



M E M O R A N D U M

TO: Terry Martino
FROM: Brian Grisi
DATE: April 30, 2013
RE: Local Government Services Program Report,
April 2013

I. Program Highlights

A. Approved Local Land Use Program

- **Caroga** - Agency planning staff met with the Town of Caroga Supervisor and the Town's two new code enforcement officers (CEOs) on April 3, 2013. The meeting served to familiarize the Supervisor and CEO with the Town's Agency approved local land use program and to discuss implementation of the Town's recently adopted comprehensive plan. The Town has administered an Agency-approved local land use program since 1980.

B. Outreach

- **Adirondack Park Local Government Day Conference** - The 16th Annual Adirondack Park Local Government Day Conference was held on April 24th and 25th, 2013 in Lake Placid, New York. The conference focused on Adirondack Park economic development strategies and the promotion of projects that benefit rural economies. Many of the presentations featured local officials describing successful projects in their communities that improved entrepreneurial initiatives, infrastructure, municipal energy management, and the control invasive species.

Adirondack Association of Towns and Villages President, Brian Towers, opened the conference on Wednesday afternoon with a discussion to promote community development through recreation opportunities on Forest Preserve Lands, a new web-based marketing tool for Adirondack destinations, and a Park-wide economic plan. At the conclusion of the afternoon session, DEC Commissioner Joe Martens and APA Chairwoman Lani Ulrich

provided an overview of their Agencies' roles and support for the regional initiatives.

On Thursday, with over 325 local officials from 55 Adirondack towns and villages and representatives from many regional organizations attending, New York State Senator Elizabeth Little and Assemblymen Marc Butler and Daniel Stec lead discussions on issues that affect Adirondack communities. Former State Assemblywoman Teresa Sayward was presented with the conference's annual recognition award to thank her for her contributions and for her long-standing service to the communities of the Adirondack Park. The conference also hosted its first annual Adirondack Park Excellence in Design Competition. Awards were presented for buildings that enhance the sustainability and livability of Park communities and contributed to distinctive, attractive neighborhoods with a strong sense of place. A list of awards is available at www.apa.ny.gov/Local_Government.

Staff from the Department of State along with other professionals presented training workshops for local officials on local land use planning and zoning topics which offered educational CLE and CEO certification credits to fulfill professional requirements.

Also new this year, in addition to the APA GIS Help Desk, nine APA staff took shifts throughout the event, and were available to meet with local officials and answer a variety of questions involving APA process and procedures, land use planning and resource analyses.

The conference is a collaborative effort presented by the Adirondack Park Agency, the Adirondack Association of Towns and Villages, Adirondack Park Local Government Review Board, NYS Empire State Development Corporation, NYS Department of State and NYS Department of Environmental Conservation and is held annually in late April.

- **Hamlets 3, Phase 2** - Agency planning staff provided GIS maps for three communities involved with the Hamlets 3 project. The maps will serve as a base for land use planning initiatives. The goal of the project, which is funded through a NYS DEC smart growth grant, is to introduce the Hamlets 3 expansion model, developed in phase 1, to additional Park communities and to train

local government officials on hamlet revitalization processes. The Agency provides support to the project through its planning and economic services units.

- **New York Planning Federation** - Agency planning staff attended the NYPF annual conference in Saratoga Springs on April 22nd. The conference brings together local land use planning and zoning officials and consultants from throughout the State. The conference offers a wide range of training opportunities and discussions on pertinent zoning issues. It was attended by over 300 people.

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. Status: Staff recently conferred with Town officials on the revision process. A new consultant was hired to complete the revised zoning law and Agency staff have begun discussions with the consultant and Town officials to advance the draft zoning law.
- **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.
- **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 Washington County Towns of Dresden and Putnam that involve in-water components, within the Warren County Town of Hague, are not addressed in the existing Town of Hague Zoning Ordinance. Status: Unchanged from prior month.
- **Horicon** - The Town of Horicon continues to work on revisions to its zoning law. The changes to the zoning law will result in a complete repeal and replacement of the existing law. Agency staff have provided formal and

informal review comments and met with Town officials on several occasions to discuss issues related to the local law and the Town's Agency-approved local land use program. Status: Staff continue to work with Town officials and to provide review comments as requested on specific provisions of the law, to address statutory issues, and to provide suggestions and alternate text to improve consistency and provide clarification for the document.

The Town of Horicon submitted a revised draft subdivision law for informal review. Status: Staff provided informal review comments on the draft law to the Town.

- **Johnsburg** - The Town of Johnsburg and Agency staff began preliminary discussion on proposed updates 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: Staff spoke with the supervisor and will arrange to meet with Town officials to reengage the amendment process.
- **Lake George** - The Town of Lake George submitted a draft amendment that addresses the display of temporary signs for informal review. Staff offered suggestions to clarify the proposed amendment and the Town is working with its attorney to revise the proposal. Status: Unchanged from prior month.

The Town of Lake George submitted a draft amendment to update its sanitary law and stormwater law for informal review. The revision includes widespread application of "enhanced treatment" systems for on-site wastewater. This would be the first widespread application of this technology in the Park. Status: Local planning staff and RASS staff provided review comments and suggestions to town officials on the proposed draft.

- **Lake George Village** - The Village of Lake George is considering an amendment to allow 6-story buildings, up to 72-feet tall in a zoning district along Canada Street. The proposal would eliminate the requirement from the village zoning law for a variance for buildings greater than 40-feet tall. The amendment, if approved, would eliminate the need for a variance from village zoning

law. A new, greater than 40-foot tall building would still require an APA Class A regional permit. Local planning staff met with the Mayor, and Village zoning attorney and planning consultants to discuss the proposed amendment and process for Agency review and approval in accordance with the Village's APA-approved local land use program. Status: The Village held a public hearing on the proposal in April.

- **Willsboro** - Town officials are drafting a revised zoning law to amend the Town's Agency-approved local land use program. Staff have provided guidance and examples for the Town to consider in drafting the new document. Staff met with Town officials twice in November to discuss options for a new zoning law and to provide training on effective zoning laws. Status: Unchanged from prior month.

The Town of Willsboro submitted a draft sanitary law for informal review. Staff provided Town officials review comments on the proposed local law to supplement the Town's submittal. Staff also convened an internal meeting to discuss Agency policy relating to standards and requirements contained in ALLUP Sanitary Laws. Status: Unchanged from prior month.

- **Westport** - The Town of Westport submitted a draft zoning law and revisions to its existing subdivision law for informal review. 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 and met with Town officials to review the proposed zoning law amendment. Status: Unchanged from prior month.

B. Variances (6)

- **Bolton (1)** - Staff received one variance from the Town.
 - o Project [LV2013-0011] involved the construction of a 64 square foot shed with 50 square foot landing located on the shoreline. Relief was required from the Town shoreline setbacks. No further Agency review was required for this variance since the structure fit the functional definition of a boathouse and therefore did not vary provisions of the Adirondack Park Agency Act.

- **Hague (2)** - Staff reviewed two variances from the Town.
 - Project [LV2013-0005] involved an after-the-fact variance for a fence constructed on the property line. Relief was required from the Town side yard setback. No further Agency review was required for this variance since the project did not involve provisions of the Adirondack Park Agency Act.
 - Project [LV2013-0006] involved an after-the-fact variance for the construction of a carport. The carport received a side yard setback in 1993 for 4-feet, however it was constructed on the property line. Relief was required from the Town side yard setback. It was noted that the ZBA conditioned the current variance upon 4-feet being removed from the carport to be in compliance with the 1993 variance and that stormwater be addressed; that the gutter system be directed into an infiltration device; and that the structure be retained as a carport with no future additions in any direction including no sides, no windows or doors. No further Agency review was required for this variance since the project did not involve provisions of the Adirondack Park Agency Act.

- **Indian Lake (2)** - Staff received one variance referred by the Town.
 - Project [LV2013-0012] involved the construction of a six foot deck on the shoreline side of a non-conforming single family dwelling resulting in an increase in the non-conformance to the shoreline setback. This variance was reversed by the Agency.
 - Project [LV2013-0018] involved after-the-fact approval for the construction of three structures: 1) A ±96 square foot lean-to requiring a variance from the Town side yard and 75-foot shoreline setbacks 2) Replacement and reconfiguration of non-conforming stairs requiring a 41-foot variance from the Town 75-foot shoreline setback 3) A deck, which was constructed on the shoreline, requiring a variance from the Town 75-foot shoreline setback. It was noted that the applicant withdrew the request for the shoreline deck and agreed to remove that structure with the understanding that they may re-apply at later date. No further Agency review was required for the variances granted for the lean-to and stairs since the lean-to is less than 100 square feet in size and the stairs were no closer to the shoreline than what was previously existing.

- **Newcomb (1)** - Staff reviewed one variance from the Town.
 - Project [LV2013-0020] involved the subdivision of a 3.26 acre parcel with two pre-existing single family dwellings. Relief was required from the Town minimum lot size of 8.5 acres for the district. No further Agency review was required for this variance since the project did not provide opportunity for additional principal buildings and a letter of non-jurisdiction from the Agency [J2013-0050] for it.

III. Correspondence and Consultations

- **Arietta** - Staff responded to questions from the Town Code Enforcement Officer regarding a shoreline project and advised that the applicant submit a JIF.
- **Caroga** - Staff provided the Town with advisory comments on a local variance application involving a use not permitted in a zoning district, and examples of local law to control junk. Staff also provided jurisdiction information on the expansion of the footprint of a residential structure, consideration for a subdivision that lacked available building intensity, expansion of a structure within the shoreline setback area, proximity of an on-site wastewater system to a wetland, and about docks.
- **Horicon** - Staff provide the Town with guidance for provisions of the local zoning law involving docks, procedures for site plan review, pre-existing rights for residential and commercial uses, and non-conforming structures. Staff also provided the Town with jurisdiction information regarding a multi-use residence with a commercial use component.
- **Northampton** - Staff are working with the Town to provide a layered GIS map of the Town with both APA land use areas and local zoning districts.
- **Lake George** - Staff provided the Town with clarification on the list of Class B regional projects.
- **Santa Clara** - Staff provided the Town with jurisdictional information regard a two-lot subdivision along a road.

VI. Summary Table

Summary of Local Planning Unit Program Accomplishments April 2013				
Reportable Items	Municipalities		Month Total	Year to Date
	ALLUP	Other		
Towns/Villages/Counties consulted	11	3	14	67
Land use regulations consulted/reviewed	3	0	3	12
ALLUP amendments approved	0	--	0	0
ALLUP variances reviewed	6	--	6	18
ALLUP variances reversed	1	--	1	1
Comprehensive Plans reviewed	0	0	0	1
Meetings with town officials	1	0	1	10
Responded to land use planning inquiries	35	4	39	160
Planning & Zoning Board actions reviewed	28	0	28	114
Training & Workshops provided	1	1	2	4
Intra-Agency local planning assistance	9	4	13	59
Inter-Agency Coordination	--	--	13	39
Other Regional Organizations	--	--	14	44
<i>"ALLUP" denotes "APA-approved local land use program"</i>				

BFG:REB:lhb
 cc: James Connolly
 Robyn Burgess