



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

**TO:** Terry Martino  
**FROM:** Brian Grisi  
**DATE:** July 29, 2013  
**RE:** Local Government Services Program Report,  
June-July 2013

### **I. Program Highlights**

#### **A. Approved Local Land Use Program**

- **Caroga** - Agency planning staff provided the Town a map containing layers of land use information in a PDF format that is easy to distribute and display on personal computers. The layers of information can be "turn on or off" as needed to evaluate existing conditions within the Town. The map is intended as a reference tool to assist in on-going planning initiatives by Town officials.
- **Chester** - Agency planning staff met with the Town of Chester town zoning administrator to review the Town's Agency-approved local land use program, its administration, and to confer on projects before the planning and zoning boards.
- **Hague** - Agency planning staff met with the Town of Hague Supervisor and Zoning Administrator to discuss APA jurisdiction involving expansion of hotels, motels, and other tourist accommodations. Two businesses in the town are considering expansions and sought clarification on Agency requirements and the authority of the Town's Agency-approved local land use program.
- **Horicon** - Agency planning staff met with the Town of Horicon code enforcement officer to review the Town's Agency-approved local land use program, its administration, and to confer on projects before the planning and zoning

boards. Staff also met informally with the Town Supervisor to discuss a schedule for completing revisions to the Town's zoning law.

- **Johnsburg** - Agency planning staff met with the Town of Johnsbury Supervisor and Zoning Clerk on June 19th to discuss revisions to the Town's Agency-approved local land use program. It was decided that Agency staff will provide suggestions to address administration and program elements in the Town's zoning law to revise the definition of "lot;" create a simplified process for a boundary line adjustment; allow the inclusion of wetland acreage in calculating overall intensity for new subdivisions; and modify the number of copies of application materials required. In follow-up, staff provided review comments to the Town for the proposed amendments to revise its zoning and subdivision laws.
- **Lake George** - Agency planning staff met with the Town of Lake George Director of Planning and Zoning to review the Town's Agency-approved local land use program and to discuss the local initiative to update the Town's Comprehensive Plan. Also discussed were several projects before the planning and zoning boards.
- **Westport** - Agency planning staff met with the Town of Westport Town Code Enforcement Officer and Zoning Clerk to consult on the Town's Agency-approved local land use program, its administration, and to confer on projects before the planning and zoning boards. The Town has a building boom occurring with applicants seeking approvals for over twenty new single-family homes. The request for permits is more than has been requested in the past several years combined. Most of the homes will be built for vacationers and retirees.

#### **B. Outreach**

- **Association of Towns and Villages** - Agency planning staff and Special Assistant for Economic Affairs attended the Adirondack Association of Towns and Villages annual membership meeting in Lake Placid on June 3 and 4.
- **Common Ground Alliance Forum** - Agency planning staff attended the Seventh Annual Common Ground Alliance forum held in Newcomb, NY. The forum was attended by around 200 people and featured reports on projects that were developed

through CGA collaborations. Jim Herman and Dave Mason, leaders of the ADK Futures project, provided a comparison of events over the past year and how they fit into the different scenarios for the future of the Park. The keynote address was given by Bob Bendick, director of government relations for the Nature Conservancy and former Deputy Commissioner for Natural Resources at NYS DEC, who commented on the broader significance of the alliance's success.

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

### **A. Amendments**

- **Arietta** - The Town of Arietta submitted a second draft version of the revised Town zoning law for informal review. It will be a complete repeal and replacement of the existing local law. The Town incorporated many of the staff's initial review comments into the revised draft. Status: Agency planning and legal staff are reviewing the revised document and continue to coordinate review with the Town and its consultant.
- **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. 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. 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.
- **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's eastern 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 submitted a draft revised zoning law for informal review. The changes will result in a near-complete repeal and replacement of the existing law. Agency staff met with the Town Board on two occasions to discuss issues related to the local law and the Town's Agency-approved local land use program. Status: The Town continues to work on revisions to its zoning law and Agency staff continue to provide formal and informal review comments as needed on specific provisions of the law.

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

- **Johnsburg** - The Town of Johnsburg and Agency staff began preliminary discussion on proposed updates to amend the Town's zoning law. Agency planning staff met with the Town Supervisor and Zoning Clerk to address administration and program elements in the Town's zoning law. Town officials proposed to revise the definition of "lot;" create a simplified process for a boundary line adjustment; allow the inclusion of wetland acreage in calculating overall intensity for new subdivisions; and modify the number of copies of application materials required. Status: Staff provided the Town review comments and suggestions on the proposed amendments.
- **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. Local planning staff and RASS staff provided review comments and suggestions to Town

officials on the proposed draft. Status: Unchanged from prior month.

- **Lake George Village** - The Village of Lake George submitted a draft amendment for informal review that would create the "Canada Street Maximum Height Overlay District." The amendment would allow buildings up to 52-foot tall in 4-stories and 72-foot tall in 6-stories. The amendment also includes associated provisions and revisions to address streetscape, parking and architectural issues. The amendment, if approved, would eliminate the need for a height variance from village zoning law, however a new, greater than 40-foot tall building would still require an APA Class A regional permit. The area affected by the zoning revisions is wholly within an APA land use area designated Hamlet. As such, Agency staff determined the amendment will not require formal approval by the APA as set forth in Agency regulations (Part 582.5 "Amendments to Approved Local Land Use Programs"). Status: A letter was sent to the mayor to notify the Village that the amendment will not require approval by the APA in conformance with the Village's Agency Approved Local Land Use Program.
- **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 to discuss options for a new zoning law and to provide training on effective zoning laws. Status: Staff provided introductory comments to the Town's consultant.

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 (14)**

- **Bolton (4)** - Staff reviewed four variances from the Town.
  - Project [LV2013-0043] involved the reconstruction of part of an existing non-conforming single family dwelling that was damaged by a tree. The reconstruction includes a slightly enlarged roof dormer but no increase in the overall roof height. In addition, no portion of the structure will be closer to the lake than that of the existing dwelling prior to the damage caused by the fallen tree. Relief was required from the Town side and shoreline setbacks and for alterations to a non-conforming structure. Agency staff respected the efforts of the Zoning Board of Appeals in its consideration of this project and no further Agency review was required for this variance.
  - Project [LV2013-0044] involved construction of a garage with second floor living space and an addition connecting the proposed garage to an existing non-conforming single family dwelling. Relief was required from the Town front and shoreline setbacks and for alterations to a non-conforming structure. The dwelling currently sits ±44-feet from the shoreline of Lake George in an area where 75-feet is the required shoreline setback by the Town and 50-feet by the Agency. The proposed addition is 73-feet from the shoreline. No further Agency review of this variance was required since the project did not vary provisions of the Adirondack Park Agency Act.
  - Project [LV2013-0045] involved the raising of an existing non-conforming single family dwelling and construction of a second floor. In addition, the applicants proposed to construct an attached garage. Relief was required from the Town shoreline setback and for alterations to a non-conforming structure. The dwelling sits ±42.5-feet from the shoreline of Lake George in an area where 75-feet is the required shoreline setback by the Town and 50-feet by the Agency. No further Agency review of this variance was required since the vertical expansion and proposed garage addition to the non-conforming dwelling is outside of the statutory 50-foot setback and the project did not otherwise involve provisions of the Adirondack Park Agency Act.

- Project [LV2013-0046] involved the addition of 255 square feet to an existing winter cabin and 810 square feet to an existing summer cabin. Relief was required from the Town front yard setback for the winter cabin and 75-foot shoreline setback for the summer cabin. The summer cabin sits ±39-feet from the shoreline of Lake George. In addition, both cabins required relief for alterations to nonconforming structures. No further Agency review of this variance was required since the addition to the summer cabin was almost entirely outside of the statutory 50-foot shoreline setback for lands classified as Moderate Intensity and the alterations to the winter cabin do not involve provisions of the Adirondack Park Agency Act.
- **Horicon (2)** - Staff reviewed two variances from the Town.
  - Project [LV2013-0022] involved the construction of a ±247 square foot porch and ±115 square foot deck (with attached stairs) addition within the shoreline setback area to an existing non-conforming single family dwelling. The existing dwelling is ±35 feet from the shoreline of Brant Lake. The variance was reversed by the Agency.
  - Project [LV2013-0037] involved the removal of an existing mobile home and replacement with a new 960 square foot single family dwelling with 240 square foot deck. Relief was required from the Town rear yard setbacks. No further Agency review of this variance was required since the project did not involve provisions of the Adirondack Park Agency Act.
- **Willsboro (2)** - Staff reviewed two variances from the Town.
  - Project [LV2013-0036] involved the construction of several 3 x 4 foot signs for a Town park. Relief was required from the Town maximum sign size of 8 square feet. No further Agency review is required for this variance since the project did not vary provisions of the Adirondack Park Agency Act.
  - Project [LV2013-0038] involved the replacement of an existing non-conforming camp with a new 24 x 24 foot single family dwelling with 8 x 24 foot porch. Relief was required from the Town minimum lot size and side yard setback. No further Agency review was required for this variance since the project did not vary provisions of the Adirondack Park Agency Act.

- **Queensbury (6)** - Staff reviewed six variances from the Town.
  - Project [LV2013-0033] involved the construction of a new 3,171 square foot 2-story single family dwelling with attached garage. The applicant also proposed to install on-site wastewater treatment and stormwater management. Relief was required from the following Town requirements:
    - (1) 30% maximum lot clearing,
    - (2) 15-foot shoreline vegetation buffer,
    - (3) 100 foot separation distance from a wetland for a proposed rain garden,
    - (4) 100 foot separation distance from a wastewater treatment system for a proposed rain garden, and
    - (5) 3-foot separation distances for infiltration devices.
  - No further Agency review of this variance was required since the project did not vary provisions of the Adirondack Park Agency Act.
  - Project [LV2013-0034] involved the replacement of an existing 228 square foot U-shaped dock (which had been removed) with a new 6 x 60 foot straight dock. Relief was required from the Town side setbacks. It was noted that the ZBA granted the variance for a 4 x 45 foot straight dock and conditioned the variance upon no more than two boats or watercraft stored on that property in the water. No further Agency review of this variance was required since the project did not vary provisions of the Adirondack Park Agency Act.
  - Project [LV2013-0035] involved the replacement of a single family dwelling that was destroyed by fire in 2012 with a new 1,720 square foot single family dwelling and 864 square foot attached garage. The applicant also proposed to merge the two tax parcels involved in the project to make the structure less non-conforming. Relief was required from the Town minimum road frontage, lot width, front, rear and side setbacks. It was noted that the ZBA conditioned their approval upon the merger of the two lots. No further Agency review of this variance was required since the project did not involve provisions of the Adirondack Park Agency Act.
  - Project [LV2013-0039] involved the construction of a 1,152 square foot garage. Relief was required for the placement of a second garage and from maximum garage square footage. No further Agency review of this



variance was required since the project did not involve provisions of the Adirondack Park Agency Act.

- o Project [LV2013-0040] involved the construction of a 676 square foot garage addition to an existing single family dwelling with a second floor bedroom addition of 676 square feet. Relief was required from the Town front and side setbacks. No further Agency review of this variance was required since the project did not involve provisions of the Adirondack Park Agency Act.
- o Project [LV2013-0041] involved the construction of a 3,375 square foot single family dwelling. Relief was required from the Town minimum road frontage and public street frontage. 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

- **Arietta** - Staff coordinated with the Town's consultant regarding proposed amendments to the zoning and subdivision code; and provided the Town with jurisdictional information on a proposed shoreline project.
- **Bolton** - Staff provided information on the variance referral process for the Agency-approved local land use program.
- **Caroga** - Staff provided guidance to the Town on project and variance referrals to the Agency as required by the approved local land use program, and provided information on the process to revise the Town's zoning law. Staff also provided jurisdictional information regarding the regulation of docks, marina usage, replacement of a single family dwelling; placement of fill in a wetland; and retaining walls on the shoreline.
- **Chesterfield** - Staff provided the Town with jurisdictional information on campgrounds; and for a proposed new septic system in proximity to Lake Champlain.
- **Elizabethtown** - Staff provided the Town with information and an offer to provide additional assistance as needed for the Town's Comprehensive Planning initiative.
- **Edinburg** - Staff provided the Town jurisdictional information regarding the regulation of shoreline uses and

structures, and advisory comments for a shoreline project that may require a variance.

- **Hague** - Staff provided the Town with advisory comments on a local variance application involving a prior approval for an existing dwelling on a substandard size lot; information on an agricultural use; a motel expansion; and the side yard structure setback for a corner lot.
- **Hamlets 3** - Staff provided mapping and data information to assist the community outreach programs involved in the Hamlets 3 program.
- **Horicon** - Staff provided the Town with information on the application of the overall intensity guidelines to a proposed project in the Town; the applicability of shoreline setbacks to all structures greater than 100 square feet in size; information on docks; mobile homes; retaining walls within the shoreline setback area; and a preexisting subdivision. Staff also provided the Town with advisory comments on a local variance application involving adding an additional dwelling unit on a substandard sized lot.
- **Lake George** - Staff provided the Town with information on a campground project and on an Agency enforcement case.
- **Lake George Village** - Staff provided the Village with jurisdictional information on a proposed less than 40-foot tall, in Hamlet, cell tower project.
- **Local Government Services Email broadcast** - Staff sent emails to local officials and interested parties on two topics: 1) information regarding funding for land use planning initiatives at the request of NYS Department of State; and 2) the new APA information flyer "APA jurisdiction involving expansion of hotels, motels, and other tourist accommodations."
- **Minerva** - Staff provided the Town information on a proposed Class A regional project involving a cell tower.
- **Willsboro** - Staff provided the Town jurisdictional information for a proposed subdivision, the applicability of shoreline setbacks to fences, the Agency's methodology to measure the square footage of a fence, and the sale of a

guest cottage. Staff also provided the Town committee on zoning revisions information on zoning districts and allowable uses within them.

**VI. Summary Table**

<b>Summary of Local Planning Unit Program Accomplishments June and July 2013</b>				
<b>Reportable Items</b>	<b>Municipalities</b>		<b>Month Total</b>	<b>Year to Date</b>
	<b>ALLUP</b>	<b>Other</b>		
Towns/Villages/Counties consulted	14	3	17	100
Land use regulations consulted/reviewed	5	0	5	20
ALLUP amendments approved	0	--	0	0
ALLUP variances reviewed	14	--	14	41
ALLUP variances reversed	1	--	1	2
Comprehensive Plans reviewed	0	0	0	1
Meetings with town officials	6	0	6	17
Responded to land use planning inquiries	76	5	81	285
Planning & Zoning Board actions reviewed	78	0	78	227
Training & Workshops provided	0	0	0	4
Intra-Agency local planning assistance	27	6	33	104
Inter-Agency Coordination	--	--	1	40
Other Regional Organizations	--	--	5	51
<i>"ALLUP" denotes "APA-approved local land use program"</i>				

BFG:REB:lhb  
 cc: James Connolly  
 Robyn Burgess