



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

**TO:** Terry Martino  
**FROM:** Brian Grisi  
**DATE:** September 3, 2013  
**RE:** Local Government Services Program Report,  
August 2013

**I. Program Highlights**

**A. Approved Local Land Use Program**

- **Arietta** - Agency planning staff sent review comments to the Town of Arietta on a second draft version of its proposed zoning and subdivision law. The revision will be a complete repeal and replacement of the existing local law. The Town has administered an Agency-approved local land use program since 1983.
- **Chester** - Agency planning staff met with the Town of Chester zoning administrator and the newly appointed zoning clerk. Staff reviewed the Town's Agency-approved local land use program and its administration with the new zoning clerk. Also discussed were projects before the planning and zoning boards. The Town has administered an Agency-approved local land use program since 2005.
- **Horicon** - Agency planning staff met with the Town of Horicon zoning administrator and the newly appointed zoning clerk. Staff reviewed the Town's Agency-approved local land use program and its administration with the new zoning clerk. Also discussed were projects before the planning and zoning boards. The Town has administered an Agency-approved local land use program since 1978.
- **Queensbury** - Agency planning staff met with the Town of Queensbury supervisor and 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. The Town has administered an Agency-approved local land use program since 1982.

## **B. Outreach**

- **Village of Saranac Lake** - Agency planning staff met with the Village of Saranac Lake Community Development Director to discuss the merits of an Agency-approved local land use program.

## **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 is a complete repeal and replacement of the existing local law. The Town incorporated many of the staff initial review comments into the revised draft. Status: Agency planning and legal staff reviewed the revised document and provided comments to the town.
- **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 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 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 several occasions to discuss issues related to the local law and the Town's Agency-approved local land use program. 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. Status: Unchanged from prior month.

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 submitted draft amendments for informal review and a notice of Lead Agency for SEQR. The Town proposes to revise the definition of "lot;" create a simplified process for a minor 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: The Agency agrees with the Town's determination to be lead SEQR agency and will act as an "Involved Agency" in the review.
- **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.

- **Willsboro** - Town officials are drafting a revised zoning law to amend the Town's Agency-approved local land use

program. Staff provided guidance and examples for the town to consider in drafting the new document and met with town officials on several occasions to discuss options for a new zoning law and to provide training on effective zoning laws. Staff also provided introductory comments to the Town's consultant. 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 program 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 and met with town officials to review the proposed zoning law amendment. Status: Unchanged from prior month.

#### **B. Variances (12)**

- **Arietta (1)** - Staff reviewed one variance from the Town.
  - Project [LV2013-0014] involved the removal of an existing one-story 1,200 square foot non-conforming single-family dwelling with a screened porch and replacement with a new two-story 4,000 square foot single-family dwelling including covered porches. Relief was required from the Town 100-foot shoreline setback. The existing dwelling sits ±41-feet from the shoreline of Piseco Lake and the replacement dwelling will be no closer than 50-feet from the shoreline. It was noted that the septic system will be upgraded as part of the proposed project. No further Agency review of this variance was required since the proposed dwelling is entirely outside of the APA statutory 50-foot shoreline setback for lands classified as Moderate Intensity Use and did not otherwise vary provisions of the Adirondack Park Agency Act.

- **Bolton (2)** - Staff reviewed two variances from the Town.
  - Project [LV2013-0051] involved the construction of three additional commercial boat storage buildings. The parcel is currently improved by one 6,426 square foot square foot commercial boat storage building which was authorized by APA permit P1987-0342. Relief was required from the Town: 1) 200-foot front yard setback for all three buildings 2) 60-foot side yard setback for Building B 3) 200-foot shoreline setback from a stream for all three buildings 4) 120-foot maximum building length for all three buildings. Based on the information presented in the record, no further Agency review was required for this referred Town issued variance since the stream is non-navigable and the variances granted did not otherwise involve provisions of the Adirondack Park Agency Act. However it was noted that the project was subject to the provisions of the Agency permit.
  - Project [LV2013-0044] involved construction 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 APA Act. The proposed addition is 73-feet from the shoreline. The record noted that the proposed addition would have a "kitchenette," which is in addition to the kitchen in the existing dwelling. The ZBA minutes stated that the Zoning Administrator did not find issue with two kitchens in a dwelling. The Town was notified in the variance referral response that from an Agency perspective, a second "full" kitchen with an attached living space could be considered a second dwelling which would require a Class B regional project permit for a multi-family dwelling and the available density to allow the second dwelling unit. However this was not the focus of the ZBA grant of the variance and no further Agency review of this variance was required.
  
- **Caroga (1)** - Staff reviewed one variance from the Town.
  - Project [LV2013-0062] involved the construction of a 22 x 26 foot garage. Relief was required from the Town maximum lot coverage. No further Agency review of this

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

- **Chester (1)** - Staff reviewed one variance from the Town.
  - Project [LV2013-0052] involved the construction of a new single family dwelling. Relief was required from the Town side-line setbacks from either side of the property. No further Agency review of this variance was required since the project did not involve provisions of the Adirondack Park Agency Act.
  
- **Edinburg (2)** - Staff reviewed two variances from the Town.
  - Project [LV2013-0004] involved the construction of a new single family dwelling. Relief was required from the Town side-line setbacks from either side of the property. No further Agency review of this variance was required since the project did not involve provisions of the Adirondack Park Agency Act.
  - Project [LV2013-0060] involved the construction of a porch. Relief was required from the Town side yard setback. No further Agency review of this variance was required since the project did not involve provisions of the Adirondack Park Agency Act.
  
- **Horicon (1)** - Staff reviewed one variance from the Town.
  - Project [LV2013-0053] involved the creation of a five-lot subdivision. Relief was required from the Town road frontage for Lots 4 & 5 and the 10-acre lot size per principal building for Lot 5. No further Agency review of this variance was required since the project did not vary provisions of the Adirondack Park Agency Act.
  
- **Indian Lake (2)** - Staff reviewed two variances from the Town.
  - Project [LV2013-0036] involved the construction of a ±96-square foot lean-to 25-feet from the shoreline of Lake Abanakee. Relief was required from the Town 75-foot shoreline setback. No further Agency review was required for the variance since the lean-to is less than 100 square feet in size and did not vary provisions of the Adirondack Park Agency Act.
  - Project [LV2013-0036] involved the construction of a 8 x 48 foot porch addition. Relief was required from the Town 50-foot front setback. No further Agency review of this variance was required since the project did not involve provisions of the Adirondack Park Agency Act.

- **Queensbury (4)** - Staff reviewed four variances from the Town.
  - Project [LV2013-0056] involved the construction of a 420 square foot deck attached to an existing single family dwelling. Relief was required from the Town front yard setback. No further Agency review of this variance was required since the project did not involve provisions of the Adirondack Park Agency Act.
  - Project [LV2013-0057] involved the construction of a new driveway with stormwater management consisting of shallow grassy swales. Relief was required from the Town 100-foot shoreline setback and well setback for a stormwater management device. It was noted that the applicant agreed to install shoreline planting buffer as part of the project as a condition of approval. No further Agency review of this variance is required since the project did not vary provisions of the Adirondack Park Agency Act.
  - Project [LV2013-0058] involved the construction of a 576 square foot detached garage. Relief was required from the Town side setbacks and permeability. No further Agency review of this variance was required since the project did not involve provisions of the Adirondack Park Agency Act.
  - Project [LV2013-0059] involved the construction of a swimming pool in the front yard. Relief was required from the Town requirement that a pool be located in the rear yard. 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 provided the Town with information regarding the referral process for variances for Towns with an approved local land use program, and with jurisdictional information regarding pre-existing uses and conversions.
- **Bolton** - Staff provided the Town with jurisdictional information on a proposed commercial project involving the need for additional building density.
- **Caroga** - Staff conferred with the Town on a complaint involving a shoreline structure.

- **Edinburg** - Staff provided the Town with jurisdictional information for proposed solar panels within the shoreline setback area, and with information regarding the variance referral process.
- **Hague** - Staff provided the Town with jurisdictional information on a proposed subdivision involving preexisting uses and information regarding potential subdivision violations.
- **Horicon** - Staff provided the Town with advisory comments on a local variance proposal involving replacement of preexisting dock/deck structures, a proposed fence within the shoreline setback area, and an Agency determination for a preexisting subdivision.
- **Lake George** - Staff provided the Town with jurisdictional information on a proposed local law to control transient merchants, and on SEQRA requirements for the Town's zoning actions.
- **Queensbury** - Staff provided the Town with information on a Class A regional project currently in review at the Agency, and a preexisting single family dwelling.
- **Willsboro** - Staff provided the Town with information on a Class A regional project currently in review at the Agency.



**VI. Summary Table**

<b>Summary of Local Planning Unit Program Accomplishments August 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	13	2	15	115
Land use regulations consulted/reviewed	2	0	2	22
ALLUP amendments approved	0	--	0	0
ALLUP variances reviewed	12	--	12	53
ALLUP variances reversed	0	--	0	2
Comprehensive Plans reviewed	0	0	0	1
Meetings with town officials	4	1	5	22
Responded to land use planning inquiries	47	4	51	336
Planning & Zoning Board actions reviewed	31	0	31	258
Training & Workshops provided	0	0	0	4
Intra-Agency local planning assistance	18	4	22	126
Inter-Agency Coordination	--	--	2	42
Other Regional Organizations	--	--	1	52
<i>"ALLUP" denotes "APA-approved local land use program"</i>				

BFG:REB:lhb  
 cc: James Connolly  
 Robyn Burgess