



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

**TO:** Terry Martino  
**FROM:** Brian Grisi  
**DATE:** September 4, 2012  
**RE:** Local Government Services Program Report,  
August 2012

**I. Program Highlights**

**A. Approved Local Land Use Program**

- **Chester** - Agency planning staff met with the Town of Chester Code Enforcement Officer and Zoning Clerk to discuss the town's agency-approved local land use program, several proposed projects within the town and a draft reformatted version of the town zoning, subdivision and sanitary laws.
- **Horicon** - Agency planning staff met with the Town of Horicon Town Clerk and Zoning Clerk to discuss preparations for finalizing amendments to the town's approved local land use program for agency approval.
- **Queensbury** - The Town of Queensbury submitted amendments to its zoning law in August. The amendments did not involve lands, administration or enforcement within the Adirondack Park or affect provisions required by the town's agency-approved local land use program. As such, staff determined the amendments would not require formal approval by the Agency.
- **Westport** - Agency planning staff met with the Town of Westport Supervisor and Code Enforcement Officer to discuss the town's agency-approved local land use program, several proposed projects within the town and a course of action for developing a conditional map amendment to expand the existing Hamlet land use area.

## **B. Outreach**

- **Department of State** - Planning staff continued to work with the NYS DOS to provide training sessions for planning and zoning boards.
- **Elizabethtown** - Agency planning staff met with a member of the town's Comprehensive Planning Committee. Agency staff followed through on an offer to provide support and GIS mapping resources to assist with the planning process by providing statistical data on agency permitted development within the town. The Town of Elizabethtown received funding for the project through a DEC Smart Growth grant in 2010.

## **II. Referrals from Towns with Approved Local Land Use Programs**

### **A. Amendments**

- **Bolton** - The Town of Bolton continues to work on a revised zoning law. It will be a complete repeal and replacement of the existing local law. Staff met with the town's consultant in April and the draft is expected be delivered for informal review in the near future. Status: Unchanged from prior month.
- **Colton** - The Town of Colton is completing a working draft to revise portions of its zoning and subdivision laws. Staff discussed the review of approved local land use program amendments and will coordinate the review process with town officials. Status: Unchanged from prior month.
- **Day** - The Town of Day submitted revisions to its zoning and subdivision laws for formal Agency review and approval. The town held a public hearing in August to provide opportunities for seasonal residents to attend. Staff completed review documents in coordination with town officials and are preparing a presentation for the Agency Board. Status: The amendment is on the agency meeting agenda for Agency Board action in September.
- **Horicon** - The Town of Horicon continues to work on revisions to its zoning and subdivision laws. The changes to the zoning law will result in a complete

repeal and replacement of the existing law. Agency staff reviewed the documents and provided informal comments to town officials in February and received a revised draft for informal review in April and another in July. Status: Staff continues to provide informal review comments and suggestions on the documents and have met with town official to discuss preparations for finalizing amendments to the town's approved local land use program for agency approval.

- **Johnsburg** - The Town of Johnsburg and agency staff began preliminary discussion on proposed updated to amend the town zoning law. The revisions include changes to the wetland acreage set-aside requirement for calculating potential principal buildings in a proposed subdivision and a boundary line adjustment provision. Several other provisions are also being considered. Status: Unchanged from prior month.
- **Queensbury** - The Town of Queensbury submitted amendments to its zoning law in August. The amendments did not involve lands, administration or enforcement within the Adirondack Park or affect provisions required by the town's agency-approved local land use program. Status: Staff determined the amendments would not require formal approval by the Agency.
- **Willsboro** - The Town of Willsboro is finalizing its comprehensive plan and continued discussions with Agency staff on revisions to its zoning law. Staff provided examples of zoning laws and provisions used by similar communities to address specific land use issues the town is considering revising. Status: Unchanged from prior month.

The Town of Willsboro submitted a draft sanitary law for informal review. Status: Staff are reviewing the proposed local law.

- **Westport** - The Town of Westport submitted a draft zoning law and revisions to its existing subdivision law for informal review in April. The changes to the zoning law will result in a complete repeal and replacement of the existing zoning law. Staff provided informal review comments and suggestions to town officials in May and met with town officials to review the proposed zoning law amendment in June. Status: Unchanged from prior month.

## **B. Variances (8)**

- **Bolton (1)** - Staff received one variance referred by the Town.
  - Project [LV2012-0052] was for the construction of a 112 square foot addition to existing non-conforming single family dwelling. Relief was required from the Town shoreline, front and rear setbacks and for alterations to an existing non-conforming structure. It was noted that the applicant had previously received approval for a larger proposal in 2011 and the current project and variance is a modification of that proposal and a reduction in the scope of the project. No action was necessary for this variance as variances issued in Hamlet land use areas are not required to be referred to the Agency.
  
- **Caroga (2)** - Staff received two variances referred by the Town.
  - Project [LV2012-0050] involved the construction of a 6 x 18 foot garage addition. Relief was required from the Town side-yard setbacks. No further Agency review of this variance was required since the project did not involve provisions of the Adirondack Park Agency Act.
  - Project [LV2012-0057] involves the construction of a 24 x 13 foot deck to be attached to an existing non-conforming single family dwelling. Relief was required from the Town shoreline setback. The variance has been referred to the Legal Division for further review.
  
- **Day (1)** - Staff received one variance referred by the Town.
  - Project [LV2012-0039] involved the construction of a 24 x 40 foot garage. Relief was sought from the Town side line setback. No further Agency review of this variance was required since the project did not involve provisions of the Adirondack Park Agency Act.
  
- **Indian Lake (1)** - Staff received one variance referred by the Town.
  - Project [LV2012-0056] involved the construction of a 6 x 24 foot deck to be attached to an existing non-conforming single family dwelling. Relief is required from the Town shoreline setback. The variance has been referred to the Legal Division for further review.

- **Hague (2)** - Staff received two variances referred by the Town.
  - Project [LV2012-0037] involved the construction of a access ramp for an existing non-conforming single family dwelling. Relief was required from the Town shoreline setback and for construction within 100-feet of the lake. It was noted that the existing dwelling is ±11-feet from the shoreline and the proposed ramp would be constructed ±38-feet from the shoreline connecting the side of the dwelling to the parking area on the non-shoreline side. Agency staff deferred to the findings of the ZBA.
  - Project [LV2012-0035] involved the placment of an 8 x 8 foot shed. Relief was required from the Town from the Town percent lot coverage, front and side setbacks. The ZBA denied the variance noting that the proposed shed required access via a neighbor's property.
  
- **Queensbury (1)** - Staff received one variance referred by the Town.
  - Project [LV2012-0039] involved the construction of a 3,332 square foot expansion to an existing 1,767 square foot single family dwelling to include a second garage. Relief was required from the Town floor area ratio and for the allowable number of garages. No further Agency review of this variance was required since the project did not involve provisions of the Adirondack Park Agency Act.

### III. Correspondence and Consultations

- **Bolton** - Staff provided the town with advisory comments on a local variance application involving a shoreline parcel.
  
- **Caroga** - Staff provided the town guidance on the SEQRA process for its comprehensive plan and conferred on a referred variance.
  
- **Chester** - Staff worked with town officials to produce a complete and fully updated collection of the zoning, subdivision and sanitary laws. Staff also provided information on a pending variance referral.
  
- **Crown Point** - Staff provided guidance on areas previously reviewed for map amendments and offer assistance in resuming the review process.

- **Day** - Staff provided the town guidance on the agency approval process for a local land use program amendment.
- **Elizabethtown** - Staff provided resource information to assist with the town's comprehensive planning initiative.
- **Essex** - Staff provided jurisdictional information for a project involving a shoreline retaining wall.
- **Hague** - Staff provided the town guidance on a Class B regional project involving a marina and information on a related agency jurisdictional determination. Staff also provided the town jurisdictional information on fences and a private cemetery.
- **Horicon** - Staff provided jurisdictional information for a proposed boundary line adjustment between two lots in a APA determined preexisting subdivision. Staff also provided the town guidance on the SEQRA process for amendments to its local land use laws and guidance on revisions to its proposed zoning law.
- **Indian Lake** - Staff conferred with the town on a referred variance.
- **Stratford** - Staff provided information regarding a potential real estate transaction in the town.
- **Queensbury** - Staff provided the town guidance on a proposed amendment to its local land use program. Staff also provided the town with an advisory opinion on a variance regarding a boathouse.
- **Willsboro** - Staff provided the town guidance on the lighting conditions for a proposed local project and information for a variance involving agency prior permit condition.

**VI. Summary Table**

<b>Summary of Local Planning Unit Program Accomplishments - August 2012</b>				
<b>Reportable Items</b>	<b>Municipalities</b>		<b>Total</b>	<b>Year to Date</b>
	<b>ALLUP</b>	<b>Other</b>		
Town/Village/Counties consulted	10	3	13	103
Land use regulations consulted/reviewed	6	0	6	27
ALLUP Amendments approved	0	--	0	2
ALLUP Variances reviewed	8	--	8	44
Comprehensive Plans reviewed	2	0	2	8
Meetings with town officials	3	0	3	20
Responded to land use planning inquiries	29	5	34	229
Planning & Zoning Board actions reviewed	18	0	18	122
Training & Workshops provided	0	0	0	3
Intra-Agency local planning assistance	12	0	12	61
Inter-Agency Coordination	1	--	1	25
<i>Notes: "ALLUP" denotes "APA-approved local land use program"</i>				

BFG:REB:lhb

cc: James Connolly  
 Robyn Burgess