



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

**TO:** Terry Martino  
**FROM:** Brian Grisi  
**DATE:** January 5, 2015  
**RE:** Local Government Services Program Report,  
November and December 2014

**I. Program Highlights**

**A. Approved Local Land Use Programs**

- **Bolton** - Agency planning staff met with the Town of Bolton Town Supervisor and Zoning Administrator 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 1980.
- **Hague** - Agency planning staff met with the Town of Hague Town Supervisor and Zoning Administrator 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.
- **Horicon** - Agency planning staff met with the Town of Horicon Zoning Administrator and new Planning Board Chairman and new Zoning Clerk 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.
- **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 development plan for those municipalities. The APA staff team together with the Mayor and Town Supervisor facilitated a public meeting on the initiative to seek public comments on the proposed plan.

- **Queensbury** - Agency planning staff met with the Town of Queensbury Director of Planning and planning staff 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 1982.

## **B. Outreach**

- **Adirondack Association of Towns and Villages** - Staff from the Agency's Economic Services and Planning divisions attended the AATV membership meeting in Lake George on December 8, 2014. Staff also participated in the Adirondack economic strategies implementation working session designed to advance economic opportunities across the Park.
- **Lake George Watershed Coalition Meeting** - Agency planning staff participated in the Lake George Watershed Coalition committee meeting. The Coalition committee includes representatives from five State agencies and organizations (APA, DEC, DOS, LGPC and LGWC) along with local elected leaders, representatives from regional planning commissions, and interested organizations. The Coalition reviewed on-going and proposed projects that address key water quality issues in the Lake George basin designed to protect and improve the waters of Lake George.

## **C. Training**

- **Bolton** - Agency planning staff presented two training programs to Town of Bolton and Lake George officials on Monday evening November 17, 2014. The programs were titled: "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. The programs were requested by the Town of Bolton based on positive response to similar programs presented by staff at the Southern Adirondack Planning and Zoning Forum in September. The presentation concluded with a discussion

about pertinent issues affecting land use regulations in the Lake George region.

- **Hamilton County** - Agency planning staff together with NYS Department of State Local Government training staff presented a Land Use Training Program for Hamilton County planning and zoning officials. The training was hosted by Hamilton County and was held at the Adirondack Museum in Blue Mountain Lake on Thursday evening December 4, 2014
- **Staff Workshop** - Agency planning and legal staff presented a workshop for APA staff on the Agency's-approved local land use programs. The training provided information on the basics of an ALLUP, where to find information on each of the 18 programs, who to contact in the towns and when to ask for assistance from either the Local Government Services staff or from Legal staff.

## 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 will result in a complete repeal and replacement of the existing local law. Status: Staff continue to provide guidance to the Town on specific elements of the proposed local law.
- **Bolton** - The Town of Bolton submitted a new draft version of its zoning law last year for informal review. It will result in 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. Staff continue to provide guidance to the Town on

specific elements of the proposed local law. Status:  
Unchanged from prior month.

- **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 in September. It addresses temporary and transient uses and also corrects typographic errors in the existing zoning document. Staff provided review comments to the Town and met with the planning committee to discuss the amendments. 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 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. Status: Staff continue to provide guidance on specific elements of the proposed local law.
- **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 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** - The Town of Willsboro submitted a draft zoning law for informal review. It will result in a complete repeal and replacement of the existing law. Agency staff and Town officials met on several occasions to discuss options and program considerations for a new law. Status: Staff provided review comments to the Town.  
  
The Town of Willsboro also 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 (26)**

- **Arietta (1)** - Staff reviewed one variance from the Town.
  - Project [LV2014-0075] involved the removal and reconstruction of an existing non-conforming single family dwelling. Relief was required from the Town side line setback, shoreline setback, structure width and expansion of a nonconforming structure. The Agency offered no comments on the Town issued variance.
- **Bolton (5)** - Staff reviewed five variances from the Town.
  - Project [LV2014-0097] involved the construction of a retaining wall. Relief was required from the Town shoreline and side setbacks. The Agency offered no comments on the Town issued variance.
  - Project [LV2014-0098] involved the alteration to a portion of the roofline of an existing non-conforming single family dwelling. Relief was required from the Town 75-foot shoreline setback, 50-foot front yard

setback and for alterations to a non-conforming structure. The existing and proposed dwelling is ±0-feet from the shoreline at its closest point and the overall height of the dwelling will not increase. The Agency respected the findings of the ZBA and no further review of the variance was required.

- o Project [LV2014-0099] involved the construction of stairs in-line with an existing retaining wall. Relief was required from the Town 75-foot shoreline setback and 20-foot side setback. The Agency respected the findings of the ZBA and no further review of this variance was required.
- o Project [LV2014-0100] involved the conversion of an existing cabin colony into 5 single family dwellings and a one common lot. Relief was required from the Town 1.3 acre per principal building density for the district. The existing lot is 3.22 acres and is improved by Diamond Village Resort, a tourist accommodation consisting of 28 cabins, 2 accessory structures, a boathouse and an office building. All of the existing structures are proposed to be removed except for the boathouse. No further Agency review was required for this variance since the project as proposed conforms to the allowances and regulations in §811(h) of the APA Act and §574.8 of the APA Rules and Regulations that allows for the conversion of pre-existing cottages into single family dwellings.
- o Project [LV2014-0104] involved the construction of three additional boat storage buildings on a 4.92 acre parcel which is currently improved by one 6,070 square foot building. Relief was required from the Town density for the construction of a total of four buildings, alterations to an existing non-conforming structure, maximum length and yard setbacks. A similar proposal was previously reversed by the Agency [LV2014-0018]. The ZBA only approved the placement of a second boat storage building that is to be connected to the existing structure and which only required setback relief. The project is under review by the Agency [P2014-0101].
- **Caroga (4)** - Staff reviewed four variances from the Town.
  - o Project [LV2014-0089] involved the construction of a 16 x 20 foot deck and replacement of an existing 6 x 4 foot deck with a new 7 x 11 foot deck attached to an

existing non-conforming single family dwelling. Relief was required from the Town 75-foot shoreline setback as the entire existing dwelling was within the shoreline setback and approximately ±35-feet from the shoreline at its closest point. The proposed decks would be no closer to the shoreline than the existing dwelling. The Agency respected the findings of the ZBA and no further review of the variance was required.

- o Project [LV2014-0090] involved the alteration of the roofline and existing porch attached to an existing non-conforming single family dwelling. Relief was required from the Town 75-foot shoreline setback. The existing dwelling was almost entirely within the 75-foot setback and ±20-feet from the shoreline at its closest point. It was noted that the new roofline will be no taller than what is existing. The Agency respected the findings of the ZBA and no further review of this variance was required.
- o Project [LV2014-0091] involved the removal of an existing 12 x 20 foot garage and replacement with a new 16 x 24 foot garage. Relief was required from the Town ten percent (10%) maximum lot coverage. No further Agency review was required for this variance since the project did not vary provisions of the Adirondack Park Agency Act.
- o Project [LV2014-0093] involved the construction of a 76 square foot deck attached to an existing non-conforming single family dwelling; the rebuilding of an existing non-conforming 9 x 19 foot shed; and the reconfiguration of docks resulting in a reduction of 449 square feet of dock. Relief was required from the Town 75-foot shoreline setback as all structures are non-conforming within the setback. The Agency respected the findings of the ZBA and no further review of this variance was required.
- **Hague (2)** - Staff reviewed two variance referred by the Town.
  - o Project [LV2014-0077] involved the enclosure of an existing non-conforming deck, creating a screened porch attached to the existing non-conforming single family dwelling. Relief was required from the Town 50-foot shoreline setback. The existing deck was 13-feet from the shoreline at its closest point and the proposed porch would be 15-feet at its closest point. The

Agency respected the findings of the ZBA and no further review of this variance was required.

- Project [LV2014-0096] involved the construction of a 149 square foot addition and 1098 square foot second story addition to an existing 1180 square foot non-conforming single family dwelling. Relief was required from the Town maximum 25% expansion for non-conforming structures. It was noted that the existing dwelling is non-conforming due to deficient lot size, lot width and front and rear yard setbacks. No further Agency review was required for this variance since the project did not involve provisions of the Adirondack Park Agency Act.
- **Horicon (5)** - Staff reviewed five variances referred by the Town.
  - Project [LV2014-0094] involved the replacement of an existing drywell system with a new shallow trench septic system. Relief was required from the Town 100-foot well setback and 10-foot property line setback. The Agency offered no comments on the Town issued variance.
  - Project [LV2014-0095] involved the construction of a 16 x 20 foot addition to the side of a pre-existing non-conforming cabin and also a 4 x 28 deck to the rear (non-shoreline side) of the structure. The current structure is 890 square feet and the proposed finished structure would be 1,210 square feet. Relief was required from the Town shoreline setback. The existing dwelling is ±22-feet from the shoreline at its closest point and the proposed additions would be no closer, with the closest point of the proposed side addition at ±42-feet. The Agency respected the findings of the ZBA and no further review of this variance was required.
  - Project [LV2014-0103] involved the replacement of a failed septic system with a holding tank. Relief was required from the Town requirement for a conventional septic system and property line and shoreline setbacks. It was noted that the applicant had no compliant location on the 0.04 acre parcel on which to place a conventional septic system. The Agency respected the findings of the Town Board acting as the local board of health and no further review of this variance was required.



- Project [LV2014-0106] involved the construction of a 64 x 4 foot dock. Relief was required from the Town 40-foot maximum dock length and 75 square foot dock surface area. No further Agency review was required for this variance since the project did not vary provisions of the Adirondack Park Agency Act.
- Project [LV2014-0107] involved the construction of a ±88.7 x ±3.8 foot dock and associated structures with a surface area of 579 square feet. Relief was required from the Town 40-foot maximum dock length and 300 square foot dock surface area. No further Agency review was required for this variance since the project did not vary provisions of the Adirondack Park Agency Act.
- **Johnsburg (3)** - Staff reviewed three variance referred by the Town.
  - Project [LV2014-0086] involved the placement of a second mobile home on an 11.2 acre parcel. Relief was required from the Town 8.5 acre density. This variance was reversed by the Agency.
  - Project [LV2014-0087] involved a 10 x 40 foot addition. Relief was required from the Town front and rear yard setbacks. No Agency review was required for this variance since the project was located in a Hamlet land use area.
  - Project [LV2014-0088] involved the subdivision of a 12± acre parcel. One lot was proposed to be 11 acres and the other lot would be 1 acre. Relief was required from the Town minimum lot size for the Rural Mixed Use 8.5 district. It was noted that the parcel was currently improved with two pre-existing single family dwellings and the proposed subdivision would place each on its own lot. No further Agency review was required for this variance since the project involves the subdivision of land to allow pre-existing dwellings be situated on individual lots and did not create any opportunity for new principal buildings.
- **Queensbury (5)** - Staff reviewed five variances from the Town.
  - Project [LV2014-0080] involved the construction of a 450 square foot deck attached to an existing non-conforming 360 square foot single family dwelling. Relief was required form the Town 50-foot shoreline

setback, side yard setback and for alterations to a nonconforming structure. The existing dwelling was 35-feet from the shoreline and the proposed deck would be 23-feet. This variance was reversed by the Agency.

- o Project [LV2014-0083] involved the reconstruction of an existing non-conforming one-story single family dwelling to include a second story. Relief was required from the Town 100-foot front yard setbacks. The project proposal also included upgrades to the septic system. No further Agency review was required for this variance since the project did not involve provisions of the Adirondack Park Agency Act.
- o Project [LV2014-0084] involved the removal of an existing 536 square foot garage and replacement with a new 576 square foot, 24±-foot tall garage. Relief was required from the Town minimum permeability, front and side setbacks and for 16-foot maximum height requirement for accessory structures. It was noted that the ZBA approval reduced the overall height of the proposed structure by 2 feet. No further Agency review was required for this variance since the project did not involve provisions of the Adirondack Park Agency Act.
- o Project [LV2014-0101] involved after-the fact approval for the installation of a tennis court and associated 10-foot high fence. Relief was required from the Town front and side setbacks and for the maximum height of fences located in the front yard of 4-feet. No further Agency review was required for this variance since the project did not involve provisions of the Adirondack Park Agency Act.
- o Project [LV2014-0102] the demolition of an existing non-conforming 1,448 square foot single family dwelling and replacement with a new 3,795 square foot single family dwelling. Relief was required from the Town: minimum 15-foot side yard setback on the north side; minimum 15-foot side yard setback on the south side; 55-foot average shoreline setback; 22 percent floor area ratio; and 28-foot maximum height. The existing dwelling was ±54-feet from the shoreline and the proposed dwelling would be ±50-feet from the shoreline at its closest point. It was noted that ZBA conditioned the variance approval upon removing 2-feet from the proposed dwelling so that the overall square

footage would be 3,575 square feet and the structure be no closer than 52-feet from the shoreline. No further Agency review was required for this variance since the project did not vary provisions of the Adirondack Park Agency Act.

- **Willsboro (1)** - Staff reviewed one variance from the Town.
  - Project [LV2014-0084] involved the construction of a 130 square foot retaining wall, 13-feet from the shoreline. Relief was required from the Town shoreline setback. This variance was reversed by the Agency.

### III. Correspondence and Consultations

- **Arietta** - Staff provided the Town information on proposed zoning law revisions involving shorelines and the principal building definition.
- **Bolton** - Staff provided the Town jurisdictional information for the conversion of pre-existing cabin colony to a subdivision involving single family dwellings, a variance referral involving shoreline structures, and an advisory opinion for a variance involving density.
- **Caroga** - Staff provided the Town jurisdictional information for structures within the shoreline setback area, contractual access for a waterfront lot involving the use of docks and other structures, a waste disposal area, the process for enacting local laws, and provided a large display land use and zoning map of the Town.
- **Chester** - Staff provided the Town jurisdictional information for a proposed lateral expansion of a shoreline structure, setbacks from private roads, a variance referral, the referral of a Class B regional project, and the placement of solar panels on the roof of a structure.
- **Essex** - Staff provided the Town jurisdictional information for residential wind turbine.
- **Hague** - Staff provided the Town jurisdictional information for a septic system setback requirement and a sketch plan review for a subdivision.
- **Horicon** - Staff provided the Town jurisdictional information on the minimum shoreline lot size, a variance request for a wastewater treatment system, a boardwalk

through a wetland, a waterfront contractual access lot, pre-existing shoreline structures, multi-use docks, a prior APA project, the merger and resubdivision of a several parcels involving wetlands, and a project notice form for a project under review by the Agency.

- **Johnsburg** - Staff provided the Town jurisdictional information on an APA referral and the status of a vacant lot.
- **Lake George** - Staff provided the Town information on sign law requirements and a prior issued APA permit.
- **Queensbury** - Staff provided the Town jurisdictional information on a sand and gravel extraction, a shoreline structure setback, a variance referral, zoning considerations for solar and wind turbines, and a zoning amendment that did not involve the Towns approved local land use program.
- **Ticonderoga** - Staff provided information for a prior APA permit and the subsequent subdivision of the project site.
- **Tupper Lake** - Staff provided the Town information regarding its Comprehensive Plan.
- **Webb** - Staff consulted with the Town on an on-site wastewater treatment training opportunity.
- **Westport** - Staff provided the Town jurisdictional information for on-farm breweries.
- **Willsboro** - Staff provided the Town an advisory opinion for a shoreline structure that required a variance, a proposal for a grain mill in the Town's industrial use area, and responded to questions on the proposed draft zoning law.
- **Wilmington** - Staff provided the Town information on road deicing issues.

**VI. Summary Table**

<b>Summary of Local Planning Unit Program Accomplishments November and December 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	11	9	20	178
Land use regulations consulted/reviewed	5	1	6	49
ALLUP amendments approved	0	--	0	2
ALLUP variances reviewed	26	--	26	107
ALLUP variances reversed	3	--	3	6
Comprehensive Plans reviewed	0	1	1	5
Meetings with Town officials	5	4	9	62
Responded to land use planning inquiries	83	16	99	522
Planning & Zoning Board actions reviewed	53	0	53	347
Training & Workshops provided	2	2	4	13
Intra-Agency local planning assistance	20	4	24	147
Inter-Agency Coordination	--	--	15	87
Coordination with Other Regional Organizations	--	--	15	96
	<b><u>Year to Date</u></b>			
<b>Number of the 103 Park municipalities LGS staff have consulted with:</b>	<b>18</b>	<b>50</b>	<b>Total: 68</b>	
<i>ALLUP - denotes "APA-approved local land use program"</i>				

cc: Kathleen Regan  
 Robyn Burgess