



KAREN FELDMAN
Acting Chairwoman

TERRY MARTINO
Executive Director

MEMORANDUM

TO: Terry Martino
FROM: Kathy Regan *KDR*
DATE: August 1, 2018
RE: Town of Caroga Local Land Use Program Amendment

The Town of Caroga seeks Agency review and approval to amend its Local Land Use Program. The Town proposes to update the Town of Caroga Zoning Ordinance.

The Town of Caroga has administered an Agency-approved Local Land Use Program since 1980. This amendment is the first to the Town code since 2009 and builds upon the Town's new Comprehensive Plan which was enacted in 2013. The proposed program amendment is a rewrite of the Town's entire land use code.

For purposes of the State Environmental Quality Review Act (SEQRA), the proposed rewrite by the Town and its approval by the Agency are actions subject to SEQRA review. The Town has conducted SEQRA review as lead agency, and has determined that the proposed changes to its code will not have a significant adverse effect on the environment. Notice of their determination has been provided to the Environmental Notice Bulletin for publication.

Proposed Changes

The Town of Carogas' proposed repeal and replacement of its existing zoning and subdivision code, dated June 18, 2018, is attached for reference. The Town has also included an updated GIS-based version of its zoning map as part of its proposed amendment.

Caroga submitted the proposed amendment to the Agency for review and approval pursuant to APA Act § 807 by resolution 2018-074 dated July 18, 2018. A copy of the Town's resolution is attached.

Staff Review and Comment

Agency staff began working with the Town of Caroga and Fulton County on code revisions in 2013. The proposed Town code builds upon the foundation of the Town's existing code which was approved by the Agency in 1979 and enacted in 1980.

The Town's proposed rewrite incorporates the Agency's current terminology and methodology which allows for consistency between Town and Agency review.

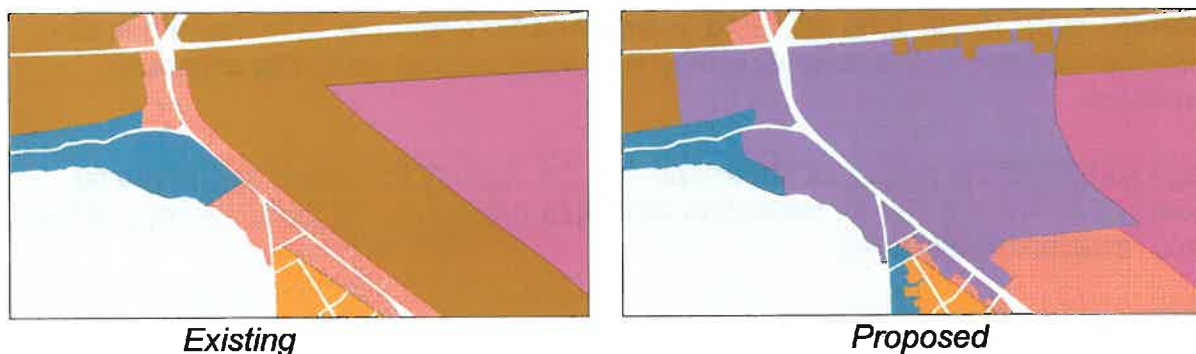
The Town of Caroga has proposed changes to its use tables as part of the amendment including the incorporation of all zoning districts into one chart. Staff worked with the Town to account for the forty different types of uses identified by the APA Act and compared those to the different types of uses defined by the Town in its code.

The proposed code includes Agency terms which had been omitted from the prior code. The Town has also amended some definitions to match those used by the Agency. For example, towns often choose to further define types of commercial uses in order to specify where such uses are appropriate. Given the Agency's singular definition of "Commercial Use," and for ease in determining the appropriate level of review, the 65 separately defined Town commercial uses have been grouped together in the definitions under a heading of "Commercial Use."

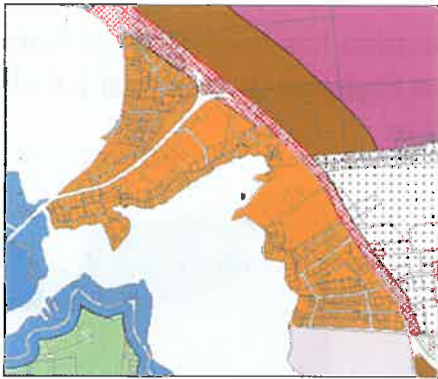
The Agency's 2008 regulatory changes which addressed boathouses, docks and non-conforming shoreline structures have been incorporated into the proposed Town code. The Town has also instituted a dock permit system in order to ensure compliance with their regulations.

The Town proposed amendments to several zoning districts and the addition of two new Highway Commercial districts (HC 2.5 & HC 8.5) and a new Town Center district to meet their evolving needs:

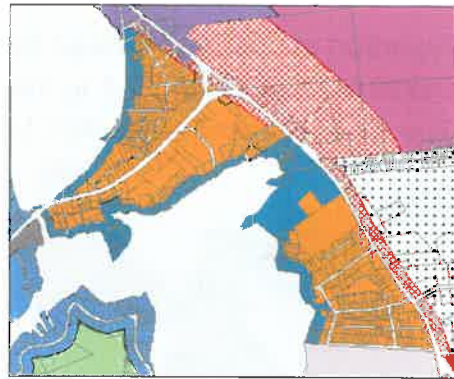
- The Town proposes to create a new Town Center district in an area identified in its Comprehensive Plan. The properties affected are currently zoned Highway Commercial (HC), Lakefront A (LFA), Hamlet (H), Resort (RT) and Residential 15 (R15). This area is classified as APA Hamlet with a small portion (± 3.3 acres) of Rural Use.



- Waterfront properties in the Town Resort district have been rezoned as Lakefront A (LFA) which shares the same 25,000 square foot minimum lot size requirement. This area is classified as APA Hamlet.



Existing

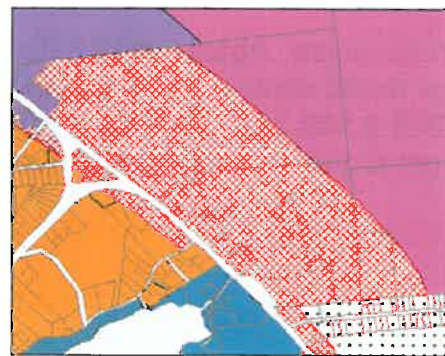


Proposed

- The east side of 29A from the proposed Town Center boundary to Alderwood Park Rd. has been rezoned from Town Hamlet to Highway Commercial which allows for things like composting facility (SPR), solar farms (SUP), and wholesale distribution where they would not be allowed in the Town's Hamlet district. This area is classified as APA Hamlet.



Existing



Proposed

- A portion of Rt. 29A near Sgt. Witzke Road to Fisher Rd. has been rezoned from Residential 8.5 to the newly created Highway Commercial 8.5 (HC 8.5) district. The area is classified as APA Rural Use.

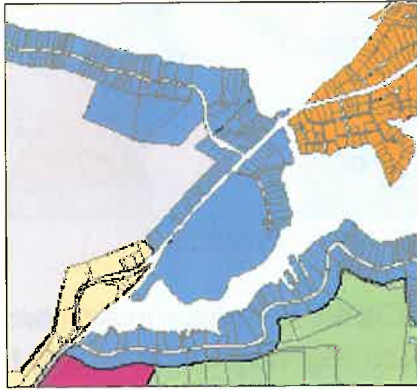


Existing



Proposed

- A portion of Rte. 10 between the Outlet and marina has been rezoned from Lakefront Residential 2.5 to the newly created Highway Commercial 2.5 district. The area is classified as APA Low Intensity Use.



Existing



Proposed

Conclusion

Based on its review, Agency staff believe that the Town of Caroga's proposed Zoning Ordinance would comply with the standards for approval set forth in APA Act § 807(2) and NYCRR § 582.2(e). Agency staff recommend approval of the proposed amendment to the Town's Agency-approved Local Land Use Program.