



M E M O R A N D U M

TO: Terry Martino
FROM: Brian Grisi
DATE: November 5, 2012
RE: Local Government Services Program Report,
October 2012

I. Program Highlights

A. Approved Local Land Use Program

- **Westport** - Agency planning staff met with Town of Westport officials to discuss options for expansion of the town's Hamlet area. The goal is to provide opportunities for the growth of small lot mixed residential uses with a potential for commercial uses in a manner that is consistent with the existing character of the town. The approach includes a creative mix of local zoning provisions incorporating a planned unit development, designation of an official town map, conditional zoning opportunities, combined with an APA map amendment.

B. Outreach

- **Hamlets 3** - Agency planning and economic services staff met with the Advisory Committee of phase 2 of the Hamlets 3: Planning for Smart Growth and Expansion of Hamlets in the Adirondack Park project. The goal of the project, which is funded through a NYS DEC smart growth grant, is to introduce the hamlet expansion model developed in phase 1 to additional Park communities and to provide training to local officials on hamlet revitalization processes. The Agency will provide support to the project through its planning and economic services units.
- **Potsdam Local Government Conference** - Agency planning staff attended the 21st annual SUNY Potsdam Local Government Conference. The conference attracts over 300 local

government officials including supervisors and mayors, clerks, planning, zoning and town board members.

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 received Agency approval in September for its revised zoning and subdivision laws as part of the town's approval local land program. The Town plans to adopt the new zoning and subdivision laws at its next town board meeting and file the laws with the NYS Department of State. Status: Unchanged from prior month.
- **Hague** - Agency planning and legal staff began working with town officials to amend the town's zoning ordinance to effectively deal with shoreline projects on the east shore of Lake George. The Town of Hague eastern town boundary extends to the mean high water mark on the eastern shoreline of Lake George. Projects originating in the upland adjacent Towns of Dresden and Putnam that involve in-water components, within the Town of Hague, are not addressed in the existing Town of Hague Zoning Ordinance.
- **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 formal and informal comments to town officials over the past year. Staff met with the Town Board in September to review a few remaining issues and to discuss the amendment approval

process for the town's agency-approved local land use program. Status: Unchanged from prior month.

- **Johnsburg** - The Town of Johnsburg and agency staff began preliminary discussion on proposed updated to amend the town's 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.
- **Lake George** - The Town of Lake George submitted a draft amendment that addresses the display of temporary signs for informal review. Staff offered a suggestion to clarify the proposed amendment and the town is working with its attorney to revise the proposal. Status: Unchanged from prior month.
- **Willsboro** - Town officials are drafting a revised zoning law to amend the town's Agency-approved local land use program. Status: Staff have provided guidance and examples for the town to consider in draft the new document.

The Town of Willsboro submitted a draft sanitary law for informal review. Status: Staff provided review comments on 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 (12)

- **Bolton (2)** - Staff received two variances referred by the Town.
 - Project [LV2012-0070] involves a ±1,088 square foot second story addition to an existing ±2,624 square foot non-conforming single family dwelling. Relief was required from the Town 75-foot shoreline setback and

for alterations to a non-conforming structure. The existing dwelling is 46-feet from the shoreline at its closest point and the addition would be no closer than the existing structure. The parcel is located in an APA Moderate Intensity Use land use area where the shoreline setback requirement is 50-feet. No further Agency review of this variance is required since the project did not vary provisions of the Adirondack Park Agency Act.

- Project [LV2012-0071] involved after-the-fact approval for a 390 square foot deck addition to an existing non-conforming single family dwelling. Relief was required from the Town 75-foot shoreline setback, side and front setbacks and for alterations to an existing non-conforming structure. The ZBA denied the variance and required removal of the deck, associated railings and retaining wall by December 1, 2012.
- **Edinburg (2)** - Staff received two variances referred by the Town.
 - Project [LV2012-0067] involved the construction of a 5 x 8 foot addition to an existing 8 x 12 foot structure. Relief was required from the Town side setback. No further Agency review of this variance is required since the project did not involve provisions of the Adirondack Park Agency Act.
 - Project [LV2012-0061] involved the replacement of a 1960's trailer with a new single family dwelling. Relief was required from the Town side setbacks. The ZBA denied the variance, due to a boundary line dispute and procedural errors.
- **Horicon (3)** - Staff reviewed three variances referred by the Town.
 - Project [LV2012-0079] involved the construction of a 14 x 16 foot porch addition to an existing mobile home. Relief was required from the Town road setback. No further Agency review of this variance was required since the project did not involve provisions of the Adirondack Park Agency Act.
 - Project [LV2012-0080] involved the removal of a 13 x 25 foot cabin and construction of 14 x 25 foot cabin. Relief was required from the Town side setback. No further Agency review of this variance was required since the project did not involve provisions of the Adirondack Park Agency Act.

- Project [LV2012-0081] involved the creation of a three-lot subdivision. Relief was required from the Town minimum road frontage. The record indicated that the parcel to be subdivided contains wetlands. No further Agency review was required regarding the Town issued variance; however, the landowner must obtain an Adirondack Park Agency permit prior to the transfer of title to any lot involving APA wetlands jurisdiction.
- **Johnsburg (1)** - Staff received one variance referred by the Town.
 - Project [LV2012-0073] involves the installation of a 30-foot tall utility pole to support solar infrastructure for residential use. Relief was required from the Town sideline setbacks. No further Agency review of this variance was required since the project did not involve provisions of the Adirondack Park Agency Act.
- **Lake George (1)** - Staff reviewed one variance granted by the Town.
 - Project [LV2012-0072] involved the installation of a shed in the front yard. Relief was required from the Town restriction against accessory structures in the front yard. No further Agency review of this variance was required since the project did not involve provisions of the Adirondack Park Agency Act.
- **Queensbury (2)** - Staff received two variances referred by the Town.
 - Project [LV2012-0074] involved after-the-fact approval for the construction of two round decks totaling 680 square feet attached to an existing non-conforming single family dwelling. Relief was required from the Town rear and side setbacks and for expansion of a non-conforming structure. No further Agency review of this variance was required since the project did not involve provisions of the Adirondack Park Agency Act.
 - Project [LV2012-0075] involved after the-fact approval for the expansion of an existing non-conforming ±852 square foot dwelling. Relief was required from the Town side setback and for expansion of a non-conforming structure. It was noted that the applicant agreed to upgrade the septic system. No further Agency review of this variance was required since the project did not involve provisions of the Adirondack Park Agency Act.

- **Willsboro (1)** - Staff reviewed four variances referred by the Town.
 - o Project [2012-0077] involved after-the-fact approval for installation of a stacked stone retaining wall to control erosion. Relief was required from the Town shoreline setback. The record indicated the stone retaining wall was needed to control on-going erosion caused by past storms and high water on Lake Champlain. No further review of this variance was required as the retaining wall is necessary to control an on-going erosion issue.

III. Correspondence and Consultations

- **Arietta** - Staff provided the town information on a proposed project involving alterations of a preexisting dwelling within the shoreline setback area.
- **Caroga** - Staff provided the town with advisory comments on a local variance application involving a shoreline structure and jurisdictional information on a proposed subdivision where wetlands are present.
- **Chester** - Staff provided the town with jurisdictional considerations for proposed alterations of a preexisting seasonal cottage within a river area, and also, guidance on a proposed new dock.
- **Hague** - Staff conferred with town officials on the zoning implications of a recent court decision that create access across a parcel. Staff also provided the town with information regarding a revised Agency jurisdictional determination for a shoreline project; information on a 1987 application for an APA map amendment; and provided information on a proposal to expand the local Hamlet Commercial zoning district.
- **Horicon** - Staff replied to town officials on the need to work together on the town's Agency approved local land use program and on opportunities to work with the new zoning administrator.
- **Lake George** - Staff conferred with town officials on shoreline project involving both APA and town jurisdiction; on alterations of a preexisting non-conforming shoreline dwelling; and provided information on an APA enforcement

action for a structure over forty feet in height and for a tourist attraction project.

- **Newcomb** - Staff provided guidance on a proposed project for single family dwelling.
- **Putnam** - Staff provided the town with information regarding a revised Agency jurisdictional determination for a shoreline project.
- **Queensbury** - Staff provided information on proposed variance for a boathouse reconstruction.
- **Westport** - Staff provided the town with an updated assessment on the proposal to expand the village Hamlet land use area for small lot residential uses.
- **Willsboro** - Staff provide the town with guidance and examples for drafting its revised zoning law.

VI. Summary Table

Summary of Local Planning Unit Program Accomplishments - October 2012				
Reportable Items	Municipalities		Total	Year to Date
	ALLUP	Other		
Town/Village/Counties consulted	12	1	13	129
Land use regulations consulted/reviewed	3	0	3	35
ALLUP Amendments approved	0	--	0	2
ALLUP Variances reviewed	12	--	12	65
Comprehensive Plans reviewed	1	0	1	11
Meetings with town officials	2	0	2	25
Responded to land use planning inquiries	26	2	28	290
Planning & Zoning Board actions reviewed	28	0	28	171
Training & Workshops provided	0	0	0	3
Intra-Agency local planning assistance	8	0	8	81
Inter-Agency Coordination	1	--	1	30
<i>Notes: "ALLUP" denotes "APA-approved local land use program"</i>				

Memo to Terry Martino

November 1, 2012

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cc: James Connolly

Robyn Burgess