



M E M O R A N D U M

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

I. Program Highlights

A. Approved Local Land Use Program

- **Johnsburg** - Agency planning staff met with the Town of Johnsburg Zoning Administrator and the new Zoning Clerk. At the request of Town officials, staff created a reference map of past APA projects in the Town. The map displays APA issued permits by parcel location and is intended to serve as a tool to provide greater compliance with local land use controls and administration. The Town has administered an Agency-approved local land use program since 2007.

B. Outreach

- **Southern Adirondack Planning and Zoning Forum** - On September 19, 2013, Agency planning staff provided a training session with staff from the NYS Department of State at the Southern Adirondack Planning and Zoning Forum. Agency staff presented information on the merits of an Agency-approved local land use program and answered a variety of questions about APA process and procedures, land use planning and resource analyses. Over 80 local officials attended the forum which was held at the Fort William Henry Conference Center in Lake George and was sponsored by the Warren County Economic Development Corporation (WCEDC). The forum was the first planning and zoning training program offered by WCEDC, and with the success this year, they plan to host another forum next year.
- **Village of Saranac Lake** - Agency planning staff met with the Village of Saranac Lake Village Board to discuss the merits of an Agency-approved local land use program. The session provided information about the program, its

administration, and considerations for the Village. The Village Board expressed interest in the program and plans to submit its existing zoning law to the Agency for informal review when a revised draft of the document becomes available next month.

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. Agency planning and legal staff reviewed the revised document and provided comments to the Town in August. Status: Unchanged from prior month.
- **Bolton** - The Town of Bolton submitted a new draft version of its zoning law in September for informal review. It is a complete repeal and replacement of the existing local law. Status: Agency planning staff are reviewing the document and will provide comments to the Town.
- **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 with Town officials and will coordinate with them on the review process. 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 to which the Agency agreed with the Town's determination to be lead SEQR agency and to act as an "Involved Agency" in the review. 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: 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 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.

Agency Planning staff are scheduled to meet with Town officials next month to review these and other proposed amendments.

- **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 (9)

- **Edinburg (3)** - Staff reviewed three variances from the Town.
 - Project [LV2013-0071] involved the removal of an existing single family dwelling and replacement with a new single family dwelling. Relief was required from the Town maximum lot coverage and lot line setbacks. No further Agency review of the variance was required since the project did not involve provisions of the Act.
 - Project [LV2013-0072] involved the construction of a deck. Relief was required from the Town front and side yard setbacks. No further Agency review of the variance was required since the project did not involve provisions of the Act.
 - Project [LV2013-0073] involved the placement of a new 1056 square foot mobile home on a vacant lot. Relief was required from the Town minimum size requirement of 1250 square feet for dwellings in that local zoning district. No further Agency review of the variance was required since the project did not involve provisions of the Act.

- **Horicon (1)** - Staff reviewed one variance from the Town.
 - Project [LV2013-0064] involved the construction of a 4 x 150 foot boardwalk through a wetland in order to access an existing dock. Relief was required from the Town 50-foot shoreline setback. The project is a Class A regional project and is currently under review by the Agency as application P2013-0129.

- **Queensbury (1)** - Staff reviewed one variance from the Town.
 - Project [LV2013-0066] involved the construction of a 300 square foot covered porch addition to a single family dwelling. Relief was required from the Town front yard setback. No further Agency review of the variance was required since the project did not involve provisions of the Act.

- **Willsboro (4)** - Staff reviewed four variances from the Town.
 - Project [LV2013-0067] involved a six month extension of a variance granted on July 11, 2012 [LV2012-0088] for the removal of an existing non-conforming single family dwelling and replacement with a new single family dwelling. The existing non-conforming dwelling is entirely within the 50-foot shoreline setback and the proposed dwelling would be 50-feet from the shoreline at its closest point. Relief was required from the Town minimum lot size and side yard setback. No further review was required for the variance since the project did not vary provisions of the Act.
 - Project [LV2013-0068] involved reconsideration of a previously granted variance [LV2010-0010], based on new plans which reduced the amount of non-conformance granted in 2010. The applicant proposes to construct a new single family dwelling and garage. Relief was sought from the Town required maximum lot coverage and side-yard setbacks. No further review was required since the project did not involve provisions of the Act.
 - Project [LV2013-0069] involved the construction of a garage. The Town denied the variance request from the Town maximum lot coverage.
 - Project [LV2013-0070] involved the creation of a two-lot subdivision. Relief was sought from the Town required rear yard setback and minimum lot size. It was noted the variance was conditioned upon the proposed additional land be purchased and merged with the substandard sized lot to alleviate the need for the

minimum lot size variance. No further Agency review is required since the project did not vary provisions of the Act.

III. Correspondence and Consultations

- **Arietta** - Staff provided the Town jurisdictional information relating to a prior Agency subdivision permit.
- **Bolton** - Staff provided the Town's Consultant information regarding submission of the proposed zoning code.
- **Caroga** - Staff provided the Town jurisdictional information regarding replacement of the foundation for non-conforming shoreline structures, and on a home occupation use.
- **Chester** - Staff provided the Town jurisdictional information for a subdivision and use of a non-conforming under-sized lot.
- **Day** - Staff provided the Town information regarding its viewshed protection law.
- **Edinburg** - Staff provided the Town jurisdictional information regarding pre-existing dwellings and guest cottages, and a non-conforming lot with two existing camps.
- **Ephratah** - Staff responded to a SEQRA Lead Agency request from the Town for its review of a proposed Comprehensive Plan in which the Agency agreed with the Town's determinations to be lead agency and will act as an "Interested Agency."
- **Hague** - Staff provided the Town jurisdictional information for a change in use from a tourist accommodation to a semi-public building, and a restaurant remodel where several existing elements are non-conforming.
- **Horicon** - Staff provided the Town with jurisdictional information on the gift exemption, a fence within the shoreline setback, and a shoreline structure involving wetlands.
- **Johnsburg** - Staff provided the Town jurisdictional information for a replacement dwelling on a non-conforming lot and information on a proposed non-conforming use.

- **Lake George** - Staff provided the Town jurisdictional information on the method the Agency uses to measure structure height, and on the re-subdivision of a prior subdivision.
- **Queensbury** - Staff provided the Town with information on a prior issued JIF, and on a cell tower currently under review by the Agency.
- **Ticonderoga** - Staff provided the Town information on the proposed Hamlet expansion initiative process.
- **Willsboro** - Staff provided the Town jurisdictional information on signs standards.

VI. Summary Table

Summary of Local Planning Unit Program Accomplishments September 2013				
Reportable Items	Municipalities		Month Total	Year to Date
	ALLUP	Other		
Towns/Villages/Counties consulted	13	5	18	133
Land use regulations consulted/reviewed	1	0	1	23
ALLUP amendments approved	0	--	0	0
ALLUP variances reviewed	12	--	12	77
ALLUP variances reversed	0	--	0	2
Comprehensive Plans reviewed	0	1	1	2
Meetings with Town officials	1	2	3	25
Responded to land use planning inquiries	42	7	49	385
Planning & Zoning Board actions reviewed	35	0	35	293
Training & Workshops provided	1	1	2	6
Intra-Agency local planning assistance	17	0	17	143
Inter-Agency Coordination	--	--	6	48
Other Regional Organizations	--	--	3	55
<i>"ALLUP" denotes "APA-approved local land use program"</i>				