new zoning law has been adopted. This means every parcel is assumed to have no prior subdivisions.

**13. Major subdivisions** will require review processes which are not required for minor subdivisions or individual building lot development, unless required by a positive SEQR declaration. These major subdivision review processes are outlined in the Plan, and include things such as:

- design standards
- site plan review
- protection of designated ridgelines
- natural resource and biodiversity assessments
- historic site assessments
- visual impact assessments
- traffic impact assessments
- water and septic adequacy evaluations
- lighting standards

**14. Design standards** are essential to the revitalization of the hamlets and to the orderly development of the Community. The Comp Plan Committee believes the absence of design standards has contributed to the deterioration of the hamlet of Ancram by creating uncertainty about the future of the Town center and discouraging new investment. Design standards should help retain and attract business and economic activity by defining “common sense” requirements that will make a project approval easier and more predictable.

**15. Site Plan Reviews** insure that development is done in compliance with zoning regulations and design standards. Site plan reviews are the Planning Board’s way to make sure any planned subdivision meets Town zoning guidelines. The site plan review will be based on the Town’s zoning and subdivision laws, including design standards, and define how the Planning Board may review a project’s compliance with these standards. During the site plan review, the Planning Board may make suggestions for changing the developer’s site plan if it does not adhere to the Town’s zoning and subdivision laws. Depending on what issues are at stake, some changes requested by the Planning Board will be mandatory, while others will be up to the developer to accept or not at his discretion.

**16. The Planning Board** may require additional information in certain circumstances, and may waive requirements if appropriate, as long as both actions are consistent with the intent of the Comp Plan and the underlying zoning/land use laws.

**17. Lots between 3.5 and 5.999 acres** in the Agricultural Zone are allowed one subdivision as long the parcel was not originally part of a previous major subdivision, water and septic are available and approved, and access and setback requirements can be met. The Plan does not recommend allowing a subdivision for lots less than 3.5 acres as these smaller lots are likely to have more issues with access, setbacks, water, septic and neighbors. After the town has had some experience with subdividing 3.5 acre to 5.99 acre lots, smaller lot subdivisions could be reconsidered. The Comp Plan Committee believes that Plan provisions allowing in-house apartments and apartments in garages and barns will meet the needs of owners of lots less than 3.5 acres in the near term, without the need or expense of a subdivision.

**18. Mobile Homes** are treated like any other single family home in the Plan. Federal housing laws now call “mobile homes” built after 1976 “manufactured homes”. The NY State Building Code does not permit pre -1976 mobile homes. Mobile home parks are allowed under the Plan. The Zoning Revisions Committee will determine whether to stay with existing guidelines for mobile home parks or apply the proposed open space development densities and guidelines in the Plan.

**19. Lots as small as ½ acre** are still recommended for the business/residential zones of the hamlets and in the agricultural zone (subject to the 3.5 acre average lot size requirement) as long as water and septic are available and the lot is approved by the County Board of Health. While some ½ acre lots may not be suitable for development, others will be, and the Comp Plan Committee believes this is an important element in providing opportunities for affordable housing.

**20. Lands past Five Roses east and west on Poole Hill Rd** have been reclassified from R-1 (2 acre minimum lot size) to Agricultural (3.5 average lot sizes). The Comp Plan Committee believes the parcels affected by this change have already been developed to the extent permissible and are deed-restricted from further development, so there will be no change to potential future densities. These changes are indicated on the revised Zoning Concept Map.

**21. Approximately half of the R-2 area** (1 acre minimum lot size) at the southern/western end of the Route 7 Ancram boundary has been reclassified to ½ acre average lots with 60% open space; the other half of this area should be Agricultural, with 3.5 acre average zoning and 60% open space. These changes are noted on the revised Zoning Concept Map.

**22. The remaining R-1 (2 acre minimum lot size)** zones in Ancram, Ancramdale and Boston Corners should become 2 acre average lot size zones, with a 60% open space requirement. This is noted on the revised Zoning Concept Map.

**23. “Grandfathering”** will protect all conditions current as of the adoption of the new zoning. Future actions requiring a building permit will require compliance with the new zoning resulting from this Plan.

**24. “Tax incentives”** have been broadened to “incentives” everywhere in the Plan where “tax incentives” appear. The Plan proposes that incentives be identified and used to retain and expand both existing businesses and attract new business and jobs.

**25. Big box stores and large scale wind and solar operations** are still excluded as inconsistent with the wishes of the Community to limit businesses to those of a size and scale appropriate to maintain Ancram’s small town, rural, scenic character. The Plan proposes that businesses that are allowed in each zone be specifically identified, and any business which is not specifically allowed in a zone be reviewed and evaluated through the “floating zone” process.

**26. The 82/7 Intersection** has been a problem for years, and requires continued attention from the Town. While the Town does not have control over the intersection, the importance of “fixing” this intersection for safety reasons makes it important to continue efforts to persuade the County and State to take appropriate action.

**27. All Committees** recommended in the Plan will be appointed subject to the discretion of the Town Board. The Plan now proposes that as an alternative to appointing a **Highway Advisory Committee**, the Town Board could expand its oversight of the highway department and effectively become the “highway advisory committee”. The Plan recommends this approach due to the high proportion (80%) of the Town budget which is dedicated to town roads, and the high capital costs of town highway equipment and facilities.

**28. Historic preservation easements** may be sought by town residents and the Town may be requested to support these efforts. Prior to committing to this kind of venture, the Town should understand its obligations and possible expenses, both initial and ongoing, in getting involved with this kind of activity.

**29. Dump hours and regional transportation** have been deleted from the Plan, and **speed enforcement** has been broadened to “traffic safety”.

**30. Roadside Trash** prevention and collection policies, procedures and laws need to be reviewed and improved or established.

**31. Fire District Commissioners** have been deleted as beneficiaries of assistance from the Financial Analysis Advisory Board.

**32. Town noise laws**, which the Town Board looked at last year, should be reviewed, updated and enforced as required.

**33. Over 30 different Maps** are available for review at the Town Hall as part of Volume 2, in the Groundwater Protection Plan (Appendix D) and in Map Appendix G.