



**LEILANI CRAFTS ULRICH**  
Chairwoman

**TERRY MARTINO**  
Executive Director

**MEMORANDUM**

TO: Terry Martino, Executive Director

FROM: Kathy Regan, Deputy Director, Planning

DATE: April 7, 2015

RE: Town of Queensbury Local Land Use Program Amendment

The Town of Queensbury seeks Agency review and approval to amend its local land use program. The Town proposes to add “water extraction” as an allowed use in the Town’s Land Conservation Districts (LC-10 & LC-42).

Queensbury has administered an Agency-approved local land use program since 1982. The zoning law underwent a complete repeal, replacement and approval in 2009. Several minor amendments have been approved in the past few years to amend or clarify the 2009 zoning law.

**Proposed Changes**

The Town of Queensbury proposes to amend its zoning law to define “water extraction” as a land use. The use is proposed to be allowed by Site Plan Review in the Town Land Conservation-10 (LC-10) and Land Conservation-42 (LC-42) districts. The proposed amendment includes associated review standards for the new use.

Queensbury submitted the proposed amendment to the Agency for review and approval pursuant to APA Act §807, by resolution 94-2015 dated February 23, 2015. After consultation with Agency staff, the Town submitted a revised, proposed local law, dated April, 6, 2015, for consideration by the Agency. A copy of the revised proposal is attached.

**Staff Review and Comment**

Staff provided comments on the Town’s February 23, 2015 proposal via email on March 13, 2015 which included comments and suggestions set forth by memorandum dated March 12, 2015 (copy attached). Queensbury incorporated staff’s suggestions into its April 6, 2015 proposed amendment.

Based on its review of the proposed amendment, staff believe that the proposal complies with the standards for approval of an amendment to a local land use program

set forth in APA Act §807(2). Specifically, the proposed amendment is “supportive of and in furtherance of the land use and development plan,” is compatible with the “character description and purposes, policies and objectives” for Rural Use and Resource Management land use areas, and “reasonably applies the classification of compatible uses lists in the light of the needs and conditions of the local government.”

Water extraction is presumptively compatible with the “character description and purposes, policies and objectives” for Rural Use (LC-10) areas, since both commercial uses and public utility uses (including major public utility uses) are listed on the compatible use lists in APA Act §805(3)(f). In Resource Management, while both public utility and major public utility uses are on the compatible use lists, commercial uses are not. §807(2)(d) requires that a local land use program “reasonably applies the classification of compatible uses lists in the light of the needs and conditions of the local government...” Queensbury noted in the intent section of the proposed local law: “The Town Board recognizes that the extraction of water has occurred for over 125 years on the lands of the City of Glens Falls watershed (the largest landowner within the Town). Thus, the proposed amendment is consistent with the historic local use of the lands involved. In addition, due to the minimal and localized impacts of water extraction for off-site commercial purposes, staff believe that the use is generally compatible as a commercial use in Resource Management.

### **Conclusion**

As explained above, Agency staff believe that the Town of Queensbury’s proposed amendment complies with the standards for approval set forth in APA Act § 807(2). Accordingly, Agency staff recommend approval of the proposed amendment.