



**M E M O R A N D U M**

**TO:** Brian Grisi  
**FROM:** Robyn Burgess  
**DATE:** September 6, 2012  
**RE:** Town of Day Local Land Use Program Amendment

The Town of Day seeks Agency approval to amend its local land use program by amending its Zoning Law and Subdivision Control Law. The amendments were submitted for approval by Town Board Resolution 2012-28 and 2012-29 dated June 20, 2012 pursuant to the Town's Agency-approved local land use program (ALLUP). The Town of Day has administered an Agency-approved local land use program since 1992. The ALLUP amendment is on the Local Government Services Committee Agenda for action at the September Agency meeting.

**Overview of Changes**

Following the 2010 adoption of a new Comprehensive Plan, the Town of Day undertook a thorough review of its zoning and subdivision codes by town planning committees, town board members, town attorney, and Agency staff. The multi-year effort resulted in revisions to the town's land use controls that include editorial changes, updated uses and standards. A summary of the changes, with the specific revised text in legislative format, is included in the attached, TOWN OF DAY PROPOSED AMENDMENTS: JUNE 25, 2012 [LG-Day-20120828-REB-O-F-2012AmendText]. The complete text of the proposed Zoning Law and Subdivision Control Law, along with the SEQRA documents, will be available on the September 2012, Agency mailing CD, and posted to the Agency website in the current activities, September meeting mailing package.

**Staff Review and Comment**

Agency planning and legal staff consulted and coordinated the review of these amendments with town officials. The amendments provide a substantial update to the existing codes and provide greater integration between the Zoning Law and Subdivision Control Law. Many of the proposed revisions do not involve those provisions outlined in §582.25 as elements subject to approval as part of the Town's Agency-approved local land use program. However, there are several key changes the Town

proposes that require Agency review and approval.

With the breadth of the proposed revisions, staff conducted a systematic review of the Zoning Law and Subdivision Control Law to ensure the integration of the local law with the ALLUP requirements applying special attention on those aspects involving APA jurisdiction or standards. The proposed amendments reflect and incorporate the new APA boathouse regulations and clarify requirements for lateral expansions of non-conforming shoreline structures. The Town also made changes in terminology in order to align with New York State Uniform Fire Prevention and Building Code and its treatment of "Mobile Homes." The New York State code no longer uses the term "mobile home" and recognizes all of those like structures to be "manufactured homes."

#### **SEQRA**

The Town of Day declared itself lead agency, under SEQRA for the zoning change as a Type 1 action, on June 20, 2012 by Resolution 2012-24 and 2012-25. The Agency agreed to the Town of Day's designation as Lead Agency and participated as an involved agency in the review. The Town completed the full environmental assessment form and on June 20, 2012, by Town Board Resolution 2012-26 and 2012-27, adopted a negative declaration stating the proposed action will not have significant environmental impact.

#### **Summary**

Agency staff concludes that the Town of Day's zoning changes are in accordance with the standards for an Agency-approved local land use program. The zoning amendment is on the Local Government Services Committee Agenda for action in September. Included in the September Agency mailing packet is a draft resolution to approve this action.

REB:BFG:lhb

Attachments

cc: James Connolly  
Jennifer McAleese