

MEMORANDUM

FOR: Ancram Town Board
FROM: Hugh Clark, Chair, Zoning Revisions Committee
SUBJECT: Recommended Zoning Ordinance Amendments—*5th/Final Package*
DATE: 14 April 2013

The ZRC was appointed to “bring the Town’s zoning and subdivision laws into alignment with the Comprehensive Plan.” Other points of guidance stated that “the Zoning Revisions Committee should review and revise zoning, subdivision, site plan and other land use laws to bring them into alignment with the new Comprehensive Plan” and “identify all town laws pertaining to land use and consolidate them in a single Land Use Laws document.”

The ZRC has revised the 1972 Zoning Ordinance section by section and has submitted several sections together as packages for Town Board action.

Package #1, adopted 21 July 2011, comprises:

- Section I: Title and Scope
- Section VII: Administration and Enforcement
- Section VIII: Zoning Board of Appeals
- Section IX: Planning Board
- Section X: Amendments
- Section XI: Interpretation and Application
- Section XII: Definitions [a re-designation of the section]

Package #2, adopted 20 October 2011, comprises:

- Section XIII: Site Plan Review
- Section V (I): Open Space Conservation Subdivisions

Package #3, adopted 20 September 20 and 18 October 2012, comprises:

- Section II: Establishment of Districts, which includes new
- Section II E: Floating Business District
- Section III: Use Regulations
- Section IV B: Area and Bulk Regulations: Density Control Schedule
- Section IV I: Density Bonuses
- Section V J: Special Use Permits
- Section VI: Non-Conforming Uses, Buildings and Lots

Package #4, adopted 21 March 2013, comprises:

- Section IVF: Compliance with Minimum Lot Area per Dwelling...and
- Section IVJ: Density Calculation
- Section V: Supplemental Regulations
- Section VJ: Individual Standards for Selected Uses
- Section XII: Definitions

After all sections have been adopted as individual amendments to the current ordinance, the complete compendium of revisions will be organized and submitted for adoption as a single, coherent local law.

After extensive deliberation, the ZRC now recommends that the Ancram Town Board adopt the attached Supplemental Regulations Section V(H): Ridgeline Protection (Enclosure 2) along with the corresponding Town of Ancram Ridgeline Identification and Protection Map. This amendment constitutes the fifth—and final—package of amendments completed by the ZRC.

The amendment helps attain several objectives of the Comp Plan. These include:

The Community's Vision for 2030—"We protect our environment and our important scenic views. Programs are in place to protect...ridgelines," and also

Goal 1: "Encourage...the rural, small town, scenic character of Ancram by...preserving...important scenic views," and

Goal 2: "Develop policies and programs to protect...ridgelines..." with strategies "to protect scenic views, designated ridgelines and rural character, establish...visual impact mitigation recommendations..." and "ensure new development minimizes negative impacts to visual and scenic resources..." and

Detailed Strategy 2.10 Steep Slopes: "Development on steep slopes...can be permitted subject to site plan review and with guidelines and standards which control storm water run-off and visual impacts on ridgelines" and

Detailed Strategy 2.11 Ridgeline Protection: "Establish guidelines to protect designated ridgelines. Designated ridgelines should be determined by the zoning revisions committee based on their topographical prominence and scenic importance. On these designated ridgelines, locate structures so rooflines do not extend above the existing tree line or ridgeline. Use...selective tree removal instead of clear cutting to the maximum extent. These requirements will be mandatory for major subdivisions, and encouraged for minor subdivisions."

Section V(H), Supplemental Regulations: Ridgeline Protection, was initially submitted on 19 September 2012 as part of Package 4.

Public hearings in October/November 2012 and January 2013, plus Town Board guidance in February, provided much feedback. Commonly voiced questions, with answers, are at Enclosure 1.

The ZRC discussed feedback and textual adjustments in December, and extensive deliberations occurred throughout February, March, and early April. Summaries of those deliberations are in meeting minutes posted on the town website.

Based on public feedback, Town Board guidance, research, and extensive deliberation about various scenarios and effects, the ZRC changed the original text of Section V(H). Following is a summary of those changes:

*The original text did not state the intent of the ridgeline protection measures, nor did it state what those measures do not prohibit.

Section H1 of Draft #9, which is the text now recommended, clearly states the intent of these supplemental regulations, focuses on minimizing visual impacts on designated ridgelines, directly links to Comp Plan vision and goals, and explicitly states that principal and accessory structures are permitted on parcels containing designated ridgelines. Equally important, this subsection overtly states that the Town does not intend to render any lot unbuildable, cites the Planning Board's waiver authority, and underscores the desired balance between development and protective measures.

*The original text called for rooflines to be at least 35' below the ridgeline, or not more than 500' horizontally from the ridgeline if the 35' vertical distance could not be met. This requirement has been deleted.

Subsection H3e now states that "the top of the structure's roof shall not be higher than the designated ridgeline unless the structure is fully screened by existing vegetation when viewed from publicly accessible locations...." This revision and other parts of subsection H3 emphasize the focus repeatedly cited in the Comp Plan vision and goals—protect scenic views by minimizing visual disturbance.

Yes, this amendment does enable a structure to be built astride a designated ridgeline, but only if that structure is fully screened by existing trees and vegetation when viewed from publicly accessible locations, such as roads or parks. The focus becomes not the structure, but whether the structure is obtrusive when viewed from public sites. Moreover, the tree canopy of forested ridgelines must remain undisturbed.

This revision also provides neighborhood consistency as it coincides with Gallatin's law, and is similar to laws in Hillsdale and Austerlitz.

The amendment also provides guidance at subsection H3h if the designated ridgeline is open fields or scrub growth, rather than forested. The emphasis is on blending with that landscape to be as unobtrusive as possible.

*When deliberating about height below, at, or above the ridgeline, the ZRC envisioned varied scenarios of structure placement, visual obtrusiveness, and operational ease for both landowner/applicant and Planning Board. From that analysis, the ZRC opted for another feature found in Gallatin's law, and in those of other neighbors. Now included in subsection H2 is a ridgeline protection overlay district, comprising the designated ridgeline plus 300 feet on each side of the ridgeline. Such a concept achieves visual protection goals, aids both applicant and PB by designating where protective measures do and do not apply, and accommodates any modest imprecision in determining the exact position of the ridgeline itself.

*Contour numbers and grid coordinates have been added to the Ridgeline Identification and Protection Map to more clearly depict the track of designated ridgelines. However, if a landowner/applicant believes that the map does not coincide with reality and that distinction affects the siting of a structure or building envelope, subsection H2c now

provides two approaches for substantiating that belief, and authorizes the Planning Board to render a decision and to officially adjust the map.

*Recommended text at subsection H3i now addresses four devices that are likely to project above a roofline: chimneys, satellite dishes, antennas, and cupolas. The concept is similar to regulations in Hillsdale and Amenia. As the most potentially obtrusive of these devices, cupolas receive special attention.

*While analyzing the pros and cons of various options, the ZRC considered the possibility that someone might not play by the rules. To promote awareness and thereby prevent unauthorized removal of screening trees and vegetation during and after development, subsection H4 addresses remediation for unapproved cutting.

As indicated by the summary above, the recommended text for Section V(H): Ridgeline Protection now differs significantly from that initially proposed in September 2012.

Whereas the original proposal concentrated heavily upon where a proposed structure may be placed in relation to a designated ridgeline, the current text provides flexibility about location while concentrating on maintaining the continuity of forest canopies, retaining indigenous vegetation, screening the structure, and minimizing its visibility from publicly accessible locations.

These proposed measures are balanced, and are neither unusual nor extreme. All are practices commonly used by municipalities throughout the Northeast and throughout the United States. All are similar to ridgeline protection measures already adopted by neighboring towns.

Such measures implement Comp Plan Detailed Strategies 2.10 and 2.11 and directly contribute to attaining the objectives of Goal 1, Goal 2, and the Community's Vision that we protect our important scenic views. In addition, these provisions aid storm water and erosion management, as well as wildlife habitat.

Moreover, these measures enable all structures—whether part of a major subdivision, minor subdivision, or single/two family house not part of a subdivision—to follow the same rules. Hence, these recommendations are simple, consistent, and fair, while achieving the protection objectives.