



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

**TO:** Terry Martino  
**FROM:** Brian Grisi  
**DATE:** March 3, 2014  
**RE:** Local Government Services Program Report,  
February 2014

**I. Program Highlights**

**A. Approved Local Land Use Program**

- **Bolton** - Agency planning staff provided review comments on the Draft Town of Bolton Local Waterfront Revitalization Plan. The Plan sets forth a program for the Town's natural, public, and developed waterfront resources and seeks to provide a balance of environmental, recreational, and economic development actions. The LWRP is funded through a grant by the New York State Department of State under Title II of the Environmental Protection Fund.
- **Hague** - Agency planning staff met with Town of Hague Town 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 1980.
- **Horicon** - Agency planning staff met with Town of Horicon Town Supervisor, Town Clerk and Zoning Administrator to renew discussions on proposed revisions to the Town's zoning law. The Town has administered an Agency-approved local land use program since 1978.

**B. Outreach**

- **Adirondack Park Local Government Day Conference** - Agency planning staff continue to plan for the 17th annual Adirondack Park Local Government Day Conference. The

conference will be held on Wednesday-Thursday, April 9-10, 2014 in Lake Placid.

- **Lake George Watershed Coalition** - Agency planning staff attended the Lake George Watershed Coalition committee meeting. The committee reviewed the past year's accomplishments and goals for the coming year. The Coalition addresses key water quality issues in the Lake George basin, develops strategies and implements measures to protect and improve the waters of Lake George.

## 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. Agency planning staff provided review comments to the Town in October and with Agency legal staff, met with Town officials and consultants to discuss review comments. Status: Unchanged from prior month.
- **Caroga** - The Town of Caroga submitted several chapters of a revised zoning law for informal review. The Planning Board is working with the Fulton County Planning Office to prepare the documents. Status: Staff are scheduled to meet with town and county officials on March 6, 2014.
- **Colton** - The Town of Colton is completing a working draft to revise its zoning and subdivision laws. Staff met with the Town Supervisor in October to review the status of the program amendment. Status: Unchanged from prior month.
- **Edinburg** - The Town of Edinburg is completing draft amendments to address temporary and transient uses and also to correct typographic errors in the existing zoning document. Status: Staff provided informal review comments on specific provisions of the law and a

comparison of the local zoning map to the APA Land Use and Development Plan Map.

- **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, are within the Warren County Town of Hague, and not addressed in the existing Town of Hague Zoning Ordinance. Status: Unchanged from prior month.
- **Horicon** - The Town of Horicon submitted draft revised zoning and subdivision laws for informal review. The changes will result in a near-complete repeal and replacement of the existing laws. Agency staff met with Town officials and provided formal and informal review comments as requested on specific provisions of the law. Status: Agency planning staff met with Town of Horicon Town Supervisor, Town Clerk and Zoning Administrator to renew discussions on proposed local laws and specifically the review process, Town zoning issues versus APA Act requirements, and to determine a timeline for completing the process.
- **Johnsburg** - The Town of Johnsburg submitted draft amendments for informal review and a notice of Lead Agency for SEQR. The Agency agreed with the Town's determination to be lead SEQR agency and would 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: Staff spoke with the Town Supervisor to discuss reengaging the process.
- **Lake George** - The Town of Lake George submitted several new and revised draft amendments for informal review. Chapter 134 - Sewage and Chapter 135 - Erosion, Sedimentation, and Stormwater have been revised to include APA staff review comments from last Spring. New proposed amendments on Tree Removal and Land Clearing,

several revised definitions, and Chapter 180 - Consolidated Health Regulations were also received for review. Staff met with Town officials and provided informal comments on the amendments. The Town held a public hearing on the amendments in December and is revising the draft amendments to incorporate public comments. 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 and are looking forward to working with the newly elected supervisor. 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: The Town just submitted a draft PUD proposal that provides an innovative approach for Hamlet expansion.

## **B. Variances (10)**

- **Bolton (5)** - Staff reviewed three variances from the Town.
  - Project [LV2014-0006] involved modifying a prior proposal to construct a single family dwelling. The applicants had previously removed an existing nonconforming single family dwelling that was 0-feet from the shoreline and had been granted variances in 2009 and 2012 for the construction of a new single family dwelling utilizing part of the existing

footprint. The current proposal is smaller than what was approved in 2012, however relief is still required from the Town 75-foot shoreline setback and 35-foot maximum height. The Agency offered no comments on the Town issued variance, since it was an amendment to a variance issued in 2012 and represented an overall reduction in the project size.

- o Project [LV2014-0008] involved the removal of an existing non-conforming single family dwelling and replacement with a new dwelling. Relief was required from the Town 75-foot shoreline setback and 20-foot side setback. The existing dwelling, was ±8-feet from the shoreline. The Agency respected the findings of the ZBA and no further review of the variance was required.
- o Project [LV2014-0010] involved a 7-lot subdivision of a 30.56 acre parcel. Relief was required from the Town allowable density and separation distances for stormwater controls and leach fields and/or wetlands. The parcel has ±18.64 acres in the Town Residential Low Density-RL3 district (3 acre density) and ±11.92 acres in the Land Conservation-LC25 district (25 acre density). The Agency offered no comments on the Town issued variance; however resource mapping indicated there are wetlands on the parcel. The applicant was advised to contact the Agency to obtain a jurisdictional determination for the proposed subdivision to determine if an APA permit is required.
- o Project [LV2014-0007] involved after-the-fact approval for a 254 square foot deck attached to an existing non-conforming single family dwelling. Relief was required from the Town 100-foot shoreline setback and for alterations to a non-conforming structure. The Agency took no action on the variance.
- o Project [LV2014-0017] involved a lot line adjustment between two existing non-conforming parcels. Relief was required from the Town density. No further Agency review was required since the project was within the considerations for a boundary line adjustment and did not create any opportunity for new principal buildings in the transfer of this property to the adjacent property.
- **Edinburg (1)** - Staff reviewed one variance from the Town.
  - o Project [LV2014-0015] involved the construction of a 960 square foot single family dwelling. Relief was required from the Town minimum 1250 square footage for

dwellings. No further Agency review was required since the project did not involve provisions of the Adirondack Park Agency Act.

- **Hague (1)** - Staff reviewed one variance from the Town.
  - Project [LV2013-0081] involved the construction of several retaining walls and patios. Relief was required from the Town shoreline setback. This variance was reversed by the Agency.
  
- **Queensbury (3)** - Staff reviewed three variances from the Town.
  - Project [LV2014-0012] involved the replacement of two existing non-conforming single family dwellings and replacement with two new single family dwellings. Relief was required from the Town 50-foot shoreline setback for the main dwelling, 30-foot front yard setback for the secondary dwelling and for deficient density. No further Agency review was required for this variance since the project is a replacement in kind.
  - Project [LV2014-0013] involved the construction of a 635 square foot second story addition to an existing non-conforming single family dwelling and construction of a 1,250 square foot detached two-story garage. Relief was required from the Town front setback and 200-foot shoreline setback and for construction of a second garage. No further review of this variance was required since the project did not involve provisions of the Act.
  - Project [LV2014-0014] involved applicant proposes to make alterations to an existing non-conforming single family dwelling. Relief was required from the Town 28-foot maximum height and 22% floor area ratio for the WR Zone. No further review of this variance was required since the project did not involve provisions of the Act

### **III. Correspondence and Consultations**

- **Arietta** - Staff provided the Town jurisdictional information on a project involving an on-site septic system.
  
- **Bolton** - Staff provided the Town advisory comments on a local variance application for a subdivision involving wetlands, and a proposed boardwalk through a wetland.

- **Boquet River Watershed** - Staff provided the consultant working on the watershed plan with zoning information for the 10 towns within the planning district.
- **Brighton** - Staff provided the Town an updated wall-size map of the Town with APA resource information displayed.
- **Chester** - Staff provided the Town information on side-yard setback requirements for boathouses, docks and less than 100 square foot structures, and for a reconfiguration of lots in a prior permitted subdivision.
- **Edinburg** - Staff provided the Town jurisdictional information regarding a Class A subdivision project.
- **Hague** - Staff provided the Town with advisory comments on a local variance application involving shoreline structures.
- **Horicon** - Staff provided the Town jurisdictional information for a proposed shoreline structure.
- **Lake George** - Staff provided the Town jurisdictional information for a campground project and information on an APA permit issued for a Class A project involving multi-family dwellings.
- **Lake George Park Commission** - Staff provided LGPC staff information on local stormwater controls administered by towns in the region with an ALLUP.
- **Northampton** - Staff provided the Town information regarding a settlement offer for a prior APA enforcement case.
- **NY Community Rising** - Staff provided comments on several proposed projects for the storm-damaged watersheds of Keene and Jay.
- **Queensbury** - Staff provided the Town information on a APA project review consultation letter.
- **Westport** - Staff provided the Town jurisdictional information for a lot offered for sale by the county, and for the construction of a single family dwelling.

- **Willsboro** - Staff provided the Town jurisdictional information for a lot offered for sale by the county, and for the reuse of a commercial property.

**VI. Year-to-Date Summary Table**

<b>Summary of Local Planning Unit Program Accomplishments February 2014</b>				
<b>Reportable Items</b>	<b>Municipalities</b>		<b>Month Total</b>	<b>Year to Date</b>
	<b>ALLUP</b>	<b>Other</b>		
Year to date accounting of the 103 Park municipalities consulted	14	3	--	17
Towns/Villages/Counties consulted in the reporting month	13	4	17	30
Land use regulations consulted/reviewed	3	0	5	5
ALLUP amendments approved	0	--	0	0
ALLUP variances reviewed	10	--	10	13
ALLUP variances reversed	1	--	1	1
Comprehensive Plans reviewed	1	0	1	2
Meetings with Town officials	3	1	4	8
Responded to land use planning inquiries	46	6	52	76
Planning & Zoning Board actions reviewed	33	0	33	61
Training & Workshops provided	0	0	0	0
Intra-Agency local planning assistance	10	2	12	24
Inter-Agency Coordination	--	--	11	15
Coordination with Other Regional Organizations	--	--	17	27
<i>ALLUP - denotes "APA-approved local land use program"</i>				

BFG:REB:lhb  
 cc: Robyn Burgess