



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

**TO:** Terry Martino  
**FROM:** Brian Grisi  
**DATE:** October 1, 2014  
**RE:** Local Government Services Program Report,  
September 2014

**I. Program Highlights**

**A. Approved Local Land Use Programs**

- **Arietta** - Agency planning and legal staff are working to refine the process for the review of Class A regional projects by APA staff with the consultation by the Town's planning board. The process should serve as a template for other Agency-approved local land use programs.
- **Lake George** - Agency planning staff met with the Town of Lake George Code Enforcement Officer to discuss 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 1978.

**B. Outreach**

- **Northville/Northampton** - Staff from the Agency's Economic Services and Planning divisions continued their collaboration with a workgroup from the Village of Northville and the Town of Northampton to develop an economic plan for those municipalities. The APA staff team visited the town and village in September and followed up with local committee members by conference call. Staff are currently in the process of assessing resources that could provide enhanced economic benefits to attract visitors to the community and create potential opportunities for new residents.
- **Southern Adirondack Planning and Zoning Forum** - Agency planning staff presented two training programs at the Southern Adirondack Planning and Zoning Forum in Lake

George on September 25, 2014. The programs were entitled: "Variances -- Lessons learned from reviewing 100 variances per year from 10 Towns," by R. Burgess; and the "Top 10 Local Laws to Better Protect Shorelines -- What Municipalities Can Do [now]," by B. Grisi; were attended by over 60 local officials. The forum was hosted by the Economic Development Corporation of Warren County.

## 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 in August. It is a complete repeal and replacement of the existing local law. Status: Agency planning and legal staff are actively reviewing the document.
- **Bolton** - The Town of Bolton submitted a new draft version of its zoning law last year for informal review. It is a complete repeal and replacement of the existing local law. Agency planning and legal staff provided review comments to the Town and met with Town officials and consultants to discuss review comments. Consultants for the Town are revising the document and continue to seek guidance from staff on elements of the approved local land use program requirements. 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 document. Staff met with Town and County officials in March to discuss the requirements and provisions of an Agency-approved local land use program. Status: Staff continue to provide guidance to the Town on specific elements of the proposed local law.
- **Colton** - The Town of Colton is completing a working draft to revise its zoning and subdivision laws. Staff met with the Town Supervisor in August to discuss the status of the amendment. Status: Unchanged from prior month.
- **Edinburg** - The Town of Edinburg submitted a draft revised zoning and subdivision law for informal review this month. It addresses temporary and transient uses and also corrects typographic errors in the existing zoning document. Status: Staff began review of the document.

- **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 planning staff met with Town of Horicon Town Supervisor, Town Clerk and Zoning Administrator on several occasions to discuss the proposed local laws and provided a review draft for the Town to consider in June. Staff continue to provide guidance on specific elements of the proposed local law. 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. Staff met with the Town Supervisor in August to discuss the status of the amendment. Status: Unchanged from prior month.
- **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.
- **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. The Town also submitted a draft PUD proposal that provides an innovative approach for Hamlet expansion. 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 met with Town officials on several occasions to discuss options and program considerations for a new zoning law and in August met with the Town's consultant to discuss structural program requirements and later with the Zoning Amendment Advisory Committee to continue discussions and provide guidance on the program. Status: Staff expect to receive a draft document for informal review shortly.

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.

#### **B. Variances (8)**

- **Bolton (4)** - Staff reviewed four variances from the Town.
  - Project [LV2014-0067] involved the construction of additions to an existing non-conforming single family dwelling. Relief was required from the Town front setback, 75-foot shoreline setback and for alterations to a non-conforming structure. The existing dwelling was 51-feet from the shoreline at its closest point and the additions would be no closer. The parcel was in lands classified as Moderate Intensity Use by the Agency, requiring a 50-foot setback. No further Agency review was required for this variance since the project did not vary provisions of the Adirondack Park Agency Act.
  - Project [LV2014-0068] involved the alteration of an existing deck and retaining walls to accommodate the construction of a pool. In addition the applicants were removing an existing non-conforming single family dwelling and constructing a new dwelling outside of the 75-foot Town shoreline setback. Relief was required for alterations to an existing non-conforming structure. The retaining wall that will support the pool is 70-feet from the shoreline at its closest point. The parcel was in lands classified as Moderate Intensity Use by the Agency, requiring a 50-foot setback. No further Agency review was required for this variance since the project did not vary provisions of the Adirondack Park Agency Act.
  - Project [LV2014-0069] involved the construction of a 26.8 x 34.8 foot garage. Relief was required from the

Town front and 75-foot shoreline setbacks. No further Agency review was required since the stream is non-navigable and therefore the project did not involve provisions of the Adirondack Park Agency Act.

- o Project [LV2014-0070] the installation of a 500 gallon propane tank. Relief was required from the Town 75-foot shoreline setback from the east and west sides of the property. The Agency respected the findings of the ZBA and no further review of this variance was required.
- **Caroga (1)** - Staff reviewed one variance referred by the Town.
  - o Project [LV2014-0072] involved the replacement of an existing set of asphalt stairs with new wooden stairs and a deck. Relief was required from the Town shoreline setback. The existing and proposed stairs were 7-feet from the shoreline at the closest point. The Agency respected the findings of the ZBA and no further review of this variance was required.
- **Hague (1)** - Staff reviewed one variance referred by the Town.
  - o Project [LV2014-0055] involved the construction of additions to a covered porch attached to an existing non-conforming single family dwelling. Relief was required from the Town 50-foot shoreline setback. The existing dwelling was 30-feet from the shoreline at its closest point and the proposed additions would be no closer than existing structure and only 94 square feet of the proposed porch addition would be within 50-feet of the shoreline. The Agency respected the findings of the ZBA and no further review of this variance was required.
- **Horicon (1)** - Staff reviewed one variance referred by the Town.
  - o Project [LV2014-0073] involved the replacement of three existing non-conforming ±800 square foot cabins with a new single family dwelling. Relief was required from the Town 100-foot shoreline setback. The existing cabins were ±25-feet from the shoreline at their closest point and the proposed dwelling would be no closer. The Agency respected the findings of the ZBA and no further review of this variance was required.
- **Queensbury (1)** - Staff reviewed one variance from the Town.

- o Project [LV2014-0071] involved the expansion of an existing deck by 4-feet. Relief was required from the Town 75-foot shoreline setback. The proposed deck extension would be ±65-feet from the shoreline at its closest point. The parcel was in lands classified as Moderate Intensity Use by the Agency, requiring a 50-foot setback. It was noted that the ZBA conditioned the variance upon the deck not being screened-in or having a roof. No further Agency review was required for this variance since the project did not vary provisions of the Adirondack Park Agency Act.

### III. Correspondence and Consultations

- **Arietta** - Staff provided the Town guidance on the process for obtaining APA approval of the Town local land use program amendments.
- **Bolton** - Staff provided the Town advisory comments for a proposed shoreline structure requiring a variance.
- **Caroga** - Staff provided the Town advisory comments for a proposed shoreline structure requiring a variance, jurisdictional information on a project involving wetlands, information for an after-the-fact variance application, a proposed shoreline stabilization project, and guidance to amend zoning district boundaries to correspond with tax map boundaries.
- **Chester** - Staff provided the Town jurisdictional information for a proposed subdivision involving wetlands, the expansion for a semi-public building, the construction of a garage in a rivers area, a tear-down-rebuild of a structure in the shoreline setback area, and the "in-kind" replacement of a shoreline structure.
- **Chesterfield** - Staff provided the Town map information for a proposed subdivision where the parcel straddled several local zoning districts.
- **Edinburg** - Staff provided the Town information on SEQOR for a proposed project.
- **Essex** - Staff provided the Town suggestions for proposed local land use regulations involving forestry.
- **Horicon** - Staff provided the Town jurisdictional information for a project involving pre-existing docks, and advisory comments for a proposed shoreline structure requiring a variance.

- **Inlet** - Staff provided the Town information about the Agency-approved local land use program.
- **Johnsburg** - Staff provided the Town guidance for a Class A project involving the replacement of a privately owned bridge.
- **Northville/Northampton** - Staff are currently in the process of assessing resources that could provide enhanced economic benefits to attract visitors to the community and create potential opportunities for new residents.
- **Queensbury** - Staff provided jurisdictional information for a proposed Class A project involving a sand and gravel extraction.
- **Willsboro** - Staff provided the Town guidance on several definitions proposed for revised zoning law.

**VI. Summary Table**

<b>Summary of Local Planning Unit Program Accomplishments September 2014</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 in the reporting month	12	6	18	144
Land use regulations consulted/reviewed	5	1	6	38
ALLUP amendments approved	0	--	0	2
ALLUP variances reviewed	8	--	8	67
ALLUP variances reversed	0	--	0	3
Comprehensive Plans reviewed	0	0	0	4
Meetings with Town officials	1	3	4	49
Responded to land use planning inquiries	35	9	44	393
Planning & Zoning Board actions reviewed	27	0	27	268
Training & Workshops provided	0	2	2	7
Intra-Agency local planning assistance	11	3	14	111
Inter-Agency Coordination	--	--	1	69
Coordination with Other Regional	--	--	6	79

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Organizations			
	<u><i>Year to Date</i></u>		
<i>Number of the 103 Park municipalities LGS staff have consulted with:</i>	<i>18</i>	<i>50</i>	<i>Total: 68</i>
<i>ALLUP - denotes "APA-approved local land use program"</i>			