

APPENDIX A

**TOWN OF ESSEX RESOLUTION REQUESTING AMENDMENTS TO THE OFFICIAL
ADIRONDACK PARK LAND USE AND DEVELOPMENT PLAN**

TOWN OF ESSEX

PO Box 355
2313 Main Street
Essex, New York 12936

Edward Gardner
Supervisor

Patricia Gardner
Town Clerk

TOWN COUNCIL:

Claire LaPine
Bryan Garvey
James LaForest
Gretel Schueller

Resolution 81-2016 – APA Land Use Map Request

December 14, 2016

Be it resolved that the Town Board of the Town of Essex request that the Adirondack Park Agency to amend the Official Adirondack Park Land Use and Development Plan Map in the manner shown on the December 13, 2016 map entitled Proposed Amendments to the Adirondack Park Land Use and Development Plan Map.

Motion Made By: James LaForest

Seconded By: Gretel Schueller

Yea

No

Councilperson LaPine	x
Councilperson Garvey	x
Councilperson LaForest	x
Councilperson Schueller	x
Supervisor Gardner	x

Patricia Gardner
Town Clerk

PART B (to be filled out only if a local government is applicant or co-applicant)

1. LEGISLATIVE BODY OF LOCAL GOVERNMENT

Town of Essex

Supervisor or Mayor

Edward J. Gardner

Address

2313 Main Street

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Essex, NY 12936

Telephone

(518) 963-4287

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(518) 603-6770

2. APPLICANT'S REPRESENTATIVE

Town of Essex

Name

James Van Hoven, Planning Board Chair

Address

2313 Main Street

P.O. Box 355

Essex, NY 12936

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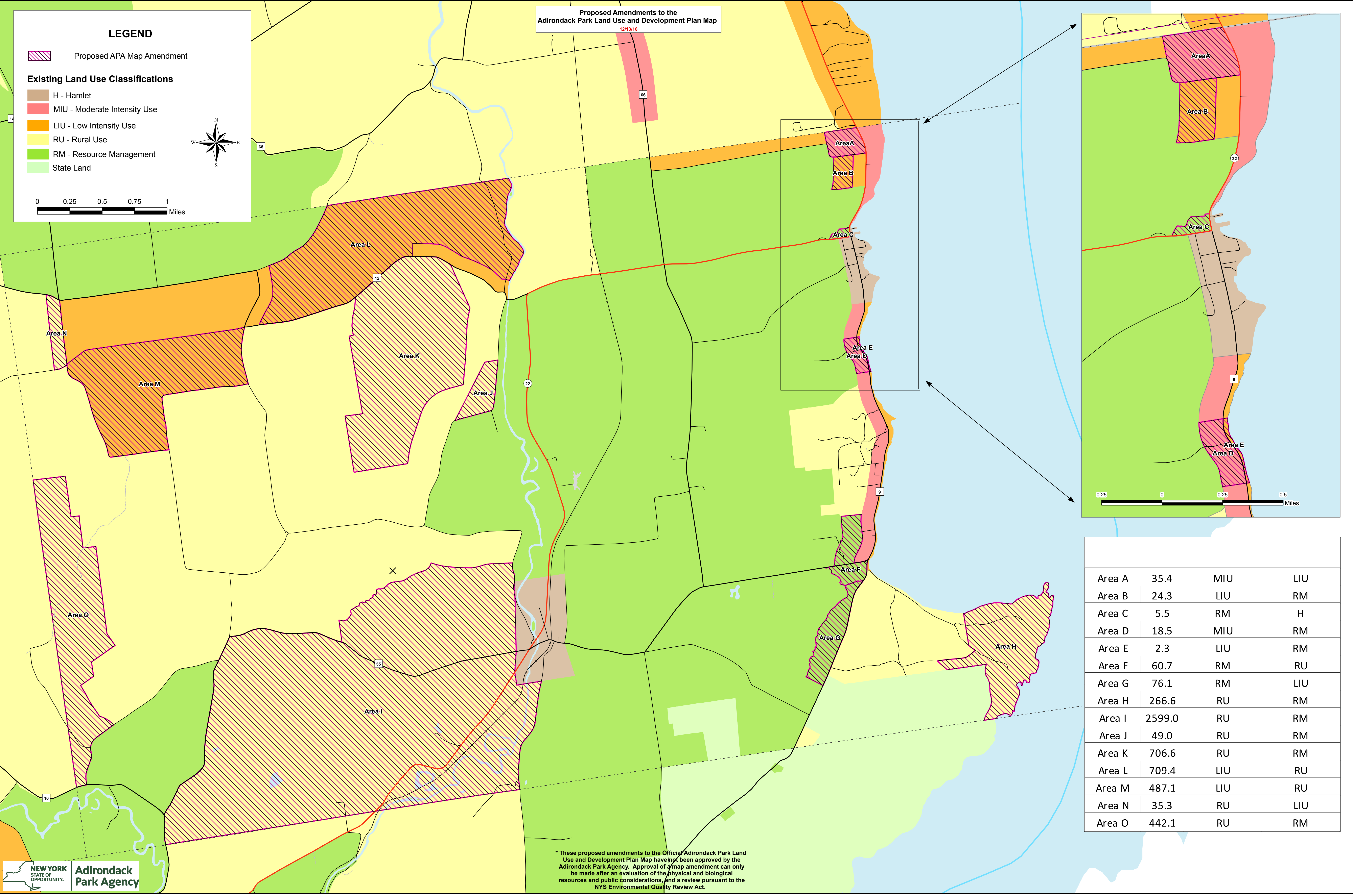
(518) 963-4287

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3. SECTION 583.1(c) OF THE AGENCY'S RULES AND REGULATIONS REQUIRES THAT THE REQUEST SHALL BE MADE BY RESOLUTION OF THE LEGISLATIVE BODY AND A CERTIFIED COPY SUBMITTED TO THE AGENCY

4. THE APPLICANT MUST PROVIDE THE NAMES AND ADDRESSES OF BOTH THE ADJOINING LANDOWNERS AS WELL AS THOSE WITHIN AND NEARBY THE AREA BEING REQUESTED FOR RECLASSIFICATION, FROM THE LATEST COMPLETED TAX ASSIGNMENT ROLL



APPENDIX B

TOWN OF ESSEX COMPREHENSIVE PLAN

COMPREHENSIVE PLAN

Essex, New York

The Town of Essex lies on the western shore of Lake Champlain at the Lake's narrow waist where it is deepest. The land, which has been cleared and worked for 250 years, rises gradually, broken by granite outcrops and forested ridges, into the foothills of the Adirondack Mountains, offering sweeping views of the High Peaks to the west. The Town is wholly within the Adirondack Park, forty miles from the Olympic Village of Lake Placid, and on the rail corridor between New York City and Montreal.

Before the coming of the railroad, Essex, one of the "lake towns," was a vigorous commercial center. It served as the transshipment point for the great stones of the Brooklyn Bridge; and the hamlet, home to two shipyards and a half-dozen inns and taverns, has been the New York terminus for the ferry service to Vermont since 1790. Even before the Civil War, however, Essex began a long decline in population from its peak of 2,351, as counted in 1850, to the fewer than 800 souls who live here today.

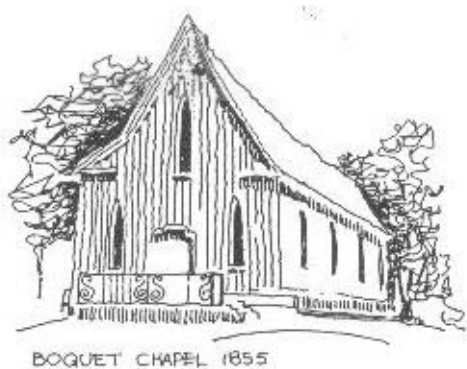
Farming, mostly dairy and some logging, provided a good living for many residents until very recently, and since the turn of the century the Town has been a beloved lakeside resort, cherished for its quiet, unspoiled character. The historic hamlet of Essex, its nineteenth century layout still intact, untouched by neon and graced by a remarkable collection of Federal, Greek Revival and Victorian buildings, is listed in the National Register of Historic Places, a particular source of pride.

And yet people continue to leave. The dairy farms are largely a memory. The seasonal lakeside enterprises, the marinas, the restaurants, the stores are doing only a modest business, and much of the village cries out for maintenance. There is constant pressure on the tax base. Many residents are concerned that the growing seasonal population, while welcome, does not have the same ability to sustain the life of the Town as the people who live here year-round. Tourism, while on the upswing, may be a mixed blessing. There is a fear that sudden, inappropriate development could alter Essex forever, destroying what it is we all love about the place.

We are faced with a dilemma. How can we preserve the quiet way of life we enjoy, which has been left to the Town by an accident of history, and at the same time foster the modest growth required to sustain it? How can we encourage like-minded people to join us? Can we attract others with the vision, skills and capital needed here without being swept away ourselves?

The comprehensive plan articulated here is our attempt to confront and master this dilemma by presenting a clear, detailed and authoritative analysis of the Town and our vision for its future. It serves as the basis for the Town of Essex Zoning Ordinance and Subdivision Regulations. It tries to make clear what we are, as various as we are, what we want and what we don't want, so that those who have plans and ideas for our Town will know what to expect and be encouraged and guided in their efforts.

Local control puts the development agenda in local hands and creates a much stronger link between decisions and their consequences.



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Introduction

The Town of Essex, like most communities, is facing important decisions today that will affect its future for many years. The purpose of the Town's comprehensive planning process is to provide guidance for making the decisions that will shape the future of the community.

The Comprehensive Plan's creation is the result of over 20 years of work, culminating in an intensive, three year long process involving public meetings and discussions between residents and members of the Zoning and Shoreline Review Committee. The analysis and recommendations presented came from the people of Essex working together in small and large groups.

One of the underlying assumptions of the comprehensive planning process is that if the Town does not take decisions into its own hands, outside forces will most likely determine its future. Whether these forces are developers, state agencies, or the general economy, the Town runs the risk of losing its identity if it does not clearly identify its goals for the future. This Comprehensive Plan will form the basis for a complete update of the Town's Zoning Ordinance, which was created in 1974. Together, the Comprehensive Plan and revised Zoning Ordinance will give the residents of Essex the clearest and strongest possible voice in determining the future of the Town.

The purpose of the Comprehensive Plan is to provide a well-thought-out set of land use goals and policies as a framework for making development and zoning decisions, promoting orderly land use, and implementing public improvements. We know that technology, values, and lifestyles will continue to evolve whether we like it or not, and the resulting changes will impact our culture and our community. The Plan outlines a vision of where the residents of Essex want to be in the future, and outlines a strategy to achieve that vision. With this Plan, decision-makers will be able to make short-term decisions that promote orderly long-term development to benefit the citizens of the Town.

Although the total population of the Town has declined slightly in recent years, there are many new residents living and working in Essex. This influx of new faces provides both opportunity and conflict. The challenge of the planning process is to bring all segments of the community together in an atmosphere of mutual respect, building upon the institutions and traditions of the past, which have kept the Town a special place. This planning process is intended to build community cooperation in implementing shared goals for the future.

The members of the Zoning and Shoreline Review Committee:

Suzanne Perley, Committee Chairman, Member Essex Town Board
Stephen Sayward, Essex Town Board
Edward Cornell, Essex Planning Board
Bradford Beers, Essex Planning Board
Donald Hollingsworth, Essex Zoning Board of Appeals
David Lansing, Zoning and Code Enforcement Officer

Also, special thanks to George Lowe who served as the Town Board representative in 1998-1999, and remained active in the process through its completion.

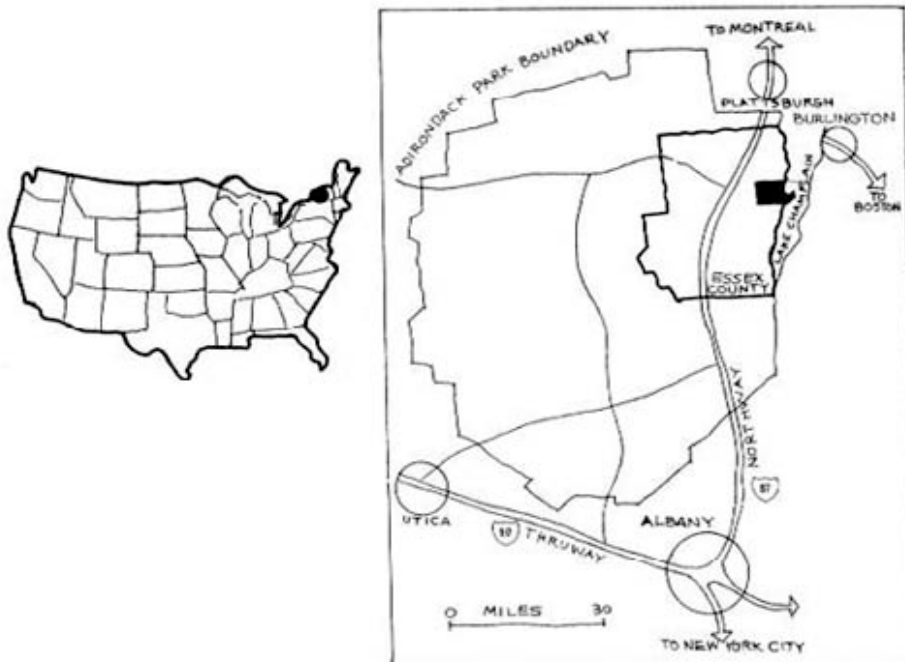
Location, Landscape, and Natural Environment

The Town of Essex encompasses approximately 23,798 acres nestled in the foothills of the Adirondack Mountains along the western shore of Lake Champlain. It is almost a perfect rectangle in shape, 38 square miles in area. It is bounded on the north by the Town of Willsboro, on the west by the Town of Lewis, on the south by the Town of Westport and on the east by Lake Champlain. The western part of the Town is characterized by steep, wooded hills and rounded mountains often referred to as the foothills of the Adirondacks.

The Boquet River flows northward through the center of Town. In the southeastern corner of Essex, the Schroon Range, a sub-group of the Adirondack Mountain system, extends out into the Lake, forming Whallons Bay with its rugged promontory ending at Split Rock. In between these mountainous outcroppings, the Boquet River cuts a narrow valley through a high central plateau of open farmland with dramatic views westward towards the Adirondacks and eastward out over Lake Champlain.

Within its bounds is the historic Hamlet of Essex, founded in the 18th century, which to this date, represents one of the most unspoiled ensembles of Federal and Greek Revival architecture in rural America. In 1975, the Essex Hamlet was listed in its entirety on the National Register of Historic Places.

The Town of Essex has no shopping centers, fast food, franchise fast food or lodging. The quiet integrity of the Town, its sense of history, intact architecture, beautiful location on Lake Champlain, its fine craft, antique, and other shops and fine accommodations richly reward the visitor seeking an alternative to over-commercialized resort communities. With over sixty percent of the land in the Town classified as agricultural, a ride through the Essex countryside provides expansive views of working farms and open fields, the pastoral "middle landscape" celebrated by Thomas Jefferson as his cultural ideal.



The 1975 Trancik Study

In the summer of 1975, Roger Trancik (at the time an Associate Professor in Landscape Architecture at Harvard University Graduate School of Design) along with a student intern compiled and analyzed extensive information on the natural systems which impact and are impacted by land use. Disseminated in *Essex - A Land Use Planning Process*, this work was “cutting-edge” in its day, and its findings and recommendations relating to the Town’s natural resource base remain valid for generalized, town-wide planning purposes today. The study provides a detailed analysis of existing man-made and natural systems including an analysis of:

- Formation of the Landscape-Geology
- Topographic Slope
- Soils and Soil Erosion/Sedimentation Vulnerability
- Hydrology
- Vegetation
- Key Wildlife Habitats
- Surface Water Quality Vulnerability
- Run-off and Ground Water Recharge Vulnerability
- Groundwater Quality Vulnerability
- Buildability

Much of Trancik’s work will be referenced throughout this publication.

• The Boquet River and Watershed

New York State has designated the Boquet River as a “wild, scenic, and recreational river.” Its headwaters are high up in the Dix Mountain range. There are two major tributaries, The Branch, which begins near Giant Mountain east of Elizabethtown, and the North Branch that flows from the Black, Bald, Rocky, and Pocomoonshine peaks southeast into Willsboro. The main stem of the Boquet River is the steepest river in New York, plunging over 3,200 feet into Lake Champlain in just 48 miles. (With a 280 square mile watershed, the River is a major tributary to Lake Champlain.) Because of its steepness, the River has a “flashy discharge,” meaning the amount of water draining into the River channel fluctuates wildly with each rainstorm or melting of winter snow.

In 1984, the Boquet River Association (BRASS), a not-for-profit organization was formed. The mission of BRASS is to preserve and enhance the quality of water and life in the Boquet watershed. Its organizational by-laws and methods of operation rely upon cooperation and education, where physical improvement projects are accomplished through coordination strategies that combine the skills and services of volunteers, town governments, county, and state agencies.

BRASS staff was contacted to provide additional resource information to supplement the 1975 Trancik Study as it relates to the natural resource base of the Town today. Many of their recommendations are contained throughout this Plan.

Part 1 - Understanding Our Past

Early Days

In 1765, William Gilliland, an Irish soldier turned successful colonial merchant, moved his family up the Hudson River from New York City to the wilds of northern New York, where he purchased large tracts of land on the western shore of Lake Champlain between Split Rock and the Boquet River. Within a decade, his farming communities, which included present-day Essex, were well established.

In 1777 the American Revolution reached Essex. The young settlement lay directly in the path of British General John Burgoyne's march from Canada to Saratoga. Gilliland, who sympathized with the American cause, also became involved in the bickering between Ethan Allan and Benedict Arnold, thus earning Arnold's lifelong enmity.

By 1778 the settlements were in ashes. In the period of displacement following the war, Gilliland returned, now joined by a growing stream of young settlers and entrepreneurs eager to carve out new lives and fortunes on the northern frontier. Soon forest products, iron, leather, and textile manufacturing, stone quarrying, ship building, and lake commerce made the little harbor town of Essex prosperous – a principal port on Lake Champlain. By the early 1800s, two shipyards were flourishing near the South Bay. If the revolution had nearly finished off Gilliland's settlement, the War of 1812 contributed largely to its growth. At least 250 bateaux and two sloops – the Growler and the Eagle – were produced in Essex yards and used in Commodore Macdonough's American fleet.

Before 1790, a ferry service had been established between Essex and Vermont. First driven by sail, the boats later were powered by horses on a treadmill, still later by steam. The commercial center of Essex was a natural stopping place for travelers; the first tavern was built in 1786 and was quickly followed by at least a half dozen other inns and taverns, one of which still stands on the main street of Essex.

The opening of the Champlain Canal in 1823, connecting the northern producers to the urban markets of the south, tremendously stimulated economic growth in Essex. Shipyards hummed with activity; dozens of Essex-built canal boats joined the sloops, which whitened the Lake with their sails. Shipbuilding, lumbering, the mining and processing of iron, lake commerce, and agriculture provided prosperity for the population of 2,351 counted in the 1850 census.

However, Essex's maritime-dependent economy collapsed with the coming of the first railroads to the Champlain Valley in 1849. By 1860, the population had fallen to 1,633. It never regained its previous level and the year 2000 census showed only 713 people in the Town.

With the declining population, there was little demand for new housing. With the cessation of economic growth, no new buildings were needed or could be afforded. For the most part, what was standing in 1860 had to make do. Many buildings became derelict and abandoned; many continued to be inhabited and preserved. As a result, Essex today retains one of the most remarkably intact ensembles of pre-Civil War architecture in New York state.

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The early 19 century middle-class merchants, shipwrights, hotelkeepers, lawyers, shoemakers and tailors of Essex were conservative, canny and fiercely individual. They tended to be conventional in their tastes, while at the same time knowledgeable and particular in the quality of their workmanship.

The town they built and the structures they left behind are tangible evidence of their concern for both their private and public lives.

Essex's Early Industries

The first known industry in the village of Essex was a tannery located behind the present site of the Belden Noble Library and owned and operated by Ransom Noble about 1800. He had interests in lumber, a sawmill, a gristmill, and a mercantile and boat shipping business. He also had an iron ore smelting and rolling mill on the shore of the Boquet River in Boquet.

Early in the 1800s there were two shipyards in Essex. One was located on what is today known as Begg's Point and operated by John Ross; the other on Gould or "South Bay", the present site of the Essex Marina and Essex Shipyard and operated by the Eggleston brothers. The Ross yard built sail and steamboats. The Eggleston Brothers built the Eureka, the first sloop to sail these northern waters, about 1800. A short time later, with war in view, eight or ten vessels of one-hundred and fifty tons were built as well as two hundred and fifty row galleys or bateaux for the American fleet on the Lake.

Around 1850, the village of Essex was the leading port on Lake Champlain, shipping locally produced lumber, iron, clothing, sash and doors, lime, brick, quarried stone, dairy products, etc. The Ross Shipyard became the Essex Manufacturing Company in 1879, builders of sashes and blinds. The Essex Horse and Nail Company subsequently occupied the same site, and employed sixty to seventy men and women until it burned in 1917.

Business at the Eggleston Brothers' shipyard declined but was later revived when it was purchased and operated by C.W. Mead as a boatyard. He built several sailboats and a 40-foot power yacht, the Emerald. In 1938 the Morse brothers, James, Alpheus, and Frank bought the yard and set about reestablishing the business. By 1955, this enterprise boasted of having the largest undercover storage and first complete marina on Lake Champlain. It expanded to include a garage, machine



The iron ore, tanning, potash, and other businesses were on a decline by the late 1800s, leaving the Town of Essex with agriculture and a few contracting and building concerns. John Bird Burnham and Leo W. Baker were the largest contractors in the area. Mr. Burnham specialized in building camps and was the founder of the Crater Club, while Mr. Baker had a woodworking shop, gristmill and ice storage shed located on the south side of Gould's Bay. These businesses ceased with the death of these two prominent men in the 1930s.

The first water company in Essex was formed in 1907 by Fred Sherman and Eldon Mason. Called the Essex Water Company, the company gradually extended its services until it furnished water to the majority of the residences and business places in the village. In 1904, the Boquet Electric Power Company was formed by John Bird Burnham, Eldon Mason, Seldon Mason, and Fenton Barber. The plant was built in 1905 on the west branch of the Boquet River three miles west of Willsboro and began operations in 1906 furnishing electricity to Willsboro, Essex, and Whallonsburg.

In the late 1920s, Howard Calkins operated a cabinet shop specializing in antique restorations and reproductions. W. G. Lyons operated a shirt factory in the Masonic Lodge building from 1890 to 1905. From 1925 to 1930, Rolland Mason operated a radio factory employing four men. A hat factory was in operation for a time in the present Library building. Many other industries were in operation which have not been documented due to a lack of sufficient data.

Boquet, a small hamlet situated about three miles west of the village of Essex on the shores of the Boquet River was also a thriving industrial community in the early 1800s. The first known business was a sawmill owned and operated by D. Ross about 1785. In 1810, W.D. Ross erected a gristmill just north of the present day bridge as well as an extensive rolling and slitting mill and a nail factory on the east shore of the river.

In 1947, Champlain Forestry Industries, Inc. started operating an accumulating, drying, and lumber finishing mill employing upwards of fifty men. In addition, the Dairyman's League Cooperative, a milk receiving and processing plant was also located in Boquet.

Whallonsburg was second in size in the Township of Essex about 1830 and the community was the scene of several thriving industries. Whallonsburg was an important whistle stop for peddlers and vendors. The Tyrell house welcomed weary travelers from the train and provided rooms and meals. Community businesses included a creamery, blacksmith shop, foundry and many other businesses. The first was a sawmill built by John Ferguson in the employ of Reuben Whallon on the banks of the Boquet River. This small community can also boast a once flourishing clothing manufacturing business near the site of the sash factory, located east of the present day Grange Hall. A gristmill was built by A. Hale on the hillside west of the River. Later, a plaster mill was established as well as a wool carding mill and several woodworking shops. In 1840, Whallon built an iron forge. Yet, with all this, the principal occupation remained lumbering and the fabrication of wood products. Many family farms operated within the fertile domains of Whallonsburg. Dairy farming was a dominant occupation until the 1960s when family farms began to unravel across the nation. Today, a few farms remain, and part time residents from outside the community have purchased significant tracts of farmland. Around town, a number of vacant buildings are a reminder of a more prosperous past.

Early Agriculture

From the Town's early settlement to today, agriculture has been a significant part of the landscape, rural character, and economy of the Town of Essex. Winter wheat was the first major income-producing crop, averaging 25 bushels to the acre on newly cleared land. Rye was also planted on early farms; its produce was used mostly in distilleries.

In the 1800s, produce that was raised for market was mainly hay, grains, beans, apples, wool, and such products that would not easily spoil. The principal means of delivering product to market was by Lake Champlain in the summer and by ice in the winter. Butter was taken to Burlington and other New England points. Many boatloads of apples went to Canada and were made into cider. By the 1850s, better access to markets brought higher cash incomes for local farmers as well as access to more factory-produced goods. Farmers began to diversify their crops and were able to produce more for the needs of the market rather than personal subsistence. Local production shifted from large staple crops such as wheat to more specialized products in demand in urban markets. The last decades of the century were the peak of apple growing in Essex County. However, this crop also declined by the early 1900s due to increased competition from orchards in the Northwest.

For more than sixty years, between 1875 and 1935, both the number and the average size of farms in Essex remained the same. Since World War II, however, the number of farms has rapidly fallen. By 1955, the principal farm products were milk, birds-foot trefoil seed, hay, wheat, oats, and some maple syrup. Today, many farms are largely abandoned, with only the residence in regular and active use. Despite the decline in active farm operations over the years, the agricultural landscape has not been obliterated in the ongoing pursuit of “modernization” and the market.

Transportation in the 1800s

In 1790, Platt Rogers established a ferry between Basin Harbor, Vermont and some spot near Split Rock. This ran for a few years and was replaced in 1807 by Charles E. Haskins who ran (from Essex Bay to Charlotte, VT) the first horse ferry to be set up in the area. Later, the vessel was operated by the Lake Champlain Company until 1838. In 1810 the first steamboat appeared on Lake Champlain. In 1838, the Lake Champlain Steamship Navigation Company took over the operation of the ferry. The Company transported timber and lumber to be sent to Europe for shipbuilding, bringing in needed supplies on the return trip. No decked vessels navigated Lake Champlain until the beginning of the century, the insignificant commerce being conducted in cutters, pirogues, and bateaux. Wharves were not built to any significant extent until still later, and immigrants with livestock to land ran their boats in as near as possible to the lakeshore, threw the animals overboard and swam them to shore. Previous to 1809, it took a local merchant one-month's journey to obtain his goods.

The Essex Bay to Charlotte ferry route, though given up by the horse ferry company some 10 years later, was re-established by Powell and Sherman with a gas driven ferryboat. In 1826 the Lake Champlain Transportation Company was authorized and for fifty years it controlled a large proportion of the carrying business of the lake. Today, the Lake Champlain Transportation Company runs two diesel powered ferries across the three-miles of water to Charlotte, Vermont.

As early as 1860, a railroad was prospected from Saratoga northward. Due to the paralyzing effect of the Civil War, actual work was not begun until 1869 when earth was broken at Crown Point. The railroad of the Delaware and Hudson Canal Company, as it was then termed, was completed and trains began operating in the early winter of 1875. The station nearest Essex was a passenger car on what was known as the Boynton Farm, some distance from the road near Willsboro station.

Part II - Present Day Essex

The Essex Hamlet

The identification and consideration of historic properties are important because of their ability to preserve a community's history. A critical element in maintaining the architectural fabric of Essex is the protection, rehabilitation, and restoration of its many historic structures.

Ironically, the 20th century saw Essex as a village preserved by its very loss of economic importance from the attrition which has befallen busier places. While its industry has vanished, its charm and the great beauty of the Champlain Valley have given it a vacation population upon which the economy of the area principally depends. In increasing numbers, its homes are being purchased and preserved or restored by young families as well as retired persons who know how to value and preserve its

quality. Visually, both in layout and architecture, Essex has retained the character of an early 19th century village, a character determined by its geographical and historical position.

In 1974, the Essex Community Heritage Organization, (ECHO), prepared the National Register nomination which led to the listing of the Essex Village Historic District on the National Register of Historic Places in 1975. The resulting historic district is approximately 1.5 miles long and .3 miles wide. From the intersection of Route 22 and Main Street it extends approximately .8 miles to the north, with the current Kellogg (Blockhouse Farm) property being the northern most property to be included. It extends approximately .6 miles to the south with the "Champ Watch" property being the most southerly. The shore of Lake Champlain is the eastern boundary and the western boundary is a line .3 miles from the intersection of Route 22 and Main and running parallel to Main Street.

The district contains approximately 150 structures which predate the 20th century. Of the structures in the district, there are only 15 that were constructed after 1900. Of these, only 3 were built after 1910. Four or five structures are of the 18th century; the rest are all 19th century. Of these, only 7 were constructed after 1860. The predominant building materials were clapboarded wood, frame, brick, and native stone. No structure exceeds 2 1/2 stories, thus taking the fullest advantage of the natural beauty of a location between wooded ridge and a rocky and irregular lakeshore.



Line drawings by George McNulty

Essex Village is nearly unique in that, established in the 1780s, it reached its maturity in less than 60 years, thus containing buildings of only three closely-related architectural periods: Federal, Greek Revival, and early Victorian. These styles are displayed, virtually unaltered, in their residential, commercial, and ecclesiastical forms. The Dower House on Lake Shore Road was built prior to 1793 by Daniel Ross, son-in-law of William Gilliland, and is the oldest documented structure in the area.

Probably the first clapboarded wooden framed structure (residence) to be erected in the hamlet, its gambrel roof and five-bay layout displays its 18th century character beneath later alterations.

Wright's Inn, constructed on Main Street by General Daniel Wright in 1796, was originally a five-bay center-hall clapboard structure, subsequently doubled in size by extending it to the north. While the interior has been extensively altered, the facade with its portico has been carefully restored to its appearance in the opening years of the 19th century. A classic example of the commercial inn of its period, the window division, roof pitch, cladding technique, and architectural style elements are the same used elsewhere in the Village in more modest structures and relate it harmoniously to them.

The stone building now known as the Belden Noble Library on Main Street was erected in 1818 by General Ransom Noble for use as a store and warehouse in conjunction with his tannery (the foundations of which may still be seen in the rear). Constructed of native limestone, its Federal proportions retain their elegance, although a later "Swiss chalet" balcony was added to the facade.

"Hickory Hill" on Elm Street, and "Rosslyn" on the Lake Shore Road represent the residences of the wealthy merchants and lawyers who dominated Essex in the early days of its prosperity. Two-and-a-half-story brick structures whose design combines Georgian and Federal elements, both "Hickory Hill" and "Rosslyn" were built before 1830. "Hickory Hill" (1822), built by Henry Howard Ross for his bride, was taken from a five-bay design in Salem, New York. It displays great grace and lightness in its Palladian window, Neo-classic portico, and elegant cornices. Its setting in its own spacious grounds on the ridge which overlooks the Village and the Lake adds much to its beauty. "Rosslyn," the William D. Ross house, originally constructed as a three-bay side hall dwelling, was expanded into five bays. Presently restored to its appearance in 1840, it commands a superb view of the Lake and the Green Mountains of Vermont.

The "Old Brick Schoolhouse" on Elm Street (1830) stands on the probable site of the first school in Essex, erected in 1787. Expanded to the north in 1837, this one-story building served as the Village schoolhouse until superceded by the large frame schoolhouse of 1867 (still surviving, and restored). Surmounted by a small belfry, the building has the simple dignity given it by good proportions and mellowed brick. It has been sensitively restored for use as a dwelling.

"Block House Farm" on the Lake Shore Road (1836) is a small clapboarded and Doric-porticoed Greek Revival dwelling in its purest form, with the exception of added dormers (for practicality) to the north and south. Its temple effect is accentuated by its site set high above the lake on its terraces, with fields and orchards about it, its portico and gable toward the road.

Another somewhat richer version of Greek Revival architecture may be seen in the Stafford-Spear house on Route 22. Built by Cyrus Stafford in 1847, its design was taken from the pattern books of the period: the front entrance, in particular, was copied directly from a plate entitled "Design for a Front Door" in Minard Lefever's *The Modern Builder's Guide*, published in 1833. The house, brick and two-and-a-half stories, has corner pilasters, full entablature and pediment, a raking cornice and a sunburst panel almost filling the tympanum. The great distinction of the structure is in the beautiful and harmoniously-realized detail of the entrance.

"Greystone" was built by Belden Noble in 1853. Of local limestone in two-and-a-half stories, it is a late Greek Revival mansion, characterized by superb stone work on the exterior and magnificent Federal plan and plasterwork in the interior. Set in broad, park-like acres, its condition today is as fine as the day it was built.

The unique quality of Essex Village lies in the fact that its structures - residential, commercial, and ecclesiastic - were almost entirely built before the Civil War, and have remained substantially unaltered, with the exception of an occasional Victorian porch or bay window. The stone fire house with its added Greek Revival colonnade (1840s) was previously (1830s) a law office. It has recently been sold and is being restored for a mixed commercial-residential use.

The stone Masonic Lodge, also on Main Street, was once a warehouse and factory loft (1858). It now boasts a modern addition in the form of a Palladian window and (modern) porch. Another significant building once housing the local liquor store (1836) on Main Street is a charming brick Greek Revival building with an early Victorian roof. The Community Church (formerly Presbyterian) on the corner of Route 22 was built of native limestone in 1853. Its interior represents a remarkable survival of the Federal style into later periods.

The Noble-Schreiber brick house (1835), located on the Lake Shore Road has on its grounds a small, octagonal, one-room schoolhouse built-in the 1850s for the use of the Noble children and their tutor. Of clapboard with a conical Gothic roof and slender pillars supporting the porch which entirely surrounds it, the schoolhouse is of a surprising elegance and very well preserved.

It should be added that it is the sense of Essex as an architectural whole, without intrusive modern elements, and with a wealth of imaginative taste in the use of detail, that is the village's finest heritage. From the viewpoint of either an architectural historian or a casual visitor, the village of Essex displays a unique opportunity to see and study a village that "went to sleep architecturally" for 100 years and, excepting a brief arousal at the turn of the 19th century, has not changed in any important aspects.

Life however, does go on for the many residents and businesses in the Essex Hamlet. A very lively and energetic business core heavily promotes the area during the summer season. The population of the Town swells and the many seasonal residents return to enjoy the Lake and the very special quality of life. On any given day, the hamlet is replete with tourists, enjoying the sights, patronizing shops, restaurants, and marinas.

The Whallonsburg Hamlet

Whallonsburg is home to scenic mountain vistas, large open spaces, and an interesting mix of architectural styles. The Boquet River is a central natural feature of the community and is a challenging venue for anglers of varied interest. The community is comprised of a mix of new residents and many long time residents. Whallonsburg is a friendly community and its people are its most valued resource. Whallonsburg operates an independent all volunteer fire department, which has kept pace with the demands of firefighting. The Fire Department is also an important social institution in the community. The former Whallonsburg church is now the home of the Boquet River Children's Theatre. For over six years now, youth from Essex, Willsboro, Westport and Elizabethtown enjoy this extraordinary cultural opportunity. Over the past several years, this privately owned building has seen extensive renovations and is in demand for varied public uses.

Several buildings in town, the sites of former businesses, could be used again as shops, offices or other uses. The Walker property downtown and Whitcomb's Garage on Route 22 both boast significant floor space. Jim's Grocery now seasonally occupies the old Braisted store. The Flower Pot is another ongoing seasonal business. The Grange hall is a historically significant building that might be used in a variety of ways should the Grange decide to no longer use the building.

The Boquet River runs through the middle of this hamlet and could be used for a variety of water sports. One of the unique features of Whallonsburg is the old Iron Bridge. There have been indications that this historic bridge, the last of its type in the hamlet, is failing. It should be repaired and kept open and if replacement is necessary. The Whallonsburg Civic Association has suggested that the Town should consider replacing it with a covered bridge. This effort could help define the hamlet and be a boost to revitalization efforts.

The Lake and the Shoreline

Lake Champlain is a constant presence in Essex. Essex's nine mile long shoreline on Lake Champlain is very beautiful – a source of pleasure to its residents, seasonal homeowners, and visitors – and a priceless asset to the Town. Village streets dead-end at the Lake and the Lake is seen from practically every residence and building. Essex offers visitors a way of experiencing Lake Champlain that is different from, but no less important, than parks, beaches, or boating.

*Some important notes of interest
about Lake Champlain:*

- Lake length: 120 miles
- Greatest Lake depth: 400 feet
- Lake Area: 435 square miles
- Greatest Width: 12 miles
- Number of Islands in Lake: 70+
- Area of Wetlands in Basin: 300,000+ acres
- Average Lake Depth: 64 feet
- Record High Water Level: 101.89 feet (1993)
- Record Low Water Level: 92.4 feet (1908)
- Average Annual Water Level: 95.5 feet
- Average Annual Precipitation (Mountains): 50+ inches
- Average Annual Precipitation (Near Lake): 30 inches
- Growing Season (near Lake): 150 days
- Growing Season (higher terrain): 105 days
- Average Annual Air Temperature: 40-45 degrees F.
- Average Lake Freeze Date: February 12
- Drainage Direction of Lake: North

Whallons Bay looking North

Aerial photo courtesy of Barry Hamilton and Jill Schoenfeld



In Essex, visitors have an opportunity not only to enjoy the Lake as it is today, but to see it in its historic context, as a remarkably intact historic village. Essex is fortunate that its shoreline is largely unspoiled by development, thus contributing to the unique rural lakeside character of the Town.

Lake Champlain stretches south from the Canadian border for over 100 miles along almost one-third of New York State's eastern border and has 587 miles of shoreline. The Lake is unique, in part because of its narrow width, (measuring only twelve miles as its widest point), great depth (some parts are more than 400 feet deep) and the size of the land area, or watershed, through which 90% of the water delivered to the Lake flows.

The Town of Essex is located approximately halfway up the Lake. The bulk of access to the Essex Waterfront takes place in the Essex Hamlet with the Ferry, Beggs Park, and two marinas. There is no public access to the lake in the Town for purposes of launching watercraft and while the Town maintains a beach at Beggs Park and at Whallons Bay, neither site is open for public swimming. The Town maintains a dock at Beggs Park and allows access on a limited basis for boaters wishing to dock.

The Crater Club, a rustic camp retreat and summer resort colony is located two miles south of the Essex Hamlet on Lake Champlain. It was founded and built in the early 1900s by John Bird Burnham, and it is home today to approximately 40 seasonal property owners. John Burnham constructed telephone lines, four tennis courts, a fourteen-mile water system, docks, a central building with dining room, a library, recreational facilities, a big garden and a federal Post Office. Many of these facilities remain today. In the days of long vacations, the Crater Club resort's clients were persons of middle means, among them clergymen, educators, government officials, authors, and persons whose tastes were simple. During this time, Burnham built over 75 cottages, each with a lake or mountain vista. The members have continued to maintain the common buildings and facilities and have upgraded the dock area. Today, the residents of the Crater Club bring vitality and life during the summer months to an otherwise secluded and private part of our Town.

Adjacent to the Crater Club dock, the Split Rock Yacht Club, a small informal club, sponsors weekly sailing races during mid-summer. For the past 60 years, the Club has followed the course from the southern shore of Essex to a marker in Whallons Bay and back to a marker off Cannon Point and finally to the finish line in Cape Cod Knockabouts. In 1999 the Club had approximately 100 members.

Lake Champlain is a marvelous lake for sailors. Powerboats also enjoy it but often find the heavy weather unpredictable and difficult. Experiments with houseboats have not worked because an active lake pounds them too much. The two marinas in Essex are filled with large sail vessels as well as powerboats. It should be noted that the powerboats have muffled engines, and sailboats make little or no sound under sail. This quiet adds to the enjoyment of the lake as well as those who live on its shores.

With the exception of the Essex Hamlet area, development on the shoreline is typified by the rustic Adirondack camp in the woods. A significant part of the shoreline is characterized by narrow strips of rocky beach below steep banks. As stated previously, the offshore waters are not typically calm and recent unexplained weather patterns have meant that shoreline property owners are seeing the significant effects of erosion and dealing with the need for bank stabilization. What little is left of undeveloped shoreline can be considered unsuitable for future development.

The Recent Agricultural Landscape

Farming is an integral part of life in Essex and has been for two hundred years. Agriculture comprises up to 60% of the land use in Essex and more than any other single factor creates the rural Essex landscape.



Bob Perry, summer 2000 -Photo courtesy of Gary Randorf

The soils in general are well-adapted for farming and grazing. Along the Lake, it is a claylike loam. Moving west into the mountains, it becomes a lighter sandy loam. The primary soil type, running in a north-south pattern, is the Vergennes-Kingsbury association described as deep, moderately well and somewhat poorly drained, fine textured soils. The underlying bedrock is limestone of the Glens Falls and Orwell formations of the Trenton and Black River groups, historically used both for construction and the manufacture of lime. The Essex County Soil and Conservation Service has recently completed an updated soils mapping of Essex County. See attached relevant data for Essex, Appendix A.

Current statistics on farming in **Essex County** are as follows:
(source - Cornell Cooperative Extension, 1999)

- There are 25 dairies, 5 apple orchards, and 2 potato farms.
- Approximately 240 residents of Essex County complete the census forms for farmers. Of those, 74 produce over \$10,000 a year in agricultural income and can be considered full-time farmers.
- There are a total of 52,200 acres of land in agricultural production.
- There are a total of 24,300 acres in croplands.
- There are 3,000 milk cows averaging 15,400 pounds of milk per cow per year.
- Annual sales reach \$9.5 million annually, of which \$6 million is from the dairies.
- Hay, apple, and vegetable production make up most of the rest.

Of the 32 farms identified in the Town of Essex, the majority are in hay production. In addition, many other landowners have hay fields. Growing hay is well suited to Essex's soils and compatible with Essex's desire for well-groomed open land. There are no dairy farms active in Essex at this time.

In 1999, 262 parcels comprising approximately 12,645 acres or 54% of the land use in the Town participated in the Agricultural Districts. Under the State Agriculture and Markets Law (Article 25-AA as amended), agricultural districts are established by the county for a period of eight years following review of the proposal by state agencies and approval of the Commissioner of Agriculture and Markets. *Essex County Agricultural Districts 1, 4, and 5* contain land in the Town of Essex (1999).

#	Parcels	Owners	Acres	Assessed Value	In Essex	In Essex	In Essex	In Essex
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1-Westport	41	24	1,856.54	\$ 2,250,100
4-Essex	188	129	9,823.13	\$15,155,005
5-Willsboro	33	20	965.81	\$ 1,610,550

Total	262	173	12,645.48	\$19,015,655
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The Agricultural Districts in the Town are intended for agricultural, forestry, rural housing, recreation, and resource protection purposes. The challenge of these districts is to allow all of these uses without compromising the resources of the district. Significant resources in the district are: prime agricultural soils and productive farmland; open space, scenic vistas and views; locally-significant wildlife habitat and natural areas; large parcels of good farmland; wetlands; productive woodlands; and the conservation and aesthetic value of roadside environments.

The Adirondack Park Agency designates agricultural land as "Resource Management" with an average lot size of 42.7 acres and an intensity of 15 principal buildings per square mile. However, farmlands are often subdivided over a long period of time, with small pieces taken out each time, without a real idea of how these small subdivisions hurt the overall unity or continued viability of the farm. It is common for landowners to subdivide in piecemeal fashion because often they cannot afford the expense of performing an overall master plan for their entire property.

Due to the changing nature of small farms in Essex, it is likely that a significant percentage of farmland is likely to change hands within the next ten years. This situation could result in abandoned farmland, subdivision and development of farmland, reduced family farming and erosion of the Town's rural character. Fragmentation of farmland reduces the potential for agricultural operations such as hay and crop production and dairying.

Residential development in farming areas increases the conflicts between residential property owners and farmers. Farms create dust and noise from machinery, may often apply pesticides and manure to the land which can create an unpleasant odor, and use roads for oversized, slow-moving equipment. Historically, these operations did not create problems; many residents grew up with these conditions and were used to them as a way of life. As the Town population has shifted and people have moved in from non-agricultural areas, conflicts have arisen.



Harold Savre Farm. 1978 – photo provided by Shirlev LaForest

The use of land for agriculture has given Essex much of its characteristic look and feel. However, local agriculture has come to reside in the hands of fewer and fewer farmers. Our agricultural landscape, characterized by meadows, pastures, and fields of hay and corn are now interspersed with stretches of abandoned fields reverting to grassland or woods.

Population

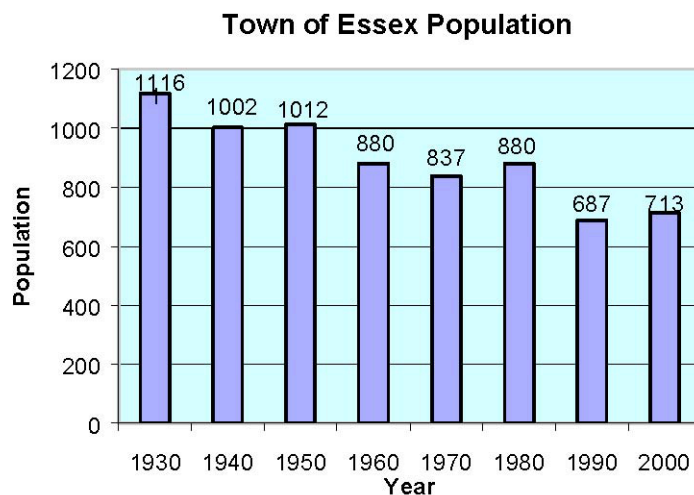
The earliest population record of the Town of Essex is 1810, when there were 1,186 residents. By 1850 the population had grown to 2,351 and by 1950 the census showed a population of 1,012.

According to the 1990 census, the population of Essex was 687, a 21.9% decrease from 1980 figures of 880. The estimated population census at 7/1/96 showed an additional decrease to 663. A comparison with other surrounding towns shows the following:

Year	1930	1940	1950	1960	1970	1980	1990	2000
Essex	1,116	1,002	1,012	880	837	880	687	713
Lewis							1,200	
Westport	1,534	1,657	1,597	1,565	1,453			
Willsboro	1,439	1,446	1,362					
	1,612	1,780	1,646	1,716	1,688			
	1,759	1,736	1,903					

the manufacture of iron and steel spelled the end to small mines, mills, and forges in the North Country. The changes meant a declining population, and with a declining population, there has been little demand for new housing. Ironically, the twentieth century saw Essex as a place of refuge, peaceful and remote from the very values upon which its prosperity once depended.

Essex's population today consists of both seasonal and year-round residents. According to 1990 census data, the town had approximately 170 seasonal residences with an average 3.5 people per housing unit. In addition, there are tourists who travel through the Town on a daily basis. Due to the limited number of overnight accommodations and tourist attractions in the Town, the number of transients who stay for more than an average of one to two nights is very low, except in the summer months. Therefore, the Town's year-round service population is comprised almost entirely of year-round and seasonal residents. There are 519 registered voters in the Town as of January 2001.



Age Data No. Percent 0-18 185 26% 19-44 216 31% 45-90 286 42% *Source: 1990 Census Data*

While no specific data is included in this Plan, it can be assumed that the major loss in population is in school aged and the 25-34 age categories. The Town has witnessed dramatic changes in the composition of its residents from the early settlers of the eighteenth century who were primarily farmers or people engaged in local Essex businesses and industry. Today, a significant majority of the Town's workforce commutes to jobs outside the Town.

Population trends serve as an important indicator of the potential pressures and demands a community must consider in planning for its future. Data on the size of and growth (or decline) in population assists in determining needs for facilities, services, housing, and indicates potential land use patterns. In spite of the changes in the size of the Town's population and the composition of its workforce, the continued presence of a farming population and the Town's low population density help explain why Essex's character remains rural. According to census data, per capita income in Essex in 1989 was \$10,625, a 19.3 percent increase over 1979 figures.

Income (Essex Resident)

Housing Units – Total 486 Residential 276 57% Seasonal 170 35% Not occupied 29 6% Commercial * 21 4% * 11 Commercial and 10 commercial/residential.

Land Use

The Town of Essex is situated in northeastern New York on Lake Champlain. The Town encompasses approximately 23,798 acres, of which approximately 16 percent is water. The Town is bounded to the north by Willsboro, to the east by Lake Champlain, to the west by Lewis, and to the south by Westport. This land is allocated to the following official Adirondack Park Land Use and Development Plan Map land use area classifications as of August, 2000:

	%	Essex County	Essex of Essex	Essex	% of Park	Acres	Total
County Total							
Hamlet 255.0	1.1	18,864	1.4	Moderate Intensity Use	222.1	1.0	20,291
1.1	Low Intensity						
Use 1,892.1	8.0	77,651	2.5	Rural Use	8,728.5	36.7	184,884
4.8	Resource Management						
8,195.5	34.5	309,006	2.7	Industrial Use	0.0	0.0	6,470
0.0	Wilderness						
0.0	Primitive						
0.0	Wild Forest						
617.0	2.6	175,146	0.4	Intensive Use	0.0	0.0	
0.0							
6,554	0.0	Historic					
0.0	0.0	495	0.0	State Administrative	0.0	0.0	316
0.0	Pending						
Classification							
0.0	0.0	182	0.0	Open Water	3,856.0	16.2	76,580
5.1							
							Total
23,766.1	100.00	1,224,583	2.0				

The Boquet River, flowing in a northerly direction, divides the Town in two. The land to the east of the river is relatively flat at a mean elevation of 300 feet above sea level, and the highest point in the Town is Boquet Mountain at 1,200 feet.

The Town has two established hamlets, Essex and Whallonsburg. Several other concentrations of housing are recognized by local residents; Boquet, located about three miles west of the Essex hamlet on the shores of the Boquet River; Brookfield, located in a more remote area in the western part of the Town; and Whallons Bay, located in the southeast part of the Town embracing the bay which bears its name and Split Rock.

The cliffs of Split Rock Mountain rise 400 feet out of Lake Champlain between Westport and Essex, creating a dramatic bluff known as the Palisades. The state acquired the cliffs in 1980 and much of the rest of the Mountain in 1994 totaling 3,000 acres and 4.3 miles of shoreline, representing the largest stretch of undisturbed waterfront on the 120-mile long lake. In 1994, the state also bought the Webb-Royce Swamp across the road from Split Rock Mountain. The swamp is popular among birders for its great variety of species, including osprey, heron, various ducks, and great horned owls. Swamp white oak, a rarity in the Adirondacks, can be found there.

In the Town of Essex, the people of the State of New York own approximately 448 acres of forest preserve land and retain a conservation easement on 474 acres of private land. The forest preserve portion includes the north end of Split Rock Mountain and a substantial portion of Webb Royce swamp to the west. An additional 2,520 acres of state land adjoin in the Town of Westport. Collectively, these lands are known as the *Split Rock Mountain Tract* and are afforded “forever wild” protection under Article XIV of the New York State Constitution. The lands are classified by the Adirondack Park State Land Master Plan as “Wild Forest” which permits a wide variety of outdoor recreation.

The Split Rock Tract, the largest block of undeveloped shoreline on the New York side of Lake Champlain is a picturesque land form that projects outwardly 150 feet. The adjoining steep, rugged terrain, dense forests, and notable wetland communities blend together to create a unique natural setting found nowhere else in the Champlain Valley. In addition to the forest preserve portion, the State of New York acquired a conservation easement (development rights) on Split Rock Farm in order to substantially protect the outstanding scenic and historical character and aesthetic beauty of this farm as well as adjoining state lands.

The State of New York pays approximately \$4,300 annually in taxes to support the local tax base (NYS Office of Real Property Tax Service, 1998) on the forest preserve portion. In addition, the state pays a percentage of the taxes on Split Rock Farm. In the latter, ownership is divided between the State and Gary Heurich, the farm’s fee title owner. Taxes are apportioned to the percentage of the property retained by each owner. Tax rates are determined by local assessors subject to review by the NYS Office of Real Public Services. Public recreation rights were not included in the easement.

Housing

The type, location, and price of housing affects the social, economic, and physical character of any Town. Historically, housing in Essex has been concentrated in the two hamlet areas, clustered in the Crater Club area and along the shoreline, or located in a dispersed pattern on or near farms in the surrounding countryside.

Many factors play a role in the price of housing, including the desirability of the Town as a place to live. Many building sites have magnificent views of the countryside, the Adirondack Mountains and Green Mountains of Vermont, and Lake Champlain. Other factors include raw land prices and site development costs, which are somewhat interrelated. Limitations include the lack of municipal sewer and water systems. In addition, minimum lot sizes outside the hamlet areas are also a consideration for siting single-family homes. Overall, the Town has seen no pattern of new housing development in recent years.

The Crater Club, a private homeowners association, currently has forty homeowners. Of those forty, none are in residence on a year-round basis and make up a substantial part of the Town’s seasonal population. Several of the homes at the Crater Club have recently been renovated or winterized for year-round use. This housing pattern is prevalent along the entire shoreline south of the Essex hamlet.

As a result of these factors, there has been no recent move by developers to construct large housing developments as are seen across the Lake in Shelburne, Vermont. The resale value of existing homes is high due to the limited availability of new housing and the desirable quality of life and rural character in the Town and the region. The situation has contributed to a lack of affordable housing for low and middle-income families.

While the Town Board is pursuing the expansion of municipal water and sewer facilities in the Essex hamlet area, it is not anticipated that this will cause a “spurt” in growth due to the lack of developable property within the hamlet.

There is no organized senior housing in the Town. Approximately five miles to the north in Willsboro, a twelve unit elderly low-income rental apartment is owned and operated by the Willsboro Senior Housing Corp., a not-for-profit entity established for the sole purpose of providing affordable senior housing to residents of Willsboro and Essex. That facility is currently being expanded to twenty-two units. The apartment complex has been rented to capacity since it became operational in 1996. There is a current waiting list with over fifteen persons seeking to live at the facility. Residents of Essex have recently formed a committee to explore the options for bringing senior housing to our Town. This committee is working with the Housing Assistance Program of Essex County to explore funding opportunities.

Economy

As a rural community, the Town of Essex has a local economy primarily based on agriculture, local services, small industries, home occupations, and water-related recreation and transportation. Home occupations include, but are not limited to, such businesses such as bed and breakfasts, antique dealers, offices, woodworking, crafts, art galleries, and repair shops. Home occupations are important to the local economy and provide employment in rural areas. This type of economic activity enables more flexibility for working parents, reduces travel and commute time, and can provide an incentive for residents to preserve historic buildings on their property if they can establish an income producing business in the space. In addition, people working locally in Essex are able to satisfy the need for fire and rescue volunteers during regular working hours. While the Zoning Ordinance does not restrict home occupations to dwelling units, and the use of accessory buildings are allowed for home occupations, it is not intended that home occupations detract from the rural residential character of the Town.

During the months of June through October, several shops and tourist services operate within the Essex hamlet. A business and services directory is produced annually by the Commerce Committee and is distributed locally and on the Essex-Charlotte Ferry. In addition, the shop owners collaborate on advertising, mostly in Vermont. These shop owners depend on the summer tourist infusion for the survival of their businesses.

Transportation

The Town of Essex's nineteenth century road network survives virtually intact save for a few unimproved secondary roads. The Town has ready access to major interstate roadways and rail. I87, also known as the Northway, is accessible both north and south of the Town.

The Essex Ferry is located adjacent to the Essex hamlet and connects Essex County to Charlotte, Vermont, just south of Burlington. During the summer months, two ferries run providing service every half hour. The ferry serves tourists as well as commuters and people on business. In addition, it is a major form of access to the Fletcher Allen Hospital in Burlington for residents of the area. It has historically operated from early spring until fall. An additional ferry slip and an upgraded parking facility were added to the Charlotte dock in 1998 which increased the ferry's parking capacity. The Lake Champlain Transportation Company currently has plans for a similar expansion at the Essex dock projected to begin in the year 2002. LCT has attempted to run ferry service year-round in recent years, and is only forced to stop when the ice on the Lake becomes impassable.

Both passenger and freight trains pass through the Town of Essex. Trains run from New York City to Montreal daily on this line with the closest station located ten miles to the south in Westport. There is no public bus transportation in the Town. Two airports service the area; the Plattsburgh airport, 30 miles to the north by car provides the nearest air passenger terminal; and the Burlington International airport.

Ferry Arrival, an Essex event

Tourism

Tourism is one of the more controversial issues facing the Town today. The existence of the ferry dock provides a major access point to Essex County, Northern New York and the Adirondack Park. While no direct studies exist, it is a logical conclusion that upwards of 80% of peak season ferry traffic passes through Town without stopping. However, the historic and unspoiled nature of the Town itself is an attraction for tourists. Tourism is a major part of the economy of Essex County and is promoted heavily by surrounding towns and the Essex County Visitors Bureau. In addition, shop owners in the Essex hamlet rely entirely on tourism for the success of their seasonal businesses.

A March, 1997, study commissioned by the Village of Port Henry entitled: "*Essex and Clinton County Local Waterfront Revitalization Program*" states: "Today, tourism and recreation utilizing the incomparable natural and cultural resources of Lake Champlain are economic activities which no community can afford not to incorporate in any revitalization effort, but in doing so the communities need and wish to preserve the unique quality of life and the environment associated with it."

Lake Champlain Byways, a collaborative effort between three New York County Planning Offices (Clinton, Essex and Washington) and four Vermont Regional Planning Commissions (Northwest, Chittenden, Addison, and Rutland) developed a plan for a 250-mile bi-state route surrounding Lake Champlain and including the Town of Essex. The Corridor Management Plan is aimed at coordinating existing activities to establish a regional identity and unification of the Lake as a region. Strategies and partnerships identified in the plan are to promote, interpret and steward the region's resources in balance with economic development in the region.

The Byways plan has identified NYS Route 22 in Essex County as the designated byway, the "Champlain Trail." Lake Champlain Byways is more than a designated roadway. It reflects a "geographic sense of place" that is created by a concentration of byway resources that have a functional or physical relationship to Lake Champlain. The objective of regional unity is realized through the linkage of communities by a network of multi-modal routes with themed interpretation. The Byway corridor was defined by the extent historic, cultural, recreational and natural resources related to the Lake. By this definition, the Byway corridor extends from the center of the Lake to Elizabethtown, encompassing the entire town of Essex. The Byways Corridor Management Plan does not include land use policies or plans for implementation. Specific areas where there is interest to work together includes education, recreation, transportation, agriculture, tourism, environment, and historic/cultural resource management.

Significant funding is available on the national level for creation and expansion of cultural heritage tourism opportunities. The Essex Community Heritage Organization has recently received funding for the establishment of a heritage/tourism facility to be located in the hamlet of Essex. In 1996, the National Park Service funded the "Champlain Valley Heritage Corridor Project," a New York-Vermont effort to study how best to take advantage of the historic nature of the Champlain valley. In Essex County, the Champlain Valley Heritage Network supports recognition of the Champlain Valley Heritage Corridor providing that its implementation can be managed locally, and that its emphasis includes economic development as well as address industrial tourism, tourism history as well as military history of the area.

Within the corridor, the Champlain Trail is supplemented by a network of multi-modal transportation routes including:

- **Lake Champlain Bikeways** is a network of routes for bicyclists. The principle route, “Champlain Bikeway”, circles Lake Champlain. From this principle route, interpreted bicycle theme loops provide access for bicyclists to the smaller communities and roadways in the region.
- **Lake Champlain Walkways** is a network of trails and roadways that connect the region’s communities and are accessible by the pedestrian. Although this network is in a pilot-study stage, it is anticipated that these routes will have local interpretation developed for the user.
- **Lake Champlain Waterways** are routes for boaters that connect the lakeshore to the lake’s streams and rivers up to the first non-navigable point (dam or waterfall). The Waterways include the Lake Champlain Paddlers Trail, which connects sites along the lake that are accessible to the public. This network is also in a pilot-study stage, it is anticipated that these routes will have local interpretation developed for the user.

This network of multi-modal routes is developed to merge transportation and recreation for the visitor. The slower modes of travel, coupled with interpretation, allows the visitor to have a meaningful and authentic experience of the region. By having visitors utilize various modes of travel, the region can experience reduced congestion on major roadways, while increasing visitor access to the local businesses and services, and showcasing local culture and heritage.



Aerial view of the Essex Hamlet, August 2000. Photo courtesy of Barry Hamilton and Jill Schoenfeld

Within the Lake Champlain Byway Corridor, and connected by the various multi-modal routes, several communities will serve as **Lake Champlain Waypoint Communities**. Waypoint Communities provide access to cultural attractions, natural and historic features, recreation opportunities, as well as access to alternative modes of transportation. As a “hub” for surrounding towns, hamlets, and countryside, each Waypoint Community will provide:

- A physical or functional relationship to the Lake “experience” and resources
- Multi-modal access to outlying areas
- Accommodations, food, retail and local products
- Public restrooms
- Directional and interpretative information
- Equipment rentals for biking, hiking and boating
- Connecting hubs for public transportation such as buses, ferries, trains, airports

The hamlet of Essex has been formally designated as a Waypoint Community.

Local Government and Community Services

The Town of Essex was formed from the Town of Willsboro on April 4, 1805. The first town meeting was held at Rogers Inn, which was located at what is also known as Rogers Corners, or the intersection of Middle and Station Roads. The early records of the Town are not in existence and the first officers of the Town are not known. The Town offices today are located in the historic Wright’s Inn building which has recently undergone a complete renovation of the first floor space.

Town Government today consists of an elected Town Supervisor and four Town Councilmen. The first supervisor of the Town of which there is any record was Reuben Whallon who served in 1818 and 1819. Other elected officials include the Highway Superintendent, Town Clerk, one Town Justice, and three Assessors. Volunteers make up the membership of the seven member Planning Board, the Zoning Board of Appeals, the Youth Commission, and Board of Assessment Review. The Town is also fortunate to have an active Town Historian.

• Municipal Services

The Town of Essex Highway Department provides street maintenance throughout the Town. The Town has one Water District in the Essex Hamlet but no municipal sewer. The Town recently received funding for the expansion of the water district surrounding the hamlet of Essex. In addition, a grant was recently awarded to assist with preliminary engineering studies for a municipal sewer in the hamlet of Essex.

• Solid Waste

Solid waste disposal is provided by the Town of Essex Transfer Station, which operates through an inter-municipal Agreement with the neighboring town of Willsboro. In 1998, the Town Board saw the need to restructure and formalize the agreement between the Town and the Town of Willsboro. In such, user fees cover the cost of operation of the Station and operational costs are not included in the Town’s operating budget and hence are not taxed to residents.

• Public Safety

Public safety in the Town is provided by two volunteer fire departments, a rescue squad, and the New York State Police in Westport. The Town is fortunate to have dedicated, well-trained, and hardworking volunteers providing its fire and rescue services. Essex has two Fire Districts, each with its own five member Board of Fire Commissioners and operating budgets. In recent years the Whallonsburg Fire Department (Essex Fire District # 2) has made significant additions to its building and has kept pace with the demands of firefighting by keeping their equipment updated. In 1994, Essex Fire District # 1 voters approved a \$400,000 bond issue to finance the construction of a new firehouse. The new facility, completed in 1999 on Route 22, houses significant firefighting apparatus as well as provides ambulance service for the entire Town manned by volunteers from both Fire Districts.

The fire departments respond to fires, hazard conditions, mutual aid calls to neighboring towns and false alarms. In addition, the departments are responsible for training their members, maintaining the facilities and equipment, fire prevention, and participation in community events. The Town expects to continue to rely on the volunteer fire departments and rescue squad. However, there is concern that lack of younger volunteers and the fact that most working people who live in Essex are employed out of Town, may cause a situation where there may be too few people available to volunteer to respond to an emergency in adequate time during working hours. Additional employment opportunities should be encouraged to increase the number of Essex residents in the local workforce.

The New York State Police provides police services to the Town. They handle any complaint except dog complaints, which are handled by the Town's Animal Control Officer. Speeding vehicles on local roads is an important safety issue, and has been a recent focus of the Whallonsburg Civic Association.

• **Health Care**

The nearest hospitals are the Elizabethtown Community Hospital in Elizabethtown (approximately 17 miles south) and CVPH Medical Center in Plattsburgh (approximately 35 miles north). Additional health care services are available through the Fletcher Allen Health Care system across the Lake in Burlington, Vermont. The Town is also served by the Smith House Health Care Center, an outpatient facility, located five miles to the north in Willsboro. This facility is open five days a week and is staffed by a physician and physician assistants.

• **Schools**

Essex is divided into two school districts. The Willsboro Central School District includes the majority of the Town of Essex and provides educational facilities for students from kindergarten through high school. Voters of the Willsboro School District recently approved the construction of a new state of the art K-12 facility to be located on the Farrell Road in Willsboro. Currently, there are approximately 50 children from Essex enrolled in the Willsboro School District. In addition, approximately 25 school aged residents of Essex attend the Westport School. Additional educational opportunities are available through BOCES which offers special education classes for disabled students and occupational courses in a variety of subjects.

• **Library**

The Town is fortunate to have the historic Belden Noble Library as part of its community. It is run by a volunteer not-for-profit nine-member board, which maintains ownership and custody of the contents of the Library. The building is owned by the Town, which also provides a portion of the Library's yearly operating expenses. Additional operating support for the Library comes from the State of New York, the Clinton-Essex-Franklin Library system, fundraisers, and donations. In addition to traditional library services, the Belden Noble Library offers a range of community programs for residents and seasonal visitors.

• Churches

There are four churches in the Town today. St. John's Episcopal Church was organized in 1853. From 1853 until 1877, services were held in a building erected by Henry H. Ross in about 1853, to serve as a schoolhouse on the lot where the church now stands. The present church was built in 1877. The bell in the belfry of the church proves of an unusual interest, since it was formerly the ship's bell on the steamer, the Champlain. The Essex Community Church represents a federation of the Baptist, Methodist, and Presbyterian churches and was established in 1922. A re-dedication for the present Community Church was held in 1949. In late 1999 it was rededicated as a Methodist Church. The clock in the tower was given in memory of Belden and Adeline M. Noble in 1911. The clock still functions today and is maintained by the Town. St. Joseph's Catholic Church was organized in 1872 and the current building constructed the same year. This same building has been in use ever since. The chapel in Boquet, built by the Episcopalians was subsequently purchased by the Baptists and Presbyterians who started services there in 1880. The building was purchased by the church of the Nazarene in the 1940's. All of the churches have active congregations today and serve the community in many ways by hosting many public and social events.

• Senior Center

The Town currently operates a part-time senior center located in the basement of the Old Stone Church on Church Street which is owned by a local American Legion group. The Town has use of the facility on an ongoing basis with the proviso that it be used as a senior center. The Town pays to maintain the facility and pays no rent to the owners. Today, the senior center provides a hot lunch program to residents of Essex and Willsboro, staffed by Essex County Nutrition Service personnel.

• Youth Commission

The Town includes a line item in its general operating budget to fund limited youth activities. The bulk of the funding allows up to 20 youth per year to participate in the Summer Youth Program organized by the Town of Willsboro. Since the inception of Noblewood Park, the Summer Youth Program activities are focused at that site and include swimming, nature walks, reading program, etc. In addition there is a very active volunteer Youth Commission which organizes events on a year round basis for the Essex youth population.

• Parks and Recreation

Over 20 years ago, with broad local support and a Federal Land and Water Conservation grant, the Town of Essex acquired and developed a waterfront municipal park at Beggs Point. The park was developed on the site formerly occupied by the Essex Horse and Nail Company. The park is located on a man-made plateau rising about fifteen feet above the lake level of Lake Champlain. The plateau is contained on the east by 19th century stone retaining walls, which rise from Lake Champlain. The walls, and a wharf which is no longer present, were constructed by previous industrial users of the site including the horse nail factory works (c.1879), or earlier occupants which include the Lyon and Palmer sash company and the Hoskins and Ross shipyard.

The retaining wall is subject to very harsh treatment by the elements, including repeated freezing and thawing, wave action, and the effects of Lake ice. At present, it requires extensive repair. Such repairs are necessary to protect the integrity of both the historic walls and the park itself. In 1997, a grant was received from the Lake Champlain Basin Program to do an engineering study to provide the necessary guidance for the rehabilitation of Beggs Point wall. This study and engineers' recommendation for reconstruction of the wall was completed in December of 1999. Funding sources should be sought immediately by the Town Board to effect the necessary repair of the wall.

The park today includes a public dock, playground, and picnic tables and is a tremendous asset to the community. It is the only access most hamlet residents and visitors have to the Lake. The Town maintains a beach adjacent to the park; however, at the current time, public swimming is not allowed.

The Town also owns an access point to the Lake at Whallons Bay, which has been used in past years as a swimming area. However, recent problems with "swimmer's itch" closed this beach area to public swimming.

The only boat launch area available in Essex is at the Essex Shipyard Marina for which a fee is charged. Also, this is a very difficult launch due to the steepness of the entry and limited access for maneuvering vehicles. While the area at Whallons Bay has been suggested as a site for a public boat launch, its physical location close to Lake Shore Road makes this almost impossible. Public boat launch facilities are available in the towns of Westport and Willsboro.



Essex Fourth of July Parade, 2000. Photo by Suzanne Perley

Part III – Providing for the Future

The Town wishes to maintain its scenic, historic, agricultural, rural, and small town character.

At the same time the Town wishes to encourage high quality growth, which will increase the community's ability to finance basic services and public improvements. Maintaining high quality public services requires continued investment in these functions and the willingness of citizens to contribute their time and skills.

The Town recognizes that there are areas of the Town with unique characteristics and opportunities and that each area requires special provisions for guiding development. Land use regulations and programs should try to use common sense to balance the right to reasonable use of one's property, the right of adjacent property owners to co-exist without undue negative impacts, and the right of the Town to expect that new development will enhance the community and will not have hazardous environmental impacts.

The Town of Essex faces the challenge of integrating new residents, seasonal homeowners, and businesses into its social and economic fabric. Its future lies not in rebuilding a traditional industrial and manufacturing economy, but in accommodating a mix that incorporates the contributions of the new, while retaining the best of the past.

The challenge of planning is to try and bring together all segments of the community in an atmosphere of mutual respect to help Essex pro-actively plan for its future.

Goals for the Future of Essex

Goal 1. Maintain and encourage a vibrant community life in the Town by providing for residential, commercial, agricultural, industrial, recreational, and public uses that meet the needs of existing and projected populations and promote the social and economic diversity of the Town.

1.1 Economic Development

There is little industry in the Town today due to its location away from the interstate highway system, regional facilities, and lack of municipal water and sewer service. People are commuting to their jobs at increasing distances. Residents travel to nearby communities for most of their convenience goods such as groceries, hardware, drug store purchases and gasoline, although there exists one small gas station in the Essex hamlet. Residents travel to regional shopping centers and department stores for apparel and home furnishing needs.

Trends in the local economy have raised the following issues that the Town must consider: how to increase employment opportunities in the Town, and how to guide commercial development to meet community needs, prevent burdens on public services, and be compatible with the rural and historic character of the community.

The Town wishes to encourage creative and low impact uses of all areas of the Town which will provide employment and tax revenue, while preserving open space and the rural environment. Projects will be sought and evaluated on a case-by-case basis according to the broad area criteria defined in the zoning ordinance. It is generally agreed that businesses that include small workforces, low water use and non-polluting industries would be most appropriate for the Town. The Town will assist and support suitable projects in their dealings with other permitting agencies, such as the APA.

Recommendations:

- Locations for light industrial and commercial development will be considered throughout the Town where feasible. Development that offers quality employment, is non-polluting, small in scale, and has low demands for water and sewer usage will be encouraged. Allowed uses in the agricultural districts will be reviewed to expand opportunities.
- Home occupations will be encouraged throughout the Town.
- Essential commercial services which meet the needs of Essex residents, such as a small grocery store, hardware store, pharmacy, and/or cafe/restaurant will be encouraged to locate within the hamlets. Commercial and light industrial uses will be small in scale and designed in a way that is compatible with existing Town historic and rural character.
- Agriculturally related businesses, including agri-tourism, will be encouraged in conjunction with active farms. The production, processing, and marketing of food and fiber and other natural resources and agricultural products will be promoted as important industries in the Town.
- The Town will pursue policies and partnerships which link the area's agricultural, historic, rural, and scenic qualities in order to provide more opportunities for jobs and new business.

- Town regulations will ensure quality in site planning and design of commercial and industrial facilities through expanded site plan review. All development will be required to meet local and State standards for water supply, sewage disposal, and drainage.
- Attempts will be made to bury power lines in all new construction when possible.
- The function of Route 22 as the main north-south corridor in the Town and as a regional arterial highway will be protected through the limitation of access points and the control of land use along the highway. The Route 22 corridor shall be protected as a scenic travel corridor.

1.2 Housing

In considering current and future housing opportunities, the Town will consider how to locate housing to protect the Town's high quality landscape, environment, and historic qualities, and to minimize conflicts with the agricultural community. In addition, it should work to meet the needs of affordable housing and the special housing needs of the elderly.

Where possible when multiple housing units are proposed, cluster development should be considered. Cluster housing allows reduced lot sizes and setbacks in exchange for permanently protected open spaces. It is designed to encourage site-sensitive road and building placement, promote efficient use of space and maintain an area's rural character. While cluster housing would not change the number of lots permitted on a tract, it would allow houses to be built closer together. Smaller, more closely configured lots require a smaller network of streets and utilities.

Recommendations:

- 1 Encourage a variety of high quality housing types to meet the needs of all residents, especially young families and senior citizens. Participation in first-time homebuyer programs should be promoted by the Town.
- 2 Encourage subdivisions which economize on roads, utilities, and services, and protect scenic beauty, agricultural lands, and natural resource areas.
- 3 Create positive incentives, such as density bonuses used in locations suitable for more dense development, which can help reduce the developer's cost (for road building, community septic systems, etc.), and thus make housing more affordable.
- 4 Make provisions in the zoning ordinance to allow for elderly housing in the Hamlet District and the R1-R2 districts, provided the units are affordable and the number of bedrooms per unit is supported by the septic capabilities of the parcel or a hamlet wastewater system.
- 5 Continue to apply for available state, Federal, or private funds to reduce housing costs. For example, the Federal Housing and Urban Development Community Development Block Grant Program can rehabilitate sub-standard housing, facilitate home-ownership, or meet other housing needs.

1.3 Hamlet Development

The hamlets of Essex and Whallonsburg incorporate a compact mixed use, characteristic of small towns throughout the Adirondack Park. Uses include housing and home occupations, retail shops and restaurants, inns, bed and breakfasts, professional offices, public buildings and workshops for artists and artisans. Both hamlets have a theatre. The waterfront of the Essex hamlet includes two marinas and the cross-lake Ferry operated by Lake Champlain Transportation Company.

The Town recognizes the importance of the ferry to its local economy and the character of Essex. It is working with the Lake Champlain Transportation Company in upgrading its infrastructure within the Town boundaries to provide for safety and efficient traffic patterns in the Essex hamlet.

The particular needs of the Essex Hamlet as a historic district and waterfront are discussed in subsequent sections.

Recommendations:

- 1 Hamlet areas are where growth is to be encouraged so as to reinforce historic patterns of compact settlements surrounded by rural, open land.
- 2 The preservation and reuse of existing buildings will be preferred and new buildings should fit in with the character of the existing hamlets, including the scale and location of buildings.
- 3 The design of new commercial buildings shall be consistent with the shape, scale, siting, and design of buildings of the existing hamlet area within which they are to be located.
- 4 All land development, including the conversion of existing structures to multiple units, will be required to meet applicable local and state standards for water supply, sewage disposal, parking, access, and landscaping applicable to the new use.
- 5 The Town will establish flexible yet effective site plan review guidelines to protect the historic and rural character of these areas.

Two limiting factors for new commercial development are sewage disposal and the traffic and parking capacity of the existing roadways. Therefore, commercial development must not overburden either of these factors.

Further Recommendations - parking:

- 1 Increase the supply of parking spaces and improve the management of existing downtown parking without damaging the pedestrian fabric of the Essex Hamlet.
- 2 Provide more flexibility in the Zoning Ordinance's off-street parking requirements to encourage public parking while maintaining the design features that make Essex a walking village. Avoid the unnecessary paving over of green spaces to accommodate parking.
- 3 The Town should cooperatively work with ECHO to ensure that the proposed new parking area across from the Ferry Dock be constructed in such a manner as to optimize parking while preserving the visual qualities of the site while providing expanded parking opportunities for the Town.
- 4 Explore additional parking sources in the Essex Hamlet that will not have a detrimental effect on the visual qualities of the Historic District.

Further Recommendations – sewage disposal:

1. The Town will continue in it's efforts to establish a sewer district to service the Essex Hamlet, especially those properties located on the shore of Lake Champlain.

1.4 Tourism

Essex's increasing economic reliance on tourism and second-home owners has alarmed some residents who already see the character of their Town changed by the turnover in retail shopping from basic goods to specialty items. It must be recognized, however, that the additional tourism and seasonal home populations are essential to maintaining the economic base which provides some basic needs of the community, as well as those which cater only to the tourism market. While Essex should not lose its unique character, shops and facilities that draw tourists can add valuable economic activity.

Recommendations:

- Encourage low impact tourism that increases employment, keeps revenue in the hands of residents, targets interpretation of our history and natural resources, keeps the look and feel of our surroundings, and minimizes the potential for environmental degradation.
- Encourage non-motorized forms of tourism development.
- Incorporate bike lanes or wide shoulders in major improvements to highways in the Town. Improvements shall accommodate shoulders wide enough to accommodate bicycles wherever possible.
- Work to promote and maintain local ownership of businesses and encourage tourists passing through Town to extend their stay and patronize local businesses.
- Support the efforts of the Lake Champlain Byways Program of Essex County in their efforts to promote and interpret the region for the benefit of tourism, economic, and community development.

1.5 The Arts

Essex is home to numerous professional artists and the Adirondack Art Association. There are also two theatre companies, several galleries, and numerous craft persons at work in the Town. If the Town can continue to attract and continue to provide a home for working artists, the quality of life in the Town will be improved and efforts to establish a marketable image for tourism and the marketing of agricultural products will be enhanced.

Recommendations:

- 1 Seek out suitable places for the future establishment of an art center.
- 2 Utilize space in the Town Hall to display professional quality paintings, drawings, and craft pieces.

The Town should continue to seek funding to complete the renovations to the Old Stone Church (American Legion Hall) on Church Street to make it accessible to the public for performances and other public, artistic, and performing events.

Goal 2. Maintain and protect the historic heritage of the Town.

2.1 Historic Preservation and Listed Properties

The Essex Historic District, which was entered on the National Register of Historic Places on November on May 28, 1975, is highly regarded as an excellent example of American architectural styles of the past. Maintaining the Essex Hamlet Historic District as well as all of the historic resources of the Town is a major concern for residents. The Town currently has no mechanisms in place to protect properties within the established Historic District and properties outside the District currently listed on the National Register of Historic Places (see attached listing). The Town has been fortunate that there has been minimal turnover in these properties and that they have been resold to date to persons wishing to maintain the integrity of the buildings.

The Essex Community Heritage Organization (ECHO) currently maintains façade easements on over fifteen properties in the Town. These easements, while not only protecting the integrity of the buildings, are useful in acquiring outside funding sources for renovation purposes, as evidenced by the current porch renovation project at the Essex Inn (*Appendix B*).

The following Standards for Rehabilitation established by the United States Secretary of the Interior shall be considered by the Town in evaluating any commercial project involving a historic property in the Essex Hamlet Historic District as well as those properties outside of the District listed on the National Register of Historic Places (see *Appendix C*):

- 1 Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site, and its environment, or to use a property for its originally intended purpose.
- 2 The distinguishing original qualities or character of a building or structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- 3 All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- 4 Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- 5 Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
- 6 Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different elements from other buildings or structures.
- 7 The surface cleaning of a structure shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- 8 Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
- 9 Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
- 10 Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

Recommendations:

- The above Standards for Rehabilitation should be used as guidelines for any residential project involving such a historical property.
- There should be a visual continuity between old and new buildings. The size and scale of new buildings or renovated structures should be similar to or compatible with that of surrounding or similar buildings in the area.
- Demolition delay provisions should be considered in the year 2002 ordinance update for all properties within the Town listed on the National Register of Historic Places and any demolition of historic properties should require a special use permit.
 - i. Demolition is not appropriate if a building or major portion of a building contributes to the architectural or historical significance or character of the Historic District or the area of the Town in which it is located.
 - ii. Demolition is appropriate if a building or major portion of a building does not contribute to the architectural or historical character or significance of the area; or if a building or major portion of a building has irretrievably lost its physical integrity to the extent that it no longer contributes to the area's architectural or historical character or significance; or if the denial of the demolition will result in an economic hardship on the applicant as determined by the Planning Board in accordance with the Zoning Ordinance.

Goal 3. Preserve land that is suitable for farming, provide for the protection of agriculture and open space and ensure that farming remains an important part of the local economy.**3.1 Agriculture and Open Space**

Long-term protection of open space (considered in its broadest sense and comprising both farm fields and woodlands) is essential if Essex's rural character is to be conserved for future generations.

Based on public input and community meetings, preservation of working farms and open land is a clear priority for Essex residents. Loss of farms and farmers will dramatically change the Town's character, which was established from the earliest period of settlement.

The Town therefore wishes to take an active role in the preservation and encouragement of agriculture, which has been so severely diminished over the last twenty years. While the reasons for this decline are not centered in the Town, it is our hope that by refocusing our energies and attention, we can locate resources, including government and corporate grants, and contrive plans and means for reinvigorating farming. The Town will work with farmers and farmland owners to encourage, among other things, cooperative projects including marketing and branding, continuous research and development of niches in a market which will continue to change, and means such as land registry to permit farmers who are no longer full-time to find uses for their land or land to use.

The Town, through its Agricultural Review Committee (Essex Farm Initiative) established in early 2000, is currently investigating resources available to not only protect the existing farming community, but to assist in planning for the future of farming and farmlands in Essex. Anything that can assist farmers in protecting their land for agricultural use will help ensure the existence of agricultural opportunities for the next generation.

Furthermore, provisions must be made for the long-term protection and management of the significant open space, farm, and natural resources in the rural areas when lands are being developed or subdivided. The site plan review process provides an opportunity to protect the Town's agricultural and open space resource base. Property owners and developers should be encouraged to plan the entire parcel of land on which land subdivision is proposed for the best management of natural resources. When development is proposed, consideration should be given to the significant farm and natural resources on the parcel and minimize the impact on these resources. On farm parcels or land contiguous to farm parcels, housing will have to meet standards that are designed to minimize the impact on farmland and on farming operations.

Recommendations:

1. The Town will encourage agriculture and the preservation of open space and avoid regulating agricultural uses in a manner that unreasonably restricts or regulates farm structures or farming practices. Long-term efforts to conserve and manage designated agricultural lands and open space will be undertaken. The Town will continue to promote participation in the Agricultural Districts.
2. Diverse agricultural enterprises, including dairying, hay production, livestock production, produce stands, and specialty farms such as wildflowers, nurseries, berries, orchards, and produce, will be encouraged.
3. The Zoning Ordinance will be amended to include farm related owner-operated businesses on farm property including but not limited to agri-tourism, direct-marketing, value added products such as cheese, farm equipment and supply operations, agricultural cooperatives, nurseries, sale of excavating equipment, with consideration of the scale of the operation and the impact on the community.
4. Priority will be given to identifying and conserving the Town's high potential agricultural soils for agricultural use. Medium and low potential agricultural soils where improvements have been made or which support existing agricultural operations will be protected where possible.
5. The community understands the importance of agriculture to the Town and also recognizes that agricultural practices may create conditions, including noise and odors that can impact their desired lifestyle. In general, neighbors should try to resolve any problems among themselves; however, it should be understood that reasonable agricultural practices, which are defined by State policy, are necessary for viable farming operations and contribute to a healthy ecosystem and community pride.
6. The local Extension Service and other similar bodies will be supported in their efforts to provide technical assistance to develop land use plans for farm properties. Efforts with other preservation organizations will be encouraged to negotiate private, voluntary agreements for the protection and management of designated agricultural and natural resource lands.
7. The size, shape and orientation of lots and siting of buildings should be designed to provide building sites logically related to vegetation, topography, solar orientation, natural features, streets, and adjacent land uses.
8. Lots and streets should be designed to maximize the preservation of natural features, trees, tree masses, watercourses, and sites which have historical significance, scenic views, and similar assets.
9. Conservation subdivisions should be considered in new development to provide a means for farmland owners to realize some profit from development and stay in farming. Conservation subdivisions are a form of clustering using the following approach:
 - a. Conservation areas are identified and include the physical environmental features of the land to be protected, as well as cultural, aesthetic, and historic concerns. Once an area is identified, it is set aside as permanently protected open space via an easement.

- b. The zoning code identifies the density allowed on the property. The allowed number of dwellings are placed on the remaining portion of the parcel so that each dwelling has the best view or access to the open space.
- c. Roads are designed in the most efficient manner and lot lines are established.

This technique allows for different lot sizes, some being more affordable than others. Some lots may have the preserved open space on them and be very large. Other situations allow the open space to be owned by a homeowners' association, or retained by the original landowner to continue farming. It is permissible to place a community septic system in the preserved open space which allows for even smaller lot sizes, if desired.

1. The Town should encourage and assist farmers or other large property owners in the preparation of master plans or land use plans, providing incentives for property owners to prepare thoughtful subdivision designs which protect the natural resources and other special features of the property and advance other Town goals.
2. The Town will support the Adirondack Land Trust and the Adirondack Nature Conservancy in their efforts to protect open and working landscapes such as farmlands and managed forests as well as other lands contributing to the quality of life of Adirondack residents and to make affordable farmland available to farmers. In particular, the Town encourages the Land Trust and Nature Conservancy to provide technical assistance to farmers and other large property owners to maximize the preservation of farmland, natural resources and rural character.

Goal 4. To maintain and protect the natural resources of the Town by encouraging land uses that have few environmental impacts while discouraging those that put the area's environment at risk.

4.1 Resource Protection

Environmental resources contribute greatly to the quality of life in Essex. The Boquet River, as well as Lake Champlain, represent significant resources within our community. The Town also contains wild and scenic areas that have been designated "critical environmental areas" that the Town wishes to protect, while making them accessible to residents and tourists.

Recommendation:

1. The Town should be encouraged to maintain an inventory of the Town's natural resources, help arrange donations of gifts of land to the Town or other appropriate not-for profit organizations for conservation purposes as well as assist the Planning Board on natural resource issues and development reviews.

4.2 The Boquet River

"We all live downstream," meaning every land use or action that contributes pollutants to surface or ground water will affect someone else's health, environmental quality, and pocket book. According to Boquet River Association (BRASS) studies, the water quality of the Boquet River is generally good and meets State recreational river standards. However, during periods of hot dry weather, elevated bacteria counts are frequent in Whallonsburg and Boquet.

Following four years of studies on sediment embeddedness in the Boquet River, (all conducted with EPA-approved scientific protocols), BRASS concluded the amount of sand and fines packed into the Boquet River's substrate cobbles has reached a near-critical level of impact for stream life. Average embeddedness during the four years of BRASS study was 37%. At this level, the Boquet's aquatic stream life is threatened. This has obvious economic impact. There is also a problem with phosphorus binding to soils which, when eroded or allowed to run off the surface of the land, can impact stream water quality and contribute to Lake Champlain eutrophication.

The amount of sediment embeddedness may also indicate concern to those worried about flooding and flood damage. For, if the cross-sectional area of the river's channel lessens due to sediment build-up, flooding levels will increase with the concomitant potential for damages to life, property, and infrastructure.

State laws governing "wild, scenic and recreational rivers" and Adirondack Park Agency regulations prohibit indiscriminate cutting of vegetation along the river banks, and require setbacks for all new land use and development as well as septic systems. However many existing land uses prior to the law (particularly farming and homes in hamlet areas) translate into little or no vegetation bordering rivers and streams. These are the areas most vulnerable to sediment-contributing bank erosion.

Any new development that disturbs the surface of the land could contribute sediment to a water body during periods of run-off. A current NYSDEC law requires any new project disturbing 5 acres or more of land to file and put into place, a plan for erosion run-off controls. This law will soon be amended to 1 acre of land, in compliance with federal non-point-source-pollution regulations.

Although de-icing salts are often a common contaminant to surface water, this does not appear to be a problem of water quality in the Boquet River (from BRASS water quality studies) nor to Lake Champlain. De-icing salts will affect certain road-side vegetation and can contaminate nearby private well water. However, the primary non-point-source pollutant to the Boquet River is sediment, and the primary non-point-source pollutant to Lake Champlain is the phosphorus adhering to soil particles, which enter the lake through erosion and run-off.

The Town of Essex complied with the National Flood Insurance Act and delineated floodplain boundaries and adopted a local compliance law in 1987. It is important that the Town Zoning Ordinance adheres to this agreement, and that the town-designated Zoning Codes Officer be totally familiar with the administrative duties including compliance monitoring. Since sediment run-off into the Boquet River may reduce channel capacity and increase flooding boundaries, every effort should be made to control sediment inputs.

Recommendations:

- Promote land uses that are consistent with the capacity of the land and other resources.
- Use thorough site and environmental quality review (SEQRA) procedures for new development and mitigate any potential environment impacts to water, air, or visual resources.
- Identify and recognize significant wetlands and lands with permanent conservation restrictions and retain the current flood hazard area designations and the regulations to protect them.
- Work with the Boquet River Association on water quality issues affecting the town, such as control of run-off sediments into the Boquet River and Lake Champlain contributed by road construction and maintenance. Increase the overall understanding of the hydrological system in the Town and its relation to Lake Champlain.
- Road construction and maintenance contribute to run-off sediments. It is important to time cleaning of roadside ditches to accommodate immediate seeding. Catchment or settling basins are needed prior to discharge of ditch and/or piped stormwater into a water course. Properly sized “sumps” at the base of storm drain catchments are needed to hold sediment until periodic removal. Winter snow removal piles should not be located where winter sanding material can enter a water course.

4.3 The Lake and the Shoreline

The Town wishes to maintain and enhance the scenic beauty and environmental quality of the shoreline as well as provide increased recreational opportunities and lake access. It is expected that some limited development will continue to occur along the shoreline and continued efforts will be needed near existing homes and new development to minimize future impacts.

The Town is currently developing a Local Waterfront Revitalization Plan and associated Water Surface Law in conjunction with the New York State Department of State Local Waterfront Revitalization Program.

Recommendations:

1. The Town, through the enactment of a Water Surface Law, will monitor the use of the waters of Lake Champlain for boat docking and mooring facilities to minimize congestion and conflicts with commercial traffic, to protect scenic beauty and recreational enjoyment of these waters, and to provide for the needs of boaters and residential lakefront users. The Town may control docking and mooring facilities if determined necessary.
2. The Town, in conjunction with the revision of the Zoning Ordinance, will adopt a formal Shoreline Overlay District and accompanying Harbor Management Plan which will provide for oversight of:
 - a. The use, operation, speed, anchoring and mooring, and other uses of or activities associated with vessels;
 - b. The siting and construction of docks, piers, bulkheads, or other in-water structures;
 - c. Activities allowed or prohibited in areas such as swimming areas where public safety is of concern;
 - d. Dredging and dredged material disposal and the mining or excavating of subsurface materials;
 - e. Shoreline stabilization methods which can be vegetated and/or blended in with the natural surroundings in areas of highly erodent soils.
3. The direct discharge of materials and wastewater to the lake and its tributaries will not be allowed; indirect discharges will be minimized.
4. Expanded opportunities for public access to the shoreline and waters of Lake Champlain will be explored by the Town.

4.4 Parks and Recreation

The Town currently maintains a beach area at Beggs Park, although swimming is prohibited. The Town also owns a beach site at Whallons Bay; however, swimming is also prohibited at that site due to water quality issues. Facilities and activities, especially for youth aged 8 to 18 are lacking. The Town wishes to provide for more outdoor related year-round recreation that builds on the area's rich environment and scenic beauty.

Recommendations:

- 1 Provide for future recreational needs, especially activities for young people, and enhance existing town park and beach areas. Review possible uses for the Town owned land at Whallons Bay for recreational purposes.
- 2 Provide for enhanced access to Lake Champlain.
- 3 Provide for enhanced access to other natural areas via bike/hike trails.
- 4 Complete the renovations to the Old Stone Church property on Church Street for youth and community programming.
- 5 Pursue funding opportunities to effect the repair of the retaining wall at Beggs Park and general park improvements.

4.5 Lighting and “Dark Skies”

The residents of Essex value the Town's rural qualities, including the ability to view the stars against a dark sky. Inappropriate or poorly designed and installed outdoor lighting can cause unsafe and unpleasant conditions, limit the ability to enjoy the nighttime sky, and result in an unnecessary use of electric power. It is also recognized that some outdoor lighting is necessary and appropriate in areas such as the village centers.

Recommendations:

- Use energy efficient light resources that minimize glare and light trespass.
- Angle the light, where appropriate, so that the light beams face down.
- Whenever practicable, lighting installations shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.
- Expansions, additions, or replacements to outdoor lighting installations should be designed to avoid harsh contrasts in color and/or lighting levels.

Goal 5. To improve the administration, implementation and enforcement of land use and planning regulations in order to encourage creative and compatible uses of the Town's resources.

5.1 Land Use and Planning

The Zoning Ordinance for the Town was developed and adopted in 1974. Over the years, several attempts have been made to re-write or update the document. Each of these efforts has been unsuccessful. The Town Board realizes that the current ordinance, which is not in conformity with New York State Zoning regulations needs to be updated. The Town has received grant funding and appointed a committee which is at work re-writing the zoning ordinance and creating a Shoreline Overlay District and Water Surface Law. These three documents together will provide clear and workable methods for implementing this Comprehensive Plan.

Recommendations:

- Complete and adopt an updated Zoning Ordinance, to be coordinated with a Shoreline Overlay District and associated Water Surface Law. These three documents will be supported by the recommendations and vision put forth in this Comprehensive Plan.
- The Town will work with the Planning Board to facilitate the land use permitting process and create user-friendly applications and procedures.
- The Town will continue to support the seven member all volunteer planning board by providing avenues for education and technical assistance in review of projects in the Town.
- This Comprehensive Plan, the Town Zoning Ordinance and Subdivision Regulations, and the Water Surface Law should be reviewed and amended, if necessary, every five years.

Goal 6. Maintain and develop high quality public services, especially fire protection, emergency rescue, and public works.

6.1 Town Government and Community Services

The Town will maintain and develop the quality of public services, especially fire protection, emergency rescue, and public works, while keeping the costs of these services and the tax rate under control. Maintaining quality public services requires continued investment in these functions. A successful planning process should help stimulate high quality growth, which will increase the community's ability to finance basic services and public improvements.

Recommendations:

- 1 The Town will remain primarily as a volunteer form of government.
- 2 The Town will continue its efforts toward the formation of a sewer district in the Essex Hamlet.
- 3 The Town will explore creating a Public Works Department within the next three years in order to better coordinate the requirements of maintaining our town roads as well as the expanded water districts and future sewer district.
- 4 Private developments will be encouraged to establish adequate maintenance funds to ensure compliance with the Town road and driveway standards. The subdivision regulations will be amended to allow for the Town to ensure that private roads (as well as drainage structures, fire hydrants and fire ponds) are properly maintained. Where necessary, the Town will reserve the right to make improvements where needed and charge the development directly for the repairs.
- 5 The zoning and subdivision regulations will be amended to require that where the cost of developments necessitating capital improvements are not included in the Town budget, the developer shall contribute towards their improvement. Require that improvements to Town roads required by new development and not programmed by the Town will be the responsibility of developers and that any improvements must be to Town specifications.
- 6 The building of oversized roads will be avoided when they are not needed, since road size impacts both the visual character and safety of an area. Conversely, the Town should ensure that roads and/or new bridges are wide enough to accommodate large farm machinery and emergency vehicles.

Public Input

Throughout the planning process, opinions of residents and organizations were solicited through personalized mailings, public meetings, and a mail-in survey which was the basis for gathering information on shoreline-related issues. The committee also solicited specific input from local organizations and special interest groups, much of which is contained in the previous narrative.

The Zoning and Shoreline Review Committee held two well attended public sessions in the summer of 1999, one on farming and one on the shoreline. In addition, all meetings of the committee were open to the public and have been well-attended. A public hearing was held in the summer of 2000 and a variety of comments were received and reviewed by the Committee, including a professional planning consultant's review of the plan provided by ECHO.

The community was encouraged to review the Draft Plan which was available at the Town offices or by mail, and a number of letters were received with comments and suggestions concerning the content of the Plan. Many of the suggestions received have been incorporated into the final Plan.

A second public hearing was held prior to adoption of this Plan.

Meetings continued on a regular basis through the completion of the Plan.

The Town and the APA

The Adirondack Park Agency Act was adopted in 1973 and in its simplest terms, tries to channel much of the future growth in the Park around existing communities where there are already roads and utilities and where services and supplies are available. The centerpin of the APA Act is density control. In each land use area, a guideline is established for the approximate number of new principal buildings per square mile. In other words, new development is permitted according to the capacity of the land to withstand it from the point of view of natural resources, public facilities, and open space. Under the Act, all private lands in the Park are classified in the six following categories:

- Hamlet: These are the growth and service centers of the Park. Hamlet boundaries usually go well beyond established settlements to provide room for future expansion.
- Moderate Intensity: Most uses are permitted, but relatively concentrated residential development is most appropriate.
- Low Intensity: Most uses are permitted, but residential development at a lower intensity than above is appropriate.
- Rural Use: Most uses are permitted, but rural uses and lower intensity development is most suitable.
- Industrial Use: This is where existing industrial uses are located and where future development can be located.
- Resource Management: These areas include nearly two million acres (53% of private lands). Special care is taken to protect the natural open space character of these lands. The most suitable uses include agriculture, forestry and outdoor recreation pursuits.

The Town of Essex Zoning and Land Use Map adopted in 1974 contains the following land use classifications (see attached map):

- 1 ESSEX HAMLET (APA Hamlet) - The Essex Hamlet is presently defined by the existing Water District (comprised of two water systems) and represents a generally developed area with a mixture of residential, commercial and recreational uses. WHALLONSBURG HAMLET (APA Hamlet) -The Whallonsburg Hamlet area represents a collection of individually serviced residences and commercial establishments that play an important function in the community economy.
- 2 Residential 1: (APA Low Intensity) - Generally those areas of the community developed in areas or areas showing most reasonable opportunity and ability to sustain development.
- 3 Residential 2: (APA Moderate Intensity) - Generally those areas of the community adjacent to developed areas showing the most reasonable opportunity and ability to sustain added housing development.
- 4 Forest/Recreation: (APA Rural Use) - Generally those areas of the Town with forest cover and occasional pasture/garden openings. Protection of the open space character and of forest management practices is to be encouraged.
- 5 Agriculture: (APA Resource Management) - Generally those areas of the town devoted to commercial farm operations. There should be protection of these lands for agricultural purposes as long as commercial agricultural production continues.
- 6 Critical: Those areas with excessive slope, major rock outcropping, flood plain characteristics, erosion vulnerability, wet land characteristics or other ecologically critical determinants.

Because the APA land use classifications do not match the Town's land use classifications, the overlap of land use districts often causes confusion during the Town's permitting process. More often than not, applicants are required to secure permits from more than one permitting body.

APPENDIX A

SOILS

Soils are grouped according to the general geologic process which created them. These groups, or associations, have similar characteristics which can be interpreted for specific uses. The Soil Conservation Service has inventoried the soils of Essex and made available advanced soil maps. Aerial photo interpretation of the landforms and field investigation were combined to map soil characteristics.

I. Deep Glacial Till

These soils, the Amenia-Nellis and Leicester Associations, are found predominantly on the drumlins, in agricultural areas and along the shoreline of the lake from the north edge of the Town to Whallons Bay. These soils are approximately two feet of loam over firm gravelly fine sands, sandy loam or gravelly loam. Because of hilltop location and coarse texture, they are suitable for development.

II. Glacial Till With Fragipan

These soils are common in the Adirondacks and cover 30 percent of the land in Essex. An impervious layer known as fragipan exists anywhere from one foot to three feet below the surface, resulting in poor vertical movement of water. These Associations cover the western uplands and vary greatly in their depth due to the undulating bedrock which they cover. Occasionally rock outcrops are at the surface, but generally, the depth to bedrock is greater than four feet. Pockets of wetlands are common where these soils are in depressions or on flat slopes. The slow percolation rates caused by the fragipan layer constrain development opportunities,

III. Glacial Till Shallow Depth

The Canaan-Rock outcrop soils are very shallow sandy tills. The rock outcropping and rock controlled drainage make the characteristics of the underlying bedrock readily apparent. These soils are a thin veneer with less than two feet to bedrock, severely limiting development.

IV. Glacio-Lucustrine

The predominant soils of Essex are found in this group.

-Lake Champlain is the present day remnant of a larger lake created by glacial melt water. Suspended particles were washed into the lake and settled to the bottom. These heavy clay and sandy materials built up in layers in the eastern half of the Town. They are very poorly drained and exhibit seasonal high water tables between zero and three feet of the surface. Often there is a perched water table with the saturation layer much deeper. Septic leaching fields are not recommended in these soils because of the slow percolation rates and high water tables. Areas of sandy lake bottom, similar to glacial till without the fragipan layer, exist in this Association. The percolation rates are acceptable, and the water table is below four feet. The remaining soils in this group are glacial deposits known as outwash. Such deposits are very well drained and often described as "droughty." Percolation rates are commonly above six inches per hour creating the possibility of ground water contamination from unfiltered septic effluent.

V. Recent Alluvium

The flooding of the Bouquet River deposits a mixture of soil types—gravels through silt—along its channel. High water tables and continued flooding make them hazardous to build on.

VI. Organic Deposits

The Webb Royce Swamp is the only organic soil deposit in Essex with up to six feet of peat or muck. The high water table and compressibility of the soil makes it an unsuitable building site.

VII. Non Soil Areas

These areas are where greater than 50 percent of the association is rock outcrop and consequently unsuited for development.

APPENDIX B

Façade Easements held by ECHO as of 2/15/00

Property Owner:	Property:
John Durant	Kidder Store Grace
MacLeod	Tatro House John T.
Walker	The Essex Inn Alan
Wardle	Beggs Cottage Robert
Hammerslag	Stafford Manor Farm Sylvia
Hobbs	Brick Schoolhouse James D.
Sorley	Donahue House Colin
Ducolon	McCamic House Larry Williams/Trillium
Partnership	Bluff Point Lots Russell B.
Shapiro	Hascall House Thomas E.
Carrick	Garvey House Ronnie
Hamel	Whitney/Flora House (Willsboro) Town of
Essex	Deli Lot Town of
Essex	Tart Lot Suzanne
Cochran	Noble Thorn House
F. Shrunk Brown, III	Wells House Robin
Belzile	Spierto House (Willsboro) David C.
Hislop	1867 Schoolhouse Wayne
Gryk	Wakefield House William
Lawrence	Dalton House

APPENDIX C

Historic District and Listed Properties

- 1 Essex Village Historic District, entered on the National Register of Historic Places on May 28, 1975.
- 2 Octagon Schoolhouse, Boquet, entered on the National Register of Historic Places on January 17, 1973.
- 3 The Church of the Nazarene, Boquet, was entered on the National Register of Historic Places on June 19, 1973.
- 4 The Essex County Home and Farm Complex, Whallonsburg, was listed on the National Register of Historic Places on November 4, 1982.

Sources and Resources

- *Essex - A Land Use Planning Process*, by Roger Trancik, Richard Shaw and David Ford, 1975
- *Plan for the Future - Essex Hamlet*, by Roger Trancik, August 1989
- *A History Celebrating the 150th Anniversary of the Town of Essex*, by the Town of Essex Sesquicentennial Committee, 1955
- *Essex - The Architectural Heritage*, Copyright 1971, by George McNulty and Mrs. Joseph Scheinin
- *Hamlets of the Adirondacks, Development Strategies* by Roger Trancik, 1985
- *Hamlets of the Adirondacks, History, Preservation and Investment* by Roger Trancik, 1983
- Growth Impact Analysis of Essex Hamlet, The Saratoga Associates, December, 2000
- Lake Champlain Byways Corridor Management Plan, January 2000
- Lake Champlain Basin Program “Opportunities for Action”
- Adirondack Park Agency, Ray Brook, NY
- New York State Department of Environmental Conservation Office of Natural Resources, Region 5, Ray Brook, NY
- *Vision for the Future of Essex*, Essex Community Heritage Association, 2000
- Whallonsburg Civic Association, 2000
- *Lake Champlain Basin Program Atlas*, 1999 New England Interstate Water Pollution Control Commission
- *Economic & Demographic Characteristics of Essex County*, January, 1998 Technical Assistance Center, Plattsburgh State University
- *History, Essex Community United Methodist Church and Congregations, 1815-2000*, Essex Community Church, Essex New York 2000

APPENDIX C

TOWN OF ESSEX ZONING LAW

ZONING LAW

TOWN OF ESSEX

**ESSEX COUNTY
NEW YORK**

**ADOPTED JUNE 12, 2003
AMENDED APRIL 14, 2005
AMENDED May 14, 2015**

Town of Essex Zoning Law

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ARTICLE 1 TITLE, SCOPE, EFFECTIVE DATE AND PURPOSES

SECTION 1.1 Title

This local law shall be known and may be cited as "The Zoning Law of the Town of Essex."

SECTION 1.2 Enacting Clause and Purposes

This local law is enacted pursuant to the authority and power granted by Municipal Home Rule Law of the State of New York, Article 2, Section 10, et. seq. and Article 16 of the Town Law and Chapter 18, Article 27 of the Consolidated Laws of the State of New York in conformance with the Comprehensive Plan for the Town of Essex, to protect and promote public health, safety, comfort, convenience, economy, natural, agricultural, and cultural resources, aesthetics, and the general welfare, and for the following additional specific purposes:

- 1.2-1 To conserve the natural resources and rural character of the Town by encouraging development in the most appropriate locations and by limiting building in areas where it would conflict with the Town's rural pattern and scale of settlement;
- 1.2-2 To minimize negative environmental impacts of development, especially in visually and environmentally sensitive areas such as the shorelines and watersheds of Lake Champlain, the higher elevations, scenic view-sheds, steep slopes, soils with a likely capability of erosion, stream corridors, wetlands, floodplains, and active farmlands;
- 1.2-3 To protect existing shorelines, wooded areas, scenic views, ridgelines, agricultural land, existing and potential recreation areas, waterways, ground and surface water supplies, ecological systems, wetlands, wildlife habitat, and natural vegetation, in order to preserve the predominantly open and rural character of the Town;
- 1.2-4 To preserve and protect lands and buildings that are historically significant;
- 1.2-5 To enhance the aesthetic quality of the entire community, and to maintain its natural beauty;
- 1.2-6 To encourage agriculture and the preservation of open space, and to avoid regulating agricultural uses in a manner that unreasonably restricts or regulates farm structures or farming practices;
- 1.2-7 To encourage other economic activities that require large areas of contiguous open space, such as forestry, recreation, and tree farming, as well as the support services and industries that add value to these uses, such as wood products and tourist facilities;
- 1.2-8 To encourage light industry and other small-scale commercial development that is non-invasive, non-polluting, and appropriate to the Town;
- 1.2-9 To integrate different types of housing and different kinds of land uses in traditional hamlet centers in order to encourage social and economic interaction and pedestrian activity, and to reduce unnecessary automobile traffic;
- 1.2-10 To provide a range of affordable housing opportunities for all segments of the local population with due consideration for regional housing needs;
- 1.2-11 To reasonably protect residences from non-agricultural nuisances, odors, noise, pollution, and other unsightly, obtrusive, and offensive land uses and activities;

- 1.2-12 To locate commercial and other non-residential uses in a reasonable manner that is convenient to residences, reduces use of automobiles, and provides freedom for landowners to make beneficial economic use of their land, provided that such uses are not unduly harmful to neighboring properties;
- 1.2-13 To improve transportation facilities in areas designated for intensive settlement and to maintain a network of smaller country roads in areas designated for the protection of open space, agriculture, steep slopes, and rural character;
- 1.2-14 To reduce traffic congestion on main streets and major roads.
- 1.2-15 To encourage the conservation of energy and the appropriate use of solar and other renewable energy resources;
- 1.2-16 To regulate building density in order to concentrate population in appropriate locations while allowing reasonable privacy for residences, ensure access to light and air, conserve open space, facilitate the prevention and fighting of fires, minimize the cost of municipal services, and accomplish the other purposes enumerated in this local law;
- 1.2-17 To provide a flexible system of land use regulation that enables the Town to grow, while preserving its most important natural, historic, architectural, and cultural features;
- 1.2-18 To base such flexible land use regulations on the unique characteristics of the landscape, the needs of the people of the Town of Essex, the impact of proposed land uses on the natural and human environment, and the purposes articulated in this local law, and to avoid "suburban sprawl" and "commercial strip" patterns of development;
- 1.2-19 To further the policies, goals and recommendations of the Town of Essex Comprehensive Plan.

SECTION 1.3 Scope

This is a local law that regulates the location, design, construction, alteration, occupancy, and use of structures and the use of all land located within the municipal boundaries of the Town of Essex. This local law has been designed to further the policies of the Town of Essex as set forth in the Town Comprehensive Plan and as enumerated above in Section 1.2. Its intent is to regulate land uses in a manner that appropriately balance the preservation of the unique character and beauty of the Town while at the same time fostering economic opportunities. In this regard, this law divides the Town into various zoning districts and sets forth those uses that are allowed in each district and the various requirements for those uses. Also, this law creates a review process of varying levels of scrutiny depending on the proposed use, its size and intensity and its proposed location. These levels of review are as follows:

- 1.3-1 Those uses which have been found to be most suitable for certain areas are permitted upon review by the Town Zoning Officer and the issuance of a Building Permit provided all requirements are met as set forth in this Law;
- 1.3-2 Those uses which have been found to be generally suitable for a particular area of the Town but due to the type of use and its nature may create issues of compatibility with the area surrounding its proposed location require review by the Town Planning Board via a Special Permit process so that the proposals of this type can be reviewed on a case by case basis in order to protect the surrounding area and properties;

- 1.3-3 Those uses which have been found to be generally acceptable in a particular area but may have certain issues of concern with respect to the construction and layout of the proposed structure and uses or operation of the use on the proposed site require a Special Use Permit with Site Plan to be approved by the Planning Board in order to minimize any impacts on nearby areas and properties.
- 1.3-4 Those uses which by their nature, intensity, size, type of operation or location are inherently problematic require approval of a Special Use Permit with Site Plan by the Planning Board in order to ensure compatibility with surrounding areas and properties; and
- 1.3-5 Those uses that are prohibited in certain zones but nevertheless are still proposed require either a zoning change by means of a legislative amendment of this law by the Town Board or a variance by the Town Zoning Board of Appeals.

SECTION 1.4 Applicability - Compliance Required

No land use activity as listed below shall be commenced, carried out, or continued except in full compliance with this law and a Zoning Permit has been issued by the Zoning Officer, or other applicable permit or approval has been issued by the appropriate Board, stating that the proposed building, structure, use of land or structure, or development activity complies with the provisions of this law:

- 1.4-1 Erection, re-erection, demolition, or movement of a building or structure;
- 1.4-2 Change of the exterior structural dimensions of a building or structure;
- 1.4-3 Change in use of land, buildings or structures through the establishment of a new use, or through the expansion, enlargement or relocation of an existing use;
- 1.4-4 The resumption of any use which has been discontinued for a period of one (1) year or longer;
- 1.4-5 Construction of a new on-site sewage disposal system, or the replacement or major modification of any on-site sewage disposal system;
- 1.4-6 Establishment of or change in the dimensions of a parking area for nonresidential or multi-family residential uses;
- 1.4-7 Placement of a sign as regulated in Article 4, Section 4.28 of this law; or
- 1.4-8 Conversion of a seasonal use to a year-round use, including residential use.

SECTION 1.5 Agricultural District #1 and NYS Agriculture and Markets Law.

Approximately 2/3 of the Town of Essex lies in Essex County Agricultural District #1. See Schedule H of the Appendices to this Law for a visual representation of this district as of July 2012. The district's boundaries may be changed periodically by the Essex County Board of Supervisors.

Section 305a of New York State Agricultural and Marketing Law 305a states: "Local governments, when exercising their powers to enact and administer comprehensive plans and local laws, ordinances, rules or regulations, shall exercise these powers in such manner as may realize the policy and goals set forth in this article [*Article 25-AA of the Agriculture and Markets Law*], and shall not unreasonably restrict or regulate farm operations within agricultural districts in contravention of the purposes of this article unless it can be shown that the public health or safety is threatened." The Town of Essex will be so guided.

A description of “farm operations” from Article 25-AA of the above law is included in the Definitions section of this law.

Accordingly, farm operations as defined in the law that are in the Agricultural District are exempt from Special Use Permits as well as Special Use Permits with Site Plan, with the exception of those that lie within the Hamlets of Essex and Whallonsburgh, and Low and Moderate Intensity Zoning Classifications. In those instances an abbreviated Special Use Permit with Site Plan” must be completed, and approved by the Planning Board. See below, Section 7.10 “Streamlined Special Use Permit with Site Plan”, p 64.

SECTION 1.6 Adirondack Park Agency Review and Approval

The Adirondack Park Agency has concurrent jurisdiction with the Town of Essex with respect to the regulation of land uses within the Town of Essex since the Town is located in the Adirondack Park. Thus, certain land uses and/or proposed new structures may also be subject to review and approval by the Adirondack Park Agency pursuant to the Agency’s regulations and procedures as well as the regulations and procedures set forth in this local law. The Adirondack Park Agency’s regulations may sometimes be more restrictive and sometimes less restrictive than the regulations set forth herein. In some limited cases the Adirondack Park Agency will have no jurisdiction. As such, all applicants must seek and obtain a jurisdictional determination from the APA as to any proposed land use activity outside the Hamlets of Essex and Whallonsburgh (see below, section 6.2-6) in the Town of Essex either prior to or concurrent with the submission of an application pursuant to this local law. All reasonable attempts should be made by applicants to coordinate review and approval with the Adirondack Park Agency and the Town of Essex as to any proposed land use activity. The Town of Essex will also attempt to facilitate such coordination with the Adirondack Park Agency when appropriate.

SECTION 1.7 Exemptions

A Building Permit or Special Permit or Special Use Permit with Site Plan shall not be required for the following:

- 17-1 Exempt signs listed in Article 4, Section 4.28 of this law, except in the Essex Historic District;
- 1.7-2 Fences or walls complying with Article 4, Section 4.8 of this law, except in the Essex Historic District;
- 1.7-3 Interior structural alterations or routine maintenance and improvement that does not expand the exterior dimensions of the structure (e.g., roofing, window replacement, siding and roofing replacement, etc.);
- 1.7-4 Minor accessory structures such as posts, sidewalks, driveways, flagpoles, playground equipment, etc.
- 1.7-5 The sale of products grown or raised on the land and the construction, alteration and maintenance of agricultural fences, roads, drainage systems and farm ponds;
- 1.7-6 Garage, lawn and porch sales not exceeding three days in duration provided prior such sales shall not have taken place on the property except on an occasional basis;
- 1.7-7 Agricultural and forestry uses, provided that such uses do not involve clear-cutting;
- 1.7-8 Non-commercial outdoor recreation uses, except those that involve substantial physical improvements; and
- 1.7-9 Any activity for which a permit has been obtained pursuant to a prior zoning law, or which did

not require a permit under the prior zoning law and for which substantial on site work had been completed prior to the effective date of this local law.

SECTION 1.8 Effective Date

This local law shall be effective immediately upon enactment by the Town Board and upon filing a certified copy with the Secretary of State of the State of New York.

SECTION 1.9 Effect on Prior Existing Local Laws, Ordinances and Regulations

This local law supersedes the following local laws, ordinances and regulations: The Town of Essex Zoning Law adopted June 12, 2003 and amended April 14, 2005.

SECTION 1.10 Severability Clause

Should any portion of this local law be declared or adjudged to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the law as a whole or any other part of it other than the part so declared or adjudged to be unconstitutional or invalid.

ARTICLE 2 ADMINISTRATION AND ENFORCEMENT

SECTION 2.1 Zoning Officer

This local law shall be administered by the Zoning Officer together with the Town Board, the Planning Board and the Zoning Board of Appeals depending on the appropriate jurisdiction pursuant to this law. Compliance with this local law shall be enforced by the Zoning Officer.

SECTION 2.2 Certificate of Occupancy, Special Use Permit Uses, Prohibited Uses

- 2.2-1** Once a project has been completed, a certificate of compliance or occupancy must be issued by the Zoning Officer before the project can be occupied or used.

Some uses require a Special Use Permit or Special Use Permit with Site Plan from the Planning Board. An applicant must comply with the procedures and criteria for issuance of these permits contained in Articles 6 and 7. Special Use Permit uses are more likely to have impacts on their surroundings. They are therefore only permitted if they can satisfy the applicable criteria.

- 2.2-2** Uses that are not expressly allowed by Building Permit, Special Use Permit, or Special Use Permit with Site Plan in a particular district are prohibited in that district.

SECTION 2.3 Application Procedure

2.3-1 Meeting with Zoning Officer

Any person intending to engage in an activity that may be subject to this local law will meet with the Zoning Officer as early as possible to determine which, if any, permits may be required.

- 2.3-2** A person desiring a Building Permit shall file an application for a Building Permit with the Zoning Officer, together with the appropriate fee as established from time to time by the Town Board. The application shall be submitted on forms provided for such purpose by the Zoning Officer, and shall include a plot plan drawn to scale showing the actual dimensions of the land to be built on or otherwise used, the size and location of all buildings or other structures or other uses to be built or undertaken and such other information as may be necessary in the evaluation of the application and the administration of this local law. Within 10 working days following receipt of an application, the

Zoning Officer shall notify the applicant of any additional information required for completion of the application. When all additional information is received, the Zoning Officer shall acknowledge the same in writing. . The Zoning Officer shall provide copies of all completed applications to the Planning Board Chair as they are received.

2.3-3 Not later than 14 days after receiving a completed application, the Zoning Officer shall mail or deliver to the applicant and the Planning Board the determination that:

2.3-3-1 The proposed project complies with the requirements of this local law and all other applicable and local laws and regulations and requires no special approvals, and accordingly a Building Permit is issued; or

2.3-3-2 The proposed project is inconsistent with one or more specified requirements of this local law or other applicable local law or regulation, and a Building Permit is denied; or

2.3-3-3 The proposed project requires one or more specified special approvals before a Building Permit can be granted. The proposed project may, for example, be for a use allowable by Special Use Permit or Special Use Permit with Site Plan approval, requiring approval of a Special Use Permit or Special Permit with Site Plan by the Planning Board.

2.3-3-4 Note that any decision of the Zoning Officer may be appealed to the Zoning Board of Appeals, or a variance may be sought from the Zoning Board of Appeals pursuant to Article 8 below.

2.3-4 The Zoning Officer shall advise the applicant of the requirements for the special approvals needed, and shall provide information when requested in the preparation of the required application. When the required special approvals have been obtained the Zoning Officer shall issue a Building permit.

2.3-5 Issuance and Posting

All Building Permits shall be issued in duplicate and one copy shall be kept conspicuously on the premises affected, protected from the weather, whenever construction work is being performed thereon. In issuing a Building Permit, the Zoning Officer shall sign, date, and return one copy of the approved plans bearing the notation "Approved." No person shall perform any construction or otherwise undertake a project requiring a permit unless a Building Permit for such project is displayed as required above, nor shall any person perform such activities after notification of the revocation of a Building Permit.

2.3-6 Revocation

If the Zoning Officer determines that an application or accompanying plans are in any way false or misleading, or that work being done upon the premises differs materially from what is allowed by the Zoning Permit, the Zoning Officer may forthwith in writing revoke the Building Permit. The permittee shall thereupon cease the use, activity, or construction, and surrender the Building Permit to the Zoning Officer and the site shall be restored to its previous condition.

2.3-7 Lapse and Renewal

A Zoning Permit shall lapse one year following the date it was granted if the project has not been commenced or the use has not been commenced. The Zoning Officer may renew any Building Permit for a period terminating not later than one year from the date it would have originally lapsed, provided that the facts upon which the Building Permit was granted have not substantially changed.

SECTION 2.4 Site Inspection

The submission of an application for a Building Permit, or for any other approval or variance, shall constitute consent to the Zoning Officer to conduct such examinations, tests, and other inspections of the site as are deemed necessary and appropriate for the purposes of this local law.

SECTION 2.5 Certificate of Occupancy.

No use for which a Building Permit was granted shall be occupied or maintained except pursuant to a certificate of occupancy issued by the Zoning Officer. The Zoning Officer, within 10 working days after receipt of request for inspection of a project or operation of a use for which a Building Permit has been issued, shall inspect and issue a certificate of occupancy if the project has been completed, or the use is being operated in compliance with all terms of the Building Permit and with all applicable provisions of this local law and other laws and regulations. Such certificate shall constitute a permit to occupy and conduct the use. The Zoning Officer will routinely provide the Chair of the Planning Board or his designee with a copy of the certificate.

SECTION 2.6 – Violations

Whenever a violation of this local law occurs, any person may file a complaint. All such complaints shall be made to the Zoning Officer who shall properly record such complaint and immediately investigate and report findings thereon to the Town Board and the Planning Board. The Zoning Officer shall have authority to serve an order to cease or remove a violation upon any person owning, leasing, controlling or managing any building, structure, or land. The undertaking of a land use or development for which a Building or other Permit is required and for which no such permit was obtained or the construction of an improvement in a manner that materially deviates from the terms of an approved permit plan or that violates any condition contained in a project permit, certificate of occupancy, Special Use Permit, Special Use Permit with Site Plan, Building Permit, variance or subdivision approval shall constitute a violation of this local law.

2.6-1 Penalty

2.6-1-1 Any person owning, leasing, managing or otherwise controlling any building, structure, or land where a violation of this local law occurs and any person who commits or assists in the commission of any violation of this local law who, after being served with an order by the Zoning Officer or other representative of the Town authorized by the Town Board to cease or remove such violation, fails to comply with such order within 10 days after such service, shall be guilty of an offense and subject to a fine as authorized in Section 268 of the Town Law. Each week such violation continues shall constitute a separate violation.

2.6-1-2 In addition to the penalties in Subsection 2.6-1-1 above, any person who violates any provision of this local law shall, for every such violation, forfeit and pay a civil penalty of not more than \$100.00. When a violation of any of the provisions is continuous, each day thereof shall constitute a separate and distinct violation subjecting the offender to an additional civil penalty.

2.6-1-3 For the purposes of this Section 2.6, where a "person" is an entity rather than an individual, the principal executive officer or partner or agent or manager of such entity may be considered to be such person.

2.6-2 Injunctive Relief

In case of any violation or threatened violation of any of the provisions of this local law, or conditions imposed in any project permit or certificate of compliance, the Town may, by resolution of the Town Board, institute an action for injunctive relief to prevent, restrain, correct or abate such violation.

SECTION 2.7 Misrepresentation

Any Building Permit or other approval granted under this local law shall be void if it is based upon or is granted in reliance upon any material misrepresentation or failure to make a material fact or circumstance known and may be subject to penalties in accordance with Section 2.6 of this Law.

SECTION 2.8 Fees

The Town Board, by resolution, shall establish and amend a schedule of fees for the applications and permits required or contemplated by this local law. The current schedule shall be on file with the Zoning Officer and with the Town Clerk. Such fees shall be payable to the Zoning Officer at the time of application.

ARTICLE 3 LAND USE DISTRICTS AND LAND USE MAP

SECTION 3.1 Land Use Districts

The Town of Essex is divided into Land Use Districts as noted on the map appended to this law as Schedule B. The Land Use Districts are subject to regulations contained in this zoning law. The uses applicable to these Districts are set forth in the Schedule of Uses attached to this law as Schedule A. Uses that are not explicitly allowed by issuance of a Building Permit, Special Use Permit, or Special Use Permit with Site Plan, approval shall be prohibited.

In addition, each land use district has certain minimum dimensional requirements that are set forth on the Land Use Dimension Chart attached to this Law as Schedule E.

3.1-1 Essex Hamlet District (EH)

3.1-1-1 Location: The Essex Hamlet as delineated on the Land Use Map (Schedule B), and in more detail on Schedule D, represents a generally developed area with a mixture of residential, commercial and recreational/tourism uses.

3.1-1-2 Purpose: This district designation is intended to preserve the historic character of the Essex Hamlet while allowing compatible development on a suitable scale.

3.1-1-3 Allowed Uses – As set forth on Schedule A, this district permits single-family and two-family dwellings (up to maximum of 3,000 square feet), customary residential accessory uses/structures and home occupations in compliance with Section 4.9. . All uses in the Essex Hamlet shall be allowed only by the Planning Board following review and approval of a Special Use Permit with Site Plan.

3.1-1-4 Dimensional Requirements: See Schedule E

3.1-1-5 Overall Density: EH-A - .5 Acres per principal building, EH-B – 1.3 acres per principal building, EH-C: 42.7 acres per principal building.

3.1-1-6 See below, Section 3.1-9 “Essex Historic District” for more extensive additional requirements.

3.1-2 Whallonsburgh Hamlet District (WH)

3.1-2-1 Location: The Whallonsburgh Hamlet, as delineated on the Land Use Map (Schedule B), represents a generally developed area with a mixture of residential, commercial and recreational/tourism uses.

3.1-2-2 Purpose: This district designation is intended to foster a mixture of residential and non-residential uses that are compatible and that are of a scale appropriate for the hamlet area.

3.1-2-3 Allowed Uses – As set forth on Schedule A, this district permits single-family and two-family dwellings, including mobile homes and manufactured homes, (up to maximum of 3500 square feet), customary residential accessory uses/structures and home occupations in compliance with Section 4.9 upon the issuance of a Building Permit by the Zoning Officer. Residential uses that exceed 3500 square feet and home occupations not in compliance with Section 4.9 shall be allowed only with an approved Planning Board Permit. All uses other than those specified above are allowed only upon approval of a Special Use Permit or Special Use Permit with Site Plan as set forth in Schedule A

3.1-2-4 Dimensional Requirements: See Schedule E

3.1-3 Low Intensity Use Districts (LIU) [formerly Residential I]

3.1-3-1 Location: Low Intensity Use Districts are delineated on the Land Use Map (Schedule B.)

3.1-3-2 Purpose: These areas should provide opportunities for residents who desire relatively quiet, private, low-density residential setting with the possibilities of other appropriately scaled and sited commercial and/or recreation uses on parcels that show the ability to sustain development without significant disruption of the rural character.

3.1-3-3 Allowed Uses – As set forth on Schedule A, this district permits most residential uses without limitation as to size, customary residential accessory uses/structures and home occupations in compliance with Section 4.9 upon the issuance of a Building Permit by the Zoning Officer. This district also allows a greater variety of non-residential uses upon approval of a Special Use Permit or Special Use Permit with Site Plan as set forth in Schedule A.

3.1-3-4 Dimensional Requirements: See Schedule E.

3.1-3-5 Overall Density: 200 principal buildings per square mile, or 3.2 acres per principal building.

3.1-4 Moderate Intensity Use Districts (MIU) [formerly Residential II]

3.1-4-1 Location: Moderate Intensity Districts are delineated on the Land Use Map (Schedule B.)

3.1-4-2 Purpose: These areas should be able to contain a variety of residential and commercial uses

provided that new development is properly sited and scaled.

3.1-4-3 Allowed Uses – As set forth on Schedule A, this district permits most residential uses without limitation as to size, customary residential accessory uses/structures and home occupations in compliance with Section 4.9 upon the issuance of a Building Permit by the Zoning Officer. This district also allows a variety of non-residential uses upon approval of a Special Use Permit or Special Use Permit with Site Plan as set forth in Schedule A.

3.1-4-4 Dimensional Requirements: See Schedule E.

3.1-4-5 Overall Density: 500 principal buildings per square mile, or 1.3 acres per principal building.

3.1-5 Rural Use Districts (RU) [formerly Forest/Recreation]

3.1-5-1 Location: Rural Use districts are generally defined as those areas of the Town that are substantially covered by forest with occasional open fields as delineated on the Land Use map (Schedule B.)

3.1-5-2 Purpose: The intent behind this District is to protect the open space character of the lands in these areas of the Town while allowing acceptable forest management practices and compatible uses that do not detract from the open space character.

3.1-5-3 Allowed Uses – As set forth on Schedule A, this district permits most residential uses without limitation as to size, customary residential accessory uses/structures and home occupations in compliance with Section 4.9 upon the issuance of a Building Permit by the Zoning Officer. Other uses may be permitted subject to issuance of a Special Use Permit or Special Use Permit with Site Plan as set forth on Schedule A.

3.1-5-4 Dimensional Requirements: See Schedule E.

3.1-5-5 Overall Density: 75 buildings per square mile, or 8.5 acres per principal building.

3.1-6 Resource Management Districts (RM) [formerly Agricultural]

3.1-6-1 Location: Resource Management districts are generally defined as those areas of the Town that are or have historically been devoted to farming operations or are defined by steep slopes, rock outcroppings, flood plain and wetland characteristics, erosion vulnerability or other environmental conditions that are not favorable to development as delineated on the Land Use Map (Schedule B.)

3.1-6-2 Purpose: To protect these lands for agricultural purposes as long as agricultural production and uses remain viable and to allow other uses that are compatible with the predominant agricultural use or the topography of the land.

3.1-6-3 Allowed Uses – As set forth on Schedule A, this district permits most residential uses without limitation as to size, customary residential accessory uses/structures and home occupations in compliance with Section 4.9 upon the issuance of a Building Permit by the Zoning Officer. This district allows a variety of non-residential uses upon issuance of a Special Use Permit or Special Use Permit with Site Plan as set forth on Schedule A.

3.1-6-4 Dimensional Requirements: See Schedule E.

3.1-6-5 Overall Density: 15 principal buildings per square mile, or 42.7 acres per principal building..

SECTION 3.1-7 Critical Environmental Areas (CEA's)

3.1-7-1 Location. The Critical Environmental Areas (CEA's) are generally defined as those areas of the Town that are defined by steep slopes, rock outcroppings, flood plain and wetland characteristics, erosion vulnerability or other environmental conditions that are not favorable to development. These areas are shown on Schedule G.

3.1-7-2 Purpose. To ensure that these lands are environmentally protected and that land uses are developed in a safe and environmentally sound manner.

3.1-7-3 Allowed Uses. Due to the environmentally sensitive conditions found in this district, allowed uses are limited and controlled as set forth on Schedule A. The uses that are allowed, including all residential uses, require a Special Use Permit with Site Plan. Exceptions include agricultural or forestry use that do not include clear-cutting. See Section 1.7-7 above.

3.1-7-4 Dimensional Requirements: See Schedule E.

3.1-7-5 Overall Density: 15 principal buildings per square mile, or 42.7 acres per principal building.

SECTION 3.1-8 Shoreline Overlay District

3.1-8-1 Location and Applicability. The Shoreline Overlay District comprises all lands within the Town of Essex that lie within 2300 feet of the Mean High Water line of Lake Champlain and extending from the northern to the southern boundaries of the Town. The Shoreline Overlay District is superimposed over the basic zoning districts as set forth on the zoning map of the Town of Essex. The regulations presented in this Section shall only apply to those lands located within the boundaries of the Shoreline Overlay District as depicted on Schedule C and as overlaid on the Town of Essex Zoning Map. In the overlay district, proposed land uses are subject to the requirements set forth in this Section, in addition to those requirements and standards ordinarily applicable to the underlying districts. In case of conflict, the more restrictive regulation requirements shall apply.

3.1-8-2 Purpose. The Shoreline Overlay District regulations are intended to provide additional protection to the lakefront and shorelines of the Town of Essex so that uses of land and structures are arranged, constructed and operated in a manner that conserves the natural beauty and environmental integrity of this area of the Town. As stated in the 2001 Town of Essex "Shoreline study", "the overall intent in creating this overlay district is to encourage growth that does not detract from the community character or degrade the natural environment near the Town's shoreline."

3.1-8-3 Effect on Schedule A. The schedule of uses permitted or allowed in each of the underlying zoning districts remains in effect in the Shoreline Overlay District except that all uses shall require approval of a Special Use Permit with Site Plan. Thus, at a minimum, no new structure or use, or expansion or change to an existing structure or use including demolition, shall be allowed in the Shoreline Overlay District without first applying for, and obtaining approval of a Special Use Permit with Site Plan. In addition, approval of a Special Use Permit with Site Plan is required for all retaining walls, wharfs, bulkhead and/or any other structure, landscaping or any other alteration of the shoreline prior to its construction.

3.1-8-4 Dimensional Requirements: The minimum dimensional requirements applicable for the underlying zoning districts apply with the following additions (where conflict occurs, the stricter requirements apply).

For All Uses:

- Minimum Shoreline Width: 50 feet for Essex Hamlet, 100 feet for Moderate Intensity Use (MIU), 125 feet for Low Intensity Use (LIU), 150 feet for Rural Use (RU), and 200 feet for Resource Management (RM)
- Minimum Shoreline Building Setback (excluding docks eight feet or less in width and boathouses): 50 feet for Essex Hamlet, and Moderate Intensity Use (MIU) districts; 75 feet for Low Intensity Use (LIU) and Rural Use (RU), and 100 feet for Resource Management (RM).

3.1-8-5 Septic System Setbacks: The minimum setback for any on-site sewage system leach field or drainage field shall be 100 feet from the mean high water mark irrespective of zoning district or land use classification. The setback is measured along the shortest distance from the mean high water mark to the closest point of the leaching facility. The Zoning Officer, Planning Board, or the Adirondack Park Agency shall have the authority to require a greater setback than that set forth in 3.1-8-4 above if it is determined that soils or other pertinent conditions require such greater setback to reasonably protect the water quality of Lake Champlain.

Any new on-site sewage disposal system must also comply with NYS Department of Health standards, including that it:

- a. shall not be located on slopes in excess of 15%;
- b. shall not be closer than 100 feet from the source of any water supply system.

3.1-8-6 Standards: In addition to the standards set forth throughout this Zoning Law, the following standards shall apply throughout the Shoreline Overlay District:

- A. Construction on any land located in the Shoreline Overlay District shall be carried out in such a manner so as to minimize the erosion that may be caused by such activity. Construction and excavation activities shall be carried out in the shortest time possible.
- B. Shoreline areas, excepting beaches, shall not be exposed (without vegetation) for longer than the time period designated by the Planning Board, and when exposed for such allowable time period, shall adequately be protected from erosion.
- C. All structures, except docks and boathouses, shall be screened by vegetation or landscaped or placed in such a manner so that the view of the structures from the water and to the water is filtered or obscured and the visual impact is minimized.
- D. All parking, loading, access driveways or service areas shall be constructed of permeable materials where practicable.
- E. Lighting devices shall be oriented and limited so as to minimize disturbances on surrounding properties and so as not to unreasonably diminish or obstruct views from the water or to the water.
- F. Wharves, docks, moorings and other in-water structures. No person shall construct or expand any in-water structure, including but not limited to docks, piers, wharves, boat lifts,

breakwaters, or jetties without first obtaining a Special Use Permit from the Planning Board pursuant to the Town of Essex Waterways and Harbor Management Law. Permits shall only be issued to a person or persons with a riparian property interest.

3.1-8-7 Shoreline Alteration: No person shall construct, place, expand, or alter or replace any retaining wall or bulkhead without first applying for, and obtaining, a Special Use Permit with Site Plan. In addition, a Special Use Permit is required for any filling, grading, lagooning, dredging, ditching and/or excavating within the Shoreline Overlay District where such activities affect an area greater than 200 square feet. The following standards shall apply to the foregoing activities:

A. General standards:

1. The activity shall not alter the natural contours of the shoreline.
2. The activity shall not disturb shoreline vegetation except in a minimal way. Where vegetation is destroyed, harmed or removed, it shall be restored or replaced with indigenous vegetation. Stabilization shall be in accordance with the U.S. Soil Conservation Service Engineering standards and specifications.
3. The activity shall be carried out in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat.
4. The activity shall be designed and carried out to preserve or enhance the aesthetic features of the shoreline area to be disturbed and the shoreline and not aesthetically detract from the shoreline areas in the immediate vicinity of the area to be disturbed.
5. All applicable federal, state and other governmental agency permits shall be obtained.

B. Specific Standards:

1. Filling. No fill shall be placed in the Shoreline Overlay District except as associated with shoreline protective structures, beach replenishment, agricultural uses or other uses approved by the Planning Board. Any fill placed in the Shoreline Overlay District shall be protected against erosion.
2. Dredging. There shall be no removal or rearrangement of materials in the water, except at those locations where such removal or rearrangement is found to be beneficial to existing shoreline conditions, uses, and water quality and clarity. Where dredging is permitted by the Planning Board, soil materials shall not be deposited in the Shoreline Overlay District unless approved by the Planning Board.
3. Retaining Walls/Bulkheads. The addition, expansion or replacement of any type of retaining wall or bulkhead shall be discouraged, except in the case where the alternative of shoreline restoration to a natural state is impossible due to excessive slope or severe erosion problems, a condition to be determined by the Planning Board. Construction of retaining walls or bulkheads shall not be allowed when proposed for only aesthetic purposes.

3.1-8-8 Tree cutting and land clearing regulations.

The purpose of the tree cutting and land clearing regulations is to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the shoreline area. These provisions shall not apply to the removal of dead, diseased or dying trees or to other vegetation that in the opinion of the

Zoning Officer, present safety or health hazards. Within the Shoreline Overlay District, the removal of vegetation, including trees, shall be permitted on shorefront lots provided a Building Permit is issued by the Zoning Officer and the following standards are met:

- A. Within 35 feet extending inland from all points along the mean high-water mark no more than 30 percent of the trees in excess of six inches diameter at breast height (4 ½ feet above ground) existing at any time may be cut over any ten-year period.
- B. Within six feet inland of the mean high-water mark no more than 30 percent of the shorefront may be cleared of vegetation on any individual lot. This provision shall be adhered to in addition to Subsection (A) above.
- C. The general exception to the above standards shall be an allowance for lake access and beaches. The creation of a contiguous clear-cut opening in the buffer strip shall not exceed 20 percent of the shoreline frontage on any individual lot or a maximum of 50 linear feet, whichever is less. The clear-cut should be angled across the lot so as to allow for a view and access, but reduce runoff. The pathway created should be constructed or surfaced to be effective in controlling erosion.
- D. As an alternative to the above standards, a cutting plan allowing greater or different cutting may be permitted by the Zoning Officer by review and approval of a cutting plan. Such plan shall include a sketch of the lot and provide information on the topography and existing vegetation of the area in question, a proposed cutting plan and proposed re-vegetation plan. The Zoning Officer may request the Planning Board, Soil Conservation Service or other agency for input and recommendations. The Zoning Officer may grant such permit only if it is determined that the cutting plan:
 - 1. Will not cause undue erosion or destruction of scenic beauty;
 - 2. Will provide that natural vegetation is preserved as far as practicable and, where removed, is replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty;
 - 3. Will provide substantial visual screening from the water of dwellings, accessory structures and parking areas. Where the plan calls for replacement plantings, the Zoning Officer may require the submission of a bond which will guarantee the performance of the replacement plantings by the lot owner.
 - 4. Will not violate the standards of the shoreline restrictions of the Adirondack Park Agency or other governmental agency, if applicable.
- E. Where a shoreline lot owner violates this Section, the Zoning Officer may require total re-vegetation so as to create a buffer strip area which is in compliance with this Section.
- F. APA Standards must be met if they are more restrictive than the above.

3.1-8-9 Provisions for Access: Within the Shoreline Overlay District, the following minimum shoreline frontages shall be required for deeded, easement, right-of-way, or other contractual access to the shoreline of Lake Champlain for three or more lots, parcels, or sites or multi-family dwelling units not having separate and distinct ownership of shore frontage:

1. The first three (3) lots, sites or dwelling units shall require a total of not less than 75 feet and each additional lot, site or dwelling unit shall require an additional five (5) feet of shoreline frontage.
2. Waterfront parcels may be developed for contractual access for five (5) or more lots or units only if those lots or units are part of an overall development plan for land that is located adjacent to the waterfront parcels.

Additionally, the following criteria must be met:

1. Planning Board Permit with Site Plan approval by the Planning Board pursuant to the standards below.
2. A plan shall be submitted showing areas for swimming, recreation, docking, building placement, parking and landscaping.
3. Compliance with the Town of Essex Waterways and Harbor Management Law and the provisions of this Section and this zoning law.
4. Such use shall not significantly impair the natural appearance of said parcel; shall not overcrowd the parcel or the adjacent water surface; shall not produce unreasonable noise or glare to the surrounding properties; and shall not pose any substantial hazards.
5. Each parcel used for contractual access shall measure at least the minimum lot area for the zoning district where the access is proposed and shall measure an average depth of 100 feet from the mean high water mark.
6. No structures other than toilets in compliance with NYS Dept. of Health regulations, pump houses, changing facilities, and picnic shelters shall be constructed on the waterfront parcel. The total combined square footage of all structures shall not exceed 1000 square feet.
7. Commercial activities of any kind are prohibited.
8. Parking areas shall be landscaped and shall be set back from the shoreline a minimum of 75 feet.

3.1-8-10 Exemption for Emergency Conditions

The shoreline restrictions shall not apply to any emergency land use or development which is immediately necessary for the protection of life or property as defined by the Adirondack Park Agency in its rules and regulations as authorized in Section 809 of the Adirondack Park Agency Act.

SECTION 3.1-9 Essex Historic District.

3.1-9-1 Location and Applicability: The Essex Historic District comprises all lands within the Essex Hamlet (see above, section 3.1-1). The regulations presented in this Section shall apply to these lands as depicted on Schedules B and D as well as structures and landmarks throughout the Town that are listed on the State or National Register of Historic Places. The Essex Historic District is superimposed over the basic zoning districts as set forth on the Land Use Map of the Town of Essex (Schedule B). The regulations presented in this Section shall apply to those lands located within the boundaries of the Essex Historic District.

3.1-9-2 Purpose: It is recognized that within the Town of Essex there exist many landmarks, structures, and sites of historic significance. The Essex Village Historic District was entered on the National Register of Historic Places on May 28, 1975. It is hereby declared as a matter of public policy that the protection, enhancement, and perpetuation of landmarks, structures, and historic districts are necessary to promote the economic, cultural, educational, and general welfare of the public. Inasmuch as the Town of Essex has many significant historic, architectural, and cultural resources which constitute its heritage, this section is intended to:

- (1) protect and enhance the landmarks and historic districts which represent distinctive elements of the Town of Essex historic, architectural and cultural heritage;
- (2) foster civic pride in the accomplishments of the past;
- (3) protect and enhance the Town of Essex attractiveness to visitors and support stimulus to the economy;
- (4) insure harmonious, orderly, and efficient growth and development of the Town.

It is the intent of this Local Law to provide reasonable regulation of designated historic landmarks, structures, and districts in order to accomplish the policies set forth above with minimal cost and delay to owners of affected properties of historic significance.

3.1-9-3 Effect on Schedule A: The schedule of uses permitted or allowed in each of the underlying zoning districts remains in effect in the Essex Historic District except that all uses shall require approval of a Special Use Permit with Site Plan in accordance with Article 7. Thus, at a minimum, no new structure or use, or expansion or change to an existing structure or use, including demolition, shall be allowed in the Essex Historic District without obtaining, a Special Use Permit with Site Plan approval.

3.1-9-4 Permit Required: A property owner, lessee, or purchaser under contract of sale who wishes to build, renovate, move, demolish, or take any action involving exterior changes to a property, which requires the issuance of a building permit for such exterior changes is required to apply to the Zoning Officer for the required permit. If the property is located in the Essex Historic District, or is listed on the State or National Register of Historic Places, the Zoning Officer will refer the application to the Planning Board for review before a building permit is issued or before any construction can begin. No Building Permit shall be issued for such proposed work until a Special Use Permit with Site Plan has first been approved by the Planning Board. .

3.1-9-5 Review: The Planning Board shall review only exterior changes to buildings and the yard areas of the property that are visible from public places such as sidewalks, streets and parks or other public gathering places. It has no jurisdiction over interior modifications, exterior colors or general maintenance. The Planning Board will review the proposed changes and determine whether the proposed changes can be accommodated without compromising those attributes which make the building architecturally significant as a historic resource. The Planning Board will also determine whether the materials, placement and design involved are appropriate to the historic character of the district and/or nearby historic properties listed on the National Register and State Register

3.1-9-6 Appeals: If a proposal is denied by the Planning Board, an appeal may be made by the owner of the property to the Zoning Board of Appeals within 62 days of the date of the Planning Board's decision pursuant to the procedures set forth in Article 8 of this Law on the grounds that the denial or other aspect of the Planning Board decision causes the owner an economic hardship.

3.1-9-7 Application Procedure and Additional Site Plan Review Requirements: Prior to the commencement of any work requiring Planning Board review and approval as set forth above, the

owner shall file an application for such review and approval with the Planning Board. In addition to the application requirements for a Special Use Permit with Site Plan outlined in Article 7, the Planning Board may require additional information including, but not limited to, the following:

1. location and photographs of the property;
2. elevation drawings of proposed changes;
3. perspective drawings, including relationship to adjacent properties;
4. sample of color and description of materials to be used;
5. where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, dimensions and colors, a description of materials to be used, method of illumination, and a plan showing the signs location on the property; and
6. any other information which the Planning Board may deem necessary in order to visualize the proposed work.

In reviewing all such applications, the Planning Board shall seek to accomplish the following:

1. To eliminate existing incongruous uses or structures or other blighting factors and to prevent the creation of any new such conditions;
2. To preserve significant landscape features;
3. To strengthen the environmental setting of the historic district;
4. To assure architectural compatibility with the structure or property in question and with neighboring historic properties, such as aesthetic, historical, and architectural values, architectural style, design, arrangement, texture, material and color;
5. To provide controls for signs, fences, outdoor lighting, utility services, and accessory buildings so that such things blend in to the properties setting and neighboring historic properties to the maximum extent practicable;
6. To prevent the demolition or destruction of significant structures, terrain, landscape, or scenic views whose preservation is an objective of the district.

The Planning Board shall be guided by the following standards in approving or disapproving applications:

3.1-9-8.General Principles:

- A. Every reasonable effort shall be made to provide a compatible, economically viable use for a property that requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- B. The scale of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood shall be considered in determining whether the proposed alteration or new construction is appropriate to the property's setting and historical features;
- C. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity;
- D. The general design, character, and appropriateness to the property of the proposed alteration shall be considered in determining whether such new construction and materials will enhance, or at a minimum, not detract from the property's historic character and setting;
- E. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in

their own right, and this significance shall be recognized and respected.

- F. Deteriorated architectural features shall be repaired rather than replaced wherever economically feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual guidelines;
- G. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
- H. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

3.1-9-9 Design Guidelines: In applying principles for review, the Planning Board shall consider whether the proposed alteration or construction is compatible with the landmark, historic property and/or the surrounding properties in the historic district with regard to:

- A. Height - the height of a building shall be compatible with the surrounding buildings and shall conform to the height regulations on Schedule E.
- B. Scale - the relationship of a building and its elements to human size, form and perception. The scale of a building shall be compatible with the surrounding buildings.
- C. Proportion – the relationship among the dimensions of various elements:
 - a. Front Façade. The relationship of the width of a building to the height of the front elevation shall be compatible with the surrounding buildings.
 - b. Openings. The relationship of the width of windows and doors to their height shall be compatible with the surrounding buildings.
- D. Rhythm – the pattern resulting from repeated elements such as window or door openings, columns, arches, and other façade elements. The rhythmic relationship between a building's façade elements shall be compatible with the surrounding buildings. In cases where new construction occupies more than one (1) house lot, the rhythm of the separate building units existing on the street shall be carried across the façade.
- E. Setback – the front yard setback for the building line of all new construction shall be no closer to the street than the next two (2) abutting structures on each side of the building site, provided such structures are in conformance with the area regulations of the underlying Zoning District.
- F. Windows – Existing historic windows and window openings shall be retained and rehabilitated wherever possible.
- G. Roofs – Features which give a roof its essential historic character shall be preserved whenever possible. Roof design for new structures shall be compatible in slope and other features with the surrounding buildings.
- H. Materials – materials used in new construction shall be compatible with those traditionally used in the

surrounding area. Contemporary materials such as glass, concrete, vinyl siding, etc. are acceptable, provided the overall texture, color and detail of the building is compatible with the surrounding buildings.

- I. Landscape – landscape shall be compatible with the character of the individual building as well as with the surrounding buildings and landscape features.

3.1-9-10 Ordinary Maintenance and Repair. Nothing in this Law shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a historic landmark, structure, or property within a historic district which does not involve a material change in design, material or outward appearance. For the purpose of this Law, the term “ordinary maintenance and repair” shall mean any work, maintenance, repair or replacement in kind, including exterior painting, where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, a structure or property or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay, or damage.

SECTION 3.2 Zoning Districts and Map

The boundaries of the land use districts are hereby established on a map entitled "Zoning Map, Land Use Districts, Town of Essex," adopted and certified by the Town Clerk, which is hereby declared to be a part of this local law. An unofficial photo-reduction of this map is attached hereto for reference purposes only as Schedule B. If changes are made in district boundaries or other matter portrayed on the Zoning Map, such changes shall be noted by the Town Clerk on the official Zoning Map promptly after the amendment has been approved by the Town Board.

SECTION 3.3 Density and Lot Calculation

- 3.3-1** This zoning law regulates density of development separately from minimum lot size. The APA also regulates density (intensity of development) which may vary from the Town of Essex, since the Town’s Land Use Map may not exactly coincide with the APA Land Use Map. The APA’s density requirements supersede the Town of Essex’s requirements only if they are more restrictive.
- 3.3-2** Whenever a parcel of land is subdivided, the proposed subdivision shall comply with both maximum density and minimum lot size requirements of the land use district under the jurisdiction of the Planning Board, and shall also comply with the maximum density guidelines under the jurisdiction of the APA. The Planning Board shall establish, and the applicant shall show on the plat the number of lots containing one principal building that may be created on the entire lot to be subdivided.
- 3.3-3** If a parcel of land was, as of the date of the adoption of the first Town of Essex Zoning law in November 1974 lawfully improved with one or more existing principal buildings, the density requirement set forth in the land use dimensional chart (Schedule E) shall be calculated by allocating the minimum lot size specified in the land use dimensional chart to each of the principal buildings and then calculating the density for the remainder of the parcel of land without taking into account either the existing principal buildings or the minimum lot size areas assigned to them and applying the density requirements of the land use dimensional chart only to the remaining unimproved land, on the parcel.

Where the mathematical application of this density calculation for existing principal buildings results in a fractional number of permissible principal buildings there shall be no rounding up to the next higher whole number in calculating the number of principal buildings allowed on the parcel of land.

- 3.3-4** The number of permissible re-subdivisions, if any, shall be marked on each lot or on a table shown on the plat. Plat notations shall indicate, in substance, that either “This lot may contain only one principal building (as defined by the Town of Essex Zoning Law) and may not be further subdivided” or “This lot may contain a maximum of ____ principal buildings (as defined in the Town of Essex Zoning Law) and may be subdivided into a total of no more than ____ lots.” Upon re-subdivision of any lot, such notations shall be made for each new lot.
- 3.3-5** For purposes of calculating minimum lot size and density under this Section 3.3, no state-designated wetlands, water bodies, or land located within the right-of-way of a public highway or of a proposed street which is intended to be dedicated to the Town, shall be counted.
- 3.3-6** For the purpose of counting the number of lots (1) any lot to be retained by the sub divider, and (2) all lots in the same land use area which are part of one project and which would otherwise be adjoining but which are located on opposite sides of a public or private road, or railroad, or right-of-way owned in fee, shall be counted.

SECTION 3.4 Arrangement of Lots and Open Space

- 3.4-1** Lots shall be arranged in a manner that protects open space and land with conservation value. For any subdivision of five or more lots outside of a Hamlet District, the Planning Board may require up to 60% of the parcel to be preserved as open space land, provided that such land has “conservation value” which may include historic, ecological, agricultural, water resource, scenic, or other natural resource value. Examples of land with conservation value include view corridors along scenic roads, agricultural land, lake watershed and shoreline, large areas of contiguous mature forest, wetlands, water bodies, and stream corridors. Whenever the Planning Board requires open space land to be protected, it shall make written findings identifying the specific conservation values protected and the reasons for protecting such land.
- 3.4-2** Preserved open space land shall be clearly delineated and labeled on the final subdivision plat or site plan as to its use, ownership, management, method of protection, and the rights, if any, of the owners of other lots in the subdivision of such land. The plat or site plan shall clearly show that the open space land is permanently reserved for open space purposes, and shall contain a notation indicating the Liber and page of any conservation easements or deed restrictions required to be filed to implement such restrictions.

SECTION 3.5 Interpretation of District Boundaries

3.5-1 Location of Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- 3.5-1-1** Boundaries indicated as approximately following the center lines of streets or highways shall be construed to follow such center lines.
- 3.5-1-2** Boundaries indicated as approximately following lot lines shall be construed to follow such lot lines.
- 3.5-1-3** Boundaries indicated as following shorelines of streams, lakes and reservoirs shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be

construed as moving with the actual shoreline.

3.5-1-4 Boundaries indicated as parallel to or extensions of features indicated in Subsection 1 through 3 above shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

3.5-2 Lots in More Than One District

Where a land use district boundary line divides a lot in a single ownership, the district requirements of the less restricted portion of such lot may extend up to a maximum of 30 feet into the more restricted portion of the lot.

SECTION 3.6 Accessory Uses

Uses and structures customarily incidental to principal uses listed in Schedule A shall be allowed on the same lot as the principal use as long as it meets all setback requirements and any other requirements applicable to the principal use.

ARTICLE 4 SUPPLEMENTARY REGULATIONS

This Article addresses general standards applicable in all zoning districts as well as specific requirements for particular types of uses.

SECTION 4.1 Accessory Apartments

Notwithstanding the maximum intensity of development and the minimum lot size specified for the particular land use district, an accessory apartment shall be allowed in a single family dwelling or accessory building on the same lot provided that the following conditions are found to be satisfied in site plan review by the Planning Board. The intent of this section is to allow existing large single family dwellings and accessory buildings on the same lot to be occupied by family members and caregivers and to allow the more efficient use of the Town's existing stock of single family dwellings and accessory buildings to provide economic support for the resident families of limited income and to protect and preserve property values.

- 4.1-1** The single family dwelling or accessory building must have been in existence on the date of the initial adoption of this local law.
- 4.1-2** The owner(s) of the lot shall occupy at least one of the dwelling units on the premises as a principal residence.
- 4.1-3** No more than one accessory apartment may be created on the lot. If farm operations require more than one apartment, the owner or lessee must apply to the Zoning Board of Appeals for an area variance.
- 4.1-4** The total square footage of the accessory apartment shall not exceed 50% of the total square footage of the single-family dwelling or accessory building in which it is located. In no case shall the accessory apartment exceed a maximum of 750 square feet or be less than a minimum of 320 square feet in the Essex and Whallonsburgh hamlets. In all other land use districts the accessory apartment may not exceed a maximum of 1,000 square feet or be less than 320 square feet.
- 4.1-5** Off-street parking shall be available for the occupant(s) of the accessory apartment.

- 4.1-6** The on-site water supply and wastewater treatment system of the accessory apartment shall be connected to the water supply and sanitary system of the single-family dwelling and must meet minimum state standards for the total number of bedrooms on the lot, as determined by the Zoning Officer.
- 4.1-7** The modified building shall meet all applicable standards of the NYS Building Code and local law.
- 4.1-8** Accessory Apartments outside of the Essex and Whallonsburgh hamlets will also be subject to APA review and approval. The accessory apartment may be considered a principal use and structure by APA regulations.

SECTION 4.2 Adult Uses

Adult entertainment uses, including but not limited to adult video or bookstores, adult theaters, adult entertainment clubs, are to be restricted as to location in the following manner in addition to any other requirements of this Law and shall not be allowed in the Essex Hamlet, Whallonsburgh Hamlet, or Critical lands as outlined in Schedule A:

- 4.2-1** Such uses shall not be located within a radius of 500 feet of any residence and shall be located only on State or County roads within the Town.
- 4.2-2** Such uses shall not be located within a radius of 500 feet of another such use.
- 4.2-3** Such uses shall not be located within a radius of 1000 feet of any school, church or other place of religious worship, park, playground or playing field.
- 4.2-4** No more than one (1) of such uses as defined in Article 11 herein shall be located on any lot.
- 4.2-5** The 500 to 1000 foot radius herein shall be measured from the property line of the premises or zoning district boundary line.
- 4.2-6** Signage shall only include the name of the establishment and shall conform to Section 4.28 of this law.

SECTION 4.3 Campgrounds (including travel trailer parks)

- 4.3-1 Location:** A campground shall be located on a level, forested site with seasonal secondary road access.
- 4.3-2 Components:** A campground shall include designated camping sites, common service areas, and common open space including land used for recreation.
- 4.3-3 Density:** The overall density of a campground shall not exceed one camping site per 4,500 square feet of gross area of the campground.
- 4.3-4 Camping Sites:** Each camping site shall have a total area of not less than 3,000 square feet, with a minimum dimension of 50 feet. No camping site shall accommodate more than one self-propelled four-wheeled vehicle. No camping site shall be located closer than 200 feet from the roadbed of a public highway, shoreline, or lot line. Each camping site shall have a level, well-drained cleared area

which will provide for the practical placement on and removal from the site of a standard size passenger automobile and travel trailer or tent.

4.3-5 Open Space: A campground shall include usable common open space in an amount not less than 1,000 square feet per camping site. Such usable common open space may be in one or more locations, but the number of locations shall not exceed one for each ten camping sites. All usable common open space shall be accessible from all camping sites and shall be of such a character as to be attractive and useful for active or passive recreation. No more than 40 percent of such open space shall be within 100 feet of the roadbed of a public highway. Streets within the campground shall not be counted as usable open space.

4.3-6 Utilities and Service Facilities

4.3-6.1 A campground shall be provided with potable cold water taps at the rate of not less than one tap per ten camping sites, each tap located conveniently to the served sites with provision made to prevent excess water from creating a muddy or similarly undesirable situation.

4.3-6.2 Separate toilet facilities for males and females should be provided not nearer than 50 feet or further than 200 feet from any camping site.

4.3-6.3 Waste from all buildings and campsites shall be discharged into a sewage disposal system meeting the standards of the Town Sanitary Code.

4.3-6.4 Sites designed for travel trailers with indoor plumbing shall have appropriate hookups at each site.

4.3-7 Access and Circulation Plan

4.3-7.1 Each campground shall have graveled or paved access to a public road or highway.

4.3-7.2 Where a campground has more than 30 camping sites, two public road or highway access points shall be provided, but in no instance shall the number of entry and exit points exceed four. Such access points shall allow for safe and convenient movement into and out of the campground and shall minimize interference with the free movement of traffic on the adjacent public road or highway. All entrances and exits shall be of sufficient width to allow turning movements of vehicles with travel trailers attached.

4.3-7.3 Each campground shall have clearly defined and convenient access to all camping sites and other facilities within the campground. The street system shall be so designed to permit safe and convenient vehicular circulation within the campground. Streets shall be adapted to the topography and shall have suitable alignment and gradient for traffic safety. All streets shall intersect at right angles. All streets shall have the following minimum widths:

1. One-way traffic movement: 12 feet
2. Two-way traffic movement: 20 feet.

4.3-8 Landscaping and Screening

4.3-8.1 Native ground cover, shrubs, and trees shall be provided or retained in those areas not used for camping sites, buildings, walkways, roads, active recreation areas, or parking areas.

4.3-8.2 Landscaping, by preservation of existing vegetation or by planting of native species of vegetation, shall be provided to ameliorate or screen objectionable views of and within the campground at all seasons of the year. Views which shall be screened include sanitary facili-

ties and garbage storage and collection areas. In addition, the campground itself shall be substantially screened with native vegetation at all seasons of the year from any public highway or water body or water course regularly trafficked by the public or adjacent property zoned for residential use.

4.3-9 Length of Occupancy

No individual tent or recreational vehicle shall be occupied for more than 180 days within any calendar year. The campground operator shall keep an accurate register of all occupants, in accordance with State regulations.

SECTION 4.4 Corner Lots and Through Lots

Wherever a side or rear yard is adjacent to a street, the front yard setback shall apply to such side or rear yard. Corner lots shall be deemed to have two front yards, two side yards, and no rear yard.

SECTION 4.5 Demolition

Because of the irreversible nature of demolition and the potential loss to the community of significant historic structures and landmarks, the following standards for demolition, relocation, or removal of structures shall apply to all applications for demolition permits in the Town of Essex within the boundaries of the Essex Historic District and Shoreline Overlay District as depicted on Schedules C and D and as overlaid on the Town of Essex Zoning Map as well as structures and landmarks throughout the Town that are listed or have been declared eligible to be listed on the State or National Register of Historic Places as set forth in Section 3.1-9.1 and as listed on Schedule D. The Planning Board's decision shall be based on the principles set forth in Section 3.1-9.8 of this Law.

Farm operations in the Agricultural District are exempt from these requirements unless the structure to be demolished lies within the Essex Hamlet and Historic District, or is or has been declared eligible to be placed on the State or National Register of Historic Places.

4.5-1 Requirement of Special Use Permit: No demolition or removal of any structure, or part thereof, greater than 300 square feet shall be undertaken except pursuant to a Special Permit issued by the Planning Board. Nothing herein shall prevent the demolition and clearance of any structure which the Zoning Officer determines poses a clear and present danger to health or safety.

4.5-1-1 An application for a Special Permit pursuant to this section shall contain the name and address of the applicant, the address of the property in question, the tax map parcel number upon which the property is located, and the reason for the proposed demolition.

4.5-1-2 In making said determination the Planning Board shall consult with any persons it deems to have knowledge as to the historic or architectural significance of the structure proposed to be demolished, and knowledge of repair, restoration, or adaptive reuse of structures.

4.5-1-3 Upon determination that the proposed demolition is not detrimental to the architectural or historic character of the Historic District or Shoreline Overlay District, the Planning Board shall approve the application for the proposed demolition, with reasonable conditions as to the removal of demolition debris, restoration of the site, and the period of time allowed therefore.

4.5-1-4 Upon determination that the proposed demolition is detrimental to the architectural or

historic character of the Historic District or Shoreline Overlay District, the Planning Board shall not permit the proposed demolition. An applicant whose application for a demolition permit has been determined detrimental may apply to the Zoning Board of Appeals for relief on the grounds of hardship. In order to prove the existence of hardship, the applicant shall establish:

- A. The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
- B. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return; and
- C. Efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- D. The cost of repair or rehabilitating the structure is prohibitive as compared to the value of the structure.

4.5-2 The Planning Board may permit partial demolition of portions not visible from public highways of the structure proposed to be demolished, if said partial demolition is part of an overall scheme to reconstruct or modify said structure. Prior to issuing a Special Use Permit for partial demolition, the Planning Board shall request a description of the work proposed, which may include architectural drawings, site plans and other information reasonably necessary to make a decision, and may hold a public hearing pursuant to Article 6 of this Law. In issuing a permit for partial demolition, the Planning Board may require the posting of a performance bond to insure the completion of the work constituting the overall reconstruction or modification scheme.

4.5-3 The process set forth for Special Use Permits in Article 6 of this Law shall apply for Special permits for demolition. All decisions of the Planning Board shall be in writing, and shall contain the findings and factual basis for each finding, which shall support the decision of the Planning Board.

4.5-4 Any violations of this section will be subject to fines as outlined in Section 2.6 above.

SECTION 4.6 Density Transfer (Transfer of Development Rights)

The Town of Essex wishes to encourage flexibility in the location and layout of development, within the overall intensity standards of this local law. The Town therefore will permit residential density to be transferred from one parcel (the "sending parcel") to another (the "receiving parcel"), within the same zoning district, as provided below.

4.6-1 Procedure. All density transfers require a Special Use Permit from the Planning Board. A Special Use Permit application for density transfer must be signed by the owners (or their authorized representatives) of both the sending and receiving parcels. In reviewing an application for density transfer, the Planning Board shall first determine the number of allowable dwelling units or principal buildings permitted on the receiving parcel pursuant to Section 3.1. The Planning Board shall then determine the number of dwelling units or principal buildings available to transfer from the sending parcel(s). In order to approve a density transfer the Planning Board shall follow all of the requirements for issuing Special Use Permits contained in Article 6.

4.6-2 Findings Required. The Planning Board shall not approve any residential density transfer unless it

finds that:

4.6-2-1 All requirements for the granting of a Special Permit in Article 6 have been satisfied.

4.6-2-2 The addition of the transfer units to the receiving parcel will not adversely affect the area surrounding the receiving parcel, and will benefit the Town by protecting open space resources located on the sending parcel(s).

4.6-2-3 The density transfer will not detract from the fulfillment of the purposes of the zoning district.

4.6-2-4 As a condition of approval of the density transfer, a conservation easement on the sending parcel(s) satisfying the requirements of Section 4.6-3 below will be executed and recorded in the County Clerk's Office, reducing the number of principal buildings allowed on the sending parcel(s) by the number of dwelling units or principal buildings transferred.

4.6-3 Permanent Preservation of Sending Parcel by Perpetual Conservation Easement

4.6-3-1 A perpetual conservation easement restricting development of the sending parcel, limiting use of all or a portion of such parcel to agriculture, forestry, recreation, protection of natural resources, or similar conservation purposes, pursuant to Section 247 of the General Municipal Law and/or Sections 49-0301 through 49-0311 of the Environmental Conservation Law, shall be granted to the Town, with the approval of the Town Board, or to a qualified not-for-profit conservation organization acceptable to the Planning Board. Such conservation easement shall be reviewed and approved by the Planning Board and shall be required as a condition of Special Use Permit approval. The Planning Board may require that such conservation easement be enforceable by the Town if the Town is not the holder of the conservation easement. The conservation easement shall be recorded in the County Clerk's Office prior to or simultaneously with the granting of any Special Use Permit for density transfer or the filing of any final subdivision plat of the receiving parcel in the County Clerk's Office.

4.6-3-2 The conservation easement shall reduce permissible development of the sending parcel to the number of principal buildings allowed on the sending parcel after deducting the number of dwelling units or principal buildings transferred to the receiving parcel.

SECTION 4.7 Forestry Use, Including Timber Harvesting and Clear-cutting

A forest is defined in A Municipal Guide to forestry in New York State as “A wooded area, whether managed or unmanaged, that may include conservation of wildlife habitat, provision of outdoor recreation, production of timber and forest crops, protection of water quality, regulation of water flows, conservation of soil, carbon sequestration and/or protection of aesthetic qualities.” Forestry Use, defined by the Adirondack Park Agency as “any management, including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of wood road, skidways, landings, fences and forest drainage systems.” Forestry Use is encouraged in the Town of Essex, within the following guidelines and land use controls.

Forestry use is allowed in all land use areas except the Hamlets of Essex and Whallonsburgh. See Schedule B, page 2, below “Forestry Use and Structure” and “Clear Cutting on more than three contiguous acres.”

When a Forest Stewardship Plan/Management Plan or a timber harvest plan prepared by a professional forester that reflects Best Management Practices (BMP) exists and is on file with the Town Zoning Officer, no permit is required to conduct forestry on the lands included in the plan. [See Article 11 for definitions of a Forest Stewardship plan/Management plan, Best Management Practices, and Forester (Professional)]

When such a plan has not been developed, a landowner planning to conduct a timber harvest must inform the Town Zoning Officer in detail of such plans and complete the Timber Harvest Check List. No harvesting may occur until the Checklist has been reviewed by the Zoning Officer and filed. The Zoning Officer may at his/her discretion have the Checklist reviewed by a professional forester before filing it.

In the case of clear-cutting involving more than three contiguous acres or forestry use in the Shoreline Overlay District, approval of the Planning Board is required, even if it is a part of a written Forest Stewardship/Management Plan.

For the purpose of this ordinance the Town adopts the definition of clear-cutting the Adirondack Park Agency (APA) has in effect at the time the harvesting is to take place.

Clear-cutting projects that are 25 acres in size or greater, or 3 acres or greater in size in a wetland are an APA Class A regional project and require a permit from the APA. Land clearing of vegetation within the APA statutory shoreline set back area of any water body may require a permit from the APA.

SECTION 4.7a Erosion and Sedimentation Control

4.7a-1 Control Plans: With the exception of activities directly related to agricultural or forestry uses, no land use activities listed below shall be carried out until an erosion and sedimentation control plan has been approved by the Planning Board:

- 4.7a-1-1 Site preparation on lands where slopes are 15% or greater.
- 4.7a-1-2 Site preparation or construction within 100 feet of any stream, lake, pond or wetland.
- 4.7a-1-3 Site preparation or construction within any area designated by the Federal Emergency Management Agency as a 100-year floodplain.
- 4.7A-1-4 Any site preparation or construction on the site of an industry use.
- 4.7A-1-5 Site preparation for an area greater than one acre.

4.7a-2 Re-vegetation: Areas of land affected by any of the following activities shall be re-vegetated during the closest growing season following cessation of the operation or activity:

- 4.7a -2-1 Excavation, excluding mining, which affects more than 1000 cubic yards of material within any contiguous area. All excavation and mining activities shall also be subject to the regulations set forth in Section 4.14 of this law.
- 4.7a-2-2 Stripping of topsoil material which affects more than 20,000 square feet of ground

surface within any lot or contiguous area.

- 4.7a-2-3 Grading which affects more than 20,000 square feet of ground surface within any lot or contiguous area.
- 4.7a-2-4 Filling which exceeds a total of 100 cubic yards of material within any lot or contiguous area.

4.7a-3 Contents of Control Plans: Storm-water, erosion and sedimentation control plans should contain the following elements:

- 4.7a-3-1 A topographic map of the site at a scale and contour levels deemed by the Planning Board to be suitable for review and evaluation of the proposed activity and the related control plan.
- 4.7a-3-2 The anticipated length of time and time of year of site preparation, grading or other activities regulated in this Section.
- 4.7a-3-3 A description of the erosion and sedimentation, and/or storm-water runoff, control techniques to be employed during and after site preparation and/or other activities contemplated herein.
- 4.7a-3-4 Any other information that the Planning Board may reasonably require in order to adequately review and evaluate the sufficiency of the proposed control plan.
- 4.7a-3-5 The above standards shall apply in all zoning districts in addition to any other standards or regulations that may apply by jurisdiction of other agencies (APA/DEC).

4.7a-4 Penalties: Any violations of this section will be subject to fines as outlined in Section 2.6.

SECTION 4.8 Fences (Including Hedges) and Walls

- 4.8-1** The setback requirements of this local law shall not apply to retaining walls or to fences less than six feet high in any side or rear yard, except where corner clearances are required for traffic safety.
- 4.8-2** The setback requirements of this local law shall not apply to any front yard fences or walls less than four feet high, except that customary agricultural wire, board, or split rail fencing which does not obstruct visibility may be higher.
- 4.8-3** The following setback requirements from mean high water shall apply to all fences, hedges and walls on lands bordering Lake Champlain: Hamlet and Moderate Intensity Use – 50 ft.; Low Intensity Use and Rural Use – 75 ft.; Resource Management – 100 ft.

SECTION 4.9 Home Occupations

- 4.9-1** All home occupations that comply with the following requirements are allowed uses to a residential dwelling:
 - 4.9-1.1** The off-premises impact of noise, vibration, smoke, dust, electrical disturbance, odors,

heat, or glare shall be no greater than that produced by a typical single-family residence in the neighborhood.

- 4.9-1.2** Traffic generated shall not be in greater volume than would normally be expected in the neighborhood.
 - 4.9-1.3** Parking shall be provided off-street and shall not be located within the front setback area unless it is screened from public roads and no more than a total of 6 parking spaces shall be allowed for both the residence and the home occupation.
 - 4.9-1.4** No more than two signs, non-illuminated, and not larger in the aggregate than six square feet in size, shall be allowed and shall conform to the sign regulations outlined in Section 4.28-4 of this law.
 - 4.9-1.5** No more than one employee or co-owner in addition to the inhabitants of the residence who is regularly employed or works at the home occupation site shall be allowed.
 - 4.9-1.6** Less than 25% or 1000 square feet, whichever is less, of the gross area of the residence is devoted to the home occupation or, if located in a barn, garage or other outbuilding, the total area of the home occupation is less than 1000 square feet.
- 4.9-2** All home occupations which do not meet all of the above requirements, shall be considered accessory uses and shall require the review and approval of a Special Use Permit with Site Plan by the Planning Board pursuant to Article 7. In considering application, the Planning Board shall ensure that the use proposed is compatible with the surrounding neighborhood will not adversely affect the character or environmental conditions of such neighborhood, and will not adversely affect adjacent residential properties.

SECTION 4.10 Industry-Industrial Uses

- 4.10-1** Location. No industrial use shall be located less than three hundred (300) feet from any wetland regulated by the APA and Army Corps of Engineers (ACOE).
- 4.10-2** Setback. No industrial use shall be located less than one hundred (100) feet from any front, side, or rear lot line, or less than three hundred (300) feet from any stream, lake, or pond.
- 4.10-3** Screening. Such operation shall be substantially screened from roads and from all adjacent properties that are not occupied by industrial uses.
- 4.10-4** Performance Standards.
 - 4.10-4.1** General. No industrial use shall be permitted that does not conform to the standards set forth in this law and to the following standards of use, occupancy, and operation.
 - 4.10-4.2** Noise and Hours of Operation. Conditions may be attached to a Special Permit approval for an industrial use, based on site-specific conditions, regarding the following: trash removal, freight deliveries and shipments, and hours of operation.
 - 4.10-4.3** Atmospheric Effluence. No dust, dirt, smoke, vapor, odor, toxic or noxious gas or other form of air pollution shall be disseminated beyond the boundaries of the lot except in

accordance with all applicable requirements of the New York State Dept. of Health, the Adirondack Park Agency, the New York State Department of Environmental Conservation, and all other regulatory agencies having jurisdiction.

- 4.10-4.4** Lighting. Exterior lighting proposed for the site shall be planned, erected, and maintained in such a manner that it will not cast direct light or glare upon adjacent properties or upon any public right-of-way. No light source shall be higher than twenty (20) feet.
- 4.10-4.5** Electromagnetic Interference. No activities shall be permitted which emit electromagnetic disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance or adversely affecting the public health.
- 4.10-4.6** Fire and Explosion Hazards. All activities involving the storage or use of flammable and explosive materials shall be provided with adequate safety devices against the hazards of fire and explosion, including fire-fighting and fire-suppression equipment and devices standard in the relevant industry.
- 4.10-4.7** Vibration. No activity shall cause a vibration beyond the boundaries of the lot on which such use is situated.
- 4.10-4.8** Burning and Burying of Materials. No materials shall be burned on the premises of a light-industrial use except in compliance with the New York State Outdoor Burning Law (see 6 NYCRR Part 215). No materials shall be buried on the premises of a light-industrial use except in compliance with the New York State Solid Waste Disposal Law (see 6 NYCRR Part 360).
- 4.10-4.9** Liquid and Solid Wastes. No waste materials may be discharged into any lake, stream, ditch, septic system, pond or lagoon, or onto any land surface unless in compliance with all applicable requirements of the New York State Dept. of Health, the Adirondack Park Agency, the New York State Department of Environmental Conservation, and all other regulatory agencies having jurisdiction. Until disposed of, all waste materials which result from a light-industrial operation shall be stored in an enclosed structure or fenced area so as not to be visible from adjacent residential properties.
- 4.10-4.10** Storage Facilities. Materials used in light-industrial operations may be stored outside the building accommodating such operations, provided such materials shall not be visible from public roads or from adjacent residential properties. Such requirement shall not be deemed to apply to construction materials stored on-site during a period of construction, logs, or agricultural products or materials.
- 4.10-4.11** Loading Areas. No loading area shall face a public right-of-way. Provisions for handling freight shall be located on the side or rear of buildings.
- 4.10-4.12** Building Design. The design of any building or structure involved in a light-industrial operation shall conform to the general character of the area to the extent practicable and shall not adversely affect the safe and comfortable enjoyment of property rights in the vicinity of such proposed essential facility.
- 4.10-4.13** Landscaping. Adequate landscaping shall be provided to create visual and sound buffers between light-industrial uses and adjacent residential properties.

4.10-4.14 Signs. Signs shall be permitted in accordance with the requirements set forth in Section 4.28 of this law.

SECTION 4.11 Junkyards

4.11-1 No junkyard items shall be located so as to be visible from public roads or adjoining residential properties.

4.11-2 No junk storage areas shall be located within:

4.11-2.1 Three hundred (300) feet of any public park, church, educational facility, nursing home, public building or other place of public gathering;

4.11-2.2 Three hundred (300) feet of any stream, lake, pond, wetland or other body of water;

4.11-2.3 One hundred (100) feet of any well used as a drinking water source;

4.11-2.4 One hundred (100) feet of the right-of-way of any state, county or town road.

4.11-3 Screening: Where a junkyard is or would be visible from a public highway or from neighboring properties, an eight (8) foot high opaque fence shall be provided to totally screen the junkyard from view. As an alternative, the Planning Board may permit screening of the junkyard by adequate planting of evergreen trees or shrubs.

4.11-4 Burning: No materials shall be burned in a junkyard.

4.11-5 Burying: No junkyard items shall be buried in a junkyard except in compliance with the New York State Solid Waste Disposal Law (see 6 NYCRR Part 360).

4.11-6 Prior Existing Junkyards: Any person maintaining a junkyard prior to the effective date of this law shall apply for a Special Use Permit within 6 months of the effective date of this law. Such application shall include a schedule indicating anticipated dates of compliance with the requirements set forth in paragraphs 4.11-1, 4.11-2, and 4.11-3 of this Section. A Special Use Permit shall be issued conditioned upon the following:

4.11-6.1 Within three (3) years of the effective date of this law, all junkyard items shall be arranged so as to comply with the requirements of Sections 4.11-3, 4.11-4, 4.11-5 and 4.11-7. If at the end of such period the junkyard does not meet said requirements, such Special Use Permit shall be revoked, such junkyard operator shall be ordered to cease and desist from maintaining a junkyard, and all junkyard items shall be removed from the premises.

4.11-7 Lighting. Exterior lighting proposed for the site shall be planned, erected, and maintained in such a manner that it will not cast direct light or glare upon adjacent properties or upon any public right-of-way. No light source shall be higher than twenty (20) feet.

SECTION 4.12 Keeping of Horses and Other Livestock

4.12-1 Horses: The keeping of horses shall be permitted in all districts as an agricultural use. The keeping of horses as a use accessory to residential or commercial use shall be permitted, provided that the

following criteria are satisfied:

- 4.12-1-1** The minimum lot size shall be two acres for one horse plus one acre for each additional horse.
- 4.12-1-2** Structures housing the animals shall be set back at least 75 feet from all property lines.
- 4.12-1-3** The keeping of horses in areas that have close residential neighbors shall not result in the release of odors, dust, or noise exceeding levels normally found in the neighborhood.
- 4.12-1-4** Manure and other wastes shall be managed, stored, and disposed of in a manner that does not create a risk to public health or to the quality of any wetland, water body, or groundwater. The owner is responsible for containment of livestock.

4.12-2 Other Livestock

The keeping of cattle, sheep, goats, llamas, fowl, and other livestock shall be permitted on the same terms as for horses, except that the acreage requirements may be reduced by Special Use Permit, as appropriate to the type of livestock. The provisions of this Section shall not apply to customary household pets.

SECTION 4.13 Marinas

4.13-1 General: No new marina shall be constructed or operated nor shall any marina existing at the effective date of this law be expanded within the Town of Essex without first obtaining a Special Use Permit with Site Plan approval from the Planning Board.

4.13-2 Specific Standards: Marinas located in the Town of Essex shall meet the following standards:

- 4.13-2.1** A minimum of 350 feet of shoreline shall be required for marinas with up to 30 boat slips and a minimum of 5 feet of additional shoreline shall be required for each boat slip in excess of 30 slips.
- 4.13-2.2** All marina docks, moorings, and other in-water structures and boat channels shall comply with the Town of Essex Waterways and Harbor Management Law.
- 4.13-2.3** A minimum of 3 acres of land shall be required to operate a marina.
- 4.13-2.4** All setback requirements for the district in which the marina is located shall be complied with for all marina related uses, including parking.
- 4.13-2.5** No paved area, parking area, driveway or internal road (with the exception of boat launching ramps) shall be located within 25 feet of the mean high water mark.
- 4.13-2.6** Quiet time shall be observed between the hours of 11:00 p.m. and 6:00 a.m.
- 4.13-2.7** Exterior lighting proposed for the site shall be planned, erected, and maintained in such a manner that it will not cast direct light or glare upon adjacent properties, waterfront areas of adjacent properties or upon any public right-of-way. No light source shall be higher than twenty (20) feet.
- 4.13-2.8** Restrooms must be provided and maintained in a clean and orderly condition for use of its clientele.

- 4.13-2.9** An approved boat pump-out facility shall be provided, or documentation that access to a pump-out facility can be provided by an adjacent or nearby facility with adequate capacity. Said documentation shall include a written, binding agreement that allows use of the adjacent pump-out facility for a period of at least one year. Expiration of said agreement without renewal or without an approved on-site facility installed will cause the marina to be in violation of this section of the Law.
- 4.13-2.10** Trash receptacles shall be provided and maintained in a clean and orderly condition; the capacity of such receptacles shall be sufficient to accommodate all trash generated by the marina's customers or clientele.
- 4.13-2.11** Parking shall be required in accordance with Section 4.19.
- 4.13-2.12** The marina operator shall provide the Planning Board with a maintenance program sufficient to keep all wharves, adjacent shoreline, water and the lake bottom clear of debris.
- 4.13-2.13** The marina operator shall provide the Planning Board with a landscape plan to minimize visual impact.
- 4.13-2.14** The marina operator shall identify potential navigation hazards or conflicts with existing or adjacent uses such as swimming areas, and present a plan to minimize such conflicts.
- 4.13-2.15** The marina operator shall provide the Planning Board with a plan designed to minimize damage to the environment due to leakage or spills of fuels, lubricants, waste products or other pollutants. If the marina sells or dispenses fuel products, the plan shall include provision for storage and use of emergency containment and clean-up equipment for petroleum product spills.

SECTION 4.14 Mining/Resource Extraction

- 4.14-1** Resource extraction shall be allowed only in a substantially undeveloped area, at least 1,000 feet (horizontal distance) from any existing residence. Resource extraction requires a Special Use Permit with Site Plan.
- 4.14-2** Any excavation associated with resource extraction shall not adversely affect the natural drainage of adjoining properties not in the same ownership, or the structural safety of buildings on such adjoining properties; the top of any slope of the excavation shall not be closer than 100 feet from the boundary line of any adjoining property not in the same ownership, nor closer than 200 feet of any public highway or water body or water course.
- 4.14-3** Within the above setbacks natural vegetation shall be left undisturbed, except for planting pursuant to the requirements hereof. The Planning Board may in its discretion require additional measures to provide suitable screening of the excavation, such as planting or fencing.
- 4.14-4** An applicant for a Special Use Permit with Site Plan for resource extraction shall submit to the Planning Board copies of all applications and other materials submitted to the New York State DEC and Adirondack Park Agency in connection with its resource extraction application. Farm operations

that intend to remove material in aid of farm operations and that receive a waiver from the New York State DEC and Adirondack Park Agency must file such waivers with the Town. Forestry operations that receive similar waivers from the New York State DEC and APA must also file such waivers with the Town.

4.14-5 In issuing a Special Use Permit with Site Plan for commercial resource extraction, the Planning Board shall impose conditions designed to protect the public health, safety, and welfare. Such conditions shall be limited to the following, unless the laws of New York State allow the imposition of additional conditions:

4.14-5.1 Ingress from and egress to public thoroughfares controlled by the Town;

4.14-5.2 Routing of mineral transport vehicles on roads controlled by the Town;

4.14-5.3 Requirements and conditions specified in the permit issued by the DEC and/or APA concerning setback from property boundaries and public thoroughfare rights-of-way, natural or manmade barriers to restrict access, dust control, and hours of operation;

4.14-5.4 Hours of operation;

4.14-5.5 Enforcement of reclamation requirements contained in any DEC and/or APA permit.

4.14-5.6 Impacts from blasting and noise.

4.14-6 In issuing a Special Use Permit with Site Plan for resource extraction uses not subject to regulation by DEC, the Planning Board may impose such additional conditions as it deems necessary.

4.14-7 The Planning Board shall deny a Special Use Permit with Site Plan for commercial resource extraction for any project which, when subjected to the allowable conditions in 4.14 above, does not satisfy the requirements of this Section 4.14 or Article 6.

4.14-8 Exceptions: resource extraction for construction purposes for an approved use on the same property.

SECTION 4.15 Mobile Home Regulations

Mobile Homes used for farm worker housing in the Agricultural District are considered agricultural structure and are not subject to these regulations. If they are not used for farm operations for three years they must be removed.

4.15-1 Design Criteria: Mobile homes shall comply with the following design criteria (except as provided in Subsection 4.15-1-7 below:

4.15-1-1 Mobile homes, and any deck or other addition, shall be mounted on a permanent concrete slab base or footing at least four inches thick, with skirting provided.

4.15-1-2 The mobile home should blend in with the landscape to enhance or maintain the attractive visual character of the neighborhood.

4.15-1-3 Two off-street parking spaces shall be provided for each mobile home in accordance with the requirements of Section 4.19.

- 4.15-1-4** Mobile homes shall comply with currently applicable federal and state building standards.
- 4.15-1-5** Mobile homes shall have a minimum size of 720 square feet and a minimum width of 14 feet.
- 4.15-1-6** No evidence of a mobile home's trailer hitch or wheels shall be visible once it has been installed.
- 4.15-1-7** One or more of the criteria in this Section 4 may be waived where the applicant demonstrates that:
 - 1. The mobile home will be effectively screened year-round, or
 - 2. The installation of the proposed mobile home will not detract from the existing visual character of the neighborhood.

4.15-2 Mobile Home Parks

In addition to all other applicable regulations, the following shall apply to mobile home parks:

- 4.15-2-1** No individual mobile home lot, office, or accessory building within a mobile home park shall be closer than 50 feet to any street, road, or other property line.
- 4.15-2-2** Along the side and rear property lines a buffer zone at least 25 feet deep shall be densely planted with trees and shrubs or left in a wooded condition, except where corner clearances are required under Section 4.7.
- 4.15-2-3** Individual mobile home sites shall have an area of at least 6,000 square feet. The total number of mobile home sites shall not exceed six per acre.
- 4.15-2-4** Service roadways within a mobile home park shall be built to Town specifications for private roads and shall be at least 20 feet in width.
- 4.15-2-5** Recreation areas of at least 10% of the build-able land in the mobile home park parcel shall be set aside for recreational purposes.
- 4.15-2-6** Each mobile home site shall have attachments for waste disposal and water supply, and the waste disposal and water supply facilities shall be properly connected to a municipal sewer and water system (or other equivalent method of sewage disposal and water supply) properly installed and approved by the Health Officer of the Town or NYS Health Department.

4.15-3 Nonconforming and Non-complying Mobile Homes and Mobile Home Parks.

A mobile home existing at the time of enactment of the original 1974 Town of Essex Zoning Law which does not comply with this Section 4.15 will not be required to comply except that:

- 4.15-3-1** All existing and future health, sanitation, and safety laws, whether in this local law or elsewhere, will apply.
- 4.15-3-2** No alteration or expansion which does not comply with this local law will be permitted.
- 4.15-3-3** Repair or replacement of any mobile home which has suffered damage or deterioration of

85% of its replacement cost shall comply with this local law.

4.15-3-4 Any non-conforming or non-complying mobile home may be replaced by another mobile home. The replacement mobile home must be in compliance with this local law.

4.15-3-5 If a non-conforming mobile home is removed prior to or in conjunction with the sale of property, it may not be replaced.

SECTION 4.16 Motor Vehicle Service/Gasoline Service Stations

4.16-1 Location. No motor vehicle service and/or gasoline station lot shall be located within three hundred (300) feet of any lot occupied by a school, public library, religious institution, park, playground, or fire station.

4.16-2 Setbacks. No fuel pumps or fuel storage tanks shall be located less than fifty (50) feet from any side or rear lot line, less than thirty-five (35) feet from any public or private road right-of-way, or less than three hundred (300) feet from any stream, lake, pond, or regulated wetland and shall conform to DEC regulations and New York State Building Codes.

4.16-3 Screening. Such operation shall be screened from adjacent residential properties by fences, hedges or other plantings, or other structures so as not to be visible from adjacent residential properties.

4.16-4 Lighting. Exterior lighting proposed for the site shall be planned, erected, and maintained in such a manner that it will not cast direct light or glare upon adjacent properties or upon any public right-of-way. No light source shall be higher than twenty (20) feet.

SECTION 4.17 Motor Vehicle Repair Shops

4.17-1 Setback. All motor vehicle repair shops shall be so arranged as to restrict all servicing on the premises to not less than fifty (50) feet from any lot line.

4.17-2 Storage of Waste Materials. Until disposed of, all junk wastes, discarded parts, fluids, etc., which result from the servicing of motor vehicles and equipment, shall be stored in an enclosed structure or fenced area so as not to be visible from adjacent residential properties. No such waste materials may be disposed of on the lot.

4.17-3 Lighting. Exterior lighting proposed for the site shall be planned, erected, and maintained in such a manner that it will not cast direct light or glare upon adjacent properties or upon any public right-of-way. No light source shall be higher than twenty (20) feet.

SECTION 4.18 Outdoor Storage

Materials used in any commercial, business, manufacturing, fabricating, industrial or servicing operation may be stored outside the structure or structures accommodating such operations provided such materials shall not be visible from public roads or from adjacent properties. Such requirement shall not be deemed to apply to construction materials stored on-site during a period of construction, or agricultural products or materials, including logs or firewood.

SECTION 4.19 Parking

4.19-1 Adequacy: The Town of Essex recognizes that it is necessary to provide sufficient off-street parking to protect the safety, health, and convenience of its residents. The Town also recognizes that parking areas, particularly when paved with impermeable surfaces, tend to be injurious to the environmental resources and rural character of the Town. The Town wishes to strike a balance between providing adequate off-street parking and protecting the natural environment and appearance of the community. The Town Board may establish specific schedules of parking requirements for specific uses from time to time as it deems necessary.

4.19-2 The following regulations govern parking on all premises for structures erected, altered, enlarged, or converted to a different use after the effective date of this Local Law:

4.19-2.1 Residential: Two parking spaces for each single-family dwelling unit; 1.5 spaces per dwelling unit in multi-family dwellings or apartments (including mobile homes); one space for each accessory apartment.

4.19-2.2 Public/Commercial Facilities: One parking space for every four seats in any public meeting or gathering place or restaurant, or for every four persons of maximum capacity if seating is not an accurate indicator of intensity of use.

4.19-2.3 Parking for employees: One parking space for every employee at offices and other places of employment (calculated for peak employment). Parking for employees is in addition to other parking requirements that may apply.

4.19-2.4 Retail: One parking space per 300 square feet of space devoted to retail use.

4.19-2.5 Motel/Hotel/Inns/Bed & Breakfast: One parking space per dwelling unit or overnight accommodation room.

4.19-2.6 Marinas and other non-residential boat docking facilities: One parking space per two boat slips.

4.19-2.7 Industry: One parking space per 1000 square feet of indoor area devoted to use and/or one space per 5000 square feet of outdoor area devoted to use.

4.19-3 Waivers

In recognition of the fact that different uses generate different amounts of parking demand, the Planning Board may vary the above requirements when presented with evidence that the nature of the proposed use justifies a different parking requirement. Waivers from requirements for on-site parking may be granted if the property owner can demonstrate that actual parking demand for the specific use will be less than required and/or that off-site, on-street, or shared parking can feasibly meet the need. The Planning Board may allow or require an applicant to improve only a portion of the parking spaces predicted to be necessary, while reserving land for additional parking. At such time as more parking is needed, the Planning Board may require that it be constructed. In establishing parking space requirements for particular uses, the Planning Board may consider the availability of safely useable on-street parking, other adjacent off-street parking, shared parking with other uses and other relevant factors.

4.19-3 Location and Landscape

4.19-3.1 Parking areas shall be designed and constructed in a manner that minimizes their visual impact and the off-site impacts of drainage, noise, and air pollution. Parking areas for more than five vehicles shall be screened from public roads by vegetation or buildings. Where

sufficient land exists, parking areas for non-residential uses shall be located behind or beside principal buildings and shall not be placed within the front setback area. Where practical, parking areas shall be surfaced with permeable materials and provisions made for erosion and storm-water run-off control.

4.19-3.2 In the Essex Hamlet District, a residential property may provide off-street parking for non-residential uses by Special Use Permit with Site Plan.

4.19-3.3 Lighting proposed for the site shall be planned, erected, and maintained in such a manner that it will not cast direct light or glare upon adjacent properties or upon any public right-of-way. No light source shall be higher than twenty (20) feet.

4.19-4 Existing Uses

Existing uses with less than the required minimum number of parking spaces at the time this Local Law becomes effective need not provide additional off-road parking unless one or more of the following conditions occur:

4.19-4-1 The use changes, including the addition of another use such as the addition of a home occupation to a dwelling unit; or

4.19-4-2 The use expands its gross area by 250 feet or more in a 3 year period.

SECTION 4.20 Projections into Required Setbacks

The following projections into required setback areas may be permitted:

4.20-1 Porches and steps: four feet into any required setback area. Open or screened porches may project six feet into required front setback areas.

4.20-2 Awnings or movable canopies: six feet into any required setback area.

4.20-3 Cornices, eaves, and other similar architectural features: three feet into any required setback area.

SECTION 4.21 Protection of Agriculture

4.21-1 Agricultural Buffers. Wherever agricultural uses and other new uses unrelated to the agricultural operations abut, buffers shall be provided to reduce the exposure of these abutting uses to odors, noise, and other potential nuisances related to the agricultural operation. Provision of buffers shall be the responsibility of the proponent of the non-agricultural use, unless such use predates the agricultural use. Such buffers may consist of vegetative screening, woodlands, vegetated berms, or natural topographic features.

4.21-2 Agricultural Data Statement. Any application for a Special Use Permit, Special Use Permit with Site Plan, Use Variance, or subdivision approval requiring municipal review and approval by the Planning Board or Zoning Board of Appeals that would occur on property within an agricultural district containing a farm operation, or on property with boundaries within five hundred feet of a farm operation located in an agricultural district, shall include an agricultural data statement as defined in Article 11 (eleven). The Planning Board or Zoning Board of Appeals shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within the agricultural district.

4.21-3 Required Disclosure.

In the case of any proposed residential development that abuts agricultural uses, the Planning Board shall require the applicant to issue a disclosure to potential purchasers of lots or dwelling units as follows: "It is the policy of this state and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This disclosure notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors. Prospective residents are also informed that the location of property within an agricultural district may impact the ability to access water and/or sewer services for such property under certain circumstances. Prospective purchasers are urged to contact the New York State Department of Agriculture and Markets to obtain additional information or clarification regarding their rights and obligations under article 25-AA of the Agriculture and Markets Law." (AML 310) This disclosure shall be required as a note on a subdivision plat or site plan, and may also be required to be made through other means reasonably calculated to inform a prospective purchaser, such as by posting or letter of notification. This Section 4.21-3 may also be applied to any commercial development within the jurisdiction of the Planning Board which abuts agricultural land, at the discretion of the Planning Board.

SECTION 4.22 Public Utilities

- 4.22-1 Location.** The proposed installation of a public utility facility in a specific location must be demonstrated to be necessary for efficient provision of the essential service or for the satisfactory and convenient provision of service to the area in which the particular facility is located.
- 4.22-2 Buildings.** The design of any building or structure in connection with such public utility facility shall conform to the general character of the area and shall not adversely affect the safe and comfortable enjoyment of property rights in the vicinity of such proposed essential facility.
- 4.22-3 Landscaping.** Adequate landscaping shall be provided to create visual and sound buffers between such facilities and adjacent residential properties.
- 4.22-4 Fencing.** All major electrical transformer facilities or substations, if above ground, shall be secured by a fence. No transformer or associated switches shall be located less than one hundred (100) feet from any lot line.
- 4.22-5 Lighting.** Exterior lighting proposed for the site shall be planned, erected, and maintained in such a manner that it will not cast direct light or glare upon adjacent properties or upon any public right-of-way. No light source shall be higher than twenty (20) feet.

SECTION 4.23 Rear ("Flag") Lots

It is the policy of the Town of Essex to encourage maximum flexibility for development that is screened from public view. Accordingly, it is desirable to locate residences on rear lots without requiring compliance with otherwise applicable road frontage requirements. All districts other than the Hamlet District are hereby declared an "Open Development Area" under Section 280-a (4) of the Town Law. Building permits may be issued for structures on lots that have no public or private road frontage and gain access by right-of-way easement over other lands, under the conditions contained in this Subsection. Notwithstanding the road frontage requirements of Article 3, rear lots with or without access strips running to public or platted private roads may be created where they will not endanger public health and safety, and will help preserve natural,

historic, and scenic resources. The following requirements apply to rear lots:

- 4.23-1** Each rear lot must have either a minimum frontage of 25 feet on an improved public or private road and an access strip as defined in this local law or a deeded right-of-way easement over other lands, providing legally adequate and physically practical access to a public or private road.
- 4.23-2** Except for Section 4.23-1 above, rear lots must meet all other requirements for a lot in the applicable Land Use District. For purposes of determining front yard setbacks, the front yard shall be the yard area lying between the principal structure and the street from which access is obtained.
- 4.23-3** No more than four access strips to rear lots may adjoin one another, and must share one common driveway. No more than four lots may be served by a common driveway. Subdivisions of five or more rear lots must be served by a private road that satisfies requirements for private roads in the Subdivision Regulations.
- 4.23-4** All rear lots must have safe and appropriate access for fire, police, and emergency vehicles.
- 4.23-5** The Planning Board may require the applicant to grant a conservation easement or deed restriction enforceable by the Town that limits the area within which the house and driveway may be constructed on the rear lot.

SECTION 4.24 Restaurants, Bars, Taverns

General Regulations

- 4.24-1** Exterior lighting proposed for the site shall be planned, erected, and maintained in such a manner that it will not cast direct light or glare upon adjacent properties or upon any public right-of-way. No light source shall be higher than twenty (20) feet.
- 4.24-2** Landscaping and/or fencing shall be provided to minimize any potential conflicts with adjacent uses.
- 4.24-3** Signs. Signs shall be permitted in accordance with the requirements set forth in Section 4.28 of this law.
- 4.24-4** Parking shall conform to Section 4.19 of this law.
- 4.24-5** Noise and Hours of Operation: Conditions may be attached to a Special Use Permit with Site Plan based on site-specific conditions regarding the following: trash removal; freight deliveries; and shipments; septic pump-outs; and hours of operation where necessary to avoid impacts on neighboring properties.
- 4.24-6 Hamlet Districts.** Where a restaurant is located within a Hamlet District, the minimum distance between any driveway and side lot line shall be 20 feet. Where on-site parking is required or provided, the parking lot shall be set back at least 25 feet from the road line and at least 25 feet from any rear or side lot line.
- 4.24-7 Other than Hamlet Districts.** Where a restaurant is located within a zoning district other than within a Hamlet District, the minimum distance between any driveway and side lot line shall be thirty (30) feet. Where on-site parking is required or provided, the parking lot shall be set back at least thirty (30) feet from the road line and at least fifteen (15) feet from any rear or side lot line.

SECTION 4.25 Retail, Large-product

- 4.25-1** Setback. No large-product retail sales, rental or storage operation shall be located less than one hundred (100) feet from any side or rear lot line.
- 4.25-2** Screening. Such operation shall be screened from adjacent residential properties by fences, hedges or other plantings, or other structures so as not to be visible from the adjacent residential properties.
- 4.25-3** Servicing Facilities. Such operation that also have servicing facilities for the same and shall meet the requirements of Motor Vehicle Repair Shops set forth in Section 4.17 of this Article.
- 4.25-4** Lighting. Exterior lighting proposed for the site shall be planned, erected, and maintained in such a manner that it will not cast direct light or glare upon adjacent properties or upon any public right-of-way. No light source shall be higher than twenty (20) feet.

SECTION 4.26 Rural Siting Principles

In all Districts other than the Hamlet Districts, the following principles shall be observed for subdivisions and the siting of residences, businesses, and accessory structures.

- 4.26-1** Wherever feasible, retain and reuse existing old farm roads and country lanes rather than constructing new roads or driveways. This minimizes clearing and disruption of the landscape and takes advantage of the attractive way that old lanes are often lined with trees and stone walls.
- 4.26-2** Preserve stone walls and hedgerows. These traditional landscape features define outdoor areas in a natural way and create corridors useful for wildlife. Using these features as property lines is often appropriate, as long as setback requirements do not result in constructing buildings in the middle of fields.
- 4.26-3** Where feasible and practical avoid placing buildings in the middle of open fields. Place them either at the edges of fields or in wooded areas. Septic systems and leach fields may be located in fields, however.
- 4.26-4** Unless buildings are designed traditionally and located close to the road in the manner historically found in the Town, use existing vegetation and topography to buffer and screen them.
- 4.26-5** Minimize clearing of vegetation at the edge of the road, clearing only as much as is necessary to create a driveway entrance with adequate sight distance. Use curves in the driveway to increase the screening of buildings.
- 4.26-6** Wherever feasible, site buildings so that they do not protrude above treetops and crest lines of hills as seen from public places and roads. Use vegetation as a backdrop to reduce the prominence of the structure. Wherever possible, open up views by selective cutting of small trees and pruning lower branches of large trees, rather than by clearing large areas or removing mature trees.
- 4.26-7** Minimize crossing of steep slopes with roads and driveways. When building on slopes, take advantage of the topography by building multi-level structures with entrances on more than one level (e.g., walk-out basements, garages under buildings), rather than grading the entire site flat. Use the flattest portions of the site for subsurface sewage disposal systems and parking areas. Use best

management practices for erosion and sedimentation control, as recommended by the Essex County Soil and Water Conservation District or other natural resource agencies.

SECTION 4.27 Setbacks for Accessory Structures and Uses

4.27-1 In the case of any detached barn, garage, stable, tennis court, swimming pool, or any accessory structure attached to the principal structure, all the minimum setback requirements of this local law applicable to the principal structure shall be met. Other detached accessory structures or uses may encroach into required setback areas provided that they:

- A. Are not used for human habitation;
- B. Have a footprint no larger than 200 square feet;
- C. Do not exceed 16 feet in height;
- D. Do not occupy more than 10% of a required rear setback area;
- E. Are set back at least 10 feet from side or rear lot lines;
- F. Are not located closer to the street than the front setback required for a principal structure, except for fences, gates, mailboxes, newspaper receptacles, signs, sand storage bins, and similar roadside structures with less than 100 square feet of footprint, as well as ornamental structures such as entry pillars and statues;
- G. Are not used for housing animals or storing manure, fertilizer, or chemicals.

4.27-2 For corner lots, the setback from all streets shall be the same for accessory structures as for principal structures.

4.27-3 On lakefront lots, any swimming pool, tennis court, or other accessory structure or use with a footprint greater than 600 square feet shall, if in front of the principal structure, be set back at least twice the minimum front setback requirement.

SECTION 4.28 Signs

Signs are accessory uses which may be erected and maintained upon issuance of a sign permit and in accordance with the following regulations.

4.28-1 Location on Premises. A sign, other than an off-premises sign allowable by Special Use Permit pursuant to Section 4.28-5, shall be erected and maintained only on the same parcel of land where the subject of the sign is located, and not more than 200 feet from the principal location thereof. For purposes of this regulation, the principal location of the subject of a sign shall be deemed to include the principal private access road connecting the subject with a public highway.

4.28-2 Signs Not Requiring A Permit. The following signs may be erected and maintained without a Sign Permit, provided that they are less than four square feet in sign area and are non-illuminated (except as indicated below):

- 4.28-2.1** Signs advertising the sale or rental of the premises upon which the sign is located, limited to two per property.
- 4.28-2.2** Signs denoting the architect, engineer, contractor or financing agency where construction, repair, or renovation is in progress, limited to one per property.
- 4.28-2.3** Professional and trade name plates and home business signs. Such signs may be

illuminated by external white light only and shall be limited to one per person or business and shall not be in excess of six square feet.

- 4.28-2.4** Signs which mark property boundaries, give directions for roads or trails, prohibit trespassing, hunting, fishing, or off-road vehicles, or warn of hazards.
- 4.28-2.5** Any sign erected by the federal, state, county, or town government or any department or agency thereof. Such signs are not limited in size.
- 4.28-2.6** Signs giving the name of the residents of a dwelling and/or its address. Such signs may be illuminated by external white light only and shall be limited to one per dwelling.
- 4.28-2.7** Temporary signs, including banners or pennants, relating to garage, lawn, or other individual, non-recurring sales, or for a church bazaar, fund drive, parade, fair, fireman's field day, or other event or undertaking conducted by a civic, religious, charitable, or educational organization. Such temporary signs are not limited in size and shall be removed after the termination of the activity being advertised.
- 4.28-2.8** A sign placed temporarily to advertise the sale of produce grown or harvested by the property owner where the subject sign is located, limited to one per principal location of the subject of the sign. Such temporary signs shall be removed immediately after the termination of the activity being advertised.
- 4.28-2.9** Temporary signs, customarily of paper or cardboard, placed in the windows of grocery stores and supermarkets to advertise weekly specials. Such temporary signs are not limited in size or number.

4.28-3 Signs Allowable by Sign Permit. The following signs may be erected and maintained in all districts except the Essex Historic District only upon the issuance of a Sign Permit by the Zoning Officer. The Zoning Officer shall issue a Sign Permit upon a proper application showing compliance with all the applicable provisions of this Section. The following signs will be allowed in the Essex Historic District upon approval of a Special Use Permit with Site Plan and shall conform to the sign guidelines set forth in Schedule F of this Law.

- 4.28-3.1** A freestanding or attached and projecting advertising sign, being perpendicular or approximately perpendicular to the line of a public highway from which it is intended to be seen. No such sign shall exceed 24 square feet in sign area. There shall be not more than one such sign for any commercial enterprise or for any group of enterprises located on a parcel of land under single ownership.
- 4.28-3.2** An advertising sign located on and parallel to a wall of a building housing the enterprise advertised. No such sign shall exceed 40 square feet in sign area. There shall be no more than one such sign for any commercial enterprise.
- 4.28-3.3** A sign, including a bulletin board, customarily used by places of worship, libraries, museums, social clubs, and societies, provided that there shall be no more than one such sign per establishment or organization, and that no such sign shall exceed ten square feet in sign area.

4.28-4 General Sign Regulations. The following regulations apply to signs throughout the Town:

- 4.28-4.1** No sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. Neon signs are not permitted in the Essex Historic District. Neon signs may be acceptable elsewhere in the Town if the sign is designed to be compatible with the building's historic and/or architectural character. All other luminous signs, indirectly illuminated signs, and lighting devices shall employ only lights emitting light of constant intensity. No luminous sign shall exceed 15 square feet of sign area.
- 4.28-4.2** No luminous sign, indirectly illuminated sign, or lighting device shall be placed or directed so as to cause beams of light to be cast upon any public highway, sidewalk, or adjacent premises, or otherwise to cause glare or reflection that may constitute a traffic hazard or nuisance. No sign shall contain any mirror or mirror-like surface, nor any day-glow or other fluorescent paint or pigment.
- 4.28-4.3** No sign relating to a permanent commercial enterprise, with the exception of traditional barber poles, shall contain or consist of any banner, pennant, ribbon, streamer, spinner, or other similar moving, fluttering, or revolving device. No sign or part thereof may rotate or move back and forth, except that a sign may be suspended and swing, though not rotate, in the wind.
- 4.28-4.4** No permanent sign shall extend more than 15 feet above the natural ground elevation or be located upon or higher than the roof of the associated establishment.
- 4.28-4.5** Where feasible and practical no sign shall be painted or placed upon, or supported by any tree, rock, or other natural object other than the ground.
- 4.28-4.6** No motor vehicle, trailer, or wagon upon which is painted or placed any sign shall be parked or stationed in a way primarily intended to display the sign.
- 4.28-4.7** All signs shall be constructed of durable materials and maintained at all times in good repair.
- 4.28-4.8** No advertising sign shall be maintained with respect to an enterprise, which for a period of one year conducts no business, or with respect to a product or service which is no longer offered by the enterprise maintaining the sign.
- 4.28-4.9** No permanent sign shall be erected or maintained within the right-of-way or within 10 feet of the roadbed of any public highway. Such minimum setback shall not apply in the Hamlet Districts or to any signs located on and parallel to a wall of a building entirely housing the business or activity with which the signs are principally associated.
- 4.28-5 Off-Premises Signs.** The Planning Board, in accordance with the Special Use Permit procedure set out in Article 6 hereof, may grant approval for an off-premises sign upon the written consent of the landowner on whose land the sign will be located. Such sign shall meet all the requirements of the APA and State Department of Environmental Conservation for the grant of a permit for such sign pursuant to Section 9-0305 of the Environmental Conservation Law. No signs shall be allowed on telephone or other public utility structures. As a condition to approval of an off-premises sign, the Planning Board shall find that the sign:
- 4.28-5-1** Meets all the applicable requirements of this Section other than on-premises location.
- 4.28-5-2** Will be useful in providing information not otherwise reasonably available to the public.

4.28-5-3 Will be visually compatible with its surroundings.

4.28-5-4 Will not pose a traffic hazard or otherwise endanger the health, safety, or welfare of the public.

4.28-6 Abandoned or Illegal Signs. In the event that a sign is (a) unlawfully erected after the effective date of this local law, (b) is a non-complying sign maintained in violation of Article 5 hereof or (c) is maintained in violation of this Section and/or the terms of a sign permit previously issued, then the Zoning Officer shall mail to the owner of said sign, if known, at the sign owner's last known mailing address and to the owner of the parcel of land upon which such sign is situated, at the parcel owner's last known mailing address, an order that the violation be cured within 30 days after the date of the order. If after such date the violation is not cured, the Zoning Officer may enforce these regulations pursuant to Section 2.6.

4.28-7 Non-Complying Signs. A sign in existence as of the effective date of this local law which does not comply with the sign regulations hereof shall be brought into compliance or removed by its owner at the owner's cost and expense not later than the latter of (i) December 31, 2003 or (ii) if applicable, the date upon which such sign has been fully depreciated for income tax purposes, which shall in no case be later than 10 years after the date, prior to the effective date of this local law, that such sign was first erected or last substantially reconstructed. Any sign owner claiming the right to maintain a non-complying sign after December 31, 2003, shall file with the Zoning Officer appropriate proof of the sign's useful life for income tax purposes on or before such date. Failure to so file shall be deemed a waiver of such sign owner's right to maintain the sign beyond such date.

SECTION 4.29 Slaughterhouses

4.29-1 Setback. No slaughterhouse shall be set back less than one hundred (100) feet from any side or rear lot line.

4.29-2 Screening. Such operation shall be screened by hedges, trees, other plant materials, or fences, so as not to be visible from adjacent residential properties.

4.29-3 Lighting. Exterior lighting proposed for the site shall be planned, erected, and maintained in such a manner that it will not cast direct light or glare upon adjacent properties or upon any public right-of-way. No light source shall be higher than twenty (20) feet.

SECTION 4.30 Telecommunication Towers/Wind Turbines

The Town of Essex defers all decisions regarding telecommunication towers and wind turbines to the Adirondack Park Agency, except in the Hamlets of Essex and Whallonsburgh, where neither is permitted.

SECTION 4.31 Recreational Vehicles

4.31-1 No recreational vehicle shall be parked or located overnight within the town except:

- A. on private property in conformance with Sections 4.31-2 below;
- B. In a campground, as provided in Section 4.3; or
- C. On the premises of a travel trailer sales or rental establishment.

- 4.31-2** A recreational vehicle may be parked or located overnight on the property of its owner, provided that it complies with applicable setback requirements and is sited in a manner that minimizes its visibility from a public highway (normally in the rear or side yard behind the front face of the principal building). A recreational vehicle shall not block access by emergency vehicles, shall not be used as living quarters except as provided in Section 4.31-3.
- 4.31-3** A family guest may park and sleep in a recreational vehicle on the off-street lot of the family visited, provided that the recreational vehicle is located in accordance with the requirements of Section 4.31-2 above. Such use shall not exceed 30 consecutive days or 45 days in total during any calendar year.

Article 5 NONCONFORMITY

SECTION 5.1 Nonconformity with Use Requirements

5.1-1 Continuance

Subject to the provisions of this Section, a nonconforming use may be continued and maintained in reasonable repair, but may be enlarged only as provided in Section 5.1-5 below. This Section shall not be construed to permit any unsafe use, or to affect any lawful regulation or prohibition of an unsafe use.

5.1-2 Discontinuance

If a nonconforming use is discontinued for a period in excess of one year that use shall be deemed to be abandoned and further use of the property shall conform to this local law.

5.1-3 Change

If a nonconforming use is replaced by another use, the new use shall conform to this local law.

5.1-4 Damage, Destruction or Relocation

If a nonconforming use is damaged or destroyed by any cause to an extent exceeding 75% of either its floor area or of its market value, the future use on the site shall conform to this local law. However, a nonconforming, single-family dwelling damaged or destroyed by any casualty may be rebuilt by the person owning such building at the time of the casualty, provided that construction is begun within 12 months after the casualty and the construction conforms to the original building footprint. A nonconforming structure may be moved or otherwise relocated so as to occupy a different area of land than was occupied at the time of the enactment or amendment of zoning regulations which rendered the structure or use nonconforming in the first place if the move or relocation does not in any way increase the non-conformity.

5.1-5 Enlargement

A nonconforming use, except for a non-conforming mobile home, may be enlarged up to 25% of its original floor or land area as of the effective date of this local law, pursuant to a Special Use Permit granted in accordance with Article 6. See Section 4.15-3 with respect to restrictions on nonconforming mobile homes.

SECTION 5.2 Nonconformity with Dimensional or Minimum Lot Size Requirements

5.2-1 Continuance

A non-complying use or structure may be continued, and maintained in reasonable repair subject to the provisions of this Section.

5.2-2 Alteration, Enlargement, Conversion

A non-conforming use or structure may be altered, enlarged, or converted to another use, provided that no such activity shall create a new nonconformity or increase the degree of existing nonconformity.

5.2-3 Damage, Destruction or Relocation

If any non-conforming use or structure is damaged or destroyed by any cause to an extent exceeding 75% of either its floor area or its market value, it may be reestablished only in accordance with all applicable provisions of this local law and only to the extent that it existed prior to the damage or destruction. However, a single-family dwelling destroyed or damaged to any extent may be rebuilt as a non-conforming structure, provided that construction is begun within twelve months of the casualty and is confined to the building footprint as it existed prior to the damage or destruction. A nonconforming structure may be moved or otherwise relocated so as to occupy a different area of land than was occupied at the time of the enactment or amendment of zoning regulations which rendered the structure or use nonconforming in the first place if the move or relocation does not in any way increase the non-conformity.

5.2-4 Existing Undersized Lots

If a lot of record duly existed prior to the adoption of zoning regulations in the Town of Essex enacted in 1974, and said lot of record was not then in the same ownership as any adjacent lot(s), fails to meet applicable density, set back or lot size standards as set forth herein, the lot may be developed with any compatible use listed for the zoning district in which such nonconforming lot is located provided that such lot has sufficient width, depth, and area to undertake development that will:

5.2-4-1 Maintain the required minimum front yard setback and, if applicable, the minimum stream setback;

5.2-4-2 Meet or exceed at least (2/3) of the required minimum side and rear yards;

5.2-4-3 Not exceed the maximum permitted lot coverage; and

5.2-4-4 Otherwise satisfy all applicable provisions of this law.

5.2-5 A nonconforming lot of record may be subdivided if each and every subdivision of such lot is purchased by the owner or owners of the adjoining properties to increase the size of said owner's or owners' property. This can also be known as a Boundary Line Adjustment for annexation.

ARTICLE 6 SPECIAL USE PERMITS

SECTION 6.1 Purpose and Applicability

6.1-1 Purpose

Pursuant to the Comprehensive Plan of the Town of Essex, it is the policy of the Town of Essex to balance the allowance and encouragement of a variety of uses of land and to foster economic opportunities within the municipal boundaries of the Town, provided that such uses do not

unreasonably and adversely affect neighboring properties, the natural environment, the rural and historic character of the Town or the long-term development of the Town. Many uses are, therefore, permitted only upon issuance of a Special Use Permit by the Planning Board in order to ensure that these uses are appropriate to their surroundings and satisfy performance criteria on a case-by-case basis.

6.1-2 Applicability

Uses requiring Special Use Permits are listed for each Land Use District in Schedule A. Accessory uses or structures used in connection with a Special Use Permit use shall be subject to the same Special Use Permit approval requirements as the principal structure or use.

SECTION 6.2 Required Information

Because the impact of Special Use Permit uses varies greatly, the information required to be submitted for a Special Use Permit may vary depending upon the scale, intensity, nature of the proposed use and its proposed location. An applicant for a Special Permit shall submit at least the following together with whatever other information the Planning Board deems appropriate:

- 6.2-1** A Town of Essex Special Use Permit application form.
- 6.2-2** A detailed plot plan drawn to scale with accurate dimensions providing information sufficient to enable the Board to make an informed decision, and an agricultural data statement as defined below.
- 6.2-3** A narrative describing the proposed use and operation of the project.
- 6.2-4** A copy of the deed to the property with the applicant clearly shown as current owner or a document showing the property will be owned by the applicant prior to the commencement of the project. If the applicant is not the owner of the property, a letter of authorization from the owner for the applicant to make application to the Planning Board on his/her behalf.
- 6.2-5** An agricultural data statement, if appropriate (see section 6.3-5)
- 6.2-6** For properties not in the Essex or Whallonsburgh hamlets, a letter from the Adirondack Park Agency indicating the project is non-jurisdictional, or a copy of a permit from the APA, or a copy of a cover letter for an application submitted to the APA for a project permit, or a copy of a letter requesting a non-jurisdictional determination from the APA.
- 6.2-7** A list of the names and addresses of all property owners within five hundred (500) feet of the subject property. (See 6.3-7.2 below for notification requirements.)
- 6.2-8** A short-form or long-form SEQRA Environmental Assessment Form (EAF) (a long-form EAF is required for all SEQRA Type I actions, but the Planning Board may require a long-form EAF for unlisted actions if the Board deems that the additional information contained on the long-form would be helpful and appropriate under the circumstances of the project proposal).
- 6.2-9** The application fee as established by the Town Board, and an escrow deposit (if required).
- 6.2-10** The Planning Board may waive or add any requirements for an application submission if it deems appropriate in order to accomplish the purposes set forth herein.

SECTION 6.3 Procedure

6.3-1 Application

6.3-1-1 Application for a Special Use Permit shall be made to the Planning Board, on forms prescribed by the Planning Board, together with the required fee.

6.3-1-2 An Environmental Assessment Form, as required by the SEQRA regulations, with Part 1 completed by the Applicant shall be submitted as part of the application.

6.3-1-3 If an application is for a parcel or parcels on which more than one use requiring a Special Use Permit is proposed, the applicant may submit a single application for all such uses. The Planning Board may grant the application with respect to some proposed uses and not others. For purposes of reviewing an application (and for SEQRA compliance) all proposed uses on a single parcel or on contiguous parcels shall be considered together.

6.3-1-4 At the first meeting at which an application is first presented as an agenda item, the Planning Board shall determine whether the application is complete for purposes of commencing the review process. If an application is determined to be incomplete, the Planning Board shall notify the Applicant in writing as to what aspects of the application submittal are lacking or are otherwise insufficient to start the process. The time-frames for Planning Board action during the review process shall not commence until the submission of a fully complete application with supporting documents and materials and the determination by the Planning Board that the application is complete.

6.3-2 Pre-application Meeting

It is recommended that before filing an application, the applicant should attend a Planning Board meeting to discuss the nature of the proposed use and to determine the information that will need to be submitted. The purpose of this meeting is for the Applicant and the Board to informally discuss the proposal and the relevant issues involved before the Applicant expends significant time or money in application submittals.

6.3-3 Application for Area Variance

Where a proposed Special Use Permit contains one or more features which do not comply with the dimensional regulations of this local law, application may be made to the Zoning Board of Appeals for an Area Variance pursuant to Article 8 without a decision or determination by the Zoning Officer.

6.3-4 SEQR Compliance

Upon receipt of application materials it deems complete, the Planning Board shall initiate the New York State Environmental Quality Review process by either circulating the application and Environmental Assessment Form to all involved agencies (if coordinated review is undertaken) or by issuing its determination of significance within thirty (30) days of its acceptance of a completed application, EAF and other supporting materials. Where the proposed action may have a significant effect on the environment, the Planning Board shall issue a positive declaration and require the submission of a Draft Environmental Impact Statement (DEIS). No time periods for decision making in this local law shall begin to run until either acceptance of a DEIS as satisfactory pursuant to New York State Department of Environmental Conservation Regulations or the issuance of a negative declaration.

6.3-5 Referral to County Planning Board

6.3-5-1 Upon receipt of application materials it deems to be complete, the Planning Board shall refer to the Essex County Planning Board any application for a Special Use Permit or Special Use Permit with Site Plan (see below, Section 7) affecting property within 500 feet of a County Road or County property.

6.3-5-2 No action shall be taken on applications referred to the County Planning Board until its recommendation has been received, or 30 days have elapsed after its receipt of the complete application, unless the County and Town agree to an extension beyond the 30-day requirement for the County Planning Board's review.

6.3-5-3 County Disapproval. A majority-plus-one vote of the Planning Board shall be required to grant any Special Use Permit which receives a recommendation of disapproval from the County Planning Board because of the referral process specified above, along with a resolution setting forth the reasons for such contrary action.

6.3-6 Agricultural Data Statement

6.3-6-1 Any application for a Special Use Permit, Use Variance, or subdivision approval requiring municipal review and approval by the Planning Board or Zoning Board of Appeals that would occur on property within an agricultural district containing a farm operation, or on property with boundaries within five hundred (500) feet of a farm operation located in an agricultural district, shall include an agricultural data statement as defined in Article 11. The Planning Board or Zoning Board of Appeals shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within the agricultural district.

6.3-6-2 If an agricultural data statement has been submitted, the Secretary of the Planning Board shall, upon receipt of the application, mail written notice of the Special Use Permit application to the owners of land as identified by the applicant in the agricultural data statement. Such notice shall include a description of the proposed project and its location. The cost of mailing the notice shall be borne by the applicant.

6.3-7 Notice and Hearing

6.3-7-1 The Planning Board shall hold a public hearing on a complete Special Use Permit application within 62 days from the determination of the Planning Board that the application is complete. The time in which a public hearing must be held may be lengthened only upon consent of the Applicant and Planning Board.

6.3-7-2 At least ten days prior to the date of such hearing, the Planning Board shall give public notice by causing the publication of a notice of such hearing in the official newspaper and by mailing a notice thereof to all adjoining property owners and to any other property owners in the affected area that the Planning Board may require to be notified. The Planning Board should mail individual notices in a timely manner with the intent that such notice is received at least 5 days before the hearing is held.

6.3-8 Action

6.3-8-1 The Planning Board shall grant, deny, or grant subject to conditions the application for a

Special Use Permit within 62 days after the hearing. Any decision by the Planning Board shall contain written findings explaining the rationale for the decision in light of the standards contained in Section 6.4 of this local law.

6.3-8-2 In granting a Special Use Permit, the Planning Board may impose conditions that it considers necessary to protect historic or cultural resources, and the health, safety, welfare of the Town and to achieve the purposes contained in Section 1.6. These conditions may include increasing dimensional or area requirements, specifying location, character and number of vehicle access points, requiring landscaping, planting and screening, requiring clustering of structures and uses in order to minimize the burden on public services and facilities and protect open space, requiring the protection of open space of conservation value using conservation easements, and requiring action by the applicant (including the posting of performance bonds and furnishing of guarantees) to insure the completion of the project in accordance with the terms and conditions applicable thereto.

6.3-9 Expiration, Change of Use, Revocation, and Enforcement

6.3-9-1 A Special Use Permit shall expire if the Special Use Permit use or uses cease for more than 12 consecutive months for any reason, if the applicant fails to obtain the necessary APA Project Permit or fails to comply with the conditions of the Special Use Permit within 18 months of its issuance, or if its time limit expires without renewal.

6.3-9-2 A Special Use Permit shall apply to the use for which it has been granted, as well as to any subsequent similar use of the property which complies with all terms and conditions of the Special Use Permit (as determined by the Zoning Officer in issuing a Certificate of Occupancy) and which does not involve any new construction, enlargement, exterior alteration of existing structures, or changed use of outdoor areas. Any other change to a use allowed by Special Use Permit shall require the granting of a new Special Use Permit or a Special Use Permit amendment.

6.3-9-3 A Special Use Permit may be revoked by the Planning Board if the permittee violates the conditions of the permit or engages in any construction or alteration not authorized by the permit.

6.3-9-4 Any violation of the conditions of a Special Use Permit shall be deemed a violation of this local law, and shall be subject to enforcement action as provided herein.

SECTION 6.4 Findings Required

In granting or denying Special Use Permits, the Planning Board shall take into consideration the type, scale and intensity of the proposed project, the surrounding area, the possible impact of the proposed project on nearby properties and uses, the requirements and purposes of this law and the policies and goals of the Comprehensive Plan. The Planning Board shall set forth its findings in writing as part of its decision-making process.

SECTION 6.5 Criteria

In considering and acting on Special Use Permits, the Planning Board shall consider the public health, safety, and general welfare. The Board shall also consider potential environmental impacts and the comfort and convenience of the public in general, the residents of the proposed development, and the residents of the immediate surrounding area. The Board may prescribe such appropriate conditions and safeguards as may be

necessary in order that the results of its action shall, to the maximum extent possible, further the accomplishment of the following objectives:

- 6.5-1 Compatibility:** That the proposed use is of a character compatible with the surrounding neighborhood, incorporates a site design which is consistent with the rural character of the town, and is in harmony with the Town's Comprehensive Plan (and Local Waterfront Revitalization Program, if applicable).
- 6.5-2 Neighboring Properties:** That the proposed use and/or structures do not significantly and adversely affect adjacent properties with respect to such things as storm water drainage, glare, noise, loss of natural light, risk of fire, flood or erosion, odors, viewsheds, historic structures and the structural integrity of buildings and other similar matters.
- 6.5-3 Vehicular Access:** That proposed access points are adequate in width, grade, alignment, and visibility; are not excessive in number; are located at appropriate distances from intersections or places of public assembly; that the proposed use will not generate more traffic than existing road infrastructure can adequately and safely accommodate and satisfy other similar safety and traffic flow considerations.
- 6.5-4 Circulation and Parking:** That adequate off-road parking and loading spaces are provided to minimize, or, where required, to eliminate the need for parking of vehicles on public highways by any persons connected with or visiting the site of the use; that the interior circulation system is adequate to provide safe accessibility to all required parking spaces; and that adequate separation of pedestrian and vehicular movements is provided.
- 6.5-5 Landscaping and Screening:** That all parking, storage, loading, and service areas are reasonably screened at all seasons of the year from the view of adjacent residential areas and that the general landscaping of the site is in character with the surrounding areas. Such screening shall be maintained as a condition of the Special Use Permit.
- 6.5-6 Natural Features:** That the proposed use, together with its sanitary and water service facilities, are compatible with geologic, hydrologic, and soil conditions of the site and of adjacent areas; that the proposed use and structures do not significantly impact existing natural and scenic features of importance and that such features are preserved to the maximum extent practicable.

SECTION 6.6 Amendments

The terms and conditions of any Special Use Permit may be amended in the same manner as required to grant a Special Use Permit, following the criteria and procedures in this Section. Any enlargement, alteration, or construction of accessory structures not previously approved shall require a Special Use Permit amendment.

ARTICLE 7: SPECIAL USE PERMIT WITH SITE PLAN REVIEW.

As part of its Special Use Permit application review process, the Planning Board shall review site plans for all applications which, because of the scale, intensity, or potentially disruptive nature of the proposed development, the Planning Board believes careful consideration of the layout, design, and placement of the development on the site proposed is appropriate.

SECTION 7.1 Purpose and Applicability

7.1-1 Purpose

Special Use Permits with Site Plans are required for certain uses as indicated on the use table set forth in, Schedule A, below. The purpose of a Special Use Permit with Site Plan is to review the location of a proposed use or structure on a particular proposed site of land. Even though the use itself may be suitable for a particular district, the operation of the type of use proposed may be problematic depending on the design, layout or location of the proposed use or structure. In this respect, the Planning Board will review Site Plans on a case-by-case basis in order to ensure that the proposal meets the applicable criteria set forth in this local law so that nearby properties and areas are protected from intrusive impacts. The review and approval of Site Plans thereby provide a flexible means of land use regulatory control so that the interests of the Applicant, the community and neighboring property owners and residents, and the Town are properly considered and balanced.

7.1-2 Applicability

A Special Use Permit with Site Plan is required for those uses and/or structures noted in Schedule A, below.

SECTION 7.2 Waivers

If the Planning Board finds that any of the information requirements in Section 7.3 are not necessary to conduct an informed review, it may waive such information requirements as it deems appropriate. Any such waiver shall be made in writing, and shall contain statements of the reasons why the waived information requirements are not necessary for an informed review.

SECTION 7.3 Required Information for A Special Use Permit with Site Plan

In addition to the information required above in Section 6.2, site plans shall include the following, prepared by a registered professional engineer, architect, surveyor, or landscape architect:

- 7.3-1** A vicinity map drawn at the scale that shows the relationship of the proposal to existing community facilities which affect or serve it, such as roads, shopping areas, schools, etc. The map shall also show all properties, subdivisions, streets, and easements within 500 feet of the property. Such a sketch may be superimposed on a United States Geological Survey map of the area.
- 7.3-2** The site plan shall be drawn at a scale of forty feet to the inch (1" = 40 feet) or such other scale as the Planning Board may deem appropriate, on standard 24" x 36" sheets, with continuation on 8½" x 11" sheets as necessary for written information. The information listed below shall be shown on the site plan and continuation sheets.
- 7.3-3** Name of the project, boundaries, date, north arrow, and scale of the plan.
- 7.3-4** Name and address of the owner of record, developer, and seal of the engineer, architect, or landscape architect. If the applicant is not the record owner, a letter of authorization shall be required from the owner.
- 7.3-5** The location and use of all existing and proposed structures within the property, including all dimensions of height and floor area, all exterior entrances, and all anticipated future additions and alterations.
- 7.3-6** The location of all present and proposed public and private ways, off-street parking areas, driveways, outdoor storage areas, sidewalks, ramps, curbs, paths, landscaping, walls, and fences. Location, type, and screening details for all waste disposal containers shall also be shown.
- 7.3-7** The location, height, intensity, and bulb type (sodium, incandescent, etc.) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
- 7.3-8** The location, height, size, materials, and design of all proposed signs.
- 7.3-9** The location of all present and proposed utility systems including:
1. Sewage or septic system;
 2. Water supply system;
 3. Telephone, cable, and electrical systems; and
 4. Storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, end-walls, hydrants, manholes, and drainage swales.
- 7.3-10** Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
- 7.3-11** Existing and proposed topography at two-foot contour intervals or such other contour interval as the Planning Board shall allow. If any portion of the parcel is within the 100-year floodplain, the area will be shown and base flood elevations given. Areas shall be indicated within the proposed site and within 50 feet of the proposed site where soil removal or filling is required, showing the approximate volume in cubic yards.
- 7.3-12** A landscape plan showing all existing natural land features that may influence the design of the proposed use such as rock outcrops, single trees eight or more inches in diameter, forest cover, and

water sources, and all proposed changes to these features including sizes and types of plants. Water sources include ponds, lakes, wetlands and watercourses, aquifers, floodplains, and drainage retention areas.

7.3-13 Traffic flow patterns within the site, entrances and exits, and loading and unloading areas, as well as curb cuts on the site and within 100 feet of the site. The Planning Board may, at its discretion, require a detailed traffic study for large developments or for those in heavy traffic areas, which shall include:

1. The projected number of motor vehicle trips to enter or leave the site, estimated for weekly and annual peak hour traffic levels;
2. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site;
3. The impact of this traffic on levels of service on abutting public streets and at affected intersections. Existing and proposed weekly and annual peak hour traffic levels and road capacity levels shall also be given.

7.3-14 For new construction or alterations to any structure, a table containing the following information shall be included:

1. Estimated area of structure to be used for particular uses such as retail operation, office, storage, etc.;
2. Estimated maximum number of employees;
3. Maximum seating capacity, where applicable; and
4. Number of parking spaces existing and required for the intended use.

7.3.15 Where necessary, to determine and mitigate project impacts soil logs, water supply well, percolation test results, and storm runoff calculations must be made.

7.3.16 Plans for disposal of construction and demolition waste, either on-site or at an approved disposal facility.

7.3.17 The Planning Board may require architectural drawings of proposed structures be submitted with respect to any applications where architectural design may be a factor. Applications that involve land or buildings within the Shoreline Overlay District, the Essex Historic District, and the Essex and Whallonsburgh Hamlet Districts may be those types of applications where such drawings are appropriate. Such drawings may be required by the Planning Board wherever the project is located as long as architectural design is a significant factor in whether the proposal meets the criteria for a Special Use Permit with Site Plan..

SECTION 7.4 Procedures For Special Use Permit with Site Plan Approval

The procedures for a Special Use Permit with Site Plan are identical to those described above in Article 6 for the Special Use Permit. See sections 6.3-1 Application, 6.3-2 Pre-application meeting, 6.3-3 Application for Area Variance, 6.3-4 SEQRA Compliance, 6.3-5 Referral to County Planning Board, 6.3-6 Agricultural Data Statement, 6.3-7 Notice and Hearing, 6.3-8 Action, 6.3-9 Expiration, Change of use, Revocation, and Enforcement.

SECTION 7.5 Amendments

The terms and conditions of any Special Use Permit with Site Plan approval may be amended in the same manner as required to approve a Special Use Permit with Site Plan, following the criteria and procedures in this Article. Any enlargement, alteration, or construction of accessory structures not previously approved shall require a Special Use Permit with Site Plan amendment.

SECTION 7.6 Findings Required

In granting or Special Use Permits with Site Plan, the Planning Board shall take into consideration the type, scale and intensity of the proposed project, the surrounding area, the possible impact of the proposed project on nearby properties and uses, the requirements and purposes of this law and the policies and goals of the Comprehensive Plan. The Planning Board shall set forth its findings in writing as part of its decision-making process.

SECTION 7.7 Criteria

The Planning Board, in reviewing Special Use Permits with Site Plan, shall consider the criteria set forth below if applicable to the project.

7.7-1 Layout and Design

- 7.7-1-1** All structures in the plan shall be integrated with each other and with adjacent structures, shall have convenient pedestrian and vehicular access to and from adjacent properties, and shall, wherever possible, be laid out in a pattern consistent with the traditional forms found in Adirondack hamlets and in the Town of Essex.
- 7.7-1-2** Individual structures shall be compatible in scale and height with each other and with traditional structures in the surrounding area in architecture, design, massing, materials, and placement, and shall harmonize with traditional elements in the architectural fabric of the area.
- 7.7-1-3** Where feasible, setbacks shall maintain and continue the existing setback pattern of surrounding properties.
- 7.7-1-4** The Planning Board shall encourage the creation of landscaped parks or plazas easily accessible by pedestrians.

7.7-2 Landscaping

- 7.7-2-1** Landscaping shall be an integral part of the entire project area, and shall buffer the site from and/or integrate the site with the surrounding area, as appropriate.
- 7.7-2-2** Primary landscape treatment shall consist of shrubs, ground cover, and shade trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape plants selected should be appropriate to the growing conditions of the Town's environment.
- 7.7-2-3** Where feasible, existing trees and other vegetation shall be conserved and integrated into

the landscape design plan.

- 7.7-2-4** If deemed appropriate for the site by the Planning Board, shade trees at least six feet tall shall be planted and maintained at 25- to 50-foot intervals along roads, at a setback distance acceptable to the Highway Superintendent.

7.7-3 Parking, Circulation, and Loading

- 7.7-3-1** Roads, driveways, sidewalks, off-street parking, and loading space shall be safe, and shall encourage pedestrian movement.
- 7.7-3-2** Vehicular and pedestrian connections between adjacent sites shall be provided to encourage pedestrian use and to minimize traffic entering existing roads. The construction of service roads and new public streets to connect adjoining properties shall be required by the Planning Board, where appropriate.
- 7.7-3-3** Off-street parking and loading requirements of this Local Law shall be fulfilled, and parking areas shall be located behind buildings wherever possible.
- 7.7-3-4** Access from and egress to public highways shall be approved by the appropriate Highway Department, including Town, County, State, and Federal, to the extent that said Highway Department or Departments have jurisdiction over such access.
- 7.7-3-5** All structures shall be accessible by emergency vehicles.

7.7-4 Miscellaneous Standards

- 7.7-4-1** Materials and design of paving, light fixtures, retaining walls, fences, curbs, benches, etc., shall be attractive and easily maintained.
- 7.7-4-2** The light level at the lot line shall not exceed two-tenths (0.2) foot-candle, measured at ground level. To achieve this, luminaries shall be shielded to prevent light from shining beyond the lot lines onto neighboring properties or public ways. Where residential uses adjoin commercial uses, light standards shall be restricted to a maximum of 20 feet in height.
- 7.7-4-3** Drainage of the site shall recharge ground water to the extent practical. Surface waters flowing off-site shall not degrade any streams or adversely affect drainage on adjacent properties or public roads.
- 7.7-4-4** Dispersal of construction and demolition wastes shall meet all applicable local, county, state, and federal requirements.
- 7.7-4-5** Reservation of Parkland - For any site plan containing residential units, the Planning Board may require the reservation of parkland or payment of a recreation fee pursuant to Town Law, Section 274-a(6).

SECTION 7.8 Performance Guarantee

No Certificate of Occupancy shall be issued until all improvements shown on the site plan are installed, or a sufficient performance guarantee has been posted for improvements not yet completed. The performance

guarantee shall be posted in accordance with the procedures specified in Section 277 of the Town Law relating to subdivisions. The amount and sufficiency of such performance guarantee shall be determined by the Town Board after consultation with the Planning Board, Town Attorney, Zoning Officer, and the Town's consultants, if any.

SECTION 7.9 As-built Plans and Inspection of Improvements

No Certificate of Occupancy shall be granted until the applicant has filed a set of as-built plans with Zoning Officer, indicating any deviations from the approved site plan. Material deviations from an approved Special Use Permit with Site Plan must also be approved by the Planning Board. The Zoning Officer shall be responsible for the inspection of site improvements, including coordination with the Town's consultants and other local officials and agencies, as may be appropriate, and shall grant a Certificate of Occupancy upon a finding that the project as built complies in all material respects with the approved Special Use Permit with Site Plan.

Section 7.10 “Abbreviated Special Use Permit with Site Plan Review.”

The following is required for proposed land use changes to farm operations that lie in both Agricultural District #1 and the hamlets of Essex or Whallonsburgh, or in Low or Moderate zoning classifications.

Submission to the Planning Board of the following:

1. A sketch of the parcel on a location map showing boundaries and dimensions of the parcel of land involved and identifying contiguous properties and any known Easements or rights-of-way and roadways. Show existing features of the site including land and water areas, water or sewer systems and the approximate location of all existing structures on or immediately adjacent to the site.
2. A sketch showing how the proposed location and arrangement of buildings and uses on the site, including means of ingress and egress, parking and circulation of traffic. It must show the proposed location and arrangement of specific land uses, such as pasture, crop fields, woodland, livestock containment areas, or manure storage/manure composting sites.
3. A sketch of any proposed building, structure or sign, including exterior dimensions and elevations of front, side and rear views. Include copies of any available blueprints, plans or drawings.
4. A description of the farm operation (existing and/or proposed) and a narrative of the intended use and/or location of proposed buildings, structures or signs, including any anticipated changes in the existing topography and natural features of the parcel to accommodate the changes. Include the name and address of the applicant and any professional advisors. If the applicant is not the owner of the property, provide authorization of the owner.
5. If any new structures are going to be located adjacent to a stream or wetland provide a copy of the floodplain map and wetland map that corresponds with the boundaries of the property.
6. The required fee.

In considering the action, the Planning Board will make every effort to expedite review and approval. No public hearing, SEQR, or professionally stamped plans are required.

The Zoning Officer will determine if a structure is subject to local and state building codes prior to

issuing a permit.

ARTICLE 8 APPEALS AND VARIANCES

SECTION 8.1 Zoning Board of Appeals

8.1-1 Establishment

8.1-1-1 The Town Board shall appoint a Zoning Board of Appeals (ZBA), shall designate its chairperson, and shall provide for such expenses as may be necessary and proper. In the absence of a chairperson, the Zoning Board of Appeals may designate a member to serve as acting chairperson. A member of the Board of Appeals shall not at the same time be a member of the Town Board. The Town Board shall have the power to remove any member of the Zoning Board of Appeals for cause and after public hearing.

8.1-1-2 Members, except for those appointed to the first Board, shall serve terms of five years. Such terms shall expire at the end of the calendar year. In the creation of the new Zoning Board of Appeals, the appointment of members of the Board shall be for terms so fixed that one member's term shall expire at the end of the calendar year in which such member was initially appointed. The remaining members' terms shall be so fixed that one member's term shall expire at the end of each year thereafter. At the expiration of each original member's appointment, the replacement member shall be appointed for a term, which shall be equal in years to the number of members of the Board.

8.1-1-3 If a vacancy occurs other than by the expiration of a term, it shall be filled by the Town Board for the period of the un-expired term.

8.1-2 Conduct of Business

8.1-2-1 The Zoning Board of Appeals may employ such clerical or other staff or consulting assistance as may be necessary, provided that it shall not incur expenses beyond the amount of appropriations made available by the Town Board for such purposes.

8.1-2-2 The Zoning Board of Appeals shall have the power to promulgate written rules of procedure, by-laws, and forms in order to fulfill its responsibilities under this Local Law.

8.1-2-3 All meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at such other times as the Board may determine. The chairperson or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The concurring vote of a majority of all members shall be necessary to take action on any matter before it.

8.1-2-4 The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member on every decision. If a member is absent or fails to vote, the minutes shall so indicate. Every rule and regulation, every amendment or repeal thereof, and every order, requirement, decision, interpretation, or determination of the Zoning Board of Appeals shall immediately be filed in the office of the Town Clerk and shall be a public record.

8.1-3 Powers

The Zoning Board of Appeals shall perform all the duties and powers prescribed by Town Law

Sections 267, 267-a, 267-b, and 267-c and by this Local Law in connection with appeals to review any order, requirement, decision, interpretation, or determination made by an administrative official charged with the enforcement of this Local Law, generally the Zoning Officer. An appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town.

SECTION 8.2 Appeals of Orders, Requirements, Decisions, Interpretations, or Determinations

The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation, or determination appealed from, and shall make such order, requirement, decision, interpretation, or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of this Local Law. In so doing, the Zoning Board of Appeals shall have all the powers of the administrative official from whose order, requirement, decision, interpretation, or determination the appeal is taken.

SECTION 8.3 Appeals for Variance

8.3-1 Where there are uses and/or structures proposed which is prohibited by the provisions of this Zoning Law, the Zoning Board of Appeals shall have the power, upon appeal from a determination by the Zoning Officer and after public notice and hearing, to vary or modify the application of any of the provisions of this Zoning Law relating to the use, construction, or alteration of structures or the use of land, so that the spirit of this Law is observed, public safety and welfare secured, and substantial justice done.

8.3-2 All applications for Variances shall be accompanied by three copies of a plot plan, drawn to scale with accurate dimensions, showing the location of all existing and proposed structures on the lot. An application for a Use Variance may require submission of an agricultural data statement.

8.3-3 Any Variance which is not exercised within one year of the date of issuance shall automatically lapse without further hearing by the Zoning Board of Appeals.

8.3-4 Use Variances

8.3-4-1 The Zoning Board of Appeals, on appeal from a decision or determination of the Zoning Officer, shall have the power to grant Use Variances, authorizing a use of the land which otherwise would not be allowed by this Local Law.

8.3-4-2 No Use Variance shall be granted without a showing by the applicant that applicable zoning regulations and restrictions, as applied to him or her, have caused unnecessary hardship. In order to prove unnecessary hardship the applicant shall demonstrate that for each and every permitted use under this local law for the district in which the applicant's property is located:

- A. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- B. The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- C. The requested Use Variance, if granted, will not alter the essential character of the neighborhood; and

D. The alleged hardship has not been self-created.

8.4-3-3 The Zoning Board of Appeals shall consider any agricultural data statement.

8.4-3-4 The Zoning Board of Appeals, in granting Use Variances, shall grant the minimum variance that it deems necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

8.3-5 Area Variances

8.3-5-1 The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Zoning Officer, to grant Area Variances from the area or dimensional requirements.

8.3-5-2 In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the Variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community of such grant. In making such determination the Board shall also consider:

- A. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance;
- B. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an Area Variance;
- C. Whether the requested Area Variance is substantial;
- D. Whether the proposed Variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- E. Whether the alleged difficulty was self-created, which shall be relevant to the decision of the Board, but which shall not necessarily preclude the granting of the Area Variance.

8.3-5-3 The Zoning Board of Appeals, in the granting of Area Variances, shall grant the minimum Variance that it deems necessary and adequate, while preserving and protecting the character of the neighborhood and the health, safety, and welfare of the community.

8.3-6 Imposition of Conditions

The Zoning Board of Appeals shall, in granting Use Variances and Area Variances, impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Local Law, and shall be imposed for the purpose of minimizing any adverse impact the Variance may have on the neighborhood or community.

SECTION 8.4 Procedures

8.4-1 Application

Appeals shall be taken by filing a written notice of appeal and any required plans with the Zoning Officer and the Zoning Board of Appeals, within 62 days after the filing of the order, requirement, decision, interpretation, or determination that is being appealed, on forms prescribed by the Zoning Board of Appeals. Such application shall refer to the specific provision of this Zoning Law involved and shall specify the grounds for the Variance requested, the interpretation claimed, or for the reversal of an order, requirement, decision or determination of an administrative official. For all appeals for a Use Variance or certain Area Variances, the applicant must submit an environmental assessment form (“EAF”) with Part 1 of said form fully completed by the applicant pursuant to the requirements of SEQRA. The Zoning Officer shall forthwith transmit all the papers constituting the record of the appeal to the Zoning Board of Appeals. The Zoning Board of Appeals, at its first meeting where said appeal is on the agenda, shall review the notice of appeal and other required submissions by the applicant and shall determine whether such submissions are complete in accordance with this Law and Zoning Board of Appeals procedures.

8.4-2 Referral to County Planning Board

8.4-2-1 Upon receipt of application materials it deems to be complete, the Zoning Board of Appeals shall refer to the Essex County Planning Board any application for a Use or Area Variance affecting property within 500 feet of a County Road or County property.

8.4-2-2 No action shall be taken on applications referred to the County Planning Board until its recommendation has been received, or 30 days have elapsed after its receipt of the complete application, unless the County and Town agree to an extension beyond the 30-day requirement for the County Planning Board's review.

8.4-2-3 County Disapproval. A majority-plus-one vote of the Zoning Board of Appeals shall be required to grant any Special Use Permit which receives a recommendation of disapproval from the County Planning Board because of the referral process specified above, along with a resolution setting forth the reasons for such contrary action.

8.4-3 Hearing and Public Notice

8.4-3-1 If an agricultural data statement has been submitted, the Clerk of the Zoning Board of Appeals shall, upon receipt of the Variance application, mail written notice of the application to the owners of land as identified by the Applicant in the agricultural data statement. Such notice shall include a description of the proposed Variance and its location. The cost of mailing the notice shall be borne by the Applicant.

8.4-3-2 The Zoning Board of Appeals shall set a reasonable time after receipt of a complete application for the hearing of appeals. Said hearing must be held within 62 days from the date that the Zoning Board of Appeals has determined said application is complete.

8.4-3-3 At least ten days prior to the date of such hearing, the Zoning Board of Appeals shall give public notice by causing the publication of a notice of such hearing in the official newspaper of the Town of Essex and by mailing a notice thereof to the applicant, to all adjoining property owners and to any other property owners in the affected area that the Zoning Board of Appeals may require to be notified, and to the regional park commission having jurisdiction over any State park or parkway within 500 feet of the property affected. A copy of said notice of hearing, together with a description of the application, shall be sent by the Board of Appeals to the County Planning Board and, if appropriate, to the Adirondack Park Agency simultaneously with the giving of notice under this Section.

8.4-3-4 At the hearing, any party may appear in person or by agent or by attorney.

8.4-3-5 The Zoning Board of Appeals may adjourn the hearing for a reasonable period in order to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in the appeal or to obtain further information or documentation relevant to the appeal.

8.4-4 Action

The Zoning Board of Appeals may, in conformity with the provisions of this Local Law, reverse, affirm, or modify, wholly or in part, the order, requirement, decision, interpretation or determination of the Zoning Officer in accordance with the provisions of this Chapter.

8.4-4-1 Any such action shall be decided within 62 days after the close of the public hearing.

8.4-4-2 Every decision of the Zoning Board of Appeals shall be approved by vote of a majority of the members by resolution which contains a full record of the findings of the Zoning Board of Appeals in the case.

8.4-4-3 8.4-5 Filing

Every order, requirement, decision, interpretation, or determination of the Zoning Board of Appeals shall be filed immediately in the office of the Town Clerk and the office of the Zoning Officer, and shall be a public record.

8.4-6 Re-hearing and Review of Prior Decisions

Upon motion initiated by any member and adopted by the unanimous vote of the members present, the Zoning Board of Appeals shall review at a re-hearing held upon notice given as upon an original hearing, any order, requirement, decision, interpretation, or determination of the Zoning Board of Appeals not previously reviewed. Upon such re-hearing, and provided it shall then appear that the rights vested prior thereto in persons acting in good faith in reliance upon the order, requirement, decision, interpretation, or determination reviewed will not be prejudiced thereby, the Zoning Board of Appeals may, upon the concurring vote of all the members then present, reverse, modify, or annul its original order, requirement, decision, interpretation, or determination.

8.4-7 Court Review of Board Decisions

Any person or persons, jointly or severally aggrieved by any decision of the Zoning Board of Appeals, may apply to the Supreme Court for review by a proceeding under Article Seventy-eight of the Civil Practice Law and Rules and Section 267-c of the Town Law.

8.4-8 Expiration of Appeal Decision

Unless otherwise specified by the Zoning Board of Appeals, a decision on any appeal shall expire if the appellant fails to obtain any necessary building or other permit or approval within six months of the date of such decision.

8.4-9 Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Officer certifies for the Zoning Board of Appeals, after the notice of appeal has been filed, that such a stay of proceedings would, in his or her opinion, cause imminent peril to life or property by reason of facts stated in the certificate. In such a case, proceedings shall not be stayed except by a restraining order granted by the Zoning Board of Appeals or by the Supreme Court on application, on notice to

the Zoning Inspector for due cause shown.

SECTION 8.5 Grant of Variance

The grant of a variance shall serve as authorization for the Zoning Officer to issue a building and/or Zoning Permit, provided that the project complies with all applicable provisions of this zoning Law and other applicable regulations.

ARTICLE 9 AMENDMENT

SECTION 9.1 Initiation

The Town Board, from time to time, upon its own motion or application by one or more property owners, or resolution of the Planning Board or Zoning Board of Appeals, may amend this Zoning Law including the official Zoning Map as provided herein and in accordance with the provisions of the Municipal Home Rule Law and other applicable State laws. A property owner or the owner's agent may apply for amendment to this local law by filing three complete sets of an application with the Town Board, and two complete sets with the Planning Board. The application shall include a description of the property or properties affected, a map showing the property or properties affected and all properties within a radius of 500 feet of the exterior boundaries thereof and the applicable filing fee. In the case of a proposed amendment that would apply only to properties which are not immediately identifiable or to a class of properties including six or more identifiable properties, no properties need be identified as affected.

SECTION 9.2 Review by Planning Agencies

As an aid in analyzing the implications of proposed amendments and to coordinate the effect of such actions on intergovernmental concerns, the Town Board shall refer proposed amendments to the Town and County planning agencies as required by this Zoning Law and by the Laws of New York State.

9.2-1 Referral to Town Planning Board

Every proposed amendment or change initiated by the Town Board or by petition (but not if initiated by the Planning Board), shall be referred to the Town Planning Board for report thereon prior to public hearing.

9.2-2 Referral to County Planning Board

9.2-2-1 Upon receipt of application materials it deems to be complete, the Town Board shall refer to the Essex County Planning Board any proposal for an amendment to this Law including, but not limited to, the Zoning Map.

9.2-2-2 No action shall be taken on applications referred to the County Planning Board until its recommendation has been received, or 30 days have elapsed after its receipt of the complete application, unless the County and Town agree to an extension beyond the 30-day requirement for the County Planning Board's review.

9.2-2-3 County Disapproval. A majority-plus-one vote of the Town Board shall be required to grant any Zoning Amendment which receives a recommendation of disapproval from the County Planning Board because of the referral process specified above, along with a resolution setting forth the reasons for such contrary action.

SECTION 9.3 Public Hearing and Notice

No proposed amendment shall become effective until after a public hearing thereon, at which the public shall have an opportunity to be heard. The Town Board shall set, by resolution at a duly called meeting, the time and place for a public hearing on proposed amendments, and shall cause public notice to be given as required by the laws of New York State and specified below. If a proposed amendment is initiated by petition, the petitioner shall be responsible for publication of notice and for notice to adjacent municipalities, if necessary.

9.3-1 Publication of Notice in Newspaper

Notice of the time and place of the public hearing shall be published at least 10 days in advance of such hearing in the official newspaper. This notice shall provide a summary of the proposed amendment in such reasonable detail as will give adequate notice of its contents, indicating the place or places where copies of the proposed amendment may be examined and the time and place of the hearing.

9.3-2 Notice to Adjacent Municipalities

Written notice of any proposed amendment affecting property lying within 500 feet of an adjacent town shall be served in person or by mail upon the Clerk of such municipality at least 10 days prior to the date of public hearing. Representatives of neighboring municipalities receiving notification of a proposed amendment shall have the right to appear and be heard at the public hearing thereon, but shall not have the right to review by a court.

SECTION 9.4 Adoption

The Town Board may adopt amendments to this Zoning Law by a majority vote of its membership, except in the case of local protest or disapproval by the County Planning Board as noted below. A copy of the decision shall be promptly sent to the applicant.

9.4-1 Local Protest

The favorable vote of three-fourths (i.e., four) of the Town Board members shall be required for passage of any amendment which is subject to a written protest signed by 20% or more of the owners of land in any of the following areas:

- A. The land area included in the proposed amendment.
- B. The land area immediately adjacent to the area proposed to be changed and extending 100 feet therefrom.
- C. The land area directly opposite the area proposed to be changed and extending 100 feet from the road frontage of such opposite land.

9.4-2 County Disapproval

A majority-plus-one vote (i.e. four) of all Town Board members shall be required to pass any proposal which receives a recommendation of disapproval from the County Planning Board because of the referral process specified in Section 9.2-2 above, along with a resolution setting forth the reasons for such contrary action.

SECTION 9.5 Effective Date

Unless the amendment provides for a different effective date, each amendment adopted by the Town Board shall take effect when filed with the Secretary of State of the State of New York pursuant to the Municipal Home Rule Law of the State of New York.

SECTION 9.6 Right to Complete Project Inconsistent with Amendment

Where a project for which a permit or approval has been lawfully issued, but no certificate of compliance has been awarded, would be rendered nonconforming or by an amendment of this Zoning Law, such project shall have the right to be completed and to be awarded a certificate of compliance pursuant to the provisions in effect when the project permit was issued only if, in the case of a project primarily involving a building, the foundation has been completed prior to the effective date of the amendment, and, in the case of a project not primarily involving a building, a substantial amount of construction has been completed prior to the effective date of the amendment.

ARTICLE 10: CLUSTER SUBDIVISION DEVELOPMENT

SECTION 10.1 Authority

10.1-1 Pursuant to the powers granted under Section 278 of the Town Law, the Town Board of the Town of Essex hereby authorizes the Planning Board to vary the zoning requirements of this law simultaneously with the approval of any proposed residential development or subdivision plat within the Town, subject to the purposes, standards, and procedures set forth in this Article.

10.1-2 An Applicant may request, or the Planning Board, in its discretion may require and subsequently approve a subdivision plat that contains dimensional variations in the zoning requirements where it finds that any of the following conditions exists on the proposed subdivision site and where a clustered subdivision will further the purposes set forth in Section 10.2 below:

1. Slopes over fifteen percent (15%) on twenty-five percent (25%) or more of the area of the site;
2. Wetlands, including regulated and non-regulated freshwater wetlands;
3. Flood-prone areas as shown on New York State Soil Conservation Service soils maps or Federal Emergency Management Agency (FEMA) maps;
4. Historic structures or areas of local, state, or national importance, whether or not on a state or national register of historical structures or places;
5. Unique or unusual natural or geological formations;
6. Lakes, ponds, or other significant existing or potential recreation areas;
7. Rare, threatened, or endangered vegetation or significant habitats of threatened or endangered wildlife, as determined by the New York State Department of Environmental Conservation;
8. The significant reduction or substantial impairment of open space areas, agricultural lands, forest lands, ridge lines or other natural features determined to be important to the

Town by the Planning Board.

SECTION 10.2 Purpose

The purpose of cluster development is to enable and encourage flexibility of design and development of land in such a manner as to:

1. Promote the most appropriate use of land;
2. Facilitate the adequate and economical provision of streets and utilities;
3. Result in improved living and working environments;
4. Preserve open space and the natural and scenic qualities of open lands;
5. Preserve significant tracts of forested lands;
6. Preserve agricultural lands;
7. Protect flood plains, wetlands, lakes, ponds, streams, and other natural features; and
8. Promote development in harmony with the goals and objectives of the Comprehensive Land Use Plan.

SECTION 10.3 Location

The provisions of this Article shall apply to all zoning districts.

SECTION 10.4 Density and Development Standards

10.4-1 Density. In the approval of a cluster subdivision, the maximum density shall in no case exceed the density which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the minimum lot size, density, and other requirements otherwise applicable to the district or districts in which such land is located. Except as specified herein, all development standards and controls normally applicable to residential subdivisions shall also be applicable to cluster developments. In addition, the density guidelines of the APA must also be met, where applicable.

10.4-2 The applicant shall submit a sketch plan for a conventional subdivision conforming to the minimum lot size and standards otherwise applicable to the district or districts in which the subdivision is located in order to establish the number of dwelling units permitted in a clustered development. The area of lands which may be required for parks, playgrounds or recreation lands in a clustered subdivision shall in no case exceed the area of such lands which would be required in a non-clustered subdivision. The area of lands which would, in a non-clustered subdivision, be required for parks, playgrounds or recreation lands pursuant to the Town of Essex Subdivision Regulations shall be excluded in determining the number of dwelling units permitted in a clustered development.

10.4-3 Development Standards.

1. Vehicular Access. At least two (2) means of vehicular access shall be provided for cluster developments of twenty (20) dwelling units or more.
2. Maximum Coverage. The permitted gross building coverage on any cluster development site shall not exceed fifteen percent (15%) of the gross land area.
3. Minimum Lot Size. The minimum lot size allowed in a clustered development shall be determined by the Planning Board.

SECTION 10.5 Open Space Requirements

- 10.5-1** The setting aside of open space, forested land, or active agricultural land in a clustered subdivision shall in no case preclude the Planning Board from requiring the dedication of parks, playgrounds or recreation lands within a subdivision pursuant to the Town of Essex Subdivision Regulations.
- 10.5-2** Lands set aside in a cluster development for parks, playgrounds or recreation purposes shall be provided in such a manner that the lands are usable for recreation or other activities and are accessible to all residents of the subdivision or, where such lands have been conveyed to the Town, accessible to the public.
- 10.5-3** If open space, forested lands, or recreation lands set aside in a cluster development are not dedicated to public use, such areas shall be protected by legal arrangements, satisfactory to the Planning Board, sufficient to assure its maintenance and preservation of the areas for their intended purposes. Covenants or other legal arrangements shall specify: ownership of the cluster open space; method of maintenance; responsibility for maintenance, maintenance taxes, and insurance; compulsory homeowners association membership and compulsory assessment provisions, where applicable; guarantees that any association formed to own and maintain cluster open space will not be dissolved without prior consent of the Planning Board; and, any specifications deemed necessary by the Planning Board.
- 10.5-4** Where active agricultural lands are set aside in a cluster development, such lands may remain in active agricultural use. In approving such a cluster development, the Planning Board shall consider the potential incompatibility of residential and agricultural uses in establishing appropriate screening, buffer area, setback or other requirements.

SECTION 10.6 Procedure

Notwithstanding any requirements established in this Article, the proposed site plan of a cluster development shall be subject to the application procedures established in the Town of Essex Subdivision Regulations and shall be subject to public review at the public hearing or hearings held pursuant to those regulations.

ARTICLE 11 DEFINITIONS

When used in this local law, the following terms shall have meanings set out below. Any term used in this local law which is not defined in this local law shall carry its customary meaning as defined in a generally accepted dictionary. Definitions followed by (APA) are official definitions of that Agency. Definitions taken verbatim from Agriculture and Marketing Law are followed by the AML reference. Definitions followed by (GtoF) are taken from "A Municipal Official's Guide to Forestry in NYS (February 2005)."

Accessory Apartment: A dwelling unit which is part of a single-family dwelling or residential accessory structure and subordinate in terms of size, location, and appearance and located on the same lot and which meets the criteria specified in Section 4.1 of this Law.

Accessory Structure: Any structure or a portion of a main structure customarily incidental and subordinate to a principal land use or development and that customarily accompanies or is associated with such principal land use or development, including a guest cottage not for rent or hire that is incidental and subordinate to and associated with a single family dwelling. (APA)

Accessory Use: Any use of a structure, lot, or portion thereof that is customarily incidental and subordinate to and does not change the character of a principal land use or development, including, in the case of residential structures, professional, commercial, and artisan activities carried on by the residents of such structures. (APA)

Adult Use: Any use or substantial or significant part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods, including books, magazines, pictures, slides, film, phonographic records, prerecorded magnetic tape and any other reading, viewing, or listening matter, or services including activities, facilities, performances, exhibitions, viewings and encounters, the principal feature or characteristic of which is the nudity or partial nudity of any person, or in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or any other word or picture, symbol or representation having the meaning or implication is used in any advertisement.

Agricultural Data Statement An identification of farm operations within an agricultural district located within five hundred feet of the boundary of property upon which a Special Use Permit, use variance, or subdivision is proposed, as provided in Section 305-a of the Agriculture and Markets Law. An agricultural data statement shall include the following information: the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district, which land contains farm operations and is located within five hundred feet of the boundary of the property upon which the project is proposed; and a tax map or other map showing the site of the proposed subdivision relative to the location of farm operations identified in the agricultural data statement.

Agricultural Structure: Farm dwellings, barns, silos, storage buildings, roadside stands, and other accessory uses and structures incidental to agricultural production or necessary for farm family supplemental income and customarily used for agricultural purposes. (APA) This includes farm worker housing.

Agriculture Use: Any management of any land for agriculture or processing of agricultural products: the raising of cows, horses, pigs, poultry and/or other livestock, horticulture, or orchards, including the sale of products grown or raised on land owned or leased by a farm, and including the construction, alteration, or maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds. (APA & NYSDAM)

Agricultural Service Use – Any milk processing plant, feed storage supply facility, farm machinery or equipment sales and service facility, storage and processing facility for fruits, vegetables, and other agricultural products or similar use directly and customarily related to the supply and service of an agricultural use.

Alteration – As applied to a building or structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height or the moving from one location or position to another.

APA: Adirondack Park Agency

Apartment House/Multi-family Dwelling: A principal structure which is devoted to rental living units for three or more families or individuals living independently of each other.

Area Variance – The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

Auto Repair Shop – See Motor Vehicle Repair Shop.

Bar – See “Tavern”

Barn – A structure which is principal to agricultural uses and which is used for the housing of animals, such as horses, chickens, cows or pigs, or their food and forage, such as hay, grains and straw, and equipment used to implement the agricultural use, such as a tractor, manure spreader, planter, etc., as an accessory use.

Bed and Breakfast – A tourist accommodation located within a single family dwelling or multiple family dwelling. (APA)

Boardinghouse: An owner-occupied building used as a dwelling for up to 5 fee-paying guests for sleeping accommodations with or without the provision of meals.

Boathouse: Boathouse means a covered structure with direct access to a navigable body of water which (1) is used only for the storage of boats and associated equipment; (2) does not contain bathroom facilities, sanitary plumbing, or sanitary drains of any kind; (3) does not contain kitchen facilities of any kind; (4) does not contain a heating system of any kind; (5) does not contain beds or sleeping quarters of any kind; (6) does not exceed a single story in that the roof rafters rest on the top plate of the first floor wall, and all rigid roof surfaces have a minimum pitch of four on twelve, or, alternatively, one flat roof covers the entire structure; and (7) has a footprint of 1200 square feet or less measured at the exterior walls (or in the absence of exterior walls, at the perimeter of the roof), and a height of fifteen feet or less. For the purpose of this definition, the height of a boathouse shall be measured from the surface of the floor serving the boat berths to the highest point of the structure.

Boundary Line Adjustment – see “Subdivision”

Buffer – An unpaved, natural area without buildings designed to reduce the possibility of adverse impact on land or water quality and/or conflicts of land use between two or more areas. No parking or storage of vehicles of any kind or objects associated with the use of the property is permitted. When not inhabited with natural woody plants (i.e. trees and shrubs) sufficient to visually screen adjoining uses, such buffer area shall be planted, re-graded and/or fenced.

Building – Any structure which is permanently affixed to the land, is covered by a roof supported by columns or by walls, and is intended for shelter, housing, or enclosure of persons, animals, or property.

Building Height – The vertical distance measured from the lowest portion of the natural grade of the building site coverage by the building or finished grade of cut required to accommodate the building to the highest point of the structure.

Building Square Footage, Total – (1) The combined floor area of:

- (a) All floors of the primary structure and covered porches, including the basement when at least three feet in height of one wall is exposed and the space meets the requirements for living space as described in the NYS Building Code.
- (b) Detached storage buildings greater than one hundred (100) square feet, and detached garages.
- (c) Excluded from “building square footage” are open decks, docks, and that portion of covered docks which extend into the water and one (1) shed of one hundred (100) square feet or less. Any additional sheds will be included.

Campground/Travel Trailer/Motor Home Park: Any area designed for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes or similar facility designed for temporary shelter, without structural additions to or removal of wheels from admitted vehicles. (APA)

Cemetery: Property used for interring the dead. A cemetery includes a mausoleum or similar structure, but does not include a crematory.

Certificate of Occupancy: A document issued by the Zoning Officer certifying that all or a designated portion of a building complies with the provisions of all applicable statutes and regulations and permitting occupancy for its designated use. The document will be issued when completed work complies with the submitted plans and applicable laws, all paperwork is completed, all necessary approvals have been obtained, all fees owed are paid and any relevant violations are resolved.

Change in Use: Any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of the use of land or a structure. Change in use does not include any landscaping or grading which is not intended to be used in connection with another land use, or ordinary repairs or maintenance or interior alterations to existing uses or structures.

Club – An organization catering exclusively to members and their guests, or premises and buildings for recreational or athletic purposes, which organization or premises and buildings are not conducted primarily for gain, provided that there are not conducted any vending stands, merchandising or commercial activities, except as required for the membership and purposes of such club.

Clear-cutting: Any cutting of trees over six inches in diameter at breast height over any 10-year cutting cycle where the average residual basal area of such trees after such cutting is less than 30 square feet per acre, measured within the area harvested. Provided, however, that where regeneration is assured by stand conditions such that after such cutting the average residual basal area of trees at least one inch in diameter at breast height is at least 30 square feet per acre, measured within the area harvested, a clear-cut will not be deemed to have taken place unless the average residual basal area of trees over six inches in diameter at breast height is less than 10 square feet per acre, similarly measured. (APA)

Cluster Development: A subdivision wherein the Planning Board modifies applicable provisions of the zoning law for the purposes of enabling and encouraging the most appropriate use of land, facilitating the adequate and economical provision of streets and utilities, and preserving the natural and scenic qualities of open land. In a cluster development, the resulting number of building plots or dwelling units would not exceed the number which could be permitted, in the Planning Board's judgment, if the land were subdivided into lots conforming to the otherwise applicable minimum lot size and density requirements of the zoning law.

Commercial equine operation means an agricultural enterprise, consisting of at least seven acres and stabling at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated through the provision of commercial equine activities including, but not limited to riding lessons, trail riding activities or training of horses or through the production for sale of crops, livestock, and livestock products, or through both the provision of such commercial equine activities and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is horse racing, notwithstanding any other provision of this subdivision, an agricultural enterprise that is proposed or in its first or second year of operation may qualify as a commercial equine operation if it consists of at least seven acres and stables at least ten horses, regardless of ownership, by the end of the first year of operation. [Signed into the AML on 8/3/11, Chapter 384] [AML 301(17)]

Commercial horse boarding operation means an agricultural enterprise, consisting of at least seven acres and boarding at least ten horses, regardless of ownership, that receives ten thousand dollars or more in gross receipts annually from fees generated either through the boarding of horses or through the production for sale of crops, livestock, and livestock products, or through both such boarding and such production. Under no circumstances shall this subdivision be construed to include operations whose primary on site function is

horse racing. Notwithstanding any other provision of this subdivision, a commercial horse boarding operation that is proposed or in its first or second year of operation may qualify as a farm operation if it is an agricultural enterprise, consisting of at least seven acres, and boarding at least ten horses, regardless of ownership, by the end of the first year of operation. [AML 301(13)]

Commercial Use: Any use involving the sale or rental or distribution of goods, and services, either retail or wholesale, or the provision of recreational facilities or activities for a fee. (APA) The term shall include, but not be limited to the following: hotels, motels, clinics, offices, resorts, restaurant, service and gasoline filling stations, warehouses, public garage, retail store, retail stand, taverns and such uses normally considered as commercial activity. The term does not include farm operations, campgrounds, tourist attractions, resource extraction, or industrial use, as those terms are defined elsewhere.

Commercial Resource Extraction – Any extraction from the land of more than 50 cubic yards in any two-year period of sand, gravel, topsoil, or other mineral deposit for the purpose of sale or use by persons other than the owner of the land; or for the purpose of use by any municipality.

Community Center/Facility - Any facility, school, library, hospital, animal hospital, place of worship, museum, playground, firehouse, meeting hall, park, post office, group home, nursing home, municipal office, or similar facility maintained by a not-for-profit association primarily for social, recreational, welfare or educational needs of the community.

Compost, mulch or other organic biomass crops means the on-farm processing, mixing, handling or marketing of organic matter that is grown or produced by such farm operation to rid such farm operation of its excess agricultural waste; and the on-farm processing, mixing or handling of off-farm generated organic matter that is transported to such farm operation and is necessary to facilitate the composting of such farm operation's agricultural waste. This shall also include the on-farm processing, mixing or handling of off-farm generated organic matter for use only on that farm operation. Such organic matter shall include, but not be limited to, manure, hay, leaves, yard waste, silage, organic farm waste, vegetation, wood biomass or by-products of agricultural products that have been processed on such farm operation. The resulting products shall be converted into compost, mulch or other organic biomass crops that can be used as fertilizers, soil enhancers or supplements, or bedding materials. For purposes of this section, "compost" shall be processed by the aerobic, thermophilic decomposition of solid organic constituents of solid waste to produce a stable, humus-like material. [AML 301(16)]

Concentrated Animal Feed Operation (CAFO): An "animal feeding operation" which meets the following criteria: (regulated by the NYS Dept. of Environmental Conservation)

- A. New and existing operations which stable or confine and feed or maintain for a total of 45 days or more in any 12 month period, more than the numbers of animals specified in any of the following categories:
 1. 1,000 slaughter or feeder cattle;
 1. 700 mature dairy cattle (whether milkers or dry cows);
 2. 2,500 swine weighing over 55 pounds
 3. 500 horses
 4. 10,000 sheep or lambs
 5. 55,000 turkeys
 6. 100,000 laying hens or broilers when the facility has unlimited continuous flow watering systems;
 7. 30,000 laying hens or broilers when facility has liquid manure handling system;
 8. 5,000 ducks; or
 9. 1,000 animal units from a combination of slaughter steers and heifers, mature dairy cattle, swine over 55 pounds and sheep.
- B. New and existing operations that discharge into navigable waters either through a man-made ditch, flushing system, or other similar man-made device, or directly into surface waters of the State, and which

stable or confine and feed or maintain for a total of 45 days or more in any 12-month period more than the numbers or types of animals in the following categories:

1. 300 slaughter or feeder cattle;
2. 200 mature dairy cattle (whether milkers or dry cows);
3. 750 swine weighing over 55 pounds;
4. 150 horses;
5. 3,000 sheep or lamb;
6. 16,000 turkeys;
7. 30,000 laying hens or broilers when the facility has unlimited continuous flow watering system;
8. 9,000 laying hens or broilers when facility has liquid manure handling system;
9. 1,500 ducks; or
10. 300 animal units from a combination of slaughter steers and heifers, mature dairy cattle, swine over 55 pounds and sheep.

Condominium Development – A project of individual single-family dwelling units which may consist of a part or more than one structure wherein the dwelling units are individually owned, with owner holding a title thereto while retaining, together with all the other owners of units in the project, an undivided interest in the common facilities and areas of the buildings and grounds which are used by all the residents through an offering prospectus. All condominium developments shall be reviewed as a subdivision.

Conservation Easement – A perpetual restriction on the use of land, created in accordance with the provision of Section 49, Title 3, of the Environmental Conservation Law or Section 247 of the General Municipal Law, for the purposes of conservation of open space, agricultural land, and natural, cultural, historic, and scenic resources.

Construction – Building an addition or making an alteration to an existing structure or building a new principal or accessory structure.

Contractual Access – The right of a non-resident of a parcel or lot to use such parcel or lot as a means to utilize some feature or resource where said right is granted to a nonresident through membership in an organization or club, or by legal contract or deed stipulation.

Coverage: The percentage of the lot area covered by all principle or accessory buildings or structures on the lot.

Crops, livestock and livestock products shall include but not be limited to the following:

- a. Field crops, including corn, wheat, oats, rye, barley, hay, potatoes and dry beans.
- b. Fruits, including apples, peaches, grapes, cherries and berries.
- c. Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
- d. Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
- e. Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, ratites, such as ostriches, emus, rheas and kiwis, farmed deer, farmed buffalo, fur bearing animals, wool bearing animals, such as alpacas and llamas, milk, eggs and furs.
- f. Maple sap.
- g. Christmas trees derived from a managed Christmas tree operation whether dug for transplanting or cut from the stump.
- h. Aquaculture products, including fish, fish products, water plants and shellfish.
- I. Woody biomass, which means short rotation woody crops raised for bioenergy, and shall not include farm woodland.
- j. Apiary products, including honey, beeswax, royal jelly, bee pollen, propolis, package bees, nucs and queens. For the purposes of this paragraph, “nucs” shall mean small honey bee colonies created from larger

colonies including the nuc box, which is a smaller version of a beehive, designed to hold up to five frames from an existing colony. [AML 301(2)]

Day Care Center: A private establishment enrolling four (4) or more children and where tuition, fees, or other forms of compensation for the care of children is received, and which is licensed or approved to be used as a child care center.

Demolition: Destruction of a building, structure, or improvement.

Dock: Dock means a floating or fixed structure that: (1) extends horizontally (parallel with the water surface) into or over a lake, pond or navigable river or stream from only that portion of the immediate shoreline or boathouse necessary to attach the floating or fixed structure to the shoreline or boathouse; (2) is no more than eight feet in width, or, in the case of interconnected structures, intended to accommodate multiple watercraft or other authorized use, each element of which is no more than eight feet in width; and (3) is built or used for the purposes of securing and/or loading or unloading water craft and/or for swimming or water recreation. (APA)

Dwelling, Single-Family – Any detached building containing one dwelling unit, not including a mobile home.(APA)

Dwelling, Multi-family – An apartment, town house, condominium, cooperative or similar building, including the conversion of an existing single family dwelling, designed for occupancy in separate dwelling units therein by more than one family. (APA)

Dwelling, Seasonal – One (1) dwelling unit not used for permanent residence and not occupied for more than six (6) months in each year.

Dry-Dock Marina – A commercial place, site, or structure used to park, house or store, on any one lot, more than three vessels or water-based equipment, except canoes, rowboats, or sailboats under eighteen feet.

Façade – The exterior of a building or structure that can be viewed.

Family: One (1) or more persons living, sleeping, cooking or eating on the same premises as a single housekeeping unit.

Farm operation means the land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise, including a “commercial horse boarding operation” as defined in subdivision thirteen of this section, a “timber operation” as defined in subdivision fourteen of this section, “compost, mulch or other biomass crops” as defined in subdivision sixteen of this section and “commercial equine operation” as defined in subdivision seventeen of this section. Such farm operation may consist of one or more parcels of owned or rented land, which parcels may be contiguous or noncontiguous to each other.¹ [AML 301(11)]

Footprint – Area of the ground covered by a structure, including the foundation and all areas enclosed by

¹ The definition of "farm operation" was separately amended by Chapters 374 and 388 of the Laws of 2001 to add "manure processing and handling facilities" (Chapter 374) and "commercial horse boarding operations" (Chapter 388) and in 2005, "timber processing" (Chapter 573). "Timber processing" was amended to "timber operation" in 2010 (Chapter 120).

exterior walls and footings and covered by roofing. In the case of party-wall buildings, each unit shall be considered a separate structure for purposes of measuring footprint area.

Forester, (Professional). A forestry professional who is either listed on the NYS Department of Environmental Conservation (DEC) Cooperating Forester list or who meets the minimum requirements for listing on the DEC Cooperating Forester list.

Forestry Best Management Practices (BMP). Actions determined to be the most effective and practicable means of preventing negative impacts of forest harvesting, including reducing erosion and sedimentation of water bodies (streams, ponds, lakes, rivers, etc.) from logging activities. Effective BMP's include the following practices:

- Required buffer strips along streams, steep slopes, scenic byways, recreational trails or where threatened or endangered species exist.
- Other erosion and sedimentation control techniques.
- Standards for the construction of forest roads, skid trails and stream crossings.
- Standards for the construction of log decks and landings.
- Standards related to clean-up and site restoration. (GtoF)

Forest Stewardship plan/Management plan. A document designed to guide and direct the sustainable management of a forest property to meet the landowner's goals and objectives. Usually prepared by natural resource professionals (qualified foresters), plans consist of goals, inventory data and prescribed activities designed to meet ownership objectives. (GtoF)

Forestry Management, Sustainable. Management in which the volume of wood removed is equal to growth within the total forest, where the long-term health of forest ecosystems is maintained over time. (GtoF)

Forestry Use: Any management, including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of wood roads, skidways, landings, fences and forest drainage systems. (APA) **ALSO:** A wooded area, whether managed or unmanaged, that may include conservation of wildlife habitat, provision of outdoor recreation, production of timber and forest crops, protection of water quality, regulation of water flows, conservation of soil, carbon sequestration and/or protection of aesthetic qualities. (GtoF)

Forestry Use Structure. Any barn, shed, garage, research, educational or administrative building or cabin directly and customarily associated with forestry use. (APA)

Fraternal Organization – See “Club”

Garages, Private Parking: An accessory building not operated for gain and used in conjunction with a principal building which provides for the storage of motor vehicles and/or other household items.

Garages, Public Parking: Any garage other than a private garage, operated for gain, available on a rental basis for the storage of four (4) or more motor vehicles.

Gasoline Station – A retail business where gasoline and oil products are sold, not including the repair or maintenance of vehicles.

Gross Floor Area (GFA): The total interior floor area of a building multiplied by the number of floors.

Gross Leasable Area (GLA): The gross size of the floor area of a commercial/retail facility which is leasable.

Group Home: A place of residence for individuals undergoing treatment or counseling for mental or physical disorders, such facility being operated by, under contract with, or licensed by a state or county agency.

Historic or Cultural Resource: Any building, memorial or site which has a quality of significance in American history, architecture, archaeology and culture as may be found in a district, site, building, or structure of state and local importance that possesses integrity of location, design, setting, materials, workmanship, feeling and association or that is associated with an event that has made a significant contribution to the broad patterns of our history.

Home Occupation: A non-residential activity, conducted on a lot where the principal use thereof is residential, whether conducted within a dwelling unit or accessory structure or outside of same, which is secondary to the residential use of the dwelling unit and which constitutes either entirely or partly the livelihood of a person living in the dwelling. Home occupations that do not meet the standards in Section 4.9 of this Law shall be subject to Site Plan Review.

Hospital – An institution providing primary health services and medical or surgical care to persons, primarily in-patients suffering from illness, disease, injury, or other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

Hotel – See “Motel”

Indoor Recreation: A building designed and equipped for the conduct of sports, exercise, leisure time activities, and other customary and usual recreational activities.

Indoor, Other: A building and related facilities designed and equipped for the provision of entertainment activities such as concerts, plays and other live entertainment or the showing of movies and other non-live entertainment.

Industrial Use – Any manufacturing, production or assembly of goods or materials, including any on-site waste disposal area directly associated with an industrial use. This term does not include junkyards, mineral extractions, private and commercial sand and gravel extractions, sawmills, chipping mills, pallet mills, and similar wood using facilities. (APA) An industrial use may include product display, wholesale, warehousing, and retail operations as accessory uses, provided such activity is incidental and subordinate to the principal use to which it is accessory. This term shall not include uses of the above nature which are separately defined in this local law. (See Light Industrial)

In Existence – With respect to any land use or development, including any structure, that such use or development has been substantially commenced or completed. (APA)

Inn/Country Inn – A tourist accommodation containing a maximum of 15 bedrooms for rent in an existing structure (including an expansion of an existing structure) or 8 bedrooms in an entirely new structure. An inn may include a full service restaurant.

Junk Automobile – Any unregistered, old, or second hand motor vehicle, no longer intended or in condition for legal use on public highways. For the purpose of this definition, “motor vehicle” shall mean all vehicles propelled or drawn by power other than muscular power originally intended for use on public highways and does not include agricultural vehicles.

Junkyard: Any open lot or area for the dismantling, storage or sale, as parts, scrap or salvage, of used or wrecked motor vehicles, machinery, scrap metals, waste papers, rags, used or salvaged building materials or other discarded material. (APA) More specifically, the outdoor storage or deposit of any of the following:

- 1) Two (2) or more unlicensed and/or unregistered junk vehicles.
- 2) The outdoor storage of junk appliances, including but not limited to washers, dryers, dishwashers, stoves, refrigerators, freezers and televisions.
- 3) One (1) or more junk mobile homes, travel trailers or campers.

Kennel, Stable, Animal Hospital, Veterinarian Office: Kennel: A place where more than five dogs more than six months old are housed, groomed, bred, boarded, trained or sold. Stable: a use of property on which horse are quartered for fee or other remuneration. Animal hospital/ veterinarian office: a place where animals are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Land Use or Development – Any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of the use of land or a structure. Land use and development shall not include any landscaping, grading, or excavation which is not intended to be used in connection with another land use, or ordinary repairs or maintenance or interior alterations to existing structures or uses. (APA)

Land Use Chart/Schedule of Uses: The chart or schedule of land uses allowed in each district which is part of this local law as incorporated in Article 3 and attached to this law as Schedule A.

Laundromat: An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public for family laundering or dry-cleaning purposes. This use is included under the category of Product/Business Services for purposes of the Land Use Chart.

Light Industrial – The processing, fabrication, assembly and storage of materials when conducted without generation of excessive traffic or noise, odor, glare, or other nuisances perceptible at the property line. Includes technology and small-scale research and development.

Loading Space: Off-road space used for the temporary location of one licensed motor vehicle which is at least twelve (12) feet wide and forty (40) feet long, not including access driveway, and having direct access to a road.

Lot – A parcel or portion of land separated from other parcels or portions by description, as on a subdivision map, survey map, or by metes and bounds, for the purpose of sale, lease, or separate use.

Lot, Building – The land occupied or capable of being occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings having not less than the minimum area and width required by this law for a lot in the district in which such land is situated and having its principal frontage on a street or on such other means of access as may be adequate as a condition of the issuance of a building permit for a building on such land.

Lot Coverage – That portion of a lot covered by impervious surfaces through which water cannot be absorbed including all buildings and all concrete, asphalt or similar surfaces used for parking, sidewalks, drives, and roads.

Lot, Nonconforming – see “Nonconforming Lot”

Lot Width – The average distance between the side lot lines of the lot.

Lot of Record: Any lot which individually or as a part of a subdivision has been recorded in the Essex County Clerk's office and for which proof can be given that the lot was intended for development prior to adoption of this law.

Major Public Utility – Any electric power transmission or distribution line and associated equipment of a rating of more than fifteen (15) kilovolts which is one (1) mile or more in length; any telephone interchange or truck cable or feeder cable which is one (1) mile or more in length; any telephone distribution facility containing twenty five (25) or more pairs of wire and designed to service a new residential subdivision; any television, cable television, radio, telephone, or other communication transmission tower; any pipe or conduit or other appurtenance used for the transmission of gas, oil or other fuel which is one (1) mile or more in length; and any electric substation, generating facility or maintenance building and any water or sewage pipes or conduits designed to service fifty (50) or more principal buildings.

Any use which is subject to the jurisdiction of the public service commission pursuant to article seven or article eight of the public service law or other prior approval by the public service commission under the provisions of the public service law is not a major public utility use or a use for the purposes of this article except for the shoreline restrictions in which case the bodies having jurisdiction over such uses under such article or other provisions shall have the authority of the agency or a local government under this article. (APA)

Manufacturing – A use consisting of the fabricating, processing, production or assembly of goods or materials including any on-site waste disposal associated with such use.

Manufactured/Modular Home: The term manufactured home shall also include modular homes. These structures are manufactured in two or more sections off-site and transported individually to the placement site and when assembled has a minimum enclosed horizontal exterior dimension of twenty (20) feet. A modular home is designed to be permanently anchored to a foundation to become a fixed part of the real estate.

Marina – Any facility providing boat docks or moorings for a fee or other consideration and often offering supply, storage, repair and other services. (APA)

Marina, Dry-Dock: A commercial facility for the servicing, storage, rental, or sale of boats, jet-skis or water-based aircraft that is not located on the waterfront and that does not have access to a lake or other water body via water. .

Mean High Water Mark – The average annual high water level.

Mining/Resource Extraction: Any extraction, other than specimens or samples, from the land of stone, coal, salt, ore, talc, granite, petroleum products or other materials, except for commercial sand, gravel or topsoil extraction; including the construction, alteration or maintenance of mine roads, mine tailing piles or dumps and mine drainage. (APA)

Mixed Use: A use of property, conducted on a single lot, which includes two or more separate uses. Home occupations and vertically integrated businesses or uses are not to be considered mixed uses. For purposes of this definition, the term “vertically integrated businesses or uses” means a business or use which entails a network of production and distribution of services or goods which is under common ownership or control

such as the manufacturing from raw materials to sale to the consumer.

Mobile Homes/”Double Wides”: Manufactured housing with or without a foundation, designed with a chassis, and constructed to be towed or otherwise transported whole or in part to a site, and which is designed to permit occupancy for dwelling or sleeping purposes. A mobile home shall be constructed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided.

Mobile Home Park: Any lot parcel of land or portion thereof, together with the open space and facilities required by this law, used, designed or maintained and having lots held out for hire, lease or leave to accommodate mobile homes as defined herein, or any premises upon which two or more mobile homes are located and occupied, regardless of whether any compensation is provided. Mobile homes being used as farm employee dwelling units shall not be considered a mobile home park.

Modular Home – Any building comprised of Two (2) or more sections, with or without their own chassis, capable of being transported to their building site and permanently joined into one (1) integral unit which is indistinguishable in appearance from a conventionally built home, including but not limited to a sloped roof and permanent foundation.

Mooring – Any anchor, chain, buoy pennant or other object by which a vessel is secured at one point.

Motel/Hotel: A building or group of buildings, whether detached or in connected units, containing transient and/or permanent lodging facilities for the general public and which may contain accessory facilities such as restaurants, meeting rooms, retail business activities and related activities primarily to accommodate the occupants, but open to the general public, including buildings designated as auto cabins, auto courts, motor lodges, tourist courts and similar terms.

Motor Home – See “Recreational Vehicle”

Motor Vehicle Repair Shop: A service business for the repair and maintenance of automobiles and other small vehicles and motors located in a building, or portion of a building, arranged, intended or designed to be used for making repairs to motor vehicles on a fee or contract basis.

Multi-Family Dwelling: Any structure containing more than one dwelling unit, including town houses, condominiums, and apartments and the conversion of an existing single-family dwelling, designed for occupancy in separate living quarters for more than one family. The term does not include Tourist Accommodation as defined elsewhere.

Nonconforming Lot – Any lot lawfully on record on the effective date of this law which does not meet the minimum lot area and/or width or depth requirements of this law for the zoning district in which such lot is situated.

Nonconforming Structure – Any structure which is lawfully in existence within a given zoning district on the effective date of this law but which is not in conformance with the dimensional regulations for that zoning district.

Nonconforming Use – Any use which is in existence within a given zoning district on the effective date of this law but which is not a permitted use for that zoning district, as listed in the Schedule of Uses, or a use for which a use variance had previously been granted.

Nursery/Garden Shop: A commercial facility which primarily includes the sale of trees, shrubs, plants, and

utensils incidental to gardening. This shall not be interpreted to include the large-product retail sales of farm equipment and implements. (See Retail, Large-product.)

Nursing/Convalescent Home: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. This use is included under the category of Hospital for purposes of the Land Use Chart.

Office: Offices and related spaces for use as professional services as provided by medical practitioners, attorneys, architects, engineers, real estate sales and similar professions as well as nonprofessional services such as telemarketing.

Office Building - A building comprised of more than fifty percent (50%) of the gross floor area used for office space as compared with a home occupation where offices are considered as a secondary or incidental use.

Off-Premise Sign – Any sign advertising or calling attention to any business, activity, product or service not located or available on the same parcel as the sign.

Outdoor, Other: Any use which is designed to attract persons to engage in, or watch, activities on a commercial or fee basis or for the purpose of sales. Includes tourist attractions, concerts, festivals, flea markets, auctions, amusement parks, etc.

Outdoor Recreation: Use of land (with or without a fee) for hiking, backpacking, snowmobile, horse and cross country ski trails, hunting, fishing, trapping, parks and picnic areas, golf courses, sports facilities, playgrounds, or similar non-residential uses.

Outdoor, Sports: Includes golf driving range, golf pitch and putt course, and par three golf course; recreation court or field; ski area; playfield; swimming pool; bike trails; hiking trails; and similar facilities for outdoor recreation on a commercial or fee basis.

Permeable – Ground surface through which water can percolate in a natural manner. Said ground surface could be undisturbed natural terrain or a landscaped area with generally unpaved surfaces. Foliage increases the permeability of the ground surface.

Personal Service: A use which provides any service for fee geared to the individual. Includes barber, hairdresser, beauty parlor, shoe repair, photographic studio, tailor, cleaners, and businesses providing similar services.

Preservation: Retention of essential character or an improvement, object, building, natural feature or structure as embodied in its existing form, integrity and material. This term includes the retention of trees, landscaping and vegetative cover of a site. This term may include temporary stabilization work, as well as ongoing maintenance of historic building materials.

Principal Building – Any one of the following:

- a. A single-family dwelling, which may include one accessory apartment, constitutes one (1) principal building.
- b. A mobile home.
- c. A tourist cabin or similar structure for rent or hire involving 300 or more square feet of floor space constitutes one principal building.
- d. Each dwelling unit of a multi-family dwelling constitutes one principal building.

- e. Each motel unit, hotel unit, or similar tourist attraction unit which is attached to a similar unit by a party wall, each accommodation unit of a tourist home or similar structure, each tourist cabin or similar structure, each tourist cabin or similar structure for rent or hire involving less than 300 square feet of floor space constitutes one-tenth of a principal building.
- f. Each commercial or industrial use structure in excess of 300 square feet constitutes one principal building, except that for a commercial use structure which involves the retail sale or rental or distribution of goods, services, or commodities, each 11,000 square feet of floor space, or portion thereof, of such commercial use structures constitutes one principal building.
- g. All agricultural use structures and single family dwellings or mobile homes occupied by a farmer of land in agricultural use, the employees engaged in such use, and members of their respective immediate families, will together constitute one principal building.
- h. Any other structure which exceeds 1,250 square feet constitutes one principal building.
- i. A structure containing a commercial use which is also used a single-family dwelling constitutes one principal use.
- j. An accessory structure does not constitute a principal building. (APA)

Public Use: Any one (1) or more of the following uses, including grounds and accessory buildings necessary for their use: churches, religious institutions, public parks, day care centers, playgrounds and recreational areas when authorized or operated by a governmental authority, schools, public libraries, group homes, nursing homes, community centers, not-for-profit fire stations, ambulance stations, public safety buildings, or similar use.

Public Utilities/Facilities: Telephone exchange and dial centers or repeater station, electrical or gas substations, water treatment or storage facilities, pumping stations, sewage facilities, and similar facilities operated or maintained by municipal agencies or public utilities.

Recreational Vehicle: Any vehicle, whether self-propelled or towed, including a tent camper, camp trailer, truck camper, or motor home, designed to travel on its own wheels and to be used for temporary living quarters for travel, recreation, or vacation purposes, and which may or may not include accommodations and facilities customarily included in a mobile home.

Religious Institution: Includes church, temple, parish house, convent, seminary and retreat house; included in Land Use Chart under category of Public/Semi –Public Facility.

Resource Extraction – see Mining/resource extraction.

Restaurant: Any establishment, however designated, at which food is sold for consumption to patrons seated within an enclosed building or on the premises. However, a snack bar, or refreshment stand at a public or semi-public community pool, playground or park operated by the agency or group or an approved vendor operating the recreational facilities and for the convenience of the patrons of the facility shall not be deemed to be a restaurant.

Retail: A commercial activity and/or facility characterized by the direct, on-premise sale of goods and services to the ultimate consumer, including on-premise manufacturing, processing, servicing and preparation customarily associated therewith and generally involving stock in trade such as are normally associated with department stores, food markets, specialty stores and similar establishments.

Retail, Large-product: A commercial facility including sales and service for new and used automobiles, trucks, mobile homes, recreational vehicles, and farm implements, furniture and large appliance sales.

Retail, Small-product: A commercial activity characterized by the direct on-premise sale of goods and

services to the ultimate consumer, including on-premise manufacturing, processing, and servicing and preparation customarily associated therewith and generally involving stock in trade such as are normally associated with department stores, food markets and similar establishments. Small-product retail shall not include large-product retail.

Road: A public or private way for motor vehicular traffic which affords the principal means of access to abutting properties or sites.

Road Frontage – The extent of a building or of land along a street.

Road Line: Right-of-way line of a road as dedicated by a deed or record. Where the width of the right-of-way is not established, the road line shall be considered to be twenty-four and a half (24 1/2) feet from the center line of the road pavement.

Road side Stand – A stall or booth for the temporary sale of farm or garden products.

Satellite Dish: A structure attached to the ground or any other structure built or intended for the purpose of the reception of television or radio programming transmitted or relayed from an earth satellite.

School: Instruction of five or more individuals at one time on a regular basis for a fee, tuition, or governmental subsidies or taxes and includes parochial, private, public and nursery school, college, university, and accessory uses; and commercially operated schools of martial arts, beauty culture, business, dancing, driving, music and similar establishments.

Seasonal Building: A structure designed to be used on a seasonal basis by virtue of its construction or the design or construction of the infrastructure servicing the building.

Setback: The distance between the road line and a building, structure, or use, measured from the road line to the nearest point of the building, structure, or use. The setback from a stream shall be the distance between the shoreline and a building, structure, or use, measured from the shoreline to the nearest point of the building, structure, or use.

Shopping Center: A lot occupied by more than one (1) commercial use unit, attached or detached, providing small product retail and services, large product retail and services, or office and business services in excess of ten thousand (10,000) square feet gross leasable area.

Shoreline: That line at which land adjoins the water of lakes, ponds, rivers, and streams within the Town at the mean high water mark. (APA)

Shoreline Building Setback: The shortest distance, measured horizontally, between any point of a building and the shoreline of any lake or pond, and the shorelines of any river or stream navigable by boat, including canoe.

Shoreline Lot Width: The distance, measured along the shoreline, between the boundary lines of a lot as they intersect the shoreline of any lake or pond, and the shorelines of any river or stream that is navigable by boat, including canoe.

Side Lot Line: A lot line that is not a road line or a rear lot line.

Sign: Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building, or indoors as a window sign, displaying an

advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interest of any person or business or cause when such is placed in view of the general public.

Single Family Dwelling – see “Dwelling, Single Family”

Site Plan – A rendering, drawing, or sketch prepared to Town specifications and containing necessary elements as set in this law which shows the arrangement, layout and design of a proposed use of a single parcel of land.

Slaughterhouse – the on premise slaughter of animals for retail purposes.

Special Use Permit: A permit issued by the Planning Board for a special use after review and approval according to the procedures in Article 6 of this law.

Stable, Commercial: A building in which horses are quartered, with remuneration.

Structure: Any object constructed, installed or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, single family dwellings, mobile homes, signs, tanks, fences and poles, and any fixtures, additions and alterations thereto. (APA)

Subdivision: –of land to correct a boundary of a lot so long as such conveyance does not create additional lots. Any division of land into two or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy (including and grading, road construction, installation of utilities or other improvements or any other land use and development preparatory or incidental to any such division) by any person or by any other person controlled by, under common control with or controlling such person or by any group of persons acting in concert as part of a common scheme or plan. Subdivision of land shall include any map, plat or other plan of the division of land, whether or not previously filed. Subdivision of land shall not include the lease of land for hunting and fishing and other open space recreation uses.(APA)

Survey Map – A drawing made to scale based upon survey measurements showing land boundaries, natural and man-made objects, made by or under the direction of a New York licensed land surveyor.

Swimming Pool – A structure, either permanent or temporarily designed, for the purpose of wading or swimming and holding more than one hundred (100) gallons of water.

Tavern – An establishment used primarily for the serving of alcoholic beverages by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use. Said term also includes a bar and nightclub.

Telecommunication Tower – A structure, including accessory buildings such as equipment sheds, on which transmitting and/or receiving antennae are located. Such antennae are a system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include but not be limited to radio-navigation, radio, television, wireless and microwave communication.

Technology/Research and Development – A place used for scientific research, investigation, testing, or experimentation, but not for manufacturing or sale of products except as accessory to the research use.

Timber operation means the on-farm production, management, harvesting, processing and marketing of timber grown on the farm operation into woodland products, including but not limited to logs, lumber, posts

and firewood, provided that such farm operation consists of at least seven acres and produces for sale crops, livestock or livestock products of an annual gross sales value of ten thousand dollars or more and that the annual gross sales value of such processed woodland products does not exceed the annual gross sales value of such crops, livestock or livestock products. [AML 301(14)]

Tourist Attraction – Any man-made or natural place of interest open to the general public and for which an admittance fee is usually charged, including but not limited to animal farms, replicas of real or fictional places, things or people and natural geological formations. (APA)

Townhouse – A dwelling unit which is one of a series of units, having a common party wall between each adjacent unit, each with a private outside entrance.

Transient/Tourist Accommodation: Any hotel, motel, resort, bed and breakfast, tourist cabin, hostel, or similar facility used to house the general public.

Truck Terminal: An area or building where cargo is stored and where trucks load and unload cargo on a regular basis as well as where trucks are stored and/or maintained.

Undersized Lot of Record – A lot legally in existence that met the minimum lot size requirement that had been in effect at the time of its creation, but which is undersized as required by the current minimum lot size regulation.

Use: The specific purposes for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

Use, Principal: The predominant use on a lot. There shall only be one such use per lot.

Use, Temporary: An activity conducted for a specified limited period of time. Temporary Use includes but is not limited to such uses as buildings incidental to new construction which are removed after the completion of the construction work, and seasonal produce stands.

Use Variance – The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

Variance: A variance is any departure from the strict letter of this law granted by the Zoning Board of Appeals as it applies to a particular piece of property. Variances run with the land and are not particular to any one landowner.

Warehousing: A building used primarily for the storage of goods and materials and may include terminal facilities for handling freight.

Wetland: Any land which is annually subject to continual or periodic inundation by water and commonly referred to as a bog, swamp, or marsh.

Wholesale: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This shall include lumber, plywood, and millwork yards unless the primary operation is directly to the general public as opposed to builders and contractors.

Zoning Officer: The official, appointed by the Town Board and principally charged with administering and

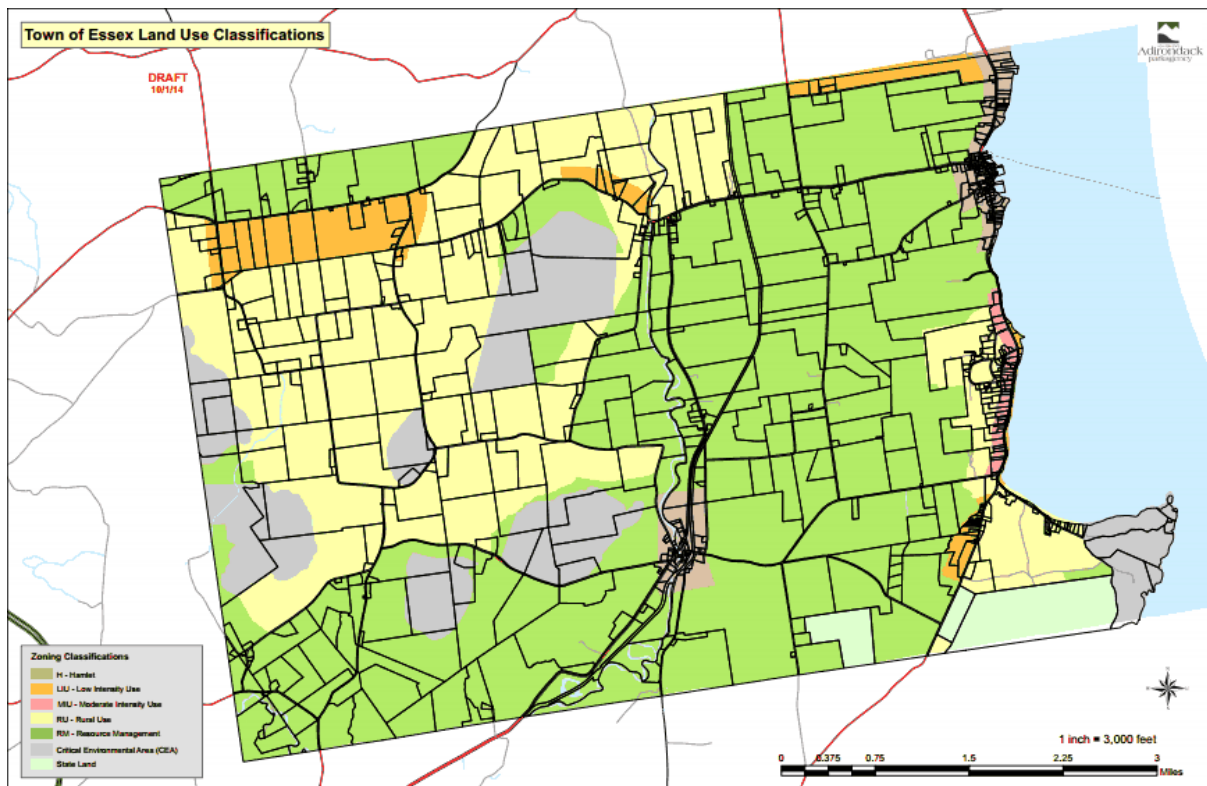
enforcing this local law, and having the powers and duties set forth in this local law, in the Subdivision Regulations, and as may be further provided by the Town Board. The term Zoning Officer shall also apply to the Building Codes Officer, or Code Enforcement Officer, or Building Inspector when administering and enforcing this local law.

Town of Essex Zoning Law Schedule A: Land Use Chart								
<i>October, 2014 updated to correspond with November, 2014 Zoning Law Amendments</i>								
Key	*	**	***	No	****	Note 1		Note 2
	Building Permit	Special Use Permit	Special Use Permit with Site Plan	Not Allowed	Abbreviated Special Use Permit with Site Plan Review	A Forest Stewardship Plan or Timber Harvest Checklist must be on file with the Zoning Officer		APA Approval Required
	Essex Hamlet & Historic District	Whalon'bh Hamlet	Low Intens Use	Mod. Int. Use	Rural Use	Resource Management	Shoreline Overlay	CEA
Residential								
One Family	***	*	*	*	*	*	***	***
Two Family	***	**	**	**	**	**	***	***
Accessory Apartment	***	***	***	***	***	***	***	***
Accessory Use & Structure	***	*	*	*	*	*	***	***
Apartments/Multi Family	***	***	**	**	***	***	***	NO
Boarding House	***	***	**	**	**	**	***	NO
Mobile Home	NO	***	**	**	*	*	***	***
Manufactured Home	***	*	*	*	*	*	***	***
Mobile Home Park	NO	***	***	***	***	***	NO	NO
Townhouse/Condominium	***	***	***	***	***	***	***	NO
Commercial /Business								
Adult Use	NO	NO	***	***	***	***	NO	NO
Bar/Nighclub/Tavern	***	***	***	***	***	***	***	NO
Bed & Breakfast/Inn	***	***	***	***	***	***	***	NO
Dry Dock Marina	NO	NO	***	***	***	***	***	NO
Ferry	***	NO	NO	NO	NO	NO	***	NO
Hotel/Motel	***	***	***	***	***	***	***	NO
Junkyard	NO	NO	***	***	***	***	NO	NO
Kenel/Stable/Veterinarian	NO	NO	***	***	***	***	***	NO
Marina	***	NO	NO	***	NO	NO	***	NO
Mixed Use (accessory use to b	***	***	***	***	***	***	***	NO
Motor Vehicle Service/Gas/Re	***	***	***	***	***	***	***	NO
Office Building	***	***	***	***	***	***	***	NO
Personal Service	***	***	***	***	***	***	***	NO
Product/Business Services	***	***	***	***	***	***	***	NO
Public Use	***	***	***	***	***	***	***	NO
Restaurant	***	***	***	***	***	***	***	NO
Retail Building (small product)	***	***	***	***	***	***	***	NO
Retail Building (large product)	NO	***	***	***	***	***	NO	NO
Transient Accommodation/Hos	***	***	***	***	***	***	***	NO
Industry								
CAFO	NO	NO	***	***	***	***	***	NO
Industrial Use	***	***	***	***	***	***	***	NO
Forestry Use and Structure	NO	NO	note 1	note 1	note 1	note 1	note 1	*
Clear Cutting of more than 3 contig. Acres	NO	NO	***	***	***	***	***	***
Manufacturing	NO	***	NO	NO	***	***	NO	NO
Mining/Resource Extraction	***	***	***	***	***	***	***	NO
Tech/R&D/Light Industrial	***	***	***	***	***	***	***	NO
Truck Terminal	NO	NO	NO	NO	***	***	NO	NO
Warehousing	NO	NO	NO	NO	***	***	NO	NO
Recreational/Entertainment								
Campground/Travel Trailer Pa	NO	NO	***	***	***	***	***	NO
Indoor Sports	***	***	***	***	***	***	***	NO
Indoor -- other (e.g.theatre/bo	***	***	***	***	***	***	***	NO
Outdoor -- Sports	***	***	***	***	***	***	***	***
Outdoor/tourist attraction	***	***	***	***	***	***	***	NO
Outdoor -- Other	***	***	***	***	***	***	***	***
General								
Airport	NO	NO	NO	NO	***	***	NO	NO
Agriculture Use & Structure	***	***	***	***	***	***	***	***
Cemetery	NO	NO	***	***	***	NO	NO	NO
Demolition/Historic Structures	**	**	**	**	**	**	**	**
Hospital	NO	NO	***	***	***	NO	NO	NO
Public Utility	***	***	***	***	***	***	***	***
Major Public Utility	***	***	***	***	***	***	***	***
Roadside Stand	***	***	***	***	***	*	***	NO
Special Event	***	***	***	***	***	**	***	NO
Telecommunication Tower/Wir	NO	NO	note 2	note 2	note 2	note 2	note 2	note 2

Schedule B

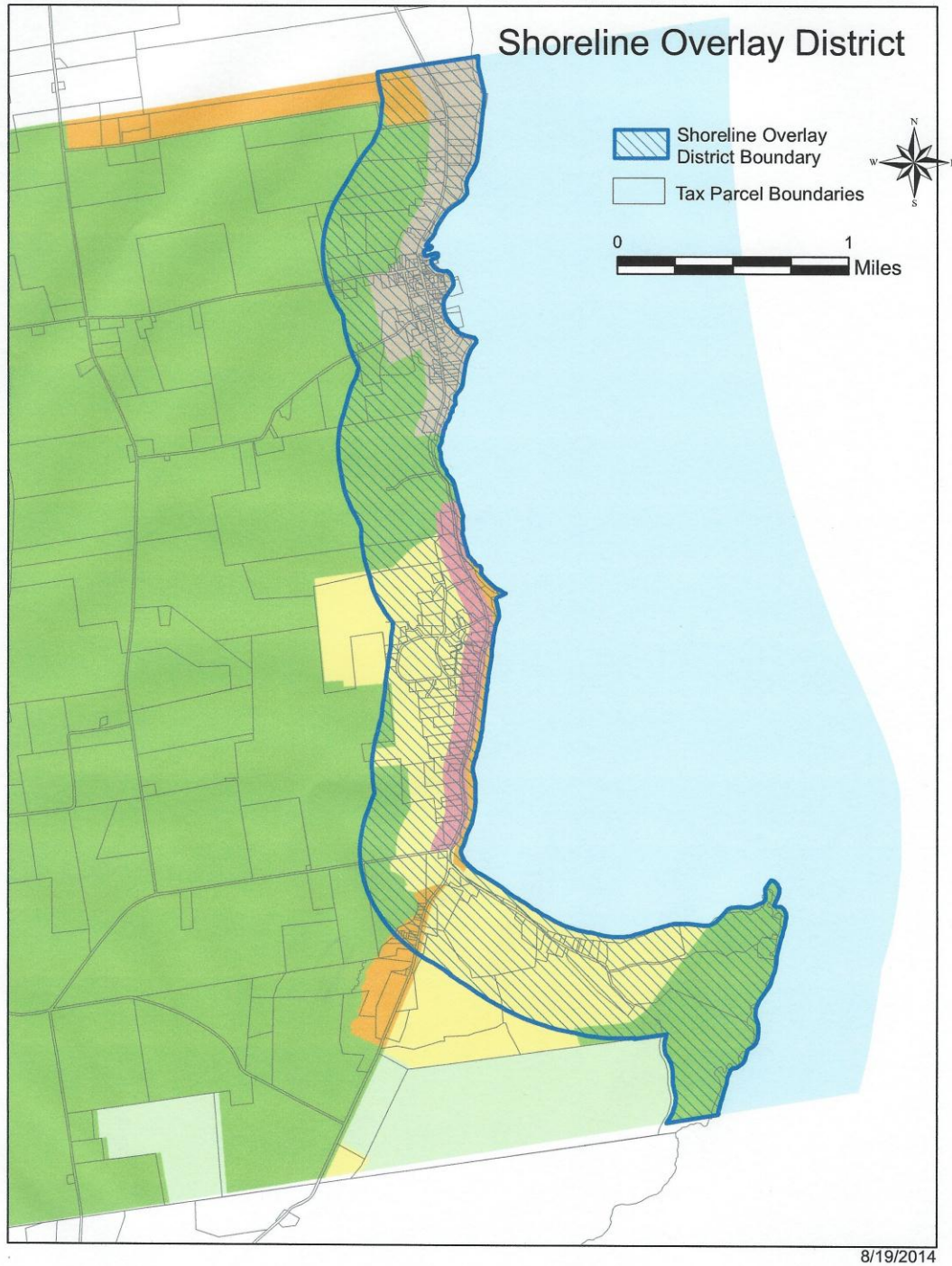
Town of Essex Land Use Classifications

(Larger versions of this map are available from the Zoning Officer)



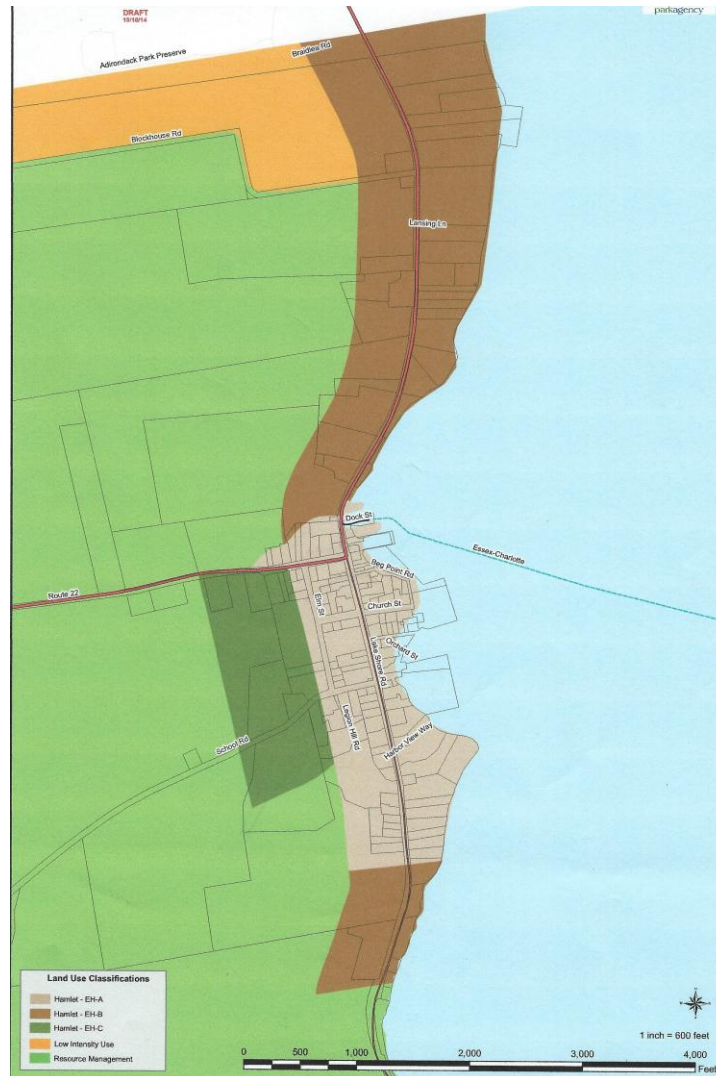
Note: Acres per principal dwelling:

Essex Hamlet A (EH-A)	.5 acres
Essex Hamlet B (EH-B)	1.3 acres
Essex Hamlet C (EH-C)	42.7 acres
Whallonsburgh Hamlet (H)	.5 acres
Moderate Intensity Use (MIU)	1.3 acres
Low Intensity Use (LIU)	3.2 acres
Rural Use (RU)	8.5 acres
Resource Management (RM)	42.7 acres
Critical Environmental Area (CEA)	42.7 acres

Schedule C**Shoreline Overlay District – 2300 ft. from Mean High Water**

Schedule D: Essex Hamlet and Historic District

(Larger versions of this map are available from the Zoning Officer)



Note: Acres per principal dwelling:

Essex Hamlet A (EH-A)	.5 acres
Essex Hamlet B (EH-B)	1.3 acres
Essex Hamlet C (EH-C)	42.7 acres

Schedule E

Land Use Dimensional Chart

	ESSEX HAMLET & HIST. DIST. A	ESSEX HAMLET & HIST. DIST. B	ESSEX HAMLET & HIST. DIST. C	W'BURG HAMLET	LOW INTENS. USE	MODER. INTENS. USE	RURAL USE	CRIT. ENVIR. AREA	R E S. M G M T
Minimum lot size (acres) per principal building (Note 1)	0.5	1	N/A	0.5	2	1	2	5	2
Density: Principal buildings per square mile/acres per principal building	N/A	500/1.3	15/42.7	N/A	200/3.2	500/1.3	75/8.5	15/42.7	15/42.7
Minimum setback from center right of way (ft.)	40 (Note 2)	75	100	50 (Note 2)	75	75	100	100	75
Minimum setback from MHW on L. Champlain for fences, hedges & walls	50	50	NA	NA	75	50	75	100	100
Minimum frontage width (ft.) as measured at building footprint	50	75	250	100	200	150	250	250	200
Minimum side and rear setback (ft.)	5	20	50	15	20	20	50	50	30
Minimum road frontage (ft.)	50	100	75	100	200	150	250	250	200
Maximum building height above ground level (ft.) See Note 3	35	35	35	35	35	35	35	35	35

Schedule E: Notes

Note 1 – Minimum Lot Size provided lot can support on-site septic and water in accordance with Department of Health regulations.

Note 2 – Feet as specified or such distance as necessary to conform to nearby and majority of neighborhood principal buildings.

Note 3 – Maximum building height shall not apply to church spires, belfries, flagpoles, monuments, tanks, silos, barns, and other farm structures.

SCHEDULE F
Guidelines for SIGN DESIGN
in the
ESSEX HISTORIC OVERLAY DISTRICT

Where do I go?

Applying for a Sign in the Essex Historic District

All commercial signs within the Historic District are governed by the Town of Essex Zoning Law. Anyone wishing to erect a sign in the District must obtain site plan approval. Applicants must submit a facsimile of the proposed sign for review by the Planning Board. Submission should be a measured drawing indicating proposed color, materials, shape, and design of the proposed sign. The sign application will be evaluated according to the criteria set out in the Zoning Ordinance and this Schedule. Signs that do not conform to zoning requirements will be denied a permit and the applicant must re-apply once necessary changes to the proposal are made.

Guidelines for the placement of Wall Signs:

- Must extend no more than 12 inches from building surface.
- Must not cover second story windows, storefront windows, or obscure any architectural details or features.
- Must not be affixed to any parapet, cornice, or trim.
- Must not extend beyond the roofline or beyond ends of the wall to which it is affixed.

Guidelines for the placement of Projecting Signs:

- Must project no more than 5 feet from building face and extend no closer than 2 feet from the curbline.
- Must not extend into vehicle traffic areas, such as parking lots or driveways.
- Must be at least 10 feet above pedestrian traffic areas at their lowest point.
- The total surface area must not exceed 16 square feet (each side).
- Typically, only one projecting sign is allowed per business. Exceptions can be made where a business has more than one customer entrance or faces onto more than one public right-of-way.

Guidelines for the placement of Window and Door Signs:

- Must not occupy more than 30% of the total area of first floor windows or doors, so as not to obscure interior of retail businesses.
- An overabundance of window and door signs can become distracting, confusing, or redundant. No more than two signs are recommended per window or door, and no more than two per total business.

Guidelines for the placement of Sidewalk Signs:

- Must stand no higher than 4 feet off the ground, and must have a surface area no greater than 12 square feet (per side).
- Must be removed from the street after business hours.
- Must not obstruct pedestrian traffic more than 20% of the width of any pedestrian right of way.
- Wheels on signs are not permitted.

Guidelines for the placement of Free Standing Signs:

- Must not extend beyond property line or into any public right-of-way or be a visual obstruction to motorists or pedestrians.
- Should be placed where they can be easily seen, usually near the sidewalk.
- Should not obscure the building.
- Should not exceed 16 square feet in area (smaller is usually sufficient), or exceed six feet in height.

Guidelines for the placement of Multiple Signs:

- Must meet the same design guidelines as other signs of its type (i.e. wall mounted, projecting, freestanding, etc.)
- Should be placed as close to eye level as possible.

Guidelines for the placement of Temporary Signs:

- Must not impair pedestrian or vehicle traffic or visibility in any way.
- Should not exceed 10 square feet in area.
- Should not obscure views into store.
- Should not obstruct permanent signs.

What should I know about Sign Size?

- Signs must be no more than one square foot of cumulative sign area per lineal foot of building frontage on a public street or alley. For corner lots or buildings with both alley and street frontage, each façade shall be treated separately (i.e., frontages may not be combined). The maximum amount of total sign area allowed per frontage is fifty square feet.
- Signs must not obscure important architectural details or features, such as transoms, lights, upper story windows, cornice, or trim. Each sign should "fit" gracefully into the architecture of the façade.
- The size of a sign should be guided by the "signable area" on the building façade. All signs should be in proportion to the space on the façade within which they will fit.
- Signs should be coordinated in height and proportion with those on neighboring buildings, to project a unified and harmonious streetscape.

What should I know about Sign Lettering:

- Lettering should be clear and easy to read.
- Be sure that the lettering style chosen is in character with the project or service offered. A poor choice of style can detract from the image of your business.
- The style of lettering should complement the style and period of the building on which they appear. On buildings which feature fine architectural detailing, for instance, lettering should not be big and blocky.
- No more than two different lettering styles should be used on the same sign.
- Leave white space. No more than 60% of the total area of the sign should be occupied by lettering.

What should I know about sign Color:

- Colors used in signs should complement the colors of the building and the style of architecture. Colors should contrast without clashing.
- Generally, no more than three colors should be used on any one sign – one color for the background, one for the lettering, and a third for accents and highlights. More colors can be used if they are part of an illustration.

- As a guideline for choosing colors, the signs in an historic district often have a dark background with light letters. Examples of traditional background colors include burgundy red, forest green, chocolate brown, black, charcoal, and navy blue. Traditional colors for lettering include white, ivory and gold.
- Fluorescent colors are prohibited.

What should I know about Lighting:

- The type of lighting that is most appropriate to historic districts is direct illumination from a shielded light source. Light should be contained within the sign frame and should not spill over into other parts of the building or site.
- No sign shall be illuminated between the hours of 11 pm and 6 am, unless the premises on which it is located is open for business.
- Flashing, fluorescent, or moving lights are not permitted.
- Neon lighting can be accepted if the sign is designed to be compatible with the building's historic and/or architectural character.
- Where possible, light fixtures should be concealed in a cornice, eave, or soffit molding.
- No sign should be illuminated in a way that adversely affects motorists, pedestrians, or neighboring properties.

What should I know about Materials:

- Sign materials should complement the original construction materials and style of the building façade on which it appears. For this reason, wood and metal are generally more appropriate than plastic or vinyl. Internally lit plastic signs are out of context with the period and style of historic buildings and are often the most offensive kinds of signage in historic districts.
- Non-traditional materials, such as gas filled tubes (neon) are not allowed.
- Signs should be attached to a building's façade only in a manner which does not cause permanent damage to historic materials.
- Signs must be kept in good repair at all times.

Schedule G

Town of Essex Critical Environmental Areas

Critical Environmental Areas (Refer to the accompanying map, which shows the parcels described below.)

AREA A

From a point (a) 1/10 mile south of the center line of Jersey St. on the east boundary of tax parcel 48.2-1-5 extending east on a line 1/10 mile south of Jersey St. and paralleling it until it intersects a point ¼ mile west of the Boquet River (b), then south on a line ¼ mile west and paralleling the Boquet River to the intersection of the southern boundary of tax parcel 48.2-1-6.22 (c), then west on that line to its intersection (d) with the eastern boundary of tax parcel 48.2-1-18, then south to the southern boundary of that tax parcel (e), then west on that line to the southwest corner of that parcel (f), then in a straight line back to point (a).

AREA B

From a point at the intersection of the center line of Walker Rd. and the 400 ft. contour line (a), following that contour line until it intersects a stream (b), then on a compass course of “south 20 degrees west” to the center line of Walker Rd. (c), then following the center line of Walker Rd. to point a.

AREA C

From a point where the 700 ft. contour line crosses the center line of Brookfield Rd. (a), following that contour line west and south until it intersects Brookfield Rd. again (b), then following the center line of Brookfield Rd east and north to point a.

AREA D

From a point 1/10 mile south of the center line of Walker Rd and the 500 ft. contour line (a), following that contour line south, west and north to a point 1/10 mile south of Walker Rd. (b), then paralleling Walker Rd. 1/10 mile south of it back to point a.

AREA E

From a point at the intersection of the Essex/Lewis town line and the 900 ft. contour line (a), following that contour line east, north and west until it intersects the Essex/Lewis town line (b), then south along the town line to point a.

AREA F

From a point at the intersection of the Essex/Lewis town line and the 600 ft. contour (a), following that contour line east to its intersection with a stream (b), then following that stream north and west to its intersection with the 800 ft. contour line (c), then due west to the Essex/Lewis town line (d) then south along the town line to point a.

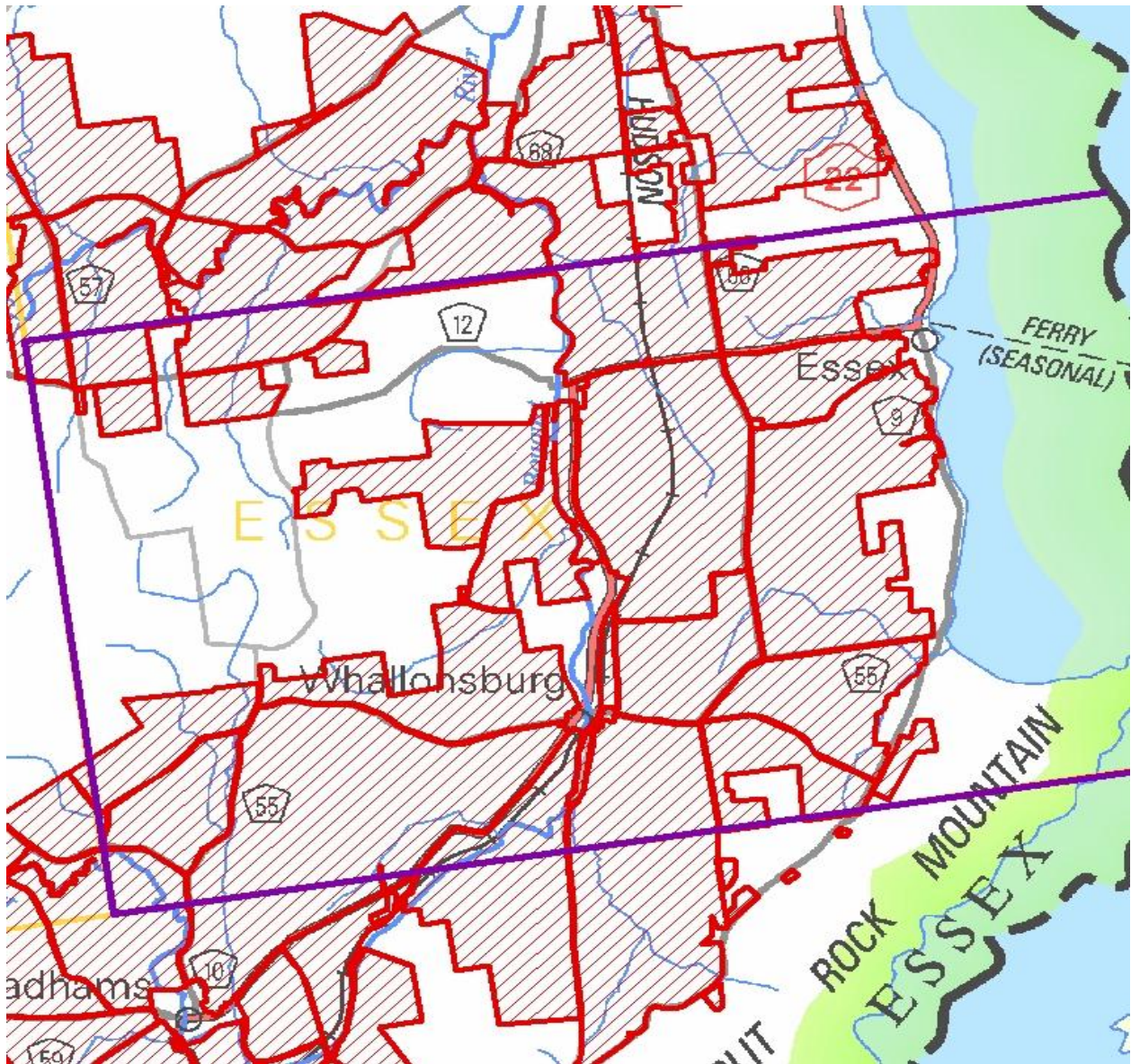
AREA G

From a point at the intersection of the Essex/Westport town line and a woods road bordering state land to the west (a), following the centerline of that road north to its junction with Grog Harbor Way (b), then following the center line of Grog Harbor Way to its junction with Albee Road (c) then west along the center line of Albee Road to the west border of tax parcel 49.15-3-14 (d), then following that border north to Lake Champlain (e), then following the shoreline of Lake Champlain east and south to the Essex/Westport town line (f), then west on the town line to point a.

Schedule H**Essex County Agricultural District #1**

Town Boundary in purple
Agriculture District outlined in red, with shading

As of 2012



APPENDIX D

TOWN OF ESSEX LOCAL WATERFRONT REVITALIZATION PROGRAM

A COMPLETE COPY OF THIS LAW MAY BE OBTAINED AT ESSEX TOWN HALL

Town of Essex

Local Waterfront Revitalization Program

December 2002

Adopted:

Town of Essex Town Council, December 12, 2002

Approved:

New York State Secretary of State, July 29, 2003

Town of Essex LWRP - 1 - December 2002

Town of Essex

Local Waterfront Revitalization Program

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Introduction

The New York Department of State, *Division of Coastal Resources*, recognizes that local governments are in the best position to determine their waterfront needs. The *Division of Coastal Resources* encourages waterfront communities to guide the beneficial use, revitalization, and protection of their waterfront resources by preparing Local Waterfront Revitalization Programs.

What is a Local Waterfront Revitalization Program?

A Local Waterfront Revitalization Program is a locally prepared, comprehensive land and water use plan for a community's natural, public, working waterfront and for its developed resources. It provides a comprehensive framework within which critical waterfront issues can be addressed. In partnership with the *Division of Coastal Resources*, a municipality develops community consensus regarding the future of its waterfront and refines State waterfront policies to reflect local conditions and circumstances. Once approved by the New York Secretary of State the Local Program serves to coordinate state and federal actions needed to achieve the community's goals for its waterfront.

BENEFITS OF A LOCAL WATERFRONT REVITALIZATION PROGRAM

- **Clear direction** - A Local Waterfront Revitalization Program reflects community consensus regarding use of its waterfront. As such, it can significantly increase a community's ability to attract appropriate development that will take best advantage and respect the unique cultural and natural characteristics of its waterfront.

- **Technical assistance** - A Local Waterfront Revitalization Program establishes a long-term partnership between local government and the state, providing a source of technical assistance to prepare and implement a Local Program.
- **State consistency** - State permitting, funding, and direct actions must be consistent with an approved Local Waterfront Revitalization Program. This “consistency” provision is a strong tool that helps ensure all government levels work in unison to build a stronger economy and a healthier waterfront environment.
- **Financial assistance** - A Local Waterfront Revitalization Program presents a unified vision for the waterfront; it therefore, increases a community’s chances to obtain public and private funding for waterfront projects. Funding for both the development and implementation of Local Waterfront Revitalization Programs is available from the New York State Environmental Protection Fund.

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The Town of Essex Local Program

The *Town of Essex Local Waterfront Revitalization Program (LWRP)* is the Town’s principal waterfront management tool. As proposed here, it establishes the Town’s policies for development and use of the waterfront and provides the framework for evaluating the consistency of all discretionary actions in the waterfront zone with those policies. The guiding principle of the LWRP is to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among these objectives. Through the direct actions of the Town, State assistance, and individual project review, the LWRP aims to promote activities appropriate to various waterfront locations. The program is designed to coordinate activities and decisions affecting the shoreline when there are overlapping jurisdictions or multiple discretionary actions. When a proposed project is located within the shoreline zone and requires a local or state discretionary action, a determination of the project’s consistency with the policies and purposes of the LWRP must be made before the project can move forward.

The Town of Essex *Local Waterfront Revitalization Program* will be adopted as a local plan. It incorporates the major state policies, and delineates a shoreline zone to which the policies will apply. Pursuant to state regulations, the LWRP will be approved by New York State. As a result of this approval, state discretionary actions within the Town’s waterfront zone must be consistent to the maximum extent practicable with the LWRP and the Town must be given the opportunity to comment on all state projects within its waterfront zone.

Under the LWRP, local discretionary actions, including those subject to the Town’s land use review, and environmental (SEQR) procedures, are reviewed for consistency with the LWRP policies. LWRP review of local actions is coordinated with existing regulatory processes and in most instances occurs concurrently. For local actions requiring approval by the Town Planning Board, the Planning Board makes the consistency determination. The full process for assuring that government actions are consistent with the Town’s plan is described later.

New York State Waterfront Revitalization Program

Consistency with local waterfront policies is a key requirement of the waterfront revitalization program established in New York State’s *Waterfront Revitalization of Coastal Areas and Inland Waterways Act* of 1981. The New York State Department of State administers the state’s waterfront program and is responsible for advising State agencies whether their actions are consistent with the waterfront policies. For actions undertaken by State agencies, including permitting, funding assistance, land transactions and development projects, the State agency with jurisdiction makes the consistency determination, which is filed with the Department of State. If there is any disagreement between a State agency and the Town regarding the consistency of an activity, either the Town or the State agency may seek the mediation of the Secretary of State.

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Related Regulations

The New York State Department of Environmental Conservation (DEC) is responsible for management and protection of natural resources and environmental quality. The DEC regulates activities that may have an effect on water quality. Activities such as draining, filling or building structures within a waterway may be undertaken only if DEC has granted a permit. In granting a permit, the DEC is empowered to place conditions and restrictions on an activity which can include mitigation measures.

The Army Corps of Engineers (ACOE) is responsible for the protection and management of the nation's waterways and wetlands. Like the DEC, ACOE is empowered to review and issue permits for activities occurring in navigable waters and in tidal or freshwater wetlands that meet the national designation criteria. These activities include dredging, filling, bulkheading, and placement of structures in the water. A central mandate of the ACOE is to maintain navigable channels and the general functioning of the waterways of commerce. In reviewing projects, the ACOE consults with other federal agencies including the U.S Fish and Wildlife Service, the Coast Guard and the Environmental Protection Agency.

The Adirondack Park Agency (APA) provides for the protection of the quality of the lakes, ponds, rivers, wetlands, and streams of the Park and the qualities of their shorelines.

Regulations under the APA Act provide for the review of any project that involves any shoreline within the Park.

Much of the development occurring in or near New York's waterways requires permits from the DEC, APA, and the ACOE. To receive permits from the State agencies, a proposed project must be consistent with the Town's LWRP. Because of their differing mandates and missions, all the agencies involved in waterfront issues may have varying permitting requirements. The Division of Coastal Resources will also assist the Town in obtaining the cooperation of the ACOE and other federal agencies in achieving the policies of the LWRP. As part of its coordination role, the LWRP consistency review can help to resolve these conflicts and to ensure that the Town's policies and plans are considered by all permitting agencies.

Planning Context for the LWRP

The LWRP builds on, and is a direct outcome of, numerous waterfront planning efforts. These plans and studies have led to a more complete understanding of the Town's waterfront, calling attention to the need for a LWRP that reflects the different conditions, issues and priorities along the waterfront.

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The *Town Comprehensive Plan* (the Plan) expresses the Town's long-range goals for the 21st century and beyond. The plan assesses local conditions and proposes short and long-term strategies to guide land use change, planning and coordination. The waterfront vision expressed by the Plan will be incorporated in the Town's adopted waterfront Zoning regulations and the policies of this LWRP.

The *Town of Essex Waterfront Zoning* will advance many of the Comprehensive Plan recommendations and incorporate LWRP goals and policies, such as requirements for public access and visual corridors in most new residential and commercial development. It also ensures that the scale of development is appropriate for the waterfront by controlling the height and bulk of waterfront buildings and pier structures. The Zoning contains provisions for waterdependent

uses

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Part I

Waterfront Revitalization Area Boundary

The Town of Essex is located approximately halfway up Lake Champlain, extending for nine miles along Lake Champlain's 587 miles of shoreline. The Lake is unique, in part because of its narrow width, (measuring only twelve miles as its widest point), great depth (some parts are more than 400 feet deep) and the size of the land area, or watershed, through which 90% of the water delivered to the Lake flows. Lake Champlain stretches south from the Canadian border

for 120 miles along almost one-third of the New York State's eastern border. Lake Champlain flows north through the Richelieu River to the St. Lawrence Seaway, and it also connects to the Hudson River in the south via the Champlain Canal. Because of its strategic location in North America, events and battles took place on this waterway that shaped the future of two modern nations.

Essex's nine mile long shoreline on Lake Champlain is very beautiful – a source of pleasure to its residents, seasonal homeowners, and visitors – and a priceless asset to the Town. Essex is fortunate that its shoreline is largely unspoiled by development, thus contributing to the unique rural lakeside character of the Town.

See attached Shoreline Protection Overlay District Map for an illustration of the Shoreline Protection Overlay District.

The Waterfront Revitalization Program Boundary, which coincides with the Shoreline Overlay District, extends to the east to the center of Lake Champlain and north and south to the Essex Town lines. A visual and topographic analysis was completed to determine the western boundary which follows an irregular pattern encompassing the major developed sections of the Essex Hamlet and follows topographical ridgelines to the south of the hamlet that have been deemed sensitive areas for development. This methodology was employed so that lands subject to development in highly visible areas could be included in the Shoreline Overlay Protection District.

See attached map and boundary description Appendix C.

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Part II

Inventory and Analysis

Location, Landscape, and Natural Environment

The Town of Essex encompasses approximately 23,798 acres nestled in the foothills of the Adirondack Mountains along the shore of Lake Champlain. It is almost a perfect rectangle in shape, 38 square miles in area. It is bounded on the north by the Town of Willsboro, on the west by the Town of Lewis, on the south by the Town of Westport and on the east by Lake Champlain. The western part of the Town is characterized by steep, wooded hills and rounded mountains often referred to as the foothills of the Adirondacks. The Boquet River flows northward through the center of Town. In the southeastern corner of Essex, the Schroon Range, a sub-group of the Adirondack Mountain system, extends out into the Lake, forming Whallons Bay with its rugged promontory ending at Split Rock. In between these mountainous outcroppings, the Boquet River cuts a narrow valley through a high central plateau of open farmland with dramatic views westward towards the Adirondacks and eastward out over Lake Champlain.

A significant part of the shoreline is characterized by narrow strips of rocky beach below steep banks. As stated previously, the offshore waters are not typically calm and recent unexplained weather patterns have meant that shoreline property owners are seeing the significant effects of erosion and dealing with the need for bank stabilization. What little is left of undeveloped shoreline can be considered generally unsuitable for future development.

The Essex Shoreline looking north

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from Whallons Bay

Land Use and Analysis

The Town of Essex is situated in northeastern New York on Lake Champlain. The Town encompasses approximately 23,798 acres, of which approximately 16 percent is water. The entire Town is located within the Adirondack Park and is subject to the Adirondack Park Agency's Land Use Plan and Regulations. (see attached map). This land is allocated to the following official Adirondack Park Land Use and Development Plan Map land use area classifications as of August, 2000:

% Essex County

Essex of Essex Essex % of Park

Acres Total County Total

Hamlet 255.0 1.1 18,864 1.4

Moderate Intensity Use 222.1 1.0 20,291 1.1

Low Intensity Use 1,892.1 8.0 77,651 2.5

Rural Use 8,728.5 36.7 184,884 4.8

Resource Management 8,195.5 34.5 309,006 2.7

Industrial Use 0.0 0.0 6,470 0.0

Wilderness 0.0 0.0 326,819 0.0

Primitive 0.0 0.0 21,327 0.0

Wild Forest 617.0 2.6 175,146 0.4

Intensive Use 0.0 0.0 6,554 0.0

Historic 0.0 0.0 495 0.0

State Administrative 0.0 0.0 316 0.0

Pending Classification 0.0 0.0 182 0.0

Open Water 3,856.0 16.2 76,580 5.1

Total 23,766.1 100.00 1,224,583 2.0

The Town has two established hamlets, Essex and Whallonsburg. Several other concentrations of housing are recognized by local residents; Boquet, located about three miles west of the Essex hamlet on the shores of the Boquet River; Brookfield, located in a more remote area in the western part of the Town; and Whallons Bay, located in the southeast part of the Town embracing the bay which bears its name and Split Rock.

Generally speaking, the land uses in Essex have not changed drastically over the years, other than a reduction in the housing stock reflected in the population figures.

The existing land uses in the waterfront area are presented in five arbitrarily named sub-areas, including North Bay, Beggs Point, South Bay, Lake Shore Road, and Whallons Bay. The bulk of access to the Essex Waterfront takes place in the Essex Hamlet with the cross-lake ferry, Beggs Park, and the marinas.

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1. North Bay

The North Bay sub area includes that portion of the waterfront area from the northernmost boundary of Essex to the Ferry Landing at the intersection of State Route 22 and Lake Shore Road. This sub-area contains several different land use patterns. Land from the northern Town line to land just north of the Ferry dock is privately owned with residences on fairly good sized lots. The northernmost shoreline is characterized by rocky beaches with little or no sand. Several of the homeowners in this area have had to shore up the banks of the shoreline due to erosion over the years. Only one homeowner in the northernmost area maintains a seasonal dock, as the Lake is broad and open and subject to strong winds. As you make your way south to the Ferry Dock, there exists an area called "Sandy Point" which has one of the few sandy beaches on the Essex shoreline. This beach is privately owned by seasonal homeowners. The bay close to the Ferry dock is a popular overnight mooring spot for sail boaters in the summer, however it is not completely sheltered and is subject to the unpredictable weather and winds of Lake Champlain. The main obstacle to this mooring area is no public access to the Essex

waterfront. Most access is by permission on private property.

Lake Champlain Transportation Ferry Landing (right), the Old Dock Restaurant (left).

Aerial photography courtesy of Barry Hamilton and Jill Schoenfeld

The North Bay area is also home to the Lake Champlain Transportation Company ferry dock. In the summer months, the ferry operates two boats from 6 a.m. to 11 p.m. This schedule shortens to one boat on the hour in the off-season. Due to the fact that the Lake has not frozen for the past several years, the ferry has run year-round. This is a major access point to Essex Town of Essex LWRP - 10 - December 2002 and the entire New York Champlain Valley Region for purposes of general commerce and tourism.

Adjacent to the ferry dock is the Old Dock Restaurant which has transient docking facilities for up to 30 boats. This service is offered at no charge to customers. Short-term overnight docking is permitted. Immediately south of the Old Dock are Cabins by the Lake, which has a large cement dock which is permitted for several boats. There are also some privately owned moorings at this location.

2. Beggs Point and Beggs Park

Over 20 years ago, with broad local support and a Federal Land and Water Conservation grant, the Town of Essex acquired and developed a waterfront municipal park at Beggs Point. The park was developed on the site formerly occupied by the Essex Horse Nail Company. The park is located on a man-made plateau rising about fifteen feet above the Lake level of Lake Champlain. The plateau is contained on the east by 19th century stone retaining walls, which rise from Lake Champlain. The walls, and a wharf which is no longer present, were constructed by previous industrial users of the site including the horse nail factory works (c.1879), or earlier occupants which include the Lyon and Palmer Sash Company and the Hoskins and Ross Shipyard.

Beggs Park and the Town Dock. Aerial photography courtesy of Barry Hamilton and Jill Schoenfeld

The retaining wall is subject to very harsh treatment by the elements, including repeated freezing and thawing, wave action, and the effects of Lake ice. At present, it requires extensive repair. Such repairs are necessary to protect the integrity of both the historic walls and the park itself. In 1997, a grant was received from the Lake Champlain Basin Program to do an

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engineering study to provide the necessary guidance for the rehabilitation of Beggs Point wall. This study and engineers' recommendation for reconstruction of the wall was completed in December of 1999. In late 2001 it was discovered that a critical retaining wall on Lake Road directly adjacent to the Beggs Park wall was in a very serious state of collapse. This sea wall retains a critical section of Lake Road that, unless repairs are made soon, may have to be closed to traffic. Funding sources should be sought immediately by the Town Board to effect the necessary repair of the road and wall.

Begg's Park today is home to a Town maintained public dock which allows access on a limited basis for boaters wishing to dock at no charge for up to two hours, a playground and picnic tables and is a tremendous asset to the community. The vistas from the Park extend for miles up and down the Lake. It is the only access most hamlet residents and visitors have to the Lake. The Town maintains a beach adjacent to the park; however, at the current time, public swimming is not allowed. There is no public access to the Lake in the Town for purpose of launching watercraft.

3. South Bay

Early in the 1800s there were two shipyards in Essex. One was located on what is today known as Begg's Point and operated by John Ross; the other on Gould or "South Bay", the present site of the Essex Marina and Essex Shipyard and operated by the Eggleston brothers. The Ross yard built sail and steamboats. The Eggleston Brothers built the Eureka, the first sloop to sail these northern waters, about 1800. A short time later, with war in view, eight or ten vessels of one-hundred and fifty tons were built as well as two hundred and fifty row galleys or bateaux for the American fleet on the Lake.

South Bay, home to the Essex Marina (right) and the Essex Shipyard (left).

Aerial photography courtesy of Barry Hamilton and Jill Schoenfeld

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Around 1850, the village of Essex was the leading port on Lake Champlain, shipping locally produced lumber, iron, clothing, sash and doors, lime, brick, quarried stone, dairy products, etc. The Ross Shipyard became the Essex Manufacturing Company in 1879, builders of sashes and blinds. The Essex Horse Nail Company subsequently occupied the same site, and employed sixty to seventy men and women until it burned in 1917. The Ross Shipyard no longer exists. Business at the Eggleston Brothers' shipyard declined but later revived when it was purchased and operated by C.W. Mead as a boatyard. He built several sailboats and a 40-foot power yacht, the Emerald. In 1938 the Morse brothers, James, Alpheus, and Frank bought the yard and set about reestablishing the business. By 1955, this enterprise boasted of having the largest undercover storage and first complete marina on Lake Champlain. It expanded to include a garage, machine shop, and boat building shop.

With a 1930s vision of seaplanes becoming a popular mode of travel, the name of the business was established as the Essex Marine Base, and recognized as a seaplane base by the FAA. The identification can still be seen on aeronautical charts. James Morse operated the marina until the entire property was sold in December 1986.

Shortly after taking over the Essex Marine Base property in 1987, the new owners divided the Essex Marine Base into two separate properties. The northerly portion included the service dock, two boathouses, a gas station, a small workshop-apartment building, and the Cupola House; it is now operated as the Essex Marina. The southerly portion included the principal boat basin, with seasonal and transient dockage along with moorings for a total capacity of 60 boats. It also included a boat launch ramp, one boathouse, a restaurant-bar, restroom-showerlaundry

buildings, a retail store, and the Cleland House (an unoccupied duplex house fronting on Main Street). The southern portion is now operated as the Essex Shipyard.

In 1988 the Essex Community Heritage Organization (ECHO) sued the Town of Essex Planning Board in a case involving the granting of special use permits by the Town of Essex Planning Board to the Essex Marine Base and Essex Shipyard for increased dock space. As a result of that lawsuit, permits were issued by the Town allowing for the construction of a crib dock at the Essex Marine Base to accommodate 20 boats and 10 cars and the Essex Shipyard was allowed to increase the size of the marina by 20 slips by substituting 10 moorings with 10 slips and adding 20 new slips for a total of 80 slips. They were also to add 10 parking spaces. The settlement of the lawsuit also included a Stipulation that the Town would develop and adopt a formal shoreline and hamlet land use ordinance with ECHO contributing toward the costs of the project. This LWRP and its implementing laws are intended to meet that court (legal) requirement.

Since the 1988 Court Stipulation, both marinas have upgraded their facilities significantly. The Essex Marina created a new boat basin utilizing timber and stone cribbing to accommodate 20 boats in accordance with its permit. The Cupola House was restored and adapted to two apartments and a retail gallery. Additional parking and landscaping were completed and toilets and showers were added for boaters. The gas station was rejuvenated. Fuel tanks, fuel pumps, and a boat pump-out station were installed in accordance with current regulations. The service dock, with fuel, water, and pump out is the only service dock in Essex. Because of the modest demand in Essex, it adequately serves those needs.

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The Essex Shipyard restored the badly deteriorated timber and stone crib docks that protected its boat basin and installed concrete tops, which are resistive to wave action in the spring. Power poles and crane equipment that occupied the wharf area were removed and replaced with underground power lines. A deck with seasonal awning expanded the restaurant capacity and the entire kitchen and dining areas were refurbished. Trees, flower beds, benches, and boardwalks were added to the waterfront and incorporated into an expanded parking plan. The entire exterior of the Cleland House was restored.

In 1990, the Essex Shipyard was further subdivided to create a separate one-half acre parcel for the boathouse (home to Essex Boatworks) and the retail store building. The Essex Shipyard

was unable to expand to its permitted capacity in 1989-1990 due to the Recession and a sudden drop in the boating market. The Essex Marina actually ceased operation for two years at about this time. The Essex boating market has still not recovered to its 1980s level, partly due to recreational boating trends on Lake Champlain and partly due to the development of several new, large marinas between Essex and the Canadian border. With confidence that Essex will continue to retain its market share, the Essex Shipyard obtained new expansion permits in 2001 from the NYS DEC and the Army Corps of Engineers.

The Lake Champlain boating season is periodically delayed by high water in the spring. Since both marinas have basins that are surrounded by timber and stone (on the bottom) docks, both are subject to potential flooding and wave damage.

Essex is not a full-service boating center. The commercial marinas to the north have travel-lifts, full-time mechanics, marine supplies, boat sales, winter storage, and rates that reflect the economies of handling 200 – 300 boats at one operation.

On the other hand, none of them are as attractive as Essex, with its lakeside setting, shops, accommodations, restaurants, and historic architecture. Essex's major appeal – and real potential – is as a prime boating destination. Both marinas serve several purposes relating to the economy and quality of life in Essex: they bring visitors to Essex by boat rather than by car, they create waterfront activity and interest that has been an inherent characteristic of Essex for over two centuries, and they provide access to the water. Neither marina closes its doors to fishermen, photographers, or sight-seers. Anyone can go to the marinas and look at boats, eat, or just sit. Boating visitors are likely to patronize other local businesses. In addition, the marinas provide convenient dockage for local residents.

The only boat launch area available in Essex is at the Essex Shipyard Marina for which a fee is charged. Also, this is a very difficult launch due to the steepness of the entry and limited access for maneuvering vehicles. While the area at Whallons Bay has been suggested as a site for a public boat launch, its physical location close to Lake Shore Road makes this almost impossible. Public boat launch facilities are available in the neighboring Towns of Westport and Willsboro.

The proximity of the two marinas to each other and a recent application by the Essex Marine Base for an expansion, coupled with the concerns of two adjoining land-owners, has been the source of controversy in the Town for the past several years.

As a result of the historical use of this bay for marina and marina-related services, this area is best identified as the most reasonable and practical location on the Essex shoreline for commercial marina and boat-related activities. As a result, a pierhead line within which

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expansion of the marinas will be considered has been established (see map). Any expansion of the marinas within this area will be subject to all the zoning rules and regulations, SEQR, and other environmental considerations and reviews.

Impact from the marinas can be hard to measure directly, as there is generally a mixture of permanent and transient boat slips. It is important to note that the availability of transient boat slips provides another means of access to the community rather than relying on vehicle access.

4. Lake Shore Road

This area of the shoreline encompasses all that shoreline south of South Bay down to Whallons Bay.

The Crater Club, a rustic camp retreat and summer resort colony is located two miles south of the Essex Hamlet on Lake Champlain. It was founded and built in the early 1900s by John Bird Burnham, and it is home today to approximately 40 seasonal property owners. John Burnham constructed telephone lines, four tennis courts, a fourteen-mile water system, docks, a central building with dining room, a library, recreational facilities, a big garden and a federal Post Office. Many of these facilities remain today. In the days of long vacations, the Crater Club resort's clients were persons of middle means, among them clergymen, educators, government officials, authors, and persons whose tastes were simple. During this time, Burnham built over 75 cottages, each with a lake or mountain vista. The members have continued to maintain the common buildings and facilities and have upgraded the dock area. Today, the residents of the

Crater Club bring vitality and life during the summer months to an otherwise secluded and private part of our Town.

While most of the residences at the Crater Club are still seasonal, over recent years several homes have been retrofitted for year round use.

The Crater Club is serviced by an on-site privately owned water system. Water is pumped from the Lake to many of the camps through pipe that lies above the ground, making it a seasonal operation. Several of the members have drilled wells for water, however, due to ground restrictions, this is not a viable option for most of the camps. In 2001, a committee was formed to explore options for a new water system for the Club. The Town was approached for input, but it has been determined that the cost of infrastructure to run Town water to the site was far more than the seasonal homeowners would be willing to bear at this time.

Individual septic systems are also the norm at the Crater Club. Once again, due to rocky site conditions, future expansion and or new construction of buildings at this site should be monitored closely for discharge and runoff, as the hillside location of this housing development has the potential to directly impact Lake Champlain.

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Crater Club beach and dock facility (right) and sailing club (left).

Aerial photography courtesy of Barry Hamilton and Jill Schoenfeld

Adjacent to the Crater Club dock, the Split Rock Yacht Club, a small informal club, sponsors weekly sailing races during mid-summer. For the past 60 years, the Club has followed the course from the southern shore of Essex to a marker in Whallons Bay and back to a marker off Cannon Point and finally to the finish line in Cape Cod Knockabouts. In 1999 the Club had approximately 100 members.

Lake Champlain is a marvelous lake for sailors. Powerboats also enjoy it but often find the heavy weather unpredictable and difficult. Experiments with houseboats have not worked because an active lake pounds them too much. The two marinas in Essex are filled with large sail vessels as well as powerboats.

This area of the Lake represents the most threatened in terms of development. Lake Shore Road, which serves as a major north south travel route, is built very close to the shoreline and at places is subject to severe erosion. Due to severe erosion on a major section of the road at the South Farm property, the Essex County Highway Department in the year 2001 moved that section of the road to the west side of its actual location with grant funds from FEMA.

This part of the shoreline is also characterized by docks, boathouses and very few seasonal homes. This section of the shoreline has been targeted as critical. The often steep drop from the upland area to the lake surface is prone to erosion, slumping, and even collapse. These areas are unsuitable for development and should be protected.

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5. Whallons Bay and Split Rock Point

The southernmost part of the shoreline encompasses Whallons Bay and an area known as Split Rock. The Town owns an access point to the Lake at Whallons Bay, which has been used in past years as a swimming area. However, recent problems with "swimmer's itch" closed this beach area to public swimming. This area provides a natural cove protecting boaters from the wind and is a popular transient mooring and water ski site.

Whallons Bay Aerial photography courtesy of Barry Hamilton and Jill Schoenfeld

Adjacent to Whallons Bay, the cliffs of Split Rock Mountain rise 400 feet out of Lake Champlain between Westport and Essex, creating a dramatic bluff known as the Palisades. The state acquired the cliffs in 1980 and much of the rest of the Mountain in 1994 totaling 3,000 acres and 4.3 miles of shoreline, representing the largest stretch of undisturbed waterfront on the 120-mile long Lake. In 1994, the state also bought the Webb-Royce Swamp across the road from Split Rock Mountain. The swamp is popular among birders for its great variety of species, including osprey, heron, various ducks, and great horned owls. Swamp white oak, a rarity in the Adirondacks, can be found there.

Water Use, Public Access and Recreation Resources

The Essex shoreline is a wonderful resource that uniquely defines the character of the

community.

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The existence of the ferry dock provides a major access point to Essex County, Northern New York and the Adirondack Park. While no direct studies exist, it is a reasonable conclusion that upwards of 80% of peak season ferry traffic passes through Town without stopping. However, the historic and unspoiled nature of the Town itself is an attraction for tourists. Tourism is a major part of the economy of Essex County and is promoted heavily by surrounding Towns and the Essex County Visitors Bureau. In addition, shop owners in the Essex hamlet rely entirely on tourism for the success of their seasonal businesses.

A March, 1997, study commissioned by the Village of Port Henry entitled: "*Essex and Clinton County Local Waterfront Revitalization Program*" states: "Today, tourism and recreation utilizing the incomparable natural and cultural resources of Lake Champlain are economic activities which no community can afford not to incorporate in any revitalization effort, but in doing so the communities need and wish to preserve the unique quality of life and the environment associated with it."

Lake Champlain Byways, a collaborative effort between three New York County Planning Offices (Clinton, Essex and Washington) and four Vermont Regional Planning Commissions (Northwest, Chittenden, Addison, and Rutland) developed a plan for a 250-mile bi-state route surrounding Lake Champlain (America's sixth largest fresh water lake) and including the Town of Essex. The Corridor Management Plan is aimed at coordinating existing activities to establish a regional identity and unification of the Lake as a region. Strategies and partnerships identified in the plan are to promote, interpret and steward the region's resources in balance with economic development in the region.

In 1992 the state of New York designated the Champlain Trail as a New York State Scenic Byway, recognizing the roadway's access to the scenic, historic, cultural, natural, and recreational qualities of Lake Champlain and the communities that line its shore. New York State has identified NYS Route 22 in Essex County as a designated byway on the Champlain Trail. Lake Champlain Byways is more than a designated roadway. It reflects a "geographic sense of place" that is created by a concentration of byway resources that have a functional or physical relationship to Lake Champlain. The objective of regional unity is realized through the linkage of communities by a network of multi-modal routes with themed interpretation.

By this definition, the Byway corridor extends from the center of the Lake to Elizabethtown, encompassing the entire Town of Essex. The Byways Corridor Management Plan does not include land use policies or plans for implementation. Specific areas where there is interest to work together includes education, recreation, transportation, agriculture, tourism, environment, and historic/cultural resource management.

The Essex Community Heritage Organization has recently received funding for the establishment of a heritage/tourism facility to be located in the hamlet of Essex. In 1996, the National Park Service funded the "Champlain Valley Heritage Corridor Project," a New York-Vermont effort to study how best to take advantage of the historic nature of the Champlain valley. This effort, initiated by Senator James Jeffords of Vermont resulted in the U. S. Congress establishing a national heritage corridor in the Champlain Valley. A team of planners from the National Park Service worked in consultation with local citizens, government representatives, scholars, and resource specialists to evaluate the preservation and interpretation of the resources of the Champlain Valley.

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In Essex County, the Champlain Valley Heritage Network supports recognition of the Champlain Valley Heritage Corridor providing for its implementation to be managed locally, and its emphasis includes economic development as well as addresses industrial tourism, tourism history and the military history of the area.

Within the corridor, the Champlain Trail is supplemented by a network of multi-modal transportation routes:

Lake Champlain Bikeways is a network of routes for bicyclists. The principle route, "Champlain Bikeway", circles Lake Champlain. From this principle route, interpreted

bicycle theme loops provide access for bicyclists to the smaller communities and roadways in the region.

Lake Champlain Walkways is a network of trails and roadways that connect the region's communities and are accessible by the pedestrian. Although this network is in a pilot-study stage, it is anticipated that these routes will have local interpretation developed for the user.

Lake Champlain Waterways are routes for boaters that connect the lakeshore to the Lake's streams and rivers up to the first non-navigable point (dam or waterfall). The Waterways include the Lake Champlain Paddlers Trail, which connects sites along the Lake that are accessible to the public. This network is also in a pilot-study stage, it is anticipated that these routes will have local interpretation developed for the user.

This network of multi-modal routes is developed to merge transportation and recreation for the visitor. The slower modes of travel, coupled with interpretation, allows the visitor to have a meaningful and authentic experience of the region. By having visitors utilize various modes of travel, the region can experience reduced congestion on major roadways, while increasing visitor access to the local businesses and services, and showcasing local culture and heritage.

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Zoning

A community's zoning is its guide for future development. The Town of Essex Zoning Ordinance was initially adopted in 1974. The zoning ordinance is currently being updated as part of the development of a new Comprehensive Plan and the adoption of a Shoreline Overlay District. For the most part, the existing zoning establishes districts which support fairly stable existing land uses, but enhancements are needed to accommodate planned future development and to insure the protection of existing resources. Such development can be expected to take place in all of the LWRP sub-areas and adequate protection for the waterfront and related resources should be adopted in anticipation of such development.

Lands included in the Shoreline Overlay District (the Study Area) overlap five different zoning districts. These include:

Principal Bldgs. Average Lot Density

District Description Per Square Mile Size (acres) (minimum lot size)

Residential II (R2) Moderate 500 1.3 1

Intensity

Agriculture (A) Resource 15 42.7 2

Management

Essex Hamlet (H) No Intensity N/A N/A .5

Restriction

Forest/Recreation (FR) Rural Use 75 8.5 5

Critical Areas (C) Critical Environmental 15 42.7 Not Specified

Areas

The entire Town is under the jurisdiction of the Adirondack Park Agency (APA) which has its own set of land use classifications. However, the overall intensity in the Town's zoning ordinance matches the intensity set forth in the APA land use regulations.

Infrastructure

The Town as a whole has no public water or sewer system. There is currently one Water District in the Essex Hamlet. Water is pumped from an intake approximately 120 feet off the shore of Lake Champlain at Beggs Park. The water line intake sits at a depth of approximately 40 feet. The majority of residents get water from wells and are serviced by on-site septic systems. Several year round and seasonal residents draw their drinking water directly from Lake Champlain.

The Town recently received funding for the expansion of the water district surrounding the hamlet of Essex. This new water district (Water District # 1, Extension # 1) extends the water line to the north border of the Town and was completed in late summer 2002.

The Town of Essex is the last un-sewered community on Lake Champlain. Individually owned septic tanks and leaching fields are the present means of sewage treatment. The Town has

recently retained the services of a professional engineering firm to provide a preliminary engineering study of wastewater treatment systems (options) for the Town. In addition, the Town has been and continues to actively pursue funding programs to provide for the cost of a municipal sewer. It is anticipated that any public sewer system will be limited to the Essex Hamlet area directly on and adjacent to the shores of Lake Champlain, as it is a well known fact that there are many failing systems leaching into the Lake at this time.

With the exception of the Essex Ferry, the Town of Essex has no public transportation system(s).

Historic Resources

Visually, both in layout and architecture, Essex has retained the character of an early 19th century village, a character determined by its geographical and historical position.

In 1974, the Essex Community Heritage Organization, (ECHO), prepared the National Register nomination which led to the listing of the Essex Village Historic District on the National Register of Historic Places in 1975. The resulting historic district is approximately 1.5 miles long and .3 miles wide. From the intersection of Route 22 and Main Street it extends approximately .8 miles to the north, with the current Kellogg (Blockhouse Farm) property being the northern most property to be included. It extends approximately .6 miles to the south with the "Champ Watch" property being the most southerly. The shore of Lake Champlain is the eastern boundary and the western boundary is a line .3 miles from the intersection of Route 22 and Main and running parallel to Main Street.

The district contains approximately 150 structures which predate the 20th century. Of the structures in the district, there are only 15 that were constructed after 1900. Of these, only 3 were built after 1910. Four or five structures are of the 18th century; the rest are all 19th century. Of these, only 7 were constructed after 1860. The predominant building materials were clapboarded wood, frame, brick, and native stone. No structure exceeds 2 1/2 stories, thus taking the fullest advantage of the natural beauty of a location between wooded ridge and a rocky and irregular lakeshore.

It should be added that it is the sense of Essex as an architectural whole, without intrusive modern elements, and with a wealth of imaginative taste in the use of detail, that is the village's finest heritage. From the viewpoint of either an architectural historian or a casual visitor, the village of Essex displays a unique opportunity to see and study a village that "went to sleep architecturally" for 100 years and, excepting a brief arousal at the turn of the 19th century, has not changed in any important aspects.

Life however, does go on for the many residents and businesses in the Essex Hamlet. A very lively and energetic business core heavily promotes the area during the summer season. The population of the Town swells and the many seasonal residents return to enjoy the Lake and the very special quality of life. On any given day, the hamlet is replete with tourists, enjoying the sights, patronizing shops, restaurants, and marinas.

Scenic Resources

Given its location on Lake Champlain between the Adirondack Mountains of New York and the Green Mountains of Vermont, Essex has an abundance of scenic views which should be

identified and preserved. The visual resources of Essex are as unique and varied as anywhere in the Adirondacks and beautiful views of Lake Champlain can be seen from points all along the waterfront. Route 22 carries the most automobile tourist traffic and visual impressions are created by this travel route through majestic hillsides and sprawling open farm fields heading north, south, or east through the Town.

Entering the Hamlet from the north, the road bends around the shoreline presenting a vista of the Ferry landing, Community Church spire, and the Greystone Manor. From the west, the view corridor is terminated by the "sunburst" pediment of the former firehouse at the main hamlet intersection with the Green Mountains of Vermont as a backdrop. These and other panoramic vistas, such as from Beggs Point, are memorable events which give Essex its special placeidentity.

Topography and Geology (source *Essex: A Land Use Planning Process*, 1975)

The landscape of Essex was formed by a billion-year old uplift and more recent glaciation. The massive uplift of igneous rock is responsible for the mountainous areas within the Township; and the Lake Champlain Valley bedrock was formed under ancient seas where sandstone and limestone were deposited. A granite lacolith, found at the site of the Crater Club, was a vein of molten rock forced to the surface creating a small dome. The landscape was altered by glaciers of the last ice age; the ice sheet flowed from the north grinding and sculpturing the bedrock. Glaciers deposited what is known as glacial till-mixed rock fragments, sand and silts. Drumlins, a glacial landform deposited parallel to the flow of ice are low, cylindrical hills that occur in Essex between the Boquet River and Lake Champlain. These drumlins are surrounded by old lake bed deposits of clay and sand; sediments which were washed into Lake Vermont (Lake Champlain being a vestige of that Lake) settled out in the still water. Additional deposits include glacial outwash and are well drained coarse soils with deep water tables found near Whallons Bay Road and along the Boquet River at the Willsboro-Essex line.

The most recent landform in Essex is the Boquet River flood plain. The periodic flooding deposits soils of various textures along the flat lands of the river bottom. New channels are created as sediment clogs old channels which form oxbows where meanders occur. There are former channels that have been by-passed by the main flow.

Topographic maps are graphic representations of the earth's surface drawn to scale. Slopes are computed by comparing the vertical rise over horizontal distance expressed as a percentage. Thus, ten feet in rise in 100 feet is ten percent slope. Much of Essex is in the zero to three percent slope category – lands that are very flat. Water is slow to drain from such areas; and where soils are clayey, standing water is a problem. Except for possible drainage problems, development is appropriate in these areas. Slopes in the range of three to fifteen percent are suitable for most types of development, since grading building sites is not difficult. Public roads, however, may be difficult to travel in the winter if their gradient exceeds eight percent. Fifteen percent is the maximum for private driveways. Since grading is more extensive and retaining walls sometime required, 15 to 25 percent slopes are moderately difficult to develop. In addition, erosion and septic tank leaching fields are common problems on these slopes. Sewage effluent can potentially seep downward and laterally to appear at the surface a few feet down slope. Very steep slopes over 25 percent occur in Essex on Split Rock Mountain, North Boquet Mountain, South Boquet Mountain, and several other areas in the western section of the Town.

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Land Use/Growth Impact Issues

As part of this Program, the Town commissioned a growth impact analysis to be done of the shoreline by The Saratoga Associates of Saratoga Springs, New York. This study represents a compilation of past studies done by various consultants to the Town, and also provides an analysis of land use options for the future. Results of a survey conducted by the Town are included in this report. (see Town of Essex Shoreline Study, January, 2001, The Saratoga Associates.)

Water Quality

Water quality within Lake Champlain varies significantly from section to section and from season to season. Primary water quality threats for the Lake are excessive nutrients (primarily phosphorus), nuisance aquatic species, pathogens, and localized heavy concentrations of toxic substances.

The nutrient phosphorus poses the greatest threat to clear, nuisance-free water in the Lake. High concentrations of phosphorus cause excessive growth of algae and other aquatic plants, particularly the non-natives, Eurasian milfoil and water chestnuts. Zebra mussels, which entered Lake Champlain in 1993, have now been found in many sections of the Lake, including Essex, colonizing any hard surface in its shallower portions. These exotic colonies cause a problem for boat owners and those who withdraw drinking water from the Lake. Pathogens, including bacteria, viruses, and other micro-organisms enter the Lake mainly from animal and human waste sources. Sources often include faulty waste systems, discharges from boat holding

tanks, agricultural run-off, and urban and suburban run-off.

Once again, it is important to note that Essex remains the last un-sewered community located directly on the shore of Lake Champlain. The Town is aware that there are many failing septic systems in the densely populated hamlet with a potential for significant impact to the Lake.

Levels of toxic substances are relatively low in Lake Champlain compared with bodies in more industrialized areas. While there have been occurrences of PCBs (polychlorinated biphenyls) and mercury in the Lake, the area adjacent to and including the Essex Shoreline Overlay District are not included.

Swimming in Lake Champlain on a hot summer day is one of the most popular activities in the area. In 1995, Lake Champlain Basin residents and visitors enjoyed 64 swimming beaches, both public and private along the New York and Vermont shorelines. During recent years, enhanced access to additional beach areas has been undertaken in local communities such as the neighboring Town of Willsboro with the development of Noblewood Park. Water at public beaches is monitored by the New York Dept. of Health to determine if there are any threats to human health from pathogens such as fecal coliform.

Currently, there is no public swimming area in the Town of Essex. The beach at Whallons Bay has been closed to swimming for many years due to "swimmer's itch." The beach at Beggs Park is used occasionally for swimming during the summer months, however, the Town is not providing any lifeguard services and the beach is posted for no swimming.

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Significant Fish and Wildlife Habitats

Observers of wildlife and bird life within the Town have helped identify key wildlife habitats. Split Rock Mountain, one of these areas, is the northern edge of a valued deer wintering range. The white tailed deer is the most numerous of the large mammals in the Adirondacks, but the cold winters and limited food supply have kept the total numbers lower than in areas of central New York state. The best deer habitat contains vegetation patterns with open and forested areas.

This network of "edges" accommodates both food supply and cover needs for the deer population. The second type of habitat is "diverse ecosystems." The most notable is the Webb Royce Swamp, of which one half is in Essex, and located adjacent to the southernmost area of the study area. While it is not included in the study area, it represents a significant critical area in the Town.

It is a wetland, supporting a hardwood forest surrounded by open agricultural landscape that harbors waterfowl, marsh birds, and various mammals including raccoons. The flood plain of the Boquet River near the oxbows is prime waterfowl nesting ground, and species such as mergansers and mallards are often seen. Near Essex "Station" in the marshy wetlands, cattails attract marsh birds such as redheaded blackbirds. Muskrat could also be expected here.

Transient birds feed in the wheat and corn stubble found along the ridge tops in the agricultural areas (species such as killdeer, snow-bunting and Canadian geese). Along the Middle Road, solitary elms provide good vantage points for roughlegged hawks to hunt mice and other prey. The Boquet is known for its trout and bass fishing and is stocked by the Department of Environmental Conservation. This is in addition to the natural fisheries of Lake Champlain.

The Lake Champlain Basin supports abundant and diverse warm water fish populations.

Eightyone

species of fish have been identified in Lake Champlain. About twenty of these species are actively sought by anglers, including large and small-mouth bass, walleye, northern pike, chain pickerel, brown bullhead, channel catfish, yellow perch, lake trout, landlocked Atlantic salmon, steelhead trout, brown trout, and rainbow smelt. At present, four species found in the Basin are classified by Vermont or New York as endangered: lake sturgeon (VT), northern brook lamprey (VT), stonecat (VT) and eastern sand darter (NY). Four species are listed as threatened: eastern sand darter (VT), American brook lamprey (VT), mooneye (NY), and lake sturgeon (NY).

Flooding and Erosion

The Town of Essex complied with the National Flood Insurance Act and delineated floodplain boundaries and adopted a local compliance law in 1987. The entire Shoreline Overlay District is

located on lands determined to be outside the 500-year flood plain.

Important Agricultural Lands

Farming is an integral part of life in Essex and has been for two hundred years. Agriculture comprises up to 60% of the land use in Essex and more than any other single factor creates the rural Essex landscape. The soils in general are well-adapted for farming and grazing. Along the Lake, it is a claylike loam. Moving west into the mountains, it becomes a lighter sandy loam.

The primary soil type, running in a north-south pattern, is the Vergennes-Kingsbury association described as deep, moderately well and somewhat poorly drained, fine textured soils. The

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underlying bedrock is limestone of the Glens Falls and Orwell formations of the Trenton and Black River groups, historically used both for construction and the manufacture of lime. The Essex County Soil and Conservation Service has recently completed an updated soils mapping of Essex County.

Of the 32 farms or farm-related properties identified in the Town of Essex, the majority are in hay production. In addition, many other landowners have hay fields. Growing hay is well suited to Essex's soils and compatible with Essex's desire for well-groomed open land. There are no dairy farms active in Essex at this time, however a new milking facility is currently under construction and will be operational in 2002.

The use of land for agriculture has given Essex much of its characteristic look and feel.

However, local agriculture has come to reside in the hands of fewer and fewer farmers. Our agricultural landscape, characterized by meadows, pastures, and fields of hay and corn are now interspersed with stretches of abandoned fields reverting to grassland or woods.

The South Farm property on the Lake Shore Road represents the largest parcel of agriculturally zoned land to be included in the Shoreline Protection Overlay District. This property has a remote owner and has not been actively farmed for many years. The site represents one of the most desirable housing development areas in the Town. However, its APA land use classification restricts the number of homes or principal buildings that may be constructed on this property.

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Summary of Key Waterfront Conclusions

Implement erosion control measures to save shoreline areas and improve safety and include shoreline stabilization methods which can be vegetated or blended in with the natural surroundings in areas of highly erodent soils;

Restrict development in those areas with highly erodible soils, watershed areas, steep slopes, lack of central water and sewer facilities, and other environmental constraints.

Provide for expanded opportunities for access to the waterfront, e.g. boat launch, swimming, public moorings;

Provide for local control over the number of moorings, dock facilities and development on the shoreline;

Strengthen linkages between the marinas, waterfront businesses, and the downtown;

Provide for marina economic viability by allowing expanded services where feasible while protecting the character of the community and the environmental quality of the Lake;

Raise public awareness of both the Town's and Lake Champlain's cultural and natural resources;

Protect existing scenic and natural resources; important view sheds should be protected and enhanced;

Preserve the historic character of the hamlet of Essex while allowing for compatible new development and access to the waterfront;

Initiate a site plan review process for all development activities within the Shoreline Protection Overlay District.

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Part III

The LWRP Policies

This section was developed in cooperation with the New York State Department of State, Division of Coastal Resources and Waterfront Revitalization. In developing a set of Waterfront Revitalization Program Policies, the Town drew upon the State policies of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, the Town Comprehensive Plan, the Town Zoning Law, and the preceding analysis. To effectively realize the Town's waterfront planning goals, eleven policies are outlined below.

1. Foster a pattern of development in the waterfront area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimized adverse effects of development.
2. Protect water-dependent uses, promote siting of new water dependent uses in suitable locations, and support efficient harbor operation.
3. Protect agricultural lands.
4. Promote sustainable use of fish and wildlife resources.
5. Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities.
6. Protect and improve water resources.
7. Minimize loss of life, structures, and natural resources from flooding and erosion.
8. Minimize environmental degradation from solid waste and hazardous substances.
9. Provide public access to and along the Town's coastal waters.
10. Protect scenic resources that contribute to the visual quality of the Essex Town waterfront.
11. Protect, preserve, and enhance resources significant to the historical, archeological, and cultural legacy of the Essex waterfront.

For each policy, set forth in Part III, goals, standards and criteria are provided to guide public agencies and set parameters for consistency determinations. Depending on the conditions in a particular area, the policies articulate appropriate land and water use goals and present a hierarchy of preferred options for meeting those goals.

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THE POLICIES

Policy 1 Foster a pattern of development in the waterfront area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development.

The pattern of development along the Town of Essex Lake Champlain shoreline is characterized by a compact historic hamlet with a mix of residential and commercial uses surrounded by a scenic rural landscape with forests, open fields, agriculture, and scattered housing. The Lake itself is used for a variety of recreational purposes, principally for recreational boating. A commercial ferry service connects the hamlet to Vermont. It is the policy in the Town of Essex to preserve this pattern of development. The character and value of this pattern is more fully described in the Inventory section of this document, in the Town's Comprehensive Plan, and in 1989 Trancik Study, Essex Hamlet: Plan for the Future of Essex.

1.1 Preserve the historic character of the hamlet of Essex while allowing for compatible new development; utilize scenic and historic resources of the community to foster appropriate economic development.

Require new development within the hamlet to be similar in scale, materials, and siting to existing development.

Allow for a mix of uses by permitting a wide range of residential and commercial uses.

Encourage the reuse of existing buildings.

Promote the development of commercial uses that will serve the needs of residents and visitors, such as, grocery, hardware, pharmacy, café, restaurant.

Provide for a range of housing, including housing for the elderly.
Promote new infill development to accommodate population increases, particularly in the area of the hamlet south of Church St. west of Main St. (TSA Study, 2001)
Avoid new development that would overburden roads and sewage disposal capacity.
Maintain or require parking and circulation patterns that preserve and facilitate pedestrian traffic throughout the hamlet.
Design parking facilities to mitigate visibility by locating at rear of structures, landscaping to screen, avoiding unnecessary pavement, etc., and ease parking restrictions in the hamlet.

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Limit the scale of new roads to that of those in place.

Locate and design new development to reduce automobile use.

1.2 Preserve the rural character of the waterfront area outside the hamlet of Essex.

Adhere to the density limitations established by the Adirondack Park Agency and the Town of Essex Zoning Law.

Limit building where it would conflict with the Town's rural pattern and scale of settlement.

Protect and encourage agriculture in those areas of the Town that are or have historically been devoted to farming.

Preserve stonewalls and hedgerows.

Preserve open fields not in agricultural use.

Retain open space in as large contiguous parcels as possible.

Avoid commercial strip development.

Allow flag lots to preserve scenic, historic, and natural resources.

1.3 Maintain the waterfront area north of the hamlet primarily for residential use of moderate intensity, while allowing a range of uses other than non-resource based industrial uses.

1.4 Limit new development south of the hamlet and shoreward of Lake Shore Road to uses accessory to development located landward of Lake Shore Road.

1.5 Preserve the open character of the land landward of Lake Shore Road by encouraging agricultural uses and through careful siting of low-density residential and commercial development. (Zoning, site plan and special use permit criteria)

1.6 Provide for public recreation at Whallons Bay.

1.7 Preserve the land in the area of Split Rock as predominately open space.

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1.8 Ensure that development or uses make beneficial use of their waterfront location.

The amount of waterfront located in the Town and its related resources are limited.

Plans for future development of the waterfront must therefore be limited to appropriate scale. As outlined on the map, several areas of the shoreline have severe development constraints. All uses should relate to the unique qualities associated with their proposed location and consideration should be given to whether a use is appropriate for that location. When planning waterfront development or redevelopment, the waterfront location should be reflected in the design, siting and orientation of the development.

Encourage water enhanced uses where appropriate. Water enhanced uses are activities that do not require a location on or adjacent to the water to function, but whose location on the waterfront could add to public enjoyment and use of the water's edge if properly designed and sited. Water enhanced uses are generally of a recreational, cultural, commercial or retail nature.

Water enhanced uses should be encouraged where they are compatible with surrounding development and are designed to make beneficial use of their location on the waterfront. Water enhanced uses should be sited and designed to:

Attract people to or near the waterfront and provide opportunities for access that is oriented to the Lake.

Provide public views to or from the water.

Minimize consumption of waterfront land.

Not interfere with the operation of water-dependent uses.

Not cause significant adverse impacts to community character and surrounding land and water resources.

The following uses and facilities are considered potentially appropriate as waterenhanced activities along the Essex shoreline:

Activities such as active and passive recreation, parks, and playgrounds.

Facilities such as industrial, high-density residential, and large-scale public utilities are not suitable for the Essex waterfront. Adequate upland is available for such uses.

The following planning principles should be used to guide investment and preparation of development strategies and plans:

Scale development to be appropriate to the setting.

Design development to highlight existing resources, such as local history and important natural and manmade features to reinforce community identity.

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Design the waterfront as a focus for activity that draws people to the Lake and links the waterfront to upland portions of the community.

Recognize environmental constraints as limiting development.

All development or uses should recognize the unique qualities of the waterfront location by:

Using site and building design to make beneficial use of a waterfront location and associated waterfront resources.

Minimizing consumption of waterfront lands and potential adverse impacts on natural resources.

Limiting shoreline alteration and surface water coverage.

Incorporating recreational activities, public access, open space, or amenities as appropriate to the use, to enhance the site and the surrounding community, and to increase the visual and physical access to the Lake.

Ensuring that design and siting of uses and structures complements the surrounding community and landscape.

Using indigenous plants as components of landscape design to improve habitat and water quality.

1.9 Maintain and enhance natural areas

Natural areas, open space, and recreational land produce public benefits that may not be immediately tangible. In addition to scenic and recreational benefits, these lands may also support habitat for commercially or ecologically important fish and wildlife, provide watershed management of flood control benefits, serve to recharge ground water, and maintain links to the region's agricultural heritage.

Special consideration should be given to protecting stands of large trees, unique forest cover types and habitats, and old fields. The open space value of agricultural land should be protected.

1.10 Minimize the adverse effects of new development and redevelopment

Cluster development to economize on roads and other infrastructure and to protect scenic, agriculture, and natural resources.

Require appropriate landscaping to screen or enhance the appearance of new development.

Control lot configuration to minimize the effects of new development.

Regulate lighting.

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Allow for transfer of development rights to protect open space.

Limit tree clearing.

Control shoreline access from multi-family development.

Require adequate setbacks.

Adhere to standards specific to certain uses, including telecommunications towers, restaurants, motor vehicles services, and public utilities.

Policy 2: Protect water-dependent uses, promote siting of new water-dependent uses in suitable locations, and support efficient harbor operation.

The intent of this policy is to protect existing water-dependent commercial and recreational uses and to promote their future siting in accordance with the reasonably expected demand for such uses. It is also the intent of this policy to foster orderly water use management to address the problems of conflict, congestion, and competition for space in the use of surface waters and underwater lands.

2.1 Protect water-dependent uses.

Commercial waterborne activity, both for transportation and recreation, contributes to the economy and quality of life within the Town. These activities include the Lake Champlain Transportation ferry, marinas, excursion boats, fishing boats, and waterfront rental facilities. Water dependent recreational activities, such as swimming, boating, and fishing are also important to the quality of life in the Town. Water dependent uses have locational requirements that make portions of the waterfront especially suitable. As a result most of these uses are primarily located on and in the bays adjacent to the hamlet.

A water dependent use is an activity that can only be conducted in, on, over, or adjacent to a water body because such activity requires direct access to that water body, and that involves as an integral part of that activity, the use of the water. The following uses and facilities are considered potentially appropriate as waterdependent activities along the Essex shoreline:

Recreational activities which depend on access to water such as fishing, boating.

Existing public and private marina facilities and the Essex-Charlotte ferry.

Tour boat and charter boat facilities.

Water related public utilities, such as the Town water system.

In addition, caution should be taken to:

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Reserve the water surface for water dependent uses.

Avoid actions which would displace, adversely affect, or interfere with existing water dependent uses.

Maintain ferry service by supporting the upgrading of infrastructure to provide safe and efficient traffic patterns in the Essex hamlet.

Preserve or improve existing shorefront infrastructure, including Town-owned wharves, piers, and bulkheads to maintain and enhance water-dependent activities.

2.2 Promote the siting of new or expanded water-dependent uses at suitable locations

The bays adjacent to the hamlet are the areas most suitable for commercial water dependent uses. However, these areas are already substantially developed with such uses and little space remains for new uses. Space is available for limited expansion or reconfiguration of existing uses.

Outside the hamlet, the need for compatibility of these uses with surrounding uses and natural features limits new or expanded water dependent uses to relatively small scale recreational uses, such as a swimming beach or public boat launch.

Limit in-water expansion of marinas to the area landward of the pierhead line established in the Essex Waterways and Harbor Management Law.

Ensure that adequate upland infrastructure, including parking as required by the Town Zoning law, is available before approving new or expanded water dependent uses.

2.3 Minimize the effects of new or expanding water dependent uses

Site new and/or expanded existing marinas, yacht clubs, boat yards, and other boating facilities where there is: adequate upland for support facilities and services;

sufficient waterside and landside access; appropriate near-shore depths to minimize dredging; and adequate water circulation.

Limit discharge of vessel waste by requiring the provision of sufficient vessel waste pump out facilities.

2.4 Promote the efficient management of surface waters and underwater lands.

Lake Champlain within the Town of Essex supports a wide range of public and private in-water uses. These uses include recreational and commercial boating, anchorage and mooring areas, recreational fishing and swimming, marinas, public and private docks, special aquatic events, and ferry service. The Town of Essex finds that to manage the efficient use of Lake Champlain that lies within the Town, promote safe commercial and recreational navigation, provide for the equitable allocation of the water's surface for a variety of uses, and to protect the natural and

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cultural resources upon which many of these uses depend, a waterways and harbor management law is necessary.

Adhere to the standards established by the Town's Waterways and Harbor Management Law.

Policy 3: Protect agricultural land

Although there is currently no active agriculture in the waterfront area some lands south of the hamlet suitable for agriculture are zoned for agricultural use. Agriculture remains a preferred use for these lands.

Define agriculture broadly and encourage diverse agricultural enterprises, including dairy, hay, production, livestock production, produce stands, and specialty farms, such as wildflowers, nurseries, berries, orchards, and produce.

Require provision of a buffer whenever a non-agricultural use is proposed to be located adjacent to an agricultural use. The provision of the buffer shall be the responsibility of the non-agricultural use.

Locate housing to minimize conflicts with the agricultural community.

Avoid regulating agricultural uses in a manner that unreasonably restricts farm structures or practices.

Minimize the negative impacts of development on active farmland.

Regulate the keeping of livestock in or adjacent to residential areas to limit odor, dust, and noise.

Policy 4: Promote sustainable use of living resources.

Policy 5: Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities.

The waterfront ecosystem within the Town is composed of all the migratory and resident wildlife and vegetation that inhabit the open waters, embayments, beaches, and adjacent uplands. The central goal of this policy is to avoid any adverse primary or secondary impacts to the waterfront ecosystem. Impairment to the terrestrial and aquatic habitat areas, functions, and other elements of this ecosystem results from outright physical loss of elements (primary impact) degradation of these elements caused over time by actions within or adjacent to a community (secondary impact), as well as functional loss caused by the introduction of uses that are disruptive to certain wildlife or plant species. Unavoidable adverse impacts from a proposed project should be minimized and mitigated.

Avoid activities that may cause or cumulatively contribute to permanent adverse changes to the ecological complexes and their natural processes. When avoidance is not possible, minimize the impacts of the project to the extent feasible and mitigate any physical loss or degradation of

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ecological elements. Use mitigation measures that are likely to result in the least environmentally damaging feasible alternative.

Where destruction or significant impairment of habitat values cannot be avoided, the potential impacts of land use or development should be minimized and any resulting losses of habitat mitigated to the extent practicable.

5.1 Protect indigenous plants from excessive loss or disturbance and encourage greater quantity and diversity of indigenous plants to the extent practical.

Avoid use of non-indigenous plants except in ornamental gardens, as collect specimens, or for erosion control and filtration provided that it is not feasible to use native species to perform the same functions.

Avoid use of non-indigenous plants that are invasive species likely to alter existing natural community composition. Where destruction or significant impairment of plants cannot be avoided, the potential impacts of land use or development should be minimized and any resulting losses of plants mitigated to the extent practicable.

5.2 Minimize negative impacts of development, especially in environmentally sensitive areas, such as shorelines and watersheds of Lake Champlain, the higher elevations, steep slopes, soils with a likely capacity for erosion, stream corridors, and wetlands.

5.3 Protect native stocks and maintain sustainable populations of indigenous fish and wildlife species and other aquatic living resources.

Protect spawning grounds, habitats and water quality to preserve aquatic resources.

Artificial stocking should only be undertaken when it will not result in loss of the genetic integrity of native populations. Prevent the introduction of non-indigenous species into natural environments unless it is part of an approved pest control program.

Policy 6: Protect and improve water resources.

The purpose of this policy is to protect the quality and quantity of water in the waterfront area. Quality considerations include both point and non-point source pollution management. All projects that involve discharges to water bodies need to comply with applicable state water quality standards and regulations. Specific non-point pollution management measures are presented in the Guidance Specifying Management Measures for Sources of Non-point Pollution in Coastal Waters (U.S. EPA, 840-B-92-002).

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6.1 Prohibit direct or indirect discharges which would cause or contribute to contravention of water quality standards.

Prohibit the direct discharge of materials and wastewater to the Lake and its tributaries.

Require all land development, including the conversion of existing structures to multiple units, to meet local and State standards for water supply and sewage disposal.

Seek establishment of a sewer district to serve the Essex hamlet, especially properties along the Lake Champlain shoreline.

6.2 Protect the quality of the Town's waters by managing activities that generate non-point source pollution.

Use best management practices, including the preservation and enhancement of shoreline vegetation, to minimize non-point discharge into Town waters of excess nutrients, organics, eroded soils, and pollutants, and to control storm water runoff from roadways and other developed areas.

Minimize the negative impacts of development in the watershed of Lake Champlain, along stream corridors, and on soils with a likely capability for erosion.

Manage and reduce storm water runoff by requiring erosion and sediment control plans whenever appropriate. Erosion and sediment control plans shall meet the standards of the Town Zoning Law.

Require that site drainage recharge groundwater to the extent practical and that surface waters flowing off-site shall not degrade any streams or adversely affect drainage on adjacent properties or public roads.

Manage manure and other waste so that it does not create a risk to public health or to the quality of any wetland, water body, or groundwater.

Construct all parking, loading, access driveways, or service areas of permeable materials.

Ensure that drainage structures are properly maintained.

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6.3 Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, and wetlands.

Undertake dredging and dredge spoil disposal in a manner that meets state permit requirements, protects fish and wildlife habitats, natural protective features, wetlands and aquatic resources, and, where feasible, maintains or improves aesthetic resources.

Ensure that excavation and fill operations meet state standards for physical factors, such as pH, dissolved oxygen, dissolved solids, nutrients, odor, color and turbidity, health factors such as pathogens, chemical contaminants, and toxicity, and aesthetic factors such as oils, floatables, refuse, and suspended solids.

Minimize potential adverse impacts on aquatic life during excavation or placement of fill by using clean fill material and appropriate scheduling of operation.

6.4 Protect the quality and quantity of groundwater, streams, and the sources of wetlands.

Determination by the state of water classifications and water quality standards should be based in part on the upland land use policies and on the existing and intended waterfront functions.

Minimize disturbance of streams including their beds and banks. Prevent erosion of soil, increased turbidity, and irregular variation in velocity, temperature and level of water.

Maintain the viability of small streams and wetlands by protecting the quantity of water that feeds these areas.

Policy 7: Minimize loss of life, structures and natural resources caused by flooding and erosion.

This policy aims to reduce flooding and erosion hazards and to protect life, structures, and natural resources by reinforcing state and Town flooding and erosion regulations. Development in the waterfront area needs to be managed to reduce exposure to these hazards. The Town of Essex waterfront area is generally free from flood hazard. Shoreline erosion does occur along portions of the lakefront.

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The inherent protective value of natural shorelines needs to be enhanced to ensure continuing benefits to the Town, region, and state. The benefits of erosion control structures for property owners will be balanced against the impacts upon adjacent properties and to the water body as a whole, which can include increased erosion, aesthetic impairments, loss of public recreational resources, loss of habitats, and water quality degradation.

7.1 Avoid development in erosion prone areas

Development and other investments of private and public funds should be located in a manner that minimizes or eliminates potential exposure to flooding and erosion hazards. If feasible, locating non-water dependent development and structures away from erosion hazards is the most effective means of avoiding the consequences of erosion.

Minimize the negative impacts of development on the shoreline, soils with a likely capacity for erosion, and in flood plains.

Minimize shoreline alteration by not altering natural contours, by not disturbing shoreline vegetation except in a minimal way. Where shoreline vegetation has been disturbed it shall be restored or replaced with appropriate indigenous

vegetation.

Minimize the erosion that may be caused by construction on any land in the shoreline overlay district.

Limit the time period when soil may be exposed without vegetation and ensure that exposed soil is adequately protected from erosion.

7.2 Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the condition and use of the property to be protected and the surrounding area.

Maximize the flooding and erosion protective capacities of natural shoreline features and minimize interference with natural waterfront processes to avoid adverse effects on the shoreline. Generally, protection, maintenance, and restoration of natural waterfront processes and shoreline features are preferred over use of structural measures.

Use vegetative plantings and other non-structural measures that have a reasonable probability of managing flooding and erosion based on shoreline characteristics including exposure, geometry and sediment composition. Use vegetative plantings to increase protective capacities of natural protective features at every opportunity and in combination with other types of measures.

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Use vegetative plantings alone to control erosion in areas where the potential success rate vegetative methods is high.

Use hard structural erosion protection measures, such as bulkheads, only where avoidance of the hazard is not practical using non-structural measures, and provide mitigation where structural measures will increase severity of the hazard to surrounding public and private property. Allow use of hard structural supports where they will maintain or develop infrastructure for water-dependent uses or support commercial uses. In areas with extensive use of hard structural measures, protect upland development and investment by supporting efforts to close gaps in the hardened shoreline, repair breaches, and maintain the structure.

Subject wharves, bulkheads, or any shoreline alteration to the standards of site plan review.

Limit the height of bulkheads and require they be constructed of native stone, cement, or wood. Where treated lumber is used it shall be sealed and nonleaching.

Cement should be tinted in color to blend into the adjacent shoreline.

Design projects so that they do not adversely affect adjacent shorelines or properties by exacerbating flooding or erosion. Unavoidable impacts that result from a project should be mitigated to the extent practicable.

Policy 8: Minimize environmental degradation from solid waste and hazardous substances.

The disposal of solid waste (residential, commercial and commercial wastes; demolition and construction debris; sludges from air, water pollution control, or resource recovery facilities, and dredge spoils) can affect the use and quality of the Town's waterways and waterfront lands.

Among the concerns associated with the disposal and treatment of solid wastes and hazardous substances are the environmental damage caused by illegal dumping and the potential for contamination of water resources and waterfront habitat areas, filling of wetlands and littoral areas atmospheric loading, and degradation of scenic resources in the waterfront zone.

Projects involving the handling, management, transportation or discharge of solid wastes and hazardous substances need to comply with the applicable state and local laws or their successors. Solid wastes are those materials defined under ECL 27-0701 and 6 NYCRR Part 360-1.2. Hazardous wastes are those materials defined under ECL 27-0901 and 6 NYCRR Part 371. Substances hazardous to the environment are defined under ECL 37-0101. Toxic pollutants are defined under ECL 17-0105. Radioactive materials are defined under 6 NYCRR Part 380. Pesticides are those substances defined under ECL 33-010 1 and 6 NYCRR Part

Policy 9: Provide public access to and along the Town's coastal waters.

The intent of Policy 9 is to increase both physical and visual public access in a manner that balances the interests of public and private waterfront use. This policy also presents standards for public lands, public facilities contiguous to the shoreline and lands under water (public trust lands). These standards are intended to preserve existing access to the shoreline provided by facilities such as public parks, beaches, marinas, piers, streets, highways, and existing easements on privately owned land, and to encourage public access improvements as a component of public projects.

9.1 Preserve, protect and maintain existing physical, visual and recreational access to the waterfront.

Protect and maintain infrastructure, including roadways and shoreline protection structures, which support public access and recreation facilities.

Maintain in good repair existing public access areas to ensure public safety and enhance enjoyment.

Enhance Town park and beach areas including maintaining the wall at Beggs Park.

Explore opportunities for increased access to shoreline and the waters of Lake Champlain.

9.2 Incorporate public access into new public and private development where compatible with proposed land use and coastal location.

Encourage the development and maintenance of high quality public spaces in appropriate locations, particularly those that would facilitate connection of existing waterfront public access spaces and allow continuous access along the shore.

When public access cannot be included as a component of a public project, site and design the project in a manner that does not preclude the future development of public access.

9.3 Provide visual access to the waterfront, the Lake, waterfront open space where physically practical.

Preserve existing visual access in the development of waterfront public lands and facilities. Minimize reduction of existing visual access caused by the scale design, and location of public projects in areas such as streets, parks, bridges

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and highways. Preserve visual corridors provided or defined by mapped streets (open or improved) that terminate at the shoreline or within the waterfront block.

The requirements of the Essex Zoning Law should guide the location and amount of visual access provided.

9.4 Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.

When acquiring waterfront property for public access and open space, give priority to locations such as:

Sites with potential for waterfront-enhancing, water-related or water-dependent uses or recreation (passive or active, along the shore, on piers or in the water);

Sites that would enhance natural resources and habitats;

Sites that would improve access to public lands, buffer public incompatible uses, or consolidate or connect existing public lands;

Sites listed as local Historic Landmarks or listed on the State or Register of Historic Places;

Make appropriate recreational use of Town owned land at Whallons Bay;

Provide for future recreational needs, especially for youth.

9.5 Preserve the public interest in and use of lands and waters held in public trust by the state and Town.

Limit grants, easements, permits or lesser interest in lands underwater to those instances where there would be no overall adverse effect on the public interest in public trust lands.

Limit the transfer of interest in public trust lands to the minimum necessary.

Require documentation of ownership, riparian interest, or other legal right when such interests or rights are not readily apparent prior to approving private use of public trust lands under water.

Retain a public interest in the transfer of interest in underwater lands which will be adequate to preserve appropriate public access, recreational opportunities, and other public trust purposes.

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9.6 Increase access to and public enjoyment of the waterfront area by encouraging and supporting appropriately scaled tourist facilities.

Encourage low impact tourism that increases employment, keeps revenue in the local economy, targets interpretation of community history, and maintains the look and feel of the community's surroundings.

Encourage non-motorized forms of tourism development.

Incorporate bike lanes or wide shoulders in highway improvements.

Encourage tourists passing through Town to extend their stay.

Support the Lake Champlain Byways Program.

Provide for enhanced appropriate access to natural areas via hiking and bike.

Policy 10: Protect scenic resources that contribute to the visual quality of the Essex Town waterfront.

The intent of Policy 10 is to prevent the impairment of natural and manmade scenic resources in the waterfront area. High quality landscapes may consist of waterbodies, landforms, vegetation and components of the built environment such as buildings, highways, bridges, piers, and other structures. In the Town, visual quality and scenic resources are recognized and protected through historic preservation, natural resources protection, parks and open space planning and acquisition, Zoning special districts, controls on over-water development, and design standards that shape new development.

10.1 Protect and improve visual quality associated with the Town's historic context and working waterfront.

Enhance the aesthetic quality of the entire community and maintain its natural beauty.

Ensure that new buildings and other structures are compatible with and add interest to existing scenic elements, such as landmarks, maritime uses, recreational boating facilities, natural features, topography, landforms and the botanic environment. Among the measures that may be considered are grouping or orienting structures to preserve open space and maximize views to and from the water, and incorporating sound existing structures into development where harmonious with their surroundings. Preserve the aesthetic features of the shoreline.

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Where feasible and practical, provide views of visually interesting elements of the natural and built landscape.

New development should be compatible with the scenic elements defining the character of the area.

Minimize the negative impacts of development on scenic view sheds.

Preserve existing vegetation or establish new vegetation where necessary to enhance scenic quality.

Minimize introduction of uses that would be discordant with existing scenic elements, and screen unattractive aspects of uses that detract from the visual quality of nearby public parks and waterfront open spaces.

Control signage pursuant to standards established in the Town Zoning Law.

Protect the Route 22 corridor as a scenic travel corridor.

Protect the scenic values of Lake Shore Road.

Bury power lines in all new construction when possible.

Policy 11: Protect, preserve and enhance resources significant to the historical, archaeological, and cultural legacy of the Essex waterfront

Archaeological sites and historic structures are tangible links to past generations, events and cultures associated with Town's waterfront area. The intent of this policy is to protect, preserve, and revitalize those historic, archaeological, and cultural resources that have a waterfront relationship or significance. All projects involving historic and archaeological resources need to comply with national, state, and local laws and regulations regarding designated historical resources.

11.1 Retain and preserve designated historic resources and enhance resources significant to the coastal culture of the Town.

Protect designated historic resources, including those structures, landscapes, districts, areas, sites, or underwater structures that are listed on the National or State Register of Historic Places. Apply the Secretary of the Interior's Standards for Rehabilitation when reviewing any commercial development involving historic properties in the Essex hamlet historic district. Use the Secretary's Standards for

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Rehabilitation as guidelines in reviewing any residential project affecting a designated historic resource.

Avoid demolition of buildings, or major portions of buildings that contribute to the architectural, historic, or character of the Essex Historic District.

Permit demolition of buildings in the historic district only if they do not or cannot contribute to the historic district, they have irretrievably lost their physical integrity or ability to contribute, or their demolition would meet the standards for a use variance pursuant to Zoning law.

11.2 Minimize damage to historic shipwrecks and other submerged resources that may have historic value.

11.3 Minimize potential adverse impacts to significant archaeological resources by redesigning the project, reducing the direct impacts on the resource, or data prior to construction.

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Part IV

Proposed Projects

The following chart summarizes proposed activities necessary to advance achievement of the Town's policies for its Lake Champlain waterfront. Many of these activities will require assistance from several State agencies as well as the participation and support of civic organizations, businesses, and the public.

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Part V

Local Implementation of the Program

The Local Waterfront Revitalization Program for the Town of Essex represents a program that impacts not only the waterfront of the community, but the Town in its entirety. Those projects and policies discussed and set forth in this document will impact the future development and quality of life for all who live in the Town for years to come.

Lead Agency

The Town of Essex Planning Board will be the local agency responsible for the administration and oversight of this program. The members of the Town of Essex Planning Board are active community leaders who are in a position to monitor not only the development of their jurisdiction, but also intimately understand the problems and limitations of their community.

Zoning

Coincident with the development of this program the Town has updated its Comprehensive Plan and Zoning Ordinance. The Zoning Law previously enacted shows little concern for land use and development activities within the waterfront. The Town's Zoning Law and related land use controls constitute the Town's foremost means of implementing and enforcing the Local Waterfront Revitalization Program.

A Shoreline Overlay Protection District, which shall overlay the underlying Zoning districts, will be created and incorporated into the Zoning Law as a modification. The newly created shoreline Zoning regulations shall apply to all land within the Shoreline Overlay District.

All new construction and additions to existing structures located within the Shoreline Overlay District shall require Planning Board approval of a site plan.

Harbor Law

The Town Board is adopting a Local Law, hereinafter referred to as the Town of Essex Waterways and Harbor Management Law, delineating uses on the water side of the Shoreline Overlay District.

Consistency Process

The Town is also adopting, as part of this program, a local waterfront consistency law. This law parallels the State law requiring that State actions be consistent with the Town's LWRP by requiring that the Town also act consistent with its LWRP. For Planning Board actions the Planning Board will determine consistency with the LWRP as an integral part of its existing decision making process. For actions not subject to the Planning Board the Town Board will determine the consistency of any Town actions.

All State and Town activities within the mapped waterfront zone boundary must be found consistent with the policies and purposes of this LWRP. A proposed action or project is deemed consistent with the LWRP when it will not substantially hinder the achievement of any of the

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policies and, where practicable, will advance one or more of the policies. The action must be found consistent with the LWRP before it can be approved. However, a determination of consistency does not itself authorize or require the issuance of any permit, license, certification or other approval of any grant, loan or other funding assistance by the federal, state or local agency having jurisdiction pursuant to other provisions of law.

Locational Considerations and Policy Applicability

The LWRP policies set general goals for the Town's waterfront as whole, and specific goals for portions of the waterfront that have notable characteristics. A proposed project is reviewed to determine its consistency with the policies applicable to its specific waterfront location. The program recognizes that the relevance of each policy may vary depending upon the project type and where it is located.

When a policy is not relevant to the proposed project and its location, the policy would not be considered in the consistency review.

Inherently Consistent Actions

Some proposed projects directly foster the goals set for each of the waterfront functional areas. In addition, actions with a limited scope are not reviewed for LWRP consistency unless the project requires a federal or state permit.

Findings of Inconsistency with LWRP Policies

In cases where a project does not appear consistent with one or more of the relevant policy standards and criteria, consideration is given to any practical means of altering the project to make it consistent with such standards and criteria. If a project is not so altered and therefore hinders the policies and intent of the LWRP, it may be found inconsistent by the Town Planning Board or the state agency with jurisdiction.

When a project is not consistent with one or more of the policies and cannot be modified, the state regulations (NYCRR 600.4(b)) allow the project to be found consistent only if the State agency certifies that the project satisfies the following four requirements: (The Town Consistency Law includes similar provisions)

1. No reasonable alternatives exist which would permit the action to be taken in a manner which would not substantially hinder the achievement of such policy;

2. The action taken will minimize all adverse effects on such policies to the maximum extent practicable;
3. The action will advance one or more of the other waterfront policies; and
4. The action will result in an overriding regional or statewide public benefit.

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Part VI

State Actions and Programs

Likely to Affect Implementation

State actions will affect and be affected by implementation of the LWRP. Under State law certain State actions within the local waterfront area must be "consistent to the maximum extent practicable" with the policies and purposes of the LWRP. This consistency requirement makes the LWRP a unique, intergovernmental mechanism for setting policy and making decisions and helps to prevent detrimental actions from occurring and future options from being needlessly foreclosed. At the same time, the active participation of State agencies is also likely to be necessary to implement specific provisions of the LWRP.

Pursuant to the State Waterfront Revitalization of Coastal Areas and Inland Waterways Act (Executive Law, Article 42), the Secretary of State notifies affected State agencies of those agency actions and programs that are to be undertaken in a manner consistent with an approved LWRP. The following list of State actions and programs is that list.

The second part of this section is a more focused and descriptive list of State agency actions which are necessary to further implementation of the LWRP. It is recognized that a State agency's ability to undertake such actions is subject to a variety of factors and considerations. Reference should be made to Section III and Section IV, which also discuss activities for which State assistance may be needed to implement the LWRP.

A. STATE ACTIONS AND PROGRAMS WHICH SHOULD BE UNDERTAKEN IN A MANNER CONSISTENT WITH THE LWRP.

ADIRONDACK PARK AGENCY

- 1.0 Regulation of land use and development on private lands pursuant to the Adirondack Park Land Use and Development Plan.
- 2.0 Administration of the NYS Wild, Scenic and Recreational Rivers System Act within the Adirondack Park.
- 3.0 Administration of the NYS Freshwater Wetlands Act within the Adirondack Park.
- 4.0 Approval of local government land use plans within the Adirondack Park.

OFFICE FOR THE AGING

- 1.0 Funding and/or approval programs for the establishment of new or expanded facilities providing various services for the elderly.

DEPARTMENT OF AGRICULTURE AND MARKETS

- 1.0 Agricultural Districts Program
- 2.0 Rural Development Program
- 3.0 Farm Worker Services Programs
- 4.0 Permit and approval programs:
 - 4.01 Custom Slaughters/Processor Permit
 - 4.02 Processing Plant License
 - 4.03 Refrigerated Warehouse and/or Locker Plant License

DIVISION OF ALCOHOLIC BEVERAGE CONTROL/STATE LIQUOR AUTHORITY

- 1.0 Permit and Approval Programs:
 - 1.01 Ball Park - Stadium License
 - 1.02 Bottle Club License
 - 1.03 Bottling Permits
 - 1.04 Brewer's Licenses and Permits
 - 1.05 Brewer's Retail Beer License
 - 1.06 Catering Establishment Liquor License

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- 1.07 Cider Producer's and Wholesaler's Licenses
- 1.08 Club Beer, Liquor, and Wine Licenses
- 1.09 Distiller's Licenses
- 1.10 Drug Store, Eating Place, and Grocery Store Beer Licenses
- 1.11 Farm Winery and Winery Licenses
- 1.12 Hotel Beer, Wine, and Liquor Licenses
- 1.13 Industrial Alcohol Manufacturer's Permits
- 1.14 Liquor Store License
- 1.15 On-Premises Liquor Licenses
- 1.16 Plenary Permit (Miscellaneous-Annual)
- 1.17 Summer Beer and Liquor Licenses
- 1.18 Tavern/Restaurant and Restaurant Wine Licenses
- 1.19 Vessel Beer and Liquor Licenses
- 1.20 Warehouse Permit
- 1.21 Wine Store License
- 1.22 Winter Beer and Liquor Licenses
- 1.23 Wholesale Beer, Wine, and Liquor Licenses

DIVISION OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES

- 1.0 Facilities, construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.0 Permit and approval programs:
 - 2.01 Certificate of approval (Substance Abuse Services Program)
- 3.0 Permit and approval:
 - 3.01 Letter Approval for Certificate of Need
 - 3.02 Operating Certificate (Alcoholism Facility)
 - 3.03 Operating Certificate (Community Residence)
 - 3.04 Operating Certificate (Outpatient Facility)
 - 3.05 Operating Certificate (Sobering-Up Station)

COUNCIL ON THE ARTS

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- 1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.0 Architecture and environmental arts program.

DEPARTMENT OF BANKING

- 1.0 Permit and approval programs:
 - 1.01 Authorization Certificate (Bank Branch)
 - 1.02 Authorization Certificate (Bank Change of Location)
 - 1.03 Authorization Certificate (Bank Charter)
 - 1.04 Authorization Certificate (Credit Union Change of Location)
 - 1.05 Authorization Certificate (Credit Union Charter)
 - 1.06 Authorization Certificate (Credit Union Station)
 - 1.07 Authorization Certificate (Foreign Banking Corporation Change of Location)
 - 1.08 Authorization Certificate (Foreign Banking Corporation Public Accommodations Office)
 - 1.09 Authorization Certificate (Investment Company Branch)
 - 1.10 Authorization Certificate (Investment Company Change of Location)
 - 1.11 Authorization Certificate (Investment Company Charter)
 - 1.12 Authorization Certificate (Licensed Lender Change of Location)
 - 1.13 Authorization Certificate (Mutual Trust Company Charter)
 - 1.14 Authorization Certificate (Private Banker Charter)
 - 1.15 Authorization Certificate (Public Accommodation Office - Banks)
 - 1.16 Authorization Certificate (Safe Deposit Company Branch)
 - 1.17 Authorization Certificate (Safe Deposit Company Change of Location)
 - 1.18 Authorization Certificate (Safe Deposit Company Charter)

- 1.19 Authorization Certificate (Savings Bank Charter)
- 1.20 Authorization Certificate (Savings Bank De Novo Branch Office)
- 1.21 Authorization Certificate (Savings Bank Public Accommodations Office)
- 1.22 Authorization Certificate (Savings and Loan Association Branch)
- 1.23 Authorization Certificate (Savings and Loan Association Change of Location)
- 1.24 Authorization Certificate (Savings and Loan Association Charter)
- 1.25 Authorization Certificate (Subsidiary Trust Company Charter)
- 1.26 Authorization Certificate (Trust Company Branch)
- 1.27 Authorization Certificate (Trust Company-Change of Location)
- 1.28 Authorization Certificate (Trust Company Charter)
- 1.29 Authorization Certificate (Trust Company Public Accommodations Office)
- 1.30 Authorization to Establish a Life Insurance Agency
- 1.31 License as a Licensed Lender
- 1.32 License for a Foreign Banking Corporation Branch

OFFICE OF CHILDREN AND FAMILY SERVICES

1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

2.0 Homeless Housing and Assistance Program.

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3.0 Permit and approval programs:

- 3.01 Certificate of Incorporation (Adult Residential Care Facilities) VI-6
- 3.02 Operating Certificate (Children's Services)
- 3.03 Operating Certificate (Enriched Housing Program)
- 3.04 Operating Certificate (Home for Adults)
- 3.05 Operating Certificate (Proprietary Home)
- 3.06 Operating Certificate (Public Home)
- 3.07 Operating Certificate (Special Care Home)
- 3.08 Permit to Operate a Day Care Center

DEPARTMENT OF CORRECTIONAL SERVICES

1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

DORMITORY AUTHORITY OF THE STATE OF NEW YORK

1.0 Financing of higher education and health care facilities.

2.0 Planning and design services assistance program.

EMPIRE STATE DEVELOPMENT/EMPIRE STATE DEVELOPMENT CORPORATION

1.0 Preparation or revision of statewide or specific plans to address State economic development needs.

2.0 Allocation of the state tax-free bonding reserve.

3.0 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Corporation.

4.0 Planning, development, financing, construction, major renovation or expansion of commercial, industrial, and civic facilities and the provision of technical assistance or financing for such activities, including, but not limited to, actions under its discretionary economic development programs such as the following:

- (a) Tax-Exempt Financing Program
- (b) Lease Collateral Program
- (c) Lease Financial Program
- (d) Targeted Investment Program
- (e) Industrial Buildings Recycling Program

5.0 Administration of special projects.

6.0 Administration of State-funded capital grant programs.

EDUCATION DEPARTMENT

1.0 Facilities construction, rehabilitation, expansion, demolition or the funding of such activities.

2.0 Permit and approval programs:

2.01 Certification of Incorporation (Regents Charter)

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2.02 Private Business School Registration

2.03 Private School License

2.04 Registered Manufacturer of Drugs and/or Devices

2.05 Registered Pharmacy Certificate

2.06 Registered Wholesale of Drugs and/or Devices

2.07 Registered Wholesaler-Repacker of Drugs and/or Devices

2.08 Storekeeper's Certificate

NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY

1.0 Issuance of revenue bonds to finance pollution abatement modifications in powergeneration facilities and various energy projects.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

1.0 Acquisition, disposition, lease, grant of easement and other activities related to the management of lands under the jurisdiction of the Department.

2.0 Classification of Waters Program; classification of land areas under the Clean Air Act.

3.0 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

4.0 Financial assistance/grant programs:

4.01 Capital projects for limiting air pollution

4.02 Cleanup of toxic waste dumps

4.03 Flood control, beach erosion and other water resource projects

4.04 Operating aid to municipal wastewater treatment facilities

4.05 Resource recovery and solid waste management capital projects

4.06 Wastewater treatment facilities

5.0 Funding assistance for issuance of permits and other regulatory activities (New York City only).

6.0 Implementation of the Environmental Quality Bond Act of 1972, including:

(a) Water Quality Improvement Projects

(b) Land Preservation and Improvement Projects including Wetland Preservation and Restoration Projects, Unique Area Preservation Projects, Metropolitan Parks Projects, Open Space Preservation Projects and Waterways Projects.

7.0 Marine Finfish and Shellfish Programs.

8.0 New York Harbor Drift Removal Project.

9.0 Permit and approval programs:

Air Resources

9.01 Certificate of Approval for Air Pollution Episode Action Plan

9.02 Certificate of Compliance for Tax Relief- Air Pollution Control Facility

9.03 Certificate to Operate: Stationary Combustion Installation; Incinerator; Process, Exhaust or Ventilation System

9.04 Permit for Burial of Radioactive Material

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9.05 Permit for Discharge of Radioactive Material to Sanitary Sewer

9.06 Permit for Restricted Burning

9.07 Permit to Construct: a Stationary Combustion Installation; Incinerator; Indirect Source of Air Contamination; Process, Exhaust or Ventilation System Construction Management

9.08 Approval of Plans and Specifications for Wastewater Treatment Facilities Fish and Wildlife

9.09 Certificate to Possess and Sell Hatchery Trout in New York State

9.10 Commercial Inland Fisheries Licenses

9.11 Fishing Preserve License

9.12 Fur Breeder's License

9.13 Game Dealer's License
9.14 Licenses to Breed Domestic Game Animals
9.15 License to Possess and Sell Live Game
9.16 Permit to Import, Transport and/or Export under Section 184.1(11-0511)
9.17 Permit to Raise and Sell Trout
9.18 Private Bass Hatchery Permit
9.19 Shooting Preserve Licenses
9.20 Taxidermy License
9.21 Permit - Article 15, (Protection of Water) - Dredge or Deposit Material in a Waterway
9.22 Permit - Article 15, (Protection of Water) - Stream Bed or Bank Disturbances
9.23 Permit - Article 24, (Freshwater Wetlands)
Hazardous Substances
9.24 Permit to Use Chemicals for the Control or Elimination of Aquatic Insects
9.25 Permit to Use Chemicals for the Control or Elimination of Aquatic Vegetation
9.26 Permit to Use Chemicals for the Control or Extermination of Undesirable Fish
Lands and Forest
9.27 Certificate of Environmental Safety (Liquid Natural Gas and Liquid Petroleum Gas)
9.28 Floating Object Permit
9.29 Marine Regatta Permit
9.30 Navigation Aid Permit
Marine Resources
9.31 Digger's Permit (Shellfish)
9.32 License of Menhaden Fishing Vessel
9.33 License for Non-Resident Food Fishing Vessel
9.34 Non-Resident Lobster Permit
9.35 Marine Hatchery and/or Off-Bottom Culture Shellfish Permits
9.36 Permits to Take Blue-Claw Crabs
9.37 Permit to Use Pond or Trap Net
9.38 Resident Commercial Lobster Permit
9.39 Shellfish Bed Permit
9.40 Shellfish Shipper's Permits
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9.41 Special Permit to Take Surf Clams from Waters other than the Atlantic Ocean
9.42 Permit - Article 25, (Tidal Wetlands)
Mineral Resources
9.43 Mining Permit
9.44 Permit to Plug and Abandon (a non-commercial, oil, gas or solution mining well)
9.45 Underground Storage Permit (Gas)
9.46 Well Drilling Permit (Oil, Gas, and Solution Salt Mining)
Solid Wastes
9.47 Permit to Construct and/or Operate a Solid Waste Management Facility
9.48 Septic Tank Cleaner and Industrial Waste Collector Permit
Water Resources
9.49 Approval of Plans for Wastewater Disposal Systems
9.50 Certificate of Approval of Realty Subdivision Plans
9.51 Certificate of Compliance (Industrial Wastewater Treatment Facility)
9.52 Letters of Certification for Major Onshore Petroleum Facility Oil Spill Prevention and Control Plan
9.53 Permit - Article 36, (Construction in Flood Hazard Areas)
9.54 Permit for State Agency Activities for Development in Coastal Erosion Hazards Areas

- 9.55 State Pollutant Discharge Elimination System (SPDES) Permit
- 9.56 Approval -Drainage Improvement District
- 9.57 Approval - Water (Diversions for) Power
- 9.58 Approval of Well System and Permit to Operate
- 9.59 Permit - Article 15, (Protection of Water) - Dam
- 9.60 Permit - Article 15, Title 15 (Water Supply)
- 9.61 River Improvement District Approvals
- 9.62 River Regulatory District Approvals
- 9.63 Well Drilling Certificate of Registration
- 9.64 401 Water Quality Certification
- 10.0 Preparation and revision of Air Pollution State Implementation Plan.
- 11.0 Preparation and revision of Continuous Executive Program Plan.
- 12.0 Preparation and revision of Statewide Environmental Plan.
- 13.0 Protection of Natural and Man-made Beauty Program.
- 14.0 Urban Fisheries Program.
- 15.0 Urban Forestry Program.
- 16.0 Urban Wildlife Program.

ENVIRONMENTAL FACILITIES CORPORATION

- 1.0 Financing program for pollution control facilities for industrial firms and small businesses.

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FACILITIES DEVELOPMENT CORPORATION

- 1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

OFFICE OF GENERAL SERVICES

- 1.0 Administration of the Public Lands Law for acquisition and disposition of lands, grants of land and grants of easement of land under water, and issuance of licenses for land underwater, including for residential docks over 5000 square feet and all commercial docks, issuance of licenses for removal of materials from lands under water, and oil and gas leases for exploration and development.
- 2.0 Administration of Article 4-B, Public Buildings Law, in regard to the protection and management of State historic and cultural properties and State uses of buildings of historic, architectural or cultural significance.
- 3.0 Facilities construction, rehabilitation, expansion, or demolition.
- 4.0 Administration of article 3, section 32 of the Navigation Law regarding location of structures in or on navigable waters.

DEPARTMENT OF HEALTH

- 1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.0 Permit and approval programs:
 - 2.01 Approval of Completed Works for Public Water Supply Improvements
 - 2.02 Approval of Plans for Public Water Supply Improvements.
 - 2.03 Certificate of Need (Health Related Facility - except Hospitals)
 - 2.04 Certificate of Need (Hospitals)
 - 2.05 Operating Certificate (Diagnostic and Treatment Center)
 - 2.06 Operating Certificate (Health Related Facility)
 - 2.07 Operating Certificate (Hospice)
 - 2.08 Operating Certificate (Hospital)
 - 2.09 Operating Certificate (Nursing Home)
 - 2.10 Permit to Operate a Children's Overnight or Day Camp
 - 2.11 Permit to Operate a Migrant Labor Camp
 - 2.12 Permit to Operate as a Retail Frozen Dessert Manufacturer
 - 2.13 Permit to Operate a Service Food Establishment
 - 2.14 Permit to Operate a Temporary Residence/Mass Gathering

- 2.15 Permit to Operate or Maintain a Swimming Pool or Public Bathing Beach
- 2.16 Permit to Operate Sanitary Facilities for Realty Subdivisions
- 2.17 Shared Health Facility Registration Certificate

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DIVISION OF HOUSING AND COMMUNITY RENEWAL AND ITS SUBSIDIARIES AND AFFILIATES

- 1.0 Facilities construction, rehabilitation, expansion, or demolition.
- 2.0 Financial assistance/grant programs:
 - 2.01 Federal Housing Assistance Payments Programs (Section 8 Programs)
 - 2.02 Housing Development Fund Programs
 - 2.03 Neighborhood Preservation Companies Program
 - 2.04 Public Housing Programs
 - 2.05 Rural Initiatives Grant Program
 - 2.06 Rural Preservation Companies Program
 - 2.07 Rural Rental Assistance Program
 - 2.08 Special Needs Demonstration Projects
 - 2.09 Urban Initiatives Grant Program
 - 2.10 Urban Renewal Programs
- 3.0 Preparation and implementation of plans to address housing and community renewal needs.

HOUSING FINANCE AGENCY

- 1.0 Funding programs for the construction, rehabilitation, or expansion of facilities.
- 2.0 Affordable Housing Corporation

JOB DEVELOPMENT AUTHORITY

- 1.0 Financing assistance programs for commercial and industrial facilities.

MEDICAL CARE FACILITIES FINANCING AGENCY

- 1.0 Financing of medical care facilities.

OFFICE OF MENTAL HEALTH

- 1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 2.0 Permit and approval programs:
 - 2.01 Operating Certificate (Community Residence)
 - 2.02 Operating Certificate (Family Care Homes)
 - 2.03 Operating Certificate (Inpatient Facility)
 - 2.04 Operating Certificate (Outpatient Facility)

OFFICE OF MENTAL RETARDATION AND DEVELOPMENT DISABILITIES

- 1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

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- 2.0 Permit and approval programs:
 - 2.01 Establishment and Construction Prior Approval
 - 2.02 Operating Certificate Community Residence
 - 2.03 Outpatient Facility Operating Certificate

DIVISION OF MILITARY AND NAVAL AFFAIRS

- 1.0 Preparation and implementation of the State Disaster Preparedness Plan.

NATURAL HERITAGE TRUST

- 1.0 Funding program for natural heritage institutions.

OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION (including Regional State Park Commission)

- 1.0 Acquisition, disposition, lease, grant of easement or other activities related to the management of land under the jurisdiction of the Office.
- 2.0 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.
- 3.0 Funding program for recreational boating, safety and enforcement.

- 4.0 Funding program for State and local historic preservation projects.
- 5.0 Land and Water Conservation Fund programs.
- 6.0 Nomination of properties to the Federal and/or State Register of Historic Places.
- 7.0 Permit and approval programs:
 - 7.01 Floating Objects Permit
 - 7.02 Marine Regatta Permit
 - 7.03 Navigation Aide Permit
 - 7.04 Posting of Signs Outside State Parks
- 8.0 Preparation and revision of the Statewide Comprehensive Outdoor Recreation Plan and the Statewide Comprehensive Historic Preservation Plan and other plans for public access, recreation, historic preservation or related purposes.
- 9.0 Recreation services program.
- 10.0 Urban Cultural Parks Program.

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POWER AUTHORITY OF THE STATE OF NEW YORK

- 1.0 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Authority.
- 2.0 Facilities construction, rehabilitation, expansion, or demolition.

NEW YORK STATE SCIENCE AND TECHNOLOGY FOUNDATION

- 1.0 Corporation for Innovation Development Program.
- 2.0 Center for Advanced Technology Program.

DEPARTMENT OF STATE

- 1.0 Appalachian Regional Development Program.
- 2.0 Coastal Management Program and Inland Waterways Program.
- 3.0 Quality Communities Program.
- 4.0 Community Services Block Grant Program.
- 5.0 Permit and approval programs:
 - 5.01 Billiard Room License
 - 5.02 Cemetery Operator
 - 5.03 Uniform Fire Prevention and Building Code

STATE UNIVERSITY CONSTRUCTION FUND

- 1.0 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

STATE UNIVERSITY OF NEW YORK

- 1.0 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the University.
- 2.0 Facilities construction, rehabilitation, expansion, or demolition or the funding of such activities.

DEPARTMENT OF TRANSPORTATION

- 1.0 Acquisition, disposition, lease, grant of easement and other activities related to the management of land under the jurisdiction of the Department.
- 2.0 Construction, rehabilitation, expansion, or demolition of facilities, including but not limited to:

(a) Highways and parkways

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(b) Bridges on the State highways system

(c) Highway and parkway maintenance facilities

(d) Rail facilities

3.0 Financial assistance/grant programs:

3.01 Funding programs for construction/reconstruction and reconditioning/preservation of municipal streets and highways (excluding routine maintenance and minor rehabilitation)

3.02 Funding programs for development of the ports of Albany, Buffalo, Oswego, Ogdensburg and New York

- 3.03 Funding programs for rehabilitation and replacement of municipal bridges
- 3.04 Subsidies program for marginal branch lines abandoned by Conrail
- 3.05 Subsidies program for passenger rail service
- 4.0 Permits and approval programs:
 - 4.01 Approval of applications for airport improvements (construction projects)
 - 4.02 Approval of municipal applications for Section 18 Rural and Small Urban Transit Assistance Grants (construction projects)
 - 4.03 Approval of municipal or regional transportation authority applications for funds for design, construction and rehabilitation of omnibus maintenance and storage facilities
 - 4.04 Approval of municipal or regional transportation authority applications for funds for design and construction of rapid transit facilities
 - 4.05 Certificate of Convenience and Necessity to Operate a Railroad
 - 4.06 Highway Work Permits
 - 4.07 License to Operate Major Petroleum Facilities
 - 4.08 Outdoor Advertising Permit (for off-premises advertising signs adjacent to interstate and primary highway)
 - 4.09 Real Property Division Permit for Use of State-Owned Property
- 5.0 Preparation or revision of the Statewide Master Plan for Transportation and sub-area or special plans and studies related to the transportation needs of the State.
- 6.0 Water Operation and Maintenance Program--Activities related to the containment of petroleum spills and development of an emergency oil-spill control network.

URBAN DEVELOPMENT CORPORATION and its subsidiaries and affiliates (See Empire State Development)

DIVISION OF YOUTH

- 1.0 Assistance under the Public Works and Economic Development Act for street improvements.

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B. STATE ACTIONS AND PROGRAMS NECESSARY TO FURTHER THE LWRP.

OFFICE OF GENERAL SERVICES

Prior to any development occurring in the water or on the immediate waterfront, OGS should be consulted for a determination of the State's interest in underwater or formerly underwater lands and for authorization to use and occupy these lands.

DEPARTMENT OF STATE

Provision of funding for the implementation of an approved LWRP.

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APPENDIX A

A. Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Revitalization Programs are in Effect.

1. Purposes of Guidelines - The Waterfront Revitalization and Coastal Resources Act (Article 42 of the Executive Law) and the Department of State's regulations (19 NYCRR part 600) require certain state agency actions identified by the Secretary of State to be consistent to the maximum extent practicable with the policies and purposes of approved Local Waterfront Revitalization Programs (LWRPs). These guidelines are intended to assist state agencies in meeting that statutory consistency obligation.

The Act also requires that state agencies provide timely notice to the Town whenever an identified action will occur within an area covered by an approved LWRP. These guidelines describe a process for complying with this notification requirement. They also provide procedures to assist local governments in carrying out their review responsibilities in a timely manner.

The Secretary of State is required by the Act to confer with state agencies and local governments when notified by a local government that a proposed state agency action may conflict with the policies and purposes of its approved LWRP. These guidelines establish a procedure for resolving such conflicts.

2. Definitions

Action means

A "Type 1" or "Unlisted" action as defined by the State Environmental Quality Review Act (SEQRA); occurring within the boundaries of an approved LWRP; and being taken pursuant to a state agency program or activity which has been identified by the Secretary of State as likely to affect the policies and purposes of the LWRP.

Consistent to the maximum extent practicable means that an action will not substantially hinder the achievement of any of the policies and purposes of an approved LWRP and, whenever practicable, will advance one or more of such policies. If an action will substantially hinder any of the policies or purposes of an approved LWRP, then the action must be one:

- a. For which no reasonable alternatives exist that would avoid or overcome any substantial hindrance;
- b. That will minimize all adverse effects on the policies or purposes of the LWRP to the maximum extent practicable; and
- c. That will result in an overriding regional or statewide public benefit.

Local Waterfront Revitalization Program or LWRP means a program prepared and adopted by a local government and approved by the Secretary of State pursuant to the Executive law, Article 42; which program contains policies on the management of land, water and man-made resources, proposed land uses and specific projects that are

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essential to program implementation.

3. Notification Procedure

When a state agency is considering an action as defined above, the state agency shall notify the Supervisor (Planning Board Chairman) of the Town of Essex.

Notification of a proposed action by a state agency:

Shall fully describe the nature and locations of the action; Shall be accomplished by use of either the State Clearinghouse, other existing state agency notification procedures, or through any alternative procedure agreed upon by the state agency and local government;

Should be provided to the Supervisor (Planning Board Chairman) as early in the planning stages of the action as possible, but in any event at least 30 days prior to the agency's decision on the action. (The timely filing of a copy of a completed Coastal Assessment Form with the Supervisor (Planning Board Chairman) should be considered adequate notification of a proposed action.)

If the proposed action will require the preparation of a draft environmental impact statement, the filing of this draft document with the Supervisor (Planning Board Chairman) can serve as the state agency's notification to the Town.

4. Local Government Review Procedure

Upon receipt of notification from a state agency, the Town will be responsible for evaluating a proposed action against the policies and purposes of its approved LWRP. Upon request of the Supervisor (Planning Board Chairman), the state agency should promptly provide the Town with whatever additional information is available which will assist the Town to evaluate the proposed action.

If the Town cannot identify any conflicts between the proposed action and the applicable policies and purposes of its approved LWRP, it should inform the state agency in writing of its finding. Upon receipt of the local government's finding, the state agency may proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

If the Town notifies the state agency in writing that the proposed action does conflict with the policies and/or purposes of its approved LWRP, the state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the Resolution of Conflicts procedure established in Section 5 below shall apply. The Town shall forward a copy of the identified conflicts to the Secretary of State at the time when

the state agency is notified. In notifying the state agency, the Town shall identify the specific policies and purposes of the LWRP with which the proposed action conflicts.

5. Resolution of Conflicts

The following procedure applies whenever a local government has notified the Secretary of State and state agency that a proposed action conflicts with the policies and

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purposes of its approved LWRP.

Upon receipt of notification from a local government that a proposed action conflicts with its approved LWRP, the state agency should contact the local LWRP official to discuss the content of the identified conflicts and the means for resolving them. A meeting of state agency and local government representatives may be necessary to discuss and resolve the identified conflicts. This discussion should take place within 30 days of the receipt of a conflict notification from the local government.

If the consultation between the situs local government and the state agency results in the resolution of the identified conflicts, then, within seven days of the discussion, the situs local government shall notify the state agency in writing, with a copy forwarded to the Secretary of State, that all of the identified conflicts have been resolved. The state agency can then proceed with its consideration of the proposed action in accordance with 19 NYCRR Part 600.

If the consolidation between the situs local government and the state agency does not lead to the resolution of the identified conflicts, either part may request, in writing, the assistance of the Secretary of State to resolve any or all of the identified conflicts. This request must be received by the Secretary within 15 days following the discussion between the situs local government and the state agency. The party requesting the assistance of the Secretary of State shall forward a copy of their request to the other party.

Within 30 days following the receipt of a request for assistance, the Secretary or a Department of State official or employee designated by the Secretary, will discuss the identified conflicts and circumstances preventing their resolution with appropriate representatives from the state agency and situs local government.

If agreement among all parties cannot be reached during this discussion, the Secretary shall, within 15 days, notify both parties of his/her findings and recommendations.

The state agency shall not proceed with its consideration of, or decision on, the proposed action as long as the foregoing Resolution of Conflicts procedures shall apply.

B. Procedural Guidelines for Coordinating NYS Department of State (DOS) and LWRP Consistency Review of Federal Agency Comments

Direct Actions

a. After acknowledging the receipt of a consistency determination and supporting documentation from a federal agency, DOS will forward copies of the determination and other descriptive information on the proposed direct action to the Supervisor (Planning Board Chairman) of the Town of Essex and to other interested parties.

b. This notification will indicate the date by which all comments and recommendations must be submitted to DOS and will identify the Department's principal reviewer for the proposed action.

Town of Essex LWRP - 63 - December, 2002

c. The review period will be about twenty-five (25) days. If comments and recommendations are not received by the date indicated in the notification, DOS will presume that the Town has "no opinion" on the consistency of the proposed direct federal agency action with the LWRP policies.

d. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Town, DOS will contact the municipality to discuss any differences of opinion or questions prior to agreeing or disagreeing with the federal agency's consistency determination on the proposed direct action.

e. A copy of DOS' "agreement" or "disagreement" letter to the federal agency will be

forwarded to the Supervisor (Planning Board Chairman) of Essex.

2. Permit and License Actions

- a. DOS will acknowledge the receipt of an applicant's consistency certification and application materials. At that time, DOS will forward a copy of the submitted documentation to the Supervisor (Planning Board Chairman) and will identify the Department's principal reviewer for the proposed action.
- b. Within thirty (30) days of receiving such information, the Supervisor (Planning Board Chairman) will contact the principal reviewer for DOS to discuss: (a) the need to request additional information for review purposes; and (b) any possible problems pertaining to the consistency of a proposed action with the LWRP policies.
- c. When DOS and the Supervisor (Planning Board Chairman) agree that additional information is necessary, DOS will request the applicant to provide the information. A copy of this information will be provided to the Mayor upon receipt.
- d. Within thirty (30) days of receiving the requested additional information or discussing possible problems of a proposed action with the principal reviewer for DOS, which ever is later, the Supervisor (Planning Board Chairman) will notify DOS of the reasons why a proposed action may be inconsistent or consistent with the LWRP policies.
- e. After the notification, the Supervisor (Planning Board Chairman) will submit the municipality's written comments and recommendations on a proposed permit action to DOS before or at the conclusion of the official public comment period. If such comments and recommendations are not forwarded to DOS by the end of the public comment period, DOS will presume that the Town has "no opinion" on the consistency of the proposed action with the LWRP policies.
- f. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the Town on a proposed permit action, DOS will contact the Supervisor (Planning Board Chairman) to discuss any differences of opinion prior to issuing a letter of "concurrence" or "objection" to the applicant.
- g. A copy of DOS' "concurrence" or "objection" letter to the applicant will be forwarded to the Supervisor (Planning Board Chairman).

Town of Essex LWRP - 64 - December, 2002

3. Financial Assistance Actions

- a. Upon receiving notification of a proposed federal financial assistance action in Essex, DOS will request information on the action from the applicant for consistency review purposes. As appropriate, DOS will also request the applicant to provide a copy of the application documentation to the Supervisor (Planning Board Chairman) of the Town of Essex. A copy of this letter will be forwarded to the Supervisor (Planning Board Chairman) and will serve as notification that the proposed action may be subject to review.
- b. DOS will acknowledge the receipt of the requested information and provide a copy of this acknowledgement to the Supervisor (Planning Board Chairman). DOS may, at this time, request the applicant to submit additional information for review purposes.
- c. The review period will conclude thirty (30) days after the date on DOS' letter of acknowledgement or the receipt of requested additional information, whichever is later. The review period may be extended for major financial assistance actions.
- d. The Supervisor (Planning Board Chairman) must submit the municipality's comments and recommendations on the proposed action to DOS within twenty days (or other time agreed to by DOS and the Supervisor (Planning Board Chairman)) from the start of the review period. If comments and recommendations are not received within this period, DOS will presume that the Town has "no opinion on the consistency of the proposed financial assistance action with the LWRP policies.
- e. If DOS does not fully concur with and/or has any questions on the comments and recommendations submitted by the municipality, DOS will contact the Supervisor

(Planning Board Chairman) to discuss any differences of opinion or questions prior to notifying the applicant of DOS' consistency decision.

f. A copy of DOS' consistency decision letter to the applicant will be forwarded to the Supervisor (Planning Board Chairman).

Town of Essex LWRP - 65 - December, 2002

APPENDIX B

Related Documents

Town of Essex Zoning Ordinance

Town of Essex Comprehensive Plan

Town of Essex Water Surface Law

Essex - A Land Use Planning Process, by Roger Trancik, Richard Shaw and David Ford, 1975

Plan for the Future - Essex Hamlet, by Roger Trancik, August 1989

Hamlets of the Adirondacks, Development Strategies by Roger Trancik, 1985

Growth Impact Analysis of Essex Hamlet, The Saratoga Associates, December, 2000

Lake Champlain Byways Corridor Management Plan, January 2000

Lake Champlain Basin Program "Opportunities for Action"

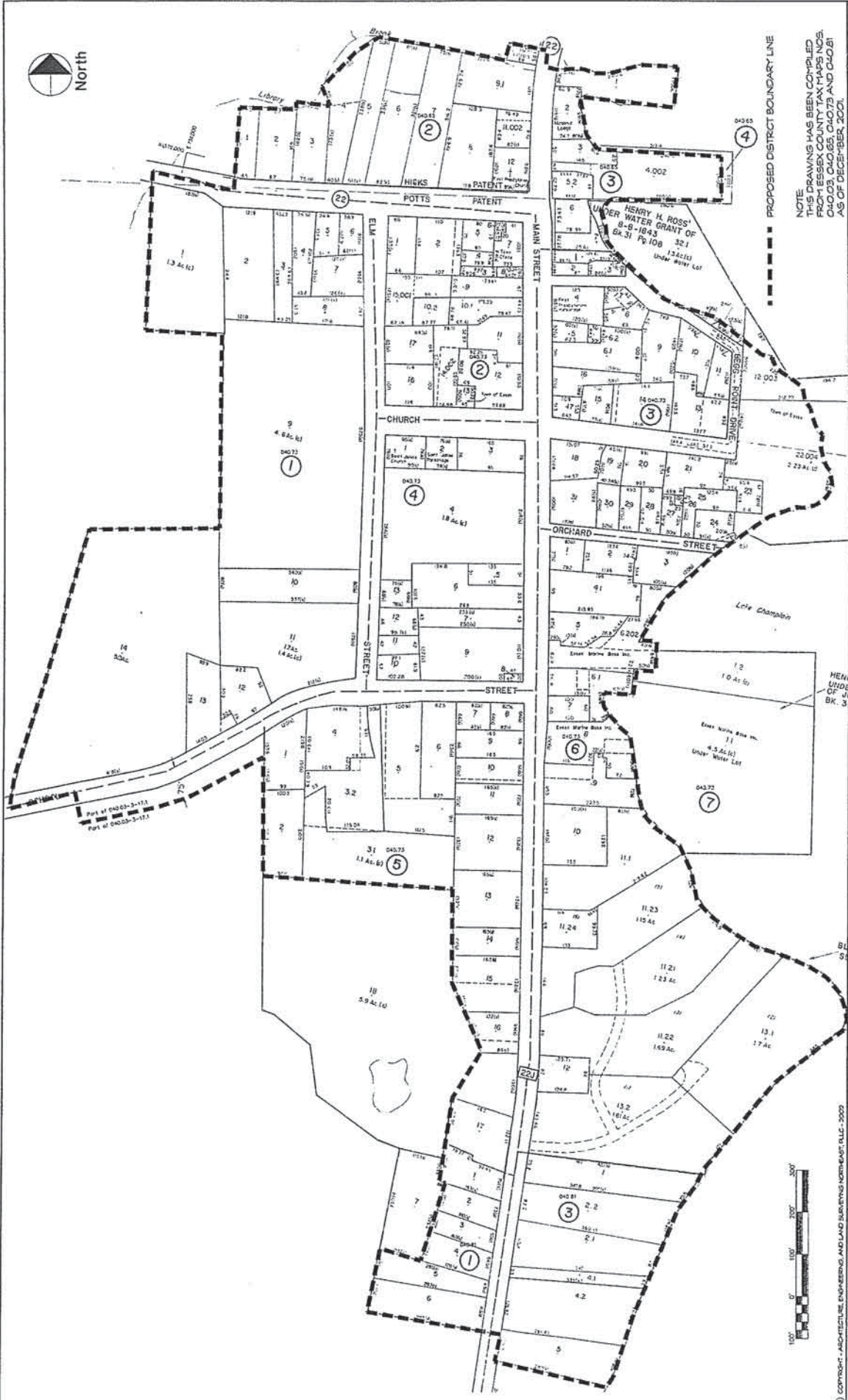
Adirondack Park Agency, Ray Brook, NY

New York State Department of Environmental Conservation, Office of Natural Resources, Region 5, Ray Brook, NY

Lake Champlain Basin Program Atlas, 1999, New England Interstate Water Pollution Control Commission

APPENDIX E

TOWN OF ESSEX SEWER DISTRICT MAP



NOTE
THIS DRAWING HAS BEEN COMPILED
FROM ESSEX COUNTY TAX MAPS NOS.
04003, 04065, 04075 AND 04081
AS OF DECEMBER 31, 2003

DATE	7/20/2003
DRAWING NO.	PL2
DESIGNER	
CHECKED	
APPROVED	

DISTRICT BOUNDARY MAP



TOWN OF ESSEX
PROPOSED SEWER DISTRICT No. 1
ESSEX COUNTY, NEW YORK

AES
NORTHEAST
1010 CITY HALL PLAZA
PLATTSBURGH, NEW YORK 12061
PHONE: 518/561-2800
FAX: 518/561-2800
WWW.AES-ENGINEERING.COM

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REVISIONS	
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APPENDIX F

**NATIONAL REGISTER NOMINATION DOCUMENTS FOR ESSEX VILLAGE
HISTORIC DISTRICT**

OFFICE COPY

Historic Preservation
National Register of Historic Places
Date 9 June 75
Re: S.R. H.

ENTRIES IN THE NATIONAL REGISTER

STATE NEW YORK

Date Entered MAY 28 1975

<u>Name</u>	<u>Location</u>
Essex Village Historic District ✓	Essex Essex County
Salem Historic District	Salem Washington County

COPY OF CONGRESSIONAL NOTIFICATION

Also Notified

Hon. Jacob K. Javits
Hon. James L. Buckley
Hon. Robert C. McEwen
Hon. Edward W. Pattison



NEW YORK STATE PARKS & RECREATION South Swan Street Bldg. Empire State Plaza, Albany, New York 12238 Information 518 474 0456
Alexander Aldrich, Commissioner

8

2/21/75

Dr. William J. Murtagh
Keeper of the National Register
National Park Service
Washington, D.C. 20240

Dear Dr. Murtagh:

As the State Historic Preservation Officer, I am forwarding the enclosed nomination to the National Register of Historic Places:

Essex Village Historic District, Essex, New York,
Essex County

The above nomination has been reviewed and approved by the Committee on Registers in accordance with the criteria outlined in Section 2.2 of the Grants Guide.

The staff of the New York State Division for Historic Preservation, the officially designated Preservation Agency, would welcome the opportunity to discuss this submission with your office.

Sincerely,

ALEXANDER ALDRICH
State Historic Preservation
Officer

By:

F. L. RATH, JR.
Deputy Commissioner
for Historic Preservation



Form 10-300
(Rev. 6-72)UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICENATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

(Type all entries - complete applicable sections)

STATE:	New York
COUNTY:	Essex
FOR NPS USE ONLY	
ENTRY DATE	

1. NAME	
COMMON:	
Essex Village Historic District	
AND/OR HISTORIC:	

2. LOCATION			
STREET AND NUMBER:			
CITY OR TOWN:		CONGRESSIONAL DISTRICT: 29	
Essex		Hon. Edward Pattison	
STATE	CODE	COUNTY:	CODE
New York	036	Essex	031

3. CLASSIFICATION			
CATEGORY (Check One)	OWNERSHIP	STATUS	ACCESSIBLE TO THE PUBLIC
<input checked="" type="checkbox"/> District <input type="checkbox"/> Building <input type="checkbox"/> Site <input type="checkbox"/> Structure <input type="checkbox"/> Object	<input type="checkbox"/> Public <input type="checkbox"/> Private <input checked="" type="checkbox"/> Both	<input checked="" type="checkbox"/> Occupied <input type="checkbox"/> Unoccupied <input type="checkbox"/> Preservation work in progress	Yes: <input checked="" type="checkbox"/> Restricted <input type="checkbox"/> Unrestricted <input type="checkbox"/> No
PRESENT USE (Check One or More as Appropriate)			
<input type="checkbox"/> Agricultural <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Educational <input type="checkbox"/> Entertainment	<input checked="" type="checkbox"/> Government <input type="checkbox"/> Industrial <input type="checkbox"/> Military <input type="checkbox"/> Museum	<input type="checkbox"/> Park <input checked="" type="checkbox"/> Private Residence <input checked="" type="checkbox"/> Religious <input type="checkbox"/> Scientific	<input type="checkbox"/> Transportation <input type="checkbox"/> Other (Specify)

4. OWNER OF PROPERTY			
OWNER'S NAME:			
Various			
STREET AND NUMBER:			
CITY OR TOWN:		STATE:	CODE
Essex Village		New York	036

5. LOCATION OF LEGAL DESCRIPTION			
COURTHOUSE, REGISTRY OF DEEDS, ETC:			
Essex County Courthouse			
STREET AND NUMBER:			
CITY OR TOWN:		STATE	CODE
Elizabethtown		New York	036

6. REPRESENTATION IN EXISTING SURVEYS			
TITLE OF SURVEY: Publication: Essex, the Architectural Heritage			
George F. McNulty and Mrs. Joseph Sheinin			
DATE OF SURVEY: 1971	<input type="checkbox"/> Federal	<input type="checkbox"/> State	<input type="checkbox"/> County <input checked="" type="checkbox"/> Local
DEPOSITORY FOR SURVEY RECORDS:			
STREET AND NUMBER:			
CITY OR TOWN:		STATE:	CODE

SEE INSTRUCTIONS

STATE:	New York
COUNTY:	Essex
ENTRY NUMBER	
DATE	

FOR NPS USE ONLY

7. DESCRIPTION	
CONDITION	(Check One) <input type="checkbox"/> Excellent <input checked="" type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Deteriorated <input type="checkbox"/> Ruins <input type="checkbox"/> Unexposed
	<div style="display: flex; justify-content: space-between;"> <div>(Check One) <input type="checkbox"/> Altered <input type="checkbox"/> Unaltered </div> <div>(Check One) <input type="checkbox"/> Moved <input type="checkbox"/> Original Site </div> </div>
DESCRIBE THE PRESENT AND ORIGINAL (If known) PHYSICAL APPEARANCE	
<p>The Essex Village District is located on the eastern boundary of Essex County, on the western shore of Lake Champlain.</p> <p>The district is approximately 1.5 miles long and .3 miles wide. From the intersection of Route 22 and Main Street, it extends approximately .8 miles to the north, with the Farrell property being the northern most property to be included. It extends approximately .6 miles to the south with the Sanborn property being the most southerly. The shore of Lake Champlain is the eastern boundary and the western boundary is a line .3 miles from the intersection of Route 22 and Main and running parallel to Main Street. The most western property included in the district on Route 22 belongs to the Kinneys.</p> <p>The district contains approximately 150 structures which predate the 20th century. Of the structures in the district, there are only 15 which were constructed after 1900. Of these, only 3 were built after 1910. Four or five structures are of the 18th century; the rest are all 19th century. Of these, only 7 were constructed after 1860. The predominant building materials were clapboarded wood frame, brick, and native stone. No structure exceeds 2 1/2 stories, thus taking the fullest advantage of the natural beauty of a location between wooded ridge and a rocky and irregular lake shore. Essex Village is nearly unique in that, established in the 1780's, it reached its maturity in less than 60 years, thus containing buildings of only three closely-related architectural periods: Federal, Greek Revival, and early Victorian. These styles are displayed, virtually unaltered, in their residential, commercial, and ecclesiastical forms. The Dower House, Lake Shore Road, built by Daniel Ross, son-in-law of William Gilliland, prior to 1793, is the oldest documented structure in the area. Probably the first clapboarded wooden framed structure (residence) to be erected in the hamlet, its gambrel roof and five-bay layout displays its 18th century character beneath later alterations.</p> <p>Wright's Inn, constructed on Main Street by General Daniel Wright in 1798, was originally a five-bay center-hall clapboarded structure, subsequently doubled in size by extending it to the north. While the interior has been extensively altered, the facade with its portico has been carefully restored to its appearance in the opening years of the 19th century. A classic example of the commercial inn of its period, the window division, roof pitch, cladding technique, and architectural style elements are the same used elsewhere in the village in more modest structures, and relate it harmoniously to them.</p> <p>The stone building now known as the Essex Free Library on Main Street was erected in 1818 by General Ransom Noble for use as a store and warehouse in conjunction with his tannery (the foundations of which may still be seen in the rear). Constructed of native limestone, its Federal proportions retain their elegance, although a later "Swiss chalet" pair of balconies were added to the facade, and diamond-paned sash installed.</p>	

SEE INSTRUCTIONS

Form 10-300a
(July 1969)UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICENATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

STATE New York	
COUNTY Essex	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

7. DESCRIPTION

(Continuation Sheet)

PAGE 2

(Number all entries)

"Hickory Hill" on Elm Street, and "Rosslyn" on the Lake Shore Road represent the residences of the wealthy merchants and lawyers who dominated Essex in the early days of its prosperity.

Two-and-a-half-story brick structures whose design combines Georgian and Federal elements, both "Hickory Hill" and "Rosslyn" were built before 1830. The building of "Hickory Hill" (1822) built by Henry Harmon Ross for his bride, was taken from a five-bay design in Salem, New York. It displays great grace and lightness in its Palladian window, Neo-classic portico, and elegant cornices. Its setting in its own spacious grounds on the ridge which overlooks the village and the lake adds much to its beauty. "Rosslyn", the William D. Ross house, originally constructed as a three-bay side hall dwelling, was expanded (1835-40) into five bays. Presently restored to its appearance in 1840, it commands a superb view of the lake and the Green Mountains in Vermont.

The "Old Brick Schoolhouse" on Elm Street (1830) stands on the probable site of the first school in Essex, erected in 1787. Expanded to the north in 1837, this one-story building served as the village schoolhouse until superceded by the large frame schoolhouse of 1867 (still surviving, and restored). Surmounted by a small belfrey, the building has the simple dignity given it by good proportions and mellowed brick. It has been sensitively restored for use as a dwelling.

"Block House Farm" on the Lake Shore Road (1836) is a small clapboarded and Doric-porticoed Greek Revival dwelling in its purest form - with the exception of added dormers (for practicality) to the north and south. Its temple effect is accentuated by its site set high above the lake on its terraces, with fields and orchards about it, its portico and gable toward the road.

Another somewhat richer version of Greek Revival may be seen in the Stafford-Spear house on Route 22. Built by Cyrus Stafford in 1847, its design was taken from the patternbooks of the period: the front entrance, in particular, was copied directly from a plate entitled "Design for a Front Door" in Minard Lefever's The Modern Builder's Guide, published in 1833. The house, brick and two-and-a-half stories, has corner pilasters, full entablature and pediment, a raking cornice and a sunburst panel almost filling the tympanum. The great distinction of the structure is in the beautiful and harmoniously-realized detail of the entrance.

"Greystone" was built by Belden Noble in 1853. Of local limestone in two-and-a-half stories, it is a late Greek Revival mansion, characterized by superb stone work on the exterior and magnificent Federal plan and plasterwork in the interior. Still in the possession of heirs of the Noble family and set in broad, park-like acres, its condition today is as fine as the day it was built.

Form 10-300a
(July 1969)UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICENATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

STATE New York	
COUNTY Essex	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

7. DESCRIPTION

(Continuation Sheet)

PAGE 3

(Number all entries)

The unique quality of Essex Village lies in the fact that its structures - residential, commercial, and ecclesiastic - were almost entirely built before the Civil War, and have remained substantially unaltered, with the exception of an occasional Victorian porch or bay window. The stone fire house with its added Greek Revival colonnade (1840's) was previously (1830's) a law office.

The stone Masonic hall, also on Main Street, was once a warehouse and factory loft (1858). It now boasts a modern addition in the form of a Palladian window and (modern) porch. The local liquor store (1836) on Main Street is a charming brick Greek Revival building with an early Victorian roof. The Federated Church (formerly Presbyterian) on the corner of Route 22 was built of native limestone in 1853. Its interior represents a remarkable survival of the Federal style into later periods.

The Noble-Schreiber house, brick (1835), located on the Lake Shore Road has on its grounds a small, octagonal, one-room schoolhouse built in the 1850's for the use of the Noble children and their tutor. Of clapboard with a conical Gothic roof and slender pillars supporting the porch which entirely surrounds it, the schoolhouse is of a surprising elegance and very well preserved.

It should be added that it is the sense of Essex as an architectural whole without intrusive modern elements, and with a wealth of imaginative taste in the use of detail, that is the village's finest heritage.

Form 10-300c
(July 1969)UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICENATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

STATE New York	
COUNTY Essex	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

7. DESCRIPTION

(Continuation Sheet) PAGE 4

(Number all entries)

Main Street (Bull Run)

<u>Map Key</u>	<u>Owner - 1973</u>	<u>Map Key</u>	<u>Owner - 1973</u>
M-W-1	Hayward	M-E-1	Farrell (Block House
M-W-2	Tart	M-E-3	Polhemus Farm)
M-W-3	Voorhis (Dower Hse)	M-E-4	Cowin
M-W-4	McNulty	M-E-5	Cross
M-W-5	Schrieber	M-E-6	Lake Champlain
M-W-5a	Schrieber(Noble School)		Trans. Co.
M-W-6	Baker (Greystone)	M-E-7	Iroquois Masonic
M-W-7	Essex Public Library		Lodge
M-W-8	Morse (vacant lot)	M-E-8	Bailey
M-W-9	Mather	M-E-9	Parmenter Estate
M-W-10	Town of Essex (Wright's	M-E-10	Parmenter Estate
M-W-11	Strong Inn)	M-E-11	Essex Volunteer
M-W-12	Pierce		Fire Company
M-W-13	Tart	M-E-12	Tart
M-W-14	Van Ornam	M-E-13	Heurich, Jr.
M-W-15	Van Ornam (vacant lot)	M-E-14	Tart
M-W-16	Hilbert	M-E-15	Essex Federated
M-W-17	Mason		Church
M-W-18	Cross	M-E-16	Durant
M-W-19	La Pine	M-E-17	Sherman
M-W-20	Morse	M-E-18	Fine
M-W-21	Barnes	M-E-19	Richardson
M-W-22	Bellows	M-E-20	Lansing
M-W-23	Hill	M-E-21	Goff
M-W-24	Robinson	M-E-22	Nichols
M-W-25	Tubbs	M-E-23	Morse
M-W-26	Hayes	M-E-24	Donahue
M-W-27	Murray	M-E-24a	Morse
M-W-28	Estus	M-E-25	Morse
M-W-29	Blair (vacant lot)	M-E-25a	Morse
M-W-30	Blair	M-E-25c,d,f	Morse
M-W-31	Blair (vacant lot)	M-E-25g,h,i	Morse
M-W-32	Mather	M-E-26	Barnary
M-W-33	McLeod	M-E-26b	Morse
M-W-34	Carson	M-E-27	Morse
M-W-35	Laduks	M-E-28	Palmer
M-W-36	Carson	M-E-29	Deso
M-W-37	Leaning	M-E-30	Mason
M-W-38	Jackson	M-E-31	Mason
M-W-39	Ashline	M-E-32	Mason
M-W-42	McNulty	M-E-33	Mason (vacant lot)

Form 10-300a
(July 1969)UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICENATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

STATE New York	
COUNTY Essex	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

7. DESCRIPTION

(Continuation Sheet) PAGE 5

(Number all entries)

<u>Main Street, cont'd</u>		<u>Bouquet Rd.</u>	
<u>Map Key</u>	<u>Owner - 1973</u>	<u>Key Map</u>	<u>Owner - 1973</u>
M-E-34b	Durant	B-N-1	Essex Federated Church
M-E-35	Mason	B-N-2	Mason
M-E-37	McDougal	B-N-3	Peden
M-E-39	Bailey	B-N-4	Mason
M-E-40	Barnaby	B-N-5	Nichols
M-E-41	Sandberg	B-N-6	Morse
<u>Schoolhouse Rd.</u>		B-N-7	LaPine, Jr
S-N-1	Barnaby	B-N-8	MacDougal
West of S-N-1	Sharp	B-N-9	LaPine
		B-N-10	LaPine, Jr.
		<u>Orchard Street</u>	
S-S-1	Tart	O-N-1	Kelley
S-S-2	Tart	O-N-2	Mason
S-S-3	Demar	O-N-3	Reaffel
S-S-4	Morse	O-N-4	MacCormick
S-S-5	Barnaby, Sr.	O-N-4a	Sweatt
S-S-6	Mesick	O-N-5	Scheinin
House next to		O-N-6	Parker
S-S-6	Gardner		
<u>Beggs Point Rd.</u>		O-S-1	Reynolds
B-1	Jackson	O-S-2	Reynolds
B-2	Schmitt	O-S-3	Reynolds
B-3	Schmitt		
B-4	Schmitt		
B-5	Atkinson	E-E-1	Ryan
B-6a	Atkinson	E-E-2	Johnson (Schoolhouse)
B-6b	Atkinson	E-E-3	Anderson
B-7	Beggs	E-E-4	Anderson
		E-E-5	Tatro
<u>Bouquet Rd.</u>			
B-S-1	McMullen		
B-S-2	Tart	E-W-1	Loury
B-S-3	Sperr	E-W-2	Loury
B-S-4	Whallon	E-W-3	Townsend (vacant lot)
B-S-5	Lowry	E-W-4	Townsend (Hickory Hill)
B-S-6	Lowry	E-W-5	Estus
B-S-7	Ridgeway	E-W-6	Cross (Noble Clemons)
B-S-8	Adams	E-W-7	Cross (vacant lot)
B-S-9	Haynes		
B-S-10	Kinney		
B-S-10a	Kinney		
B-S-11	Demar		
B-S-12	Martin		
		<u>Elm St.</u>	

Form 10-300a
(July 1969)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

STATE		New York
COUNTY		Essex
FOR NPS USE ONLY		
ENTRY NUMBER	DATE	

7. DESCRIPTION

(Continuation Sheet)

PAGE 6

(Number all entries)

Church St.

Map Key

Owner - 1973

C-N-1	Laiora
C-N-2	Tyrell
C-N-3	American Legion
C-N-4	Warner
C-N-5	Bayne
C-N-6	Theburg
C-S-1	St. John's Episcopal Church
C-S-2	St. John's Episcopal Church
C-S-3	Kelley (Baptist Church)
C-S-4	Goff
C-S-5	Gussman

8. SIGNIFICANCE

PERIOD (Check One or More as Appropriate)

- ☐ Pre-Columbian ☐ 16th Century ☒ 18th Century ☐ 20th Century
☐ 15th Century ☐ 17th Century ☒ 19th Century

SPECIFIC DATE(S) (If Applicable and Known)

AREAS OF SIGNIFICANCE (Check One or More as Appropriate)

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Aboriginal | <input type="checkbox"/> Education | <input type="checkbox"/> Political | <input type="checkbox"/> Urban Planning |
| <input type="checkbox"/> Prehistoric | <input type="checkbox"/> Engineering | <input type="checkbox"/> Religion/Philosophy | <input type="checkbox"/> Other (Specify) _____ |
| <input type="checkbox"/> Historic | <input checked="" type="checkbox"/> Industry | <input type="checkbox"/> Science | _____ |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Invention | <input type="checkbox"/> Sculpture | _____ |
| <input checked="" type="checkbox"/> Architecture | <input type="checkbox"/> Landscape | <input type="checkbox"/> Social/Humanitarian | _____ |
| <input type="checkbox"/> Art | <input type="checkbox"/> Literature | <input type="checkbox"/> Theater | _____ |
| <input checked="" type="checkbox"/> Commerce | <input type="checkbox"/> Military | <input type="checkbox"/> Transportation | _____ |
| <input type="checkbox"/> Communications | <input type="checkbox"/> Music | | |
| <input type="checkbox"/> Conservation | | | |

STATEMENT OF SIGNIFICANCE

Visually, both in layout and architecture, Essex has retained the character of an early 19th century village, a character determined by its geographical and historical position,

The history of Essex began in 1764 when William Gilliland, a veteran of the British army, acquired twelve grants of land lying between Crown Point to the south and Cumberland Head to the north, along the western shore of Lake Champlain. One of these grants contained the area which is the present hamlet of Essex. Gilliland's original settlement was made in the village of Willsboro, four miles to the north, with his outlying meadows and scattered homesteads where Essex now is. A thriving community in the decade before the Revolution, the area lay in the path of skirmishing Revolutionary forces caught between Benedict Arnold and Burgoyne, the countryside was laid waste. No documented structure in Essex County appears to have survived. By the 1780's, however, Gilliland and his son-in-law, Daniel Ross, had re-established a community in Essex. Its harbors on either side of Shipyard Point made it ideal for the shipping needs of a growing Republic. Land speculation was opening up the norther frontier.

In the 1820's, Essex was "the busiest port on Lake Champlain".¹ Through it funneled the timber, iron, cattle, and hides of the western shore of the Champlain Valley. Its inns (and there are two surviving of a documented five) swarmed with drovers, lumbermen and "lakers".

McNeil's ferry, already operating in the 1790's, shuttled between Essex and Charlotte, Vermont. Three wharves (of which one still retains its warehouse (1830's), now a restaurant) and two shipyards hummed with activity. Since before 1810, Eggleston's shipyard on South Bay had been turning out sloops and other crafts in great numbers. At the Eggleston yards in 1813 were built four sloops--the President, the Eagle, the Growler, and the Rising Sun for MacDonough's crucial campaign on Champlain in the War of 1812. In addition, Eggleston built 250 row galleys and bateaux for MacDonough. The Morse Marina on the site of that shipyard still builds custom-made pleasure craft. There was also the shipyard of Winslow, Hoskins, and Ross during the period 1810-1860. In 1823, with the opening of the Champlain Canal, the building of canal boats became important. Later, Essex was a port of call for freight and passenger steam boat traffic. The Fort Ticonderoga docked here.

SEE INSTRUCTIONS

Form 10-300a
(July 1969)UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICENATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

STATE New York	
COUNTY Essex	
FOR NPS USE ONLY	
ENTRY NUMBER	DATE

8. SIGNIFICANCE

(Continuation Sheet)

PAGE 2

(Number all entries)

Such economic prosperity accounts for the large number of charming Federal, Greek Revival, and early Victorian structures of humbler pretensions, as well as for the homes of the "great families". The ensuing post-Civil War decades of technological and industrial development (railroads, improved metallurgical methods, greater industrial centralization) condemned Essex to a slow decline. The population, 2351 in 1850, fell within a decade to 1,633. During the remaining decades of the century, it fluctuated between 1,400 and 1,800. In the census of 1960, the population of Essex Township was 880. With a declining population there was little demand for new housing, and dwellings already available were lived in and preserved. The fact that the village, as it presently stands, could not have housed the population of the 1850's suggests that only the better homes remain and that shacks and cabins were demolished.

Ironically, the 20th century sees Essex as a village preserved by its very loss of economic importance from the attrition which has befallen busier places. While its industry has vanished, its charm and the great beauty of the Champlain Valley have given it a vacation population upon which the economy of the area principally depends. In increasing numbers also, its homes are being bought and preserved or restored by young families as well as retired persons who (partly through the guidance offered by the Essex Community Heritage Organization) know how to value and preserve its quality.

9. MAJOR BIBLIOGRAPHICAL REFERENCES

See Attached Continuation Sheet

10. GEOGRAPHICAL DATA

LATITUDE AND LONGITUDE COORDINATES DEFINING A RECTANGLE LOCATING THE PROPERTY			LATITUDE AND LONGITUDE COORDINATES DEFINING THE CENTER POINT OF A PROPERTY OF LESS THAN TEN ACRES		
CORNER	LATITUDE	LONGITUDE	LATITUDE		LONGITUDE
	Degrees Minutes Seconds	Degrees Minutes Seconds	Degrees	Minutes	Seconds
NW	44° 19' 20"	73° 21' 30"			
NE	44° 19' 20"	73° 20' 50"			
SE	44° 18' 08"	73° 21' 30"			
SW	44° 18' 08"	73° 20' 50"			

APPROXIMATE ACREAGE OF NOMINATED PROPERTY: ± 48 acres

LIST ALL STATES AND COUNTIES FOR PROPERTIES OVERLAPPING STATE OR COUNTY BOUNDARIES

STATE:	CODE	COUNTY	CODE
STATE:	CODE	COUNTY:	CODE
STATE:	CODE	COUNTY:	CODE
STATE:	CODE	COUNTY:	CODE

11. FORM PREPARED BY

NAME AND TITLE:		
<u>Margaret Scheinin</u>		DATE
ORGANIZATION		
<u>Essex Community Heritage Organization</u>		
STREET AND NUMBER:		
<u>Essex on Lake Champlain</u>		
CITY OR TOWN:	STATE	CODE
<u>Essex</u>	<u>New York</u>	<u>036</u>

12. STATE LIAISON OFFICER CERTIFICATION

NATIONAL REGISTER VERIFICATION

As the designated State Liaison Officer for the National Historic Preservation Act of 1966 (Public Law 89-665), I hereby nominate this property for inclusion in the National Register and certify that it has been evaluated according to the criteria and procedures set forth by the National Park Service. The recommended level of significance of this nomination is:

National ☐ State ☒ Local ☐

Name PhyllisTitle Dep ComDate 2/21/75

I hereby certify that this property is included in the National Register.

Director, Office of Archeology and Historic Preservation

Date _____

ATTEST:

Keeper of The National Register

Date _____

SEE INSTRUCTIONS

Form 10-300a
(July 1969)UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICENATIONAL REGISTER OF HISTORIC PLACES
INVENTORY - NOMINATION FORM

STATE		New York
COUNTY		Essex
FOR NPS USE ONLY		
ENTRY NUMBER	DATE	

9. Bibliography (Continuation Sheet) Page 1

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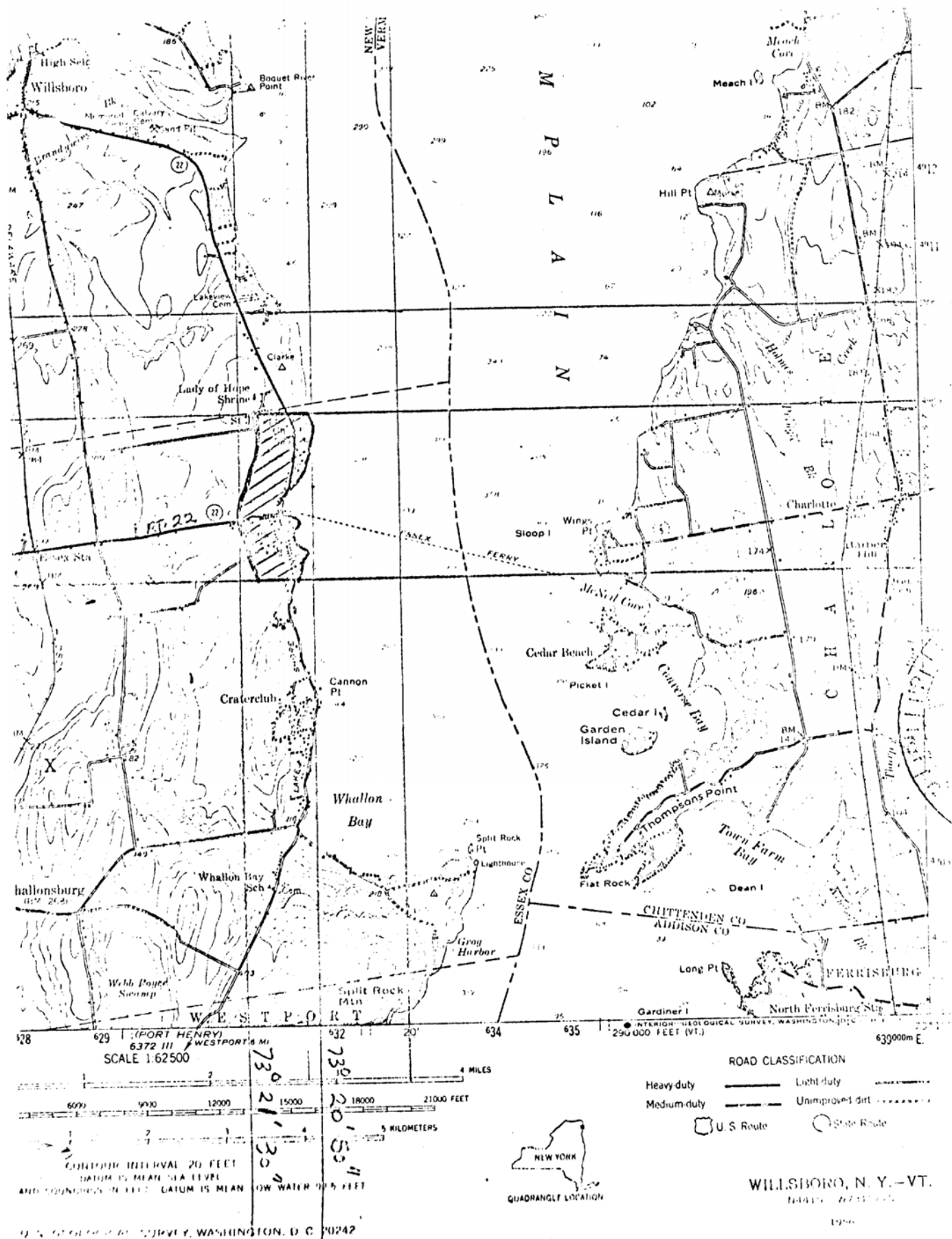
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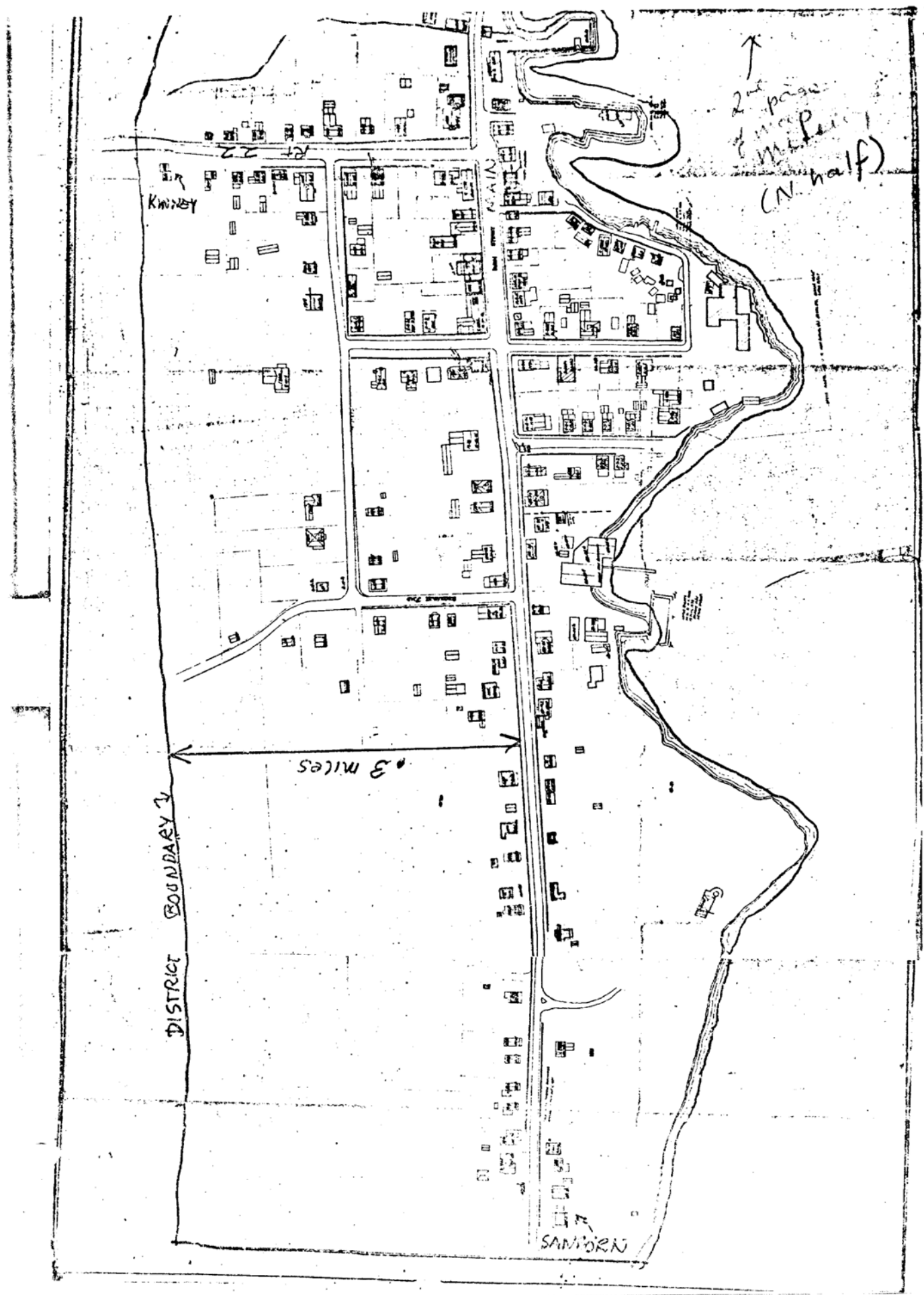
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APPENDIX G

LAND USE AREA DESCRIPTIONS, SETBACK AND COMPATIBLE USE LIST

LAND USE AREA DESCRIPTIONS -- PURPOSES, POLICIES AND OBJECTIVES -- SHORELINE LOT WIDTHS AND SETBACKS – COMPATIBLE USE LIST

HAMLET

Character description: Hamlet areas, delineated in brown on the plan map, range from large, varied communities that contain a sizeable permanent, seasonal and transient population with a great diversity of residential, commercial, tourist and industrial development and a high level of public services and facilities, to smaller, less varied communities with a lesser degree and diversity of development and a generally lower level of public services and facilities.

Purposes, policies and objectives: Hamlet areas will serve as the service and growth centers in the park. They are intended to accommodate a large portion of the necessary and natural expansion of the park's housing, commercial and industrial activities. In these areas, a wide variety of housing, commercial, recreational, social and professional needs of the park's permanent, seasonal and transient populations will be met. The building intensities that may occur in such areas will allow a high and desirable level of public and institutional services to be economically feasible. Because a hamlet is concentrated in character and located in areas where existing development patterns indicate the demand for and viability of service, and growth centers, these areas will discourage the haphazard location and dispersion of intense building development in the park's open space areas. These areas will continue to provide services to park residents and visitors and, in conjunction with other land use areas and activities on both private and public land, will provide a diversity of land uses that will satisfy the needs of a wide variety of people.

The delineation of hamlet areas on the plan map is designed to provide reasonable expansion areas for the existing hamlets, where the surrounding resources permit such expansion. Local government should take the initiative in suggesting appropriate expansions of the presently delineated hamlet boundaries, both prior to and at the time of enactment of local land use programs.

Guidelines for overall intensity of development: No overall intensity guideline is applicable to hamlet areas.

Minimum shoreline lot widths and building setbacks are 50 feet, and, in general, any subdivision involving 100 or more lots is subject to agency review.

MODERATE INTENSITY USE

Character description: Moderate Intensity Use areas, delineated in red on the plan map, are those areas where the capability of the natural resources and the anticipated need for future development indicate that relatively intense development, primarily residential in character, is possible, desirable and suitable.

These areas are primarily located near or adjacent to hamlets to provide for residential expansion. They are also located along highways or accessible shorelines where existing development has established the character of the area. Those areas identified as moderate intensity use where relatively intense development does not already exist are generally characterized by deep soils on moderate slopes and are readily accessible to existing hamlets

Purposes, policies and objectives: Moderate intensity use areas will provide for development opportunities in areas where development will not significantly harm the relatively tolerant physical and biological resources. These areas are designed to provide for residential expansion and growth and to accommodate uses related to residential uses in the vicinity of hamlets where community services can most readily and economically be provided. Such growth and the services related to it will generally be at less intense levels than in hamlet areas.

Guidelines for overall intensity of development: The overall intensity of development for land located in any Moderate Intensity Use area should not exceed approximately 500 principal buildings per square mile.

Minimum shoreline lot widths and building setbacks are 100 and 50 feet respectively, and, in general, any subdivision involving 15 or more lots is subject to agency review.

LOW INTENSITY USE

Character description: Low intensity use areas, delineated in orange on the plan map, are those readily accessible areas, normally within reasonable proximity to a hamlet, where the physical and biological resources are fairly tolerant and can withstand development at intensity somewhat lower than found in hamlets and moderate intensity use areas. While these areas often exhibit wide variability in the land's capability to support development, they are generally areas with fairly deep soils, moderate slopes and no large acreages of critical biological importance. Where these areas are adjacent to or near hamlet, clustering homes on the most developable portions of these areas makes possible a relatively high level of residential units and local services.

Purposes, policies and objectives: The purpose of low intensity use areas is to provide for development opportunities at levels that will protect the physical and biological resources, while still providing for orderly growth and development of the park. It is anticipated that these areas will primarily be used to provide housing development opportunities not only for park residents but also for the growing seasonal home market. In addition, services and uses related to residential uses may be located at a lower intensity than in hamlets or moderate intensity use areas.

Guidelines for overall intensity of development: The overall intensity of development for land located in any low intensity use area should not exceed approximately two hundred principal buildings per square mile

Minimum shoreline lot widths and building setbacks are 125 and 75 feet respectively, and, in general, any subdivision involving 10 or more lots is subject to agency permit requirements.

RURAL USE

Character description: Rural use areas, delineated in yellow on the plan map, are those areas where natural resource limitations and public considerations necessitate fairly stringent development constraints. These areas are characterized by substantial acreages of one or more of the following: fairly shallow soils, relatively severe slopes, significant ecotones, critical wildlife habitats, proximity to scenic vistas or key public lands. In addition, these areas are frequently remote from existing hamlet areas or are not readily accessible.

Consequently, these areas are characterized by a low level of development and variety of rural uses that are generally compatible with the protection of the relatively intolerant natural

resources and the preservation of open space. These areas and the resource management areas provide the essential open space atmosphere that characterizes the park.

Purposes, policies and objectives: The basic purpose and objective of rural use areas is to provide for and encourage those rural land uses that are consistent and compatible with the relatively low tolerance of the areas' natural resources and the preservation of the open spaces that are essential and basic to the unique character of the park. Another objective of rural use areas is to prevent strip development along major travel corridors in order to enhance the aesthetic and economic benefit derived from a park atmosphere along these corridors.

Residential development and related development and uses should occur on large lots or in relatively small clusters on carefully selected and well designed sites. This will provide for further diversity in residential and related development opportunities in the park.

Guideline for overall intensity of development: The overall intensity of development for land located in any rural use area should not exceed approximately seventy-five principal buildings per square mile.

Minimum shoreline lot widths and building setbacks are 150 and 75 feet respectively, and, in general, any subdivision involving 5 or more lots is subject to agency review.

RESOURCE MANAGEMENT AREAS

Character description: Resource management areas, delineated in green on the plan map, are those lands where the need to protect, manage and enhance forest, agricultural, recreational and open space resources is of paramount importance because of overriding natural resource and public considerations. Open space uses, including forest management, agriculture and recreational activities, are found throughout these areas.

Many resource management areas are characterized by substantial acreages of one or more of the following: shallow soils, severe slopes, elevations of over twenty-five hundred feet, flood plains, proximity to designated or proposed wild or scenic rivers, wetlands, critical wildlife habitats or habitats of rare and endangered plant and animal species.

Other resource management areas include extensive tracts under active forest management that are vital to the wood using industry and necessary to insure its raw material needs.

Important and viable agricultural areas are included in resource management areas, with many farms exhibiting a high level of capital investment for agricultural buildings and equipment. These agricultural areas are of considerable economic importance to segments of the park and provide for a type of open space which is compatible with the park's character.

Purposes, policies and objectives: The basic purposes and objectives of resource management areas are to protect the delicate physical and biological resources, encourage proper and economic management of forest, agricultural and recreational resources and preserve the open spaces that are essential and basic to the unique character of the park. Another objective of these areas is to prevent strip development along major travel corridors in order to enhance the aesthetic and economic benefits derived from a park atmosphere along these corridors.

Finally, resource management areas will allow for residential development on substantial acreages or in small clusters on carefully selected and well designed sites.

Guidelines for overall intensity of development: The overall intensity of development for land located in any resource management area should not exceed approximately

Minimum shoreline lot widths and building setbacks are 200 and 100 feet respectively, and, in general, any subdivision is subject to agency review.

COMPATIBLE USE LIST FROM SECTION 805 OF THE ADIRONDACK PARK AGENCY ACT

HAMLET

All land uses and development are considered compatible with the character, purposed and objectives of Hamlet areas.

MODERATE INTENSITY USE

Primary uses in moderate intensity use areas:

1. Single family dwellings
2. Individual mobile homes
3. Open space recreation uses
4. Agricultural uses
5. Agricultural use structures
6. Forestry uses
7. Forestry use structures
8. Hunting and fishing cabins and hunting and fishing and other private club structures
9. Game preserves and private parks
10. Cemeteries
11. Private roads
12. Private sand and gravel extractions
13. Public utility uses
14. Accessory uses and structures to any use classified as a compatible use

Secondary uses in moderate intensity use areas:

1. Multiple family dwellings
2. Mobile home court
3. Public and semi-public buildings
4. Municipal roads
5. Agricultural service uses
6. Commercial uses
7. Tourist accommodations
8. Tourist attractions
9. Marinas, boat yards and boat launching sites
10. Campgrounds
11. Group camps
12. Golf courses
13. Ski centers
14. Commercial seaplane bases
15. Commercial or private airports
16. Sawmills, chipping mills, pallet mills and similar wood using facilities
17. Commercial sand and gravel extractions
18. Mineral extractions
19. Mineral extraction structures
20. Watershed management and flood control projects

21. Sewage treatment plants
22. Major public utility uses
23. Industrial uses

LOW INTENSITY USE

Primary uses in low intensity use areas:

1. Single family dwellings
2. Individual mobile homes
3. Open space recreation uses
4. Agricultural uses
5. Agricultural use structures
6. Forestry uses
7. Forestry use structures
8. Hunting and fishing cabins and hunting and fishing and other private club structures
9. Game preserves and private parks
10. Cemeteries
11. Private roads
12. Private sand and gravel extractions
13. Public utility uses
14. Accessory uses and structures to any use classified as a compatible use

Secondary uses in low intensity use areas:

1. Multiple family dwellings
2. Mobile home court
3. Public and semi-public buildings
4. Municipal roads
5. Agricultural service uses
6. Commercial uses
7. Tourist accommodations
8. Tourist attractions
9. Marinas, boat yards and boat launching sites
10. Golf courses
11. Campgrounds
12. Group camps
13. Ski centers
14. Commercial seaplane bases
15. Commercial or private airports
16. Sawmills, chipping mills, pallet mills and similar wood using facilities
17. Commercial sand and gravel extractions
18. Mineral extractions
19. Mineral extraction structures
20. Watershed management and flood control projects
21. Sewage treatment plants
22. Major public utility uses
23. Junkyards
24. Major public utility uses
25. Industrial uses

RURAL USE

Primary uses in rural use areas:

1. Single family dwellings
2. Individual mobile homes

3. Open space recreation uses
4. Agricultural uses
5. Agricultural use structures
6. Forestry uses
7. Forestry use structures
8. Hunting and fishing cabins and hunting and fishing and other private club structures
9. Game preserves and private parks
10. Cemeteries
11. Private roads
12. Private sand and gravel extractions
13. Public utility uses
14. Accessory uses and structures to any use classified as a compatible use

Secondary uses in rural use areas:

1. Multiple family dwellings
2. Mobile home court
3. Public and semi-public buildings
4. Municipal roads
5. Agricultural service uses
6. Commercial uses
7. Tourist accommodations
8. Marinas, boat yards and boat launching sites
9. Golf courses
10. Campgrounds
11. Group camps
12. Ski centers
13. Commercial seaplane bases
14. Commercial or private airports
15. Sawmills, chipping mills, pallet mills and similar wood using facilities
16. Commercial sand and gravel extractions
17. Mineral extractions
18. Mineral extraction structures
19. Watershed management and flood control projects
20. Sewage treatment plants
21. Major public utility uses
22. Junkyards
23. Major public utility uses
24. Industrial uses

RESOURCE MANAGEMENT

Primary uses in resource management areas:

1. Agricultural uses.
2. Agricultural use structures.
3. Open space recreation uses.
4. Forestry uses.
5. Forestry use structures.
6. Game preserves and private parks.
7. Private roads.
8. Private sand and gravel extractions.
9. Public utility uses.

10. Hunting and fishing cabins and hunting and fishing and other private club structures involving less than five hundred square feet of floor space.
11. Accessory uses and structures to any use classified as a compatible use.

Secondary uses in resource management areas:

1. Single family dwellings.
2. Individual mobile homes.
3. Hunting and fishing cabins and hunting and fishing and other private club structures involving five hundred square feet or more of floor space.
4. Campgrounds.
5. Group camps.
6. Ski centers and related tourist accommodations.
7. Agricultural service uses.
8. Sawmills, chipping mills, pallet mills and similar wood using facilities.
9. Commercial sand and gravel extractions.
10. Mineral extractions.
11. Mineral extraction structures.
12. Watershed management and flood control projects.
13. Sewage treatment plants.
14. Major public utility uses.
15. Municipal roads.
16. Golf courses.

APPENDIX H

LAND USE AREA CLASSIFICATION DETERMINANTS

LAND USE AREA CLASSIFICATION DETERMINANTS

(From Appendix Q-8 of APA Rules & Regulations)

Many criteria and determinants are used in land use planning. Some are common to any planning process. Others vary with the area for which the plan is to be prepared. The needs of inhabitants, the region, and of society define those determinants that receive primary emphasis.

The determinants used in preparing this Land Use and Development Plan were chosen to identify those areas in the park best suited for development. The determinants fall into the following basic categories: (1) natural resources, (2) existing land use patterns, and (3) public considerations. The determinants found within these three categories help identify areas where similar standards are necessary if development is to provide positive values to both the park and the community in which it is located. Furthermore, they identify areas where the potential costs of development to the developer, the community, the prospective purchaser and the environment are so great that serious consideration should be given to alternative uses.

The natural resource determinants identify those areas that are physically most capable of sustaining development without significant adverse impact. Such determinants as soils, topography, water, vegetation and wildlife have been inventoried and analyzed to assure the protection of the basic elements of the park. Existing land uses must also be carefully considered in the planning process, particularly because they are important determinants of the park's present and future character. These determinants identify the historic patterns of the park's growth and indicate the types of growth that have been and are presently viable. Future development contemplated under the plan must also be considered in light of its relation to existing development.

The Legislature has found that there is a State interest in the preservation of the Adirondack Park, and therefore a variety of public consideration determinants have been analyzed in the preparation of this plan. In general, public consideration determinants help identify areas that must be protected in order to preserve the essential open space character of the park. These areas may be considered important from a public standpoint for such reasons as their location near important State lands or their present use in an open space condition. Additionally, there may be a substantial State interest in preserving certain critical public considerations.

The following determinants were used in the land area classification process. The land use implications paragraph is a general indication of the manner in which these determinants were utilized in preparing the plan:

A. DETERMINANT: SOIL

1. Characteristic: Poorly drained or seasonally wet soils.

Description: Soil with a high-water content or seasonal high-water table less than 1 . feet from the surface.

Land use implications: On-site sewage disposal systems will not function adequately and may pollute groundwater supplies. There may also be a problem of flooded basements, backed-up toilets, broken pavements, cracked walls and similar situations. These problems may lead to community health hazards, environmental problems, inconvenience and economic hardship. Severe development limitations exist in those areas that contain a high proportion of poorly drained or seasonally wet soils. Such areas are capable of sustaining development at only a very low level of intensity.

2. Characteristic: Moderately drained soils.

Description: Soils with a seasonal high-water table 1 . to 4 feet below the surface.

Land use implications: A potential for septic system failure or groundwater pollution exists. The New York State Department of Health recommends that the bottom of a septic system tile field be 18 to 30 inches below the soil surface at final grade, with a minimum depth of two feet between the bottom of the tile field and the water table. Special precautions must also be taken to avoid washouts where deep road cuts are necessary. An occasional problem for roads, streets and parking lots on this soil is the ■washboard• effect caused by frost heaving. Although these soils can tolerate a higher level of development than can poorly drained soils, moderate development limitations still exist.

3. Characteristic: Well-drained soils.

Description: Soils with a depth to the seasonal high-water table of more than four feet.

Land use implications: Areas containing well-drained soils present only slight development limitations. Generally, this type of soil can adequately filter the effluent from septic tank systems and poses few other construction problems.

4. Characteristic: Low permeability soils.

Description: Soils with a permeability rate of less than one inch per hour.

Land use implications: Soils with low permeability characteristics present severe development problems. On-site sewage disposal systems may overflow, causing pollution of surface water. Street, road and parking lot surfaces heave, and building walls and foundations tend to crack. Sanitary landfills may cause acute problems when located on soils with these characteristics.

5. Characteristic: Moderately permeable soils.

Description: Soils with a permeability rate of one inch per 30 to 60 minutes.

Land use implications: Problems experienced in soils with this characteristic are similar to, but slightly less severe than, problems experienced with soils of low permeability. In general, adequately designed and engineered septic systems, roads and structures help solve the problems that these soils can cause, but these alternatives tend to be expensive. Areas containing a high percentage of these soils should not be developed at a high level of intensity.

6. Characteristic: Permeable soils.

Description: Soils with a permeability rate of more than one inch per 30 minutes.

Land use implications: Generally, these soils present only slight development limitations, and they can handle a relatively intense level of development. However, excessive permeability may create a potential for the pollution and contamination of groundwater and nearby uncased wells if on-site sewage disposal systems are employed.

7. Characteristic: Shallow depth to bedrock.

Description: Soils with a depth to bedrock of less than one and 1/2 feet.

Land use implications: These soils present severe development constraints. Massive excavation costs are necessary to do even minimal development. On-site sewage disposal systems are not possible under these conditions, as soil depths are not sufficient to provide adequate filtration of effluent. Community sewage systems can only be installed at a prohibitive cost. Shallow soils also present substantial road and building construction problems. These soils should not be developed.

8. Characteristic: Moderate depth to bedrock.

Description: Soils with a depth to bedrock of 1 1/2 to 4 feet.

Land use implications: These soils present moderate development limitations. On-site sewage disposal problems can arise with effluent flowing directly over the bedrock into nearby drainages or groundwater supplies. The more shallow portions of these soils result in increased excavation costs. Intense development should not occur in these areas.

9. Characteristic: Deep soils.

Description: Soils with a depth to bedrock of more than four feet.

Land use implications: Relatively intense development can occur on these soils.

10. Characteristic: Extremely stony soils.

Description: Soils with over 35 percent coarse fragments less than three inches in diameter.

Land use implications: These soils present development problems. Excavation for such purposes as on-site sewage disposal systems, homesites with basements, and streets and roads is costly and difficult. Soils with this description affect the rate at which water moves into and through the soil. The difficulty of establishing a good vegetative ground cover can cause erosion problems. Generally, intense development should be avoided on soils of this nature.

11. Characteristic: Viable agricultural soils.

Description: Soils classified by the New York State Cooperative Extension as Class I and Class II agricultural soils.

Land use implications: Class I and Class II soils constitute a valuable natural resource. While the physical characteristics of these soils will often permit development, their agricultural values should be retained. Consequently, class I and class II soil types found within the Adirondack Park should be used primarily for agricultural purposes.

B. DETERMINANT: TOPOGRAPHY

1. Characteristic: Severe slopes.

Description: Areas with slopes of over 25 percent.

Land use implications: These slopes should not be developed. Development on these slopes presents serious environmental problems. Erosion rates are greatly accelerated. Accelerated erosion increases siltation. Septic systems will not function properly on these slopes. Development costs are likely to be massive because of the special engineering techniques that must be employed to ward off problems such as slipping and sliding. Proper grades for streets are difficult to attain and often can only be accomplished by large road cuts.

2. Characteristic: Steep slopes.

Description: Areas with slopes of 16 to 25 percent.

Land use implications: These slopes present substantially the same environmental hazards relating to erosion, sewage disposal, siltation and construction problems as are found on severe slopes. However, if rigid standards are followed, some low intensity development can take place.

3. Characteristic: Low and moderate slopes.

Description: Areas with slopes of not greater than 15 percent.

Land use implications: Such slopes can be developed at a relatively intense level, so long as careful attention is given to the wide slope variability in this range. Construction or engineering practices that minimize erosion and siltation problems must be utilized on the steeper slopes in this range.

4. Characteristic: Unique physical features.

Description: Gorges, waterfalls, formations and outcroppings of geological interest.

Land use implications: These features represent scarce educational, aesthetic and scientific resources. Construction can seriously alter their value as such, particularly where it mars the landscape or the formations themselves. Consequently, these areas should be developed only at extremely low intensities and in such a manner that the unique features are not altered.

5. Characteristic: High elevations.

Description: Areas above 2,500 feet.

Land use implications: These areas should ordinarily not be developed. They are extremely fragile and critical watershed storage and retention areas that can be significantly harmed by even a very low level of development intensity.

C. DETERMINANT: WATER

1. Characteristic: Floodplains.

Description: Periodically flooded land adjacent to a water body.

Land use implications: These areas should not be developed. Periodic flooding threatens the safety of residents and the destruction of structures. Development that would destroy the shoreline vegetation would result in serious erosion during flood stages. Onsite sewage disposal systems will not function properly and will pollute both surface and ground waters.

2. Characteristic: Wild and scenic rivers.

Description: Lands within one-half mile of designated wild and scenic rivers or of designated study rivers that presently meet the criteria for eventual wild or scenic designation.

Land use implications: The New York State Legislature has found that these lands constitute a unique and valuable public resource. Consequently, these lands should not be developed in order to protect the rare resources of free flowing waters with essentially primitive shorelines.

3. Characteristic: Marshes.

Description: Wetlands where there is found a grass-like vegetative cover and a free interchange of waters with adjacent bodies of water.

Land use implications: These areas present severe development limitations. Continual flooding makes on-site sewage disposal impossible and construction expensive. The filling of these areas will destroy the most productive ecosystem in the park and will lower their water retention capacity. Therefore, these areas should not be developed.

D. DETERMINANT: FRAGILE ECOSYSTEM

1. Characteristic: Bogs.

Description: Sphagnum, heath or muskeg vegetation underlaid with water and containing rare plant and animal communities that are often of important scientific value.

Land use implications: These areas should not be developed. They are sensitive areas whose delicate ecological balance is easily upset by any change in water level or the addition of any pollutants.

2. Characteristic: Alpine and subalpine life zones.

Description: Areas generally above 4,300 feet exhibiting tundra-like communities.

Land use implications: These areas should not be developed. The vegetative matter in these areas cannot withstand any form of compaction or development. These communities are extremely scarce in the park.

3. Characteristic: Ecotones.

Description: Areas of abrupt change from one ecosystem to another, giving rise to extraordinary plant and animal diversity and productivity.

Land use implications: These areas should be developed only at a low level of intensity. Development at higher intensities would modify the vegetative cover and would drastically reduce the diversity of wildlife vital to the Adirondack character. These limited areas serve as the production hub for surrounding areas.

E. DETERMINANT: VEGETATION

1. Characteristic: Virgin forests.

Description: Old-growth natural forests on highly productive sites, including those natural areas identified by the Society of American Foresters.

Land use implications: These areas deserve protection and should, therefore, be developed only at a low level of intensity. Intense development of these areas would destroy illustrative site types, including vestiges of primitive Adirondack conditions deemed important from both scientific and aesthetic standpoints.

2. Characteristic: Rare plants.

Description: Areas containing rare plant communities, including those identified by the State Museum and Science Services.

Land use implications: These areas should not be developed. Development, even at a very low level of intensity, would modify the habitat of these plants and thereby cause their possible extinction in New York State.

F. DETERMINANT: WILDLIFE

1. Characteristic: Rare and endangered species habitats.

Description: Habitats of species of wildlife threatened with extinction either in New York State or nationwide.

Land use implications: These areas should not be developed. Development at even a low level of intensity would modify the habitats of these species and thereby cause their possible extinction in New York State or nationwide. These small areas are often the survival link for entire species.

2. Characteristic: Key wildlife habitats.

Description: Important deer wintering yards, waterfowl production areas and bodies of water containing native strains of trout.

Land use implications: These areas can sustain only a very limited level of development intensity without having a significant adverse affect on the wildlife. Development at greater intensities would alter the habitats, thus making them unsuitable for continued use by wildlife. Development also increases the vulnerability of these critical areas.

G. DETERMINANT: PARK CHARACTER

1. Characteristic: Vistas.

Description: Area viewed from the 40 Adirondack Park vistas identified in the State Land Master Plan.

Land use implications: The intensity of development should vary with the distance from the vista with the purpose of protecting the open-space character of the scene. Development within one-quarter mile of the vista will have a substantial visual impact on this character and should be avoided. Between one-quarter mile and five miles, a low intensity of development will not damage the open-space appearance, whereas intense development would. Relatively intense development beyond five miles will not damage the scene so long as it does not consist of large clusters of buildings or industrial uses.

2. Characteristic: Travel corridors.

Description: Presently undeveloped areas adjacent to and within sight of public highways.

Land use implications: Travel corridors play an important role in establishing the park image to the majority of park users. Unscreened development within these areas would be detrimental to the open-space character of the park. The allowable intensity of development should not be allowed to substantially alter the present character of these travel corridors.

3. Characteristic: Proximity to State land.

(a) (1) Description: Areas within sight and sound of, but not more than one-half mile from, intensively used portions of wilderness, primitive and canoe areas.

(2) Land use implications: Intense development of these areas would threaten the public interest in and the integrity and basic purposes of wilderness, primitive and canoe area designation. Consequently, these lands should be developed at only a very low level of intensity.

(b) (1) Description: Inholding surrounded by wilderness, primitive or canoe areas.

(2) Land use implications: Development at more than a very minimal level of intensity should not be allowed. The development of such parcels would compromise the integrity of the most fragile classifications of land under the Adirondack Park State Land Master Plan.

(c) (1) Description: Inholdings of less than 1,000 acres surrounded by wild forest lands and inaccessible by two-wheel-drive vehicles.

(2) Land use implications: These areas should not be developed at more than a very low level of intensity. Intense development of these areas would constitute a hazard to the quality of the surrounding wild forest lands.

4. Characteristic: Proximity to services.

(a) (1) Description: Areas that are remote from existing communities and services.

(2) Land use implications: Intense development of these areas would be detrimental to open-space character of the park. Development of such remote areas is also generally costly in terms of services provided by local government. Consequently, a low level of development should be permitted.

(b) (1) Description: Areas that are readily accessible to existing communities.

(2) Land use implications: These areas can sustain a high level of development intensity. Local government services can be efficiently and economically provided in such areas. Development here will generally be of positive economic value to a community.

5. Characteristic: Historic sites.

Description: Sites of historic significance from a local, park or national standpoint.

Land use implications: Any development of the site itself or its immediate environs, except restoration, would destroy the site's historical and educational values.

H. DETERMINANT: PUBLIC FACILITY

1. Characteristic: Public sewer systems.

Description: Areas served by a public sewer system.

Land use implications: Development may occur in these areas in spite of certain resource limitations that have been overcome by public sewer systems. Consequently, these areas can often be used for highly intensive development.

2. Characteristic: Proposed public sewer systems.

Description: Areas identified in a county comprehensive sewerage study where public sewer systems are considered feasible.

Land use implications: Encouraging relatively intense development in these areas will often provide the necessary impetus to establish the proposed systems. These systems will overcome certain health hazards and associated environmental problems that would otherwise be considered limiting.

I. DETERMINANT: EXISTING LAND USE

1. Characteristic: Urbanized.

(a) (1) Description: A large, varied and concentrated community with a diversity of housing and services.

(2) Land use implications: Generally, these areas have the facilities and potential to develop as major growth and service centers.

(b) (1) Description: A small, concentrated community.

(2) Land use implications: Generally, these areas have the potential to develop as growth centers.

2. Characteristic: Residential.

Description: Areas of primarily residential development.

Land use implications: The primary use of these areas should continue to be residential in nature.

3. Characteristic: Forest management.

Description: Large tracts, primarily of northern hardwood or spruce-fir forests, under active forest management.

Land use implications: These areas should be developed at only a minimal level of intensity. They constitute a unique natural resource. The supply of these species of trees, which are uncommon in such quantities elsewhere in the State, is important to insure a continuing supply of saw-logs and fiber for the economically vital wood-using industry of the region.

4. Characteristic: Agricultural lands.

(a) (1) Description: Areas under intensive agricultural management in which there is evidence of continuing capital investment for buildings and new equipment.

(2) Land use implications: These areas are an important resource within the Adirondack Park. These areas are of economic importance in some areas of the park. Consequently, these areas should only be developed at a very minimal level of intensity.

(b) (1) Description: Areas containing less viable agricultural activities frequently interspersed with other types of land uses.

(2) Land use implications: These areas are important to the open-space character of the park and also contain pockets of important agricultural soils. Consequently, they should be utilized for a low level of development intensity.

5. Characteristic: Industrial uses.

(a) (1) Description: Areas containing large-scale economically important industrial activities, located outside of centralized communities.

(2) Land use implications: These areas have been intensively used and are important to the economy of the Adirondack Park. They should remain in active industrial use.

(b) (1) Description: Proposed industrial sites identified by the State Development of Commerce or regional or local planning agencies.

(2) Land use implications: Because they are potentially important to the economy of the Adirondack Park, industrial uses should be encouraged in these areas.

APPENDIX I
SOILS DESCRIPTIONS

Name: Amenia fine sandy loam, 2 to 8 percent slopes

Symbol: AmB

Kind: Consociation

Dominant drainage class: Moderately well drained

Wettest drainage class: Moderately well drained

Description: material consists of loamy lodgement till derived from limestone. Depth to a root restrictive layer, densic material, is 20 to 36 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is very low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. A seasonal zone of water saturation occurs during January, February, March, April, May, November, December. Organic matter content in the surface horizon is about 4 percent.

Name: Amenia fine sandy loam, 8 to 15 percent slopes

Symbol: AmC

Kind: Consociation

Dominant drainage class: Moderately well drained

Wettest drainage class: Moderately well drained

Description: material consists of loamy lodgement till derived from limestone. Depth to a root restrictive layer, densic material, is 20 to 36 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is very low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. A seasonal zone of water saturation occurs during January, February, March, April, May, November, December. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability classification is 3e. This soil does not meet hydric criteria. The calcium carbonate equivalent within 40

Name: Cayuga silty clay loam, 3 to 8 percent slopes

Symbol: CgB

Kind: Consociation

Dominant drainage class: Moderately well drained

Wettest drainage class: Moderately well drained

Description: material consists of clayey glaciolacustrine deposits derived from igneous and sedimentary rock over loamy lodgement till derived from limestone. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is low. Available water to a depth of 60 inches is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 19 inches during April, May. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability classification is 2e. This soil does not meet hydric criteria. The calcium carbonate equivalent v

Name: Claverack loamy fine sand, 0 to 3 percent slopes

Symbol:	CqA
Kind:	Consociation
Dominant drainage class:	Moderately well drained
Wettest drainage class:	Moderately well drained
Description:	consists of sandy glaciolacustrine deposits derived from igneous and sedimentary rock over clayey glaciolacustrine deposits derived from igneous and sedimentary rock. Depth to a root restrictive layer, abrupt textural change, is 20 to 40 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is high. Available water to a depth of 60 inches is very low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 20 inches during January, February, April, May, November, December. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability class is 3.
Name:	Collamer silt loam, 2 to 8 percent slopes
Symbol:	CrB
Kind:	Consociation
Dominant drainage class:	Moderately well drained
Wettest drainage class:	Moderately well drained
Description:	consists of silty glaciolacustrine deposits derived from igneous and sedimentary rock. Depth to a root restrictive layer is greater than 40 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches is very high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 20 inches during March, April, May. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability class is 3.
Name:	Cosad loamy fine sand, 0 to 3 percent slopes
Symbol:	CuA
Kind:	Consociation
Dominant drainage class:	Somewhat poorly drained
Wettest drainage class:	Somewhat poorly drained
Description:	consists of sandy glaciolacustrine deposits derived from igneous and sedimentary rock over clayey glaciolacustrine deposits derived from igneous and sedimentary rock. Depth to a root restrictive layer, abrupt textural change, is 18 to 40 inches. The natural drainage class is somewhat poorly drained. Water movement in the most restrictive layer is low. Available water to a depth of 60 inches is very low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 12 inches during January, March, April, May, November, December. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability class is 3.
Name:	Cosad loamy fine sand, 3 to 8 percent slopes
Symbol:	CuB

Kind: Consociation

Dominant drainage class: Somewhat poorly drained

Wettest drainage class: Somewhat poorly drained

Description: consists of sandy glaciolacustrine deposits derived from igneous and sedimentary rock over clayey glaciolacustrine deposits derived from igneous and sedimentary rock. Depth to a root restrictive layer, abrupt textural change, is 18 to 40 inches. The natural drainage class is somewhat poorly drained. Water movement in the most restrictive layer is low. Available water to a depth of 60 inches is very low. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 12 inches during January, March, April, May, November, December. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability classification is 6s. This soil does not

Name: Farmington-Galway complex, 3 to 15 percent slopes, very rocky, very stony

Symbol: FgB

Kind: Complex

Dominant drainage class: Well drained

Wettest drainage class: Well drained

Description: The parent material consists of loamy lodgement till derived from limestone. Depth to a root restrictive layer, bedrock (lithic), is 10 to 72 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is very low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability classification is 6s. This soil does not
The parent material consists of loamy lodgement till derived from limestone. Depth to a root restrictive layer, bedrock (lithic), is 20 to 72 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability classification is 6s. This soil does not

Name: Georgia loam, 3 to 8 percent slopes

Symbol: GeB

Kind: Consociation

Dominant drainage class: Moderately well drained

Wettest drainage class: Moderately well drained

Description: of loamy ablation till derived from igneous and sedimentary rock. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 12 inches during January, February, March, April, May, November, December. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability classification is 6s. This soil does not

Name: Howard very cobbly loam, 8 to 15 percent slopes
Symbol: HcC
Kind: Consociation
Dominant drainage class: Well drained
Wettest drainage class: Well drained
 material consists of gravelly outwash derived from limestone. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is very low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 70 percent. Nonirrigated land capability classification is 4s. This soil does not meet the requirements for a soil series.

Description:

Name: Howard gravelly fine sandy loam, 2 to 8 percent slopes, loamy substratum
Symbol: HmB
Kind: Consociation
Dominant drainage class: Well drained
Wettest drainage class: Well drained
 material consists of gravelly outwash derived from limestone over loamy lodgment till derived from limestone. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches is low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 60 percent. Nonirrigated land capability classification is 4s. This soil does not meet the requirements for a soil series.

Description:

Name: Kalurah silt loam, 3 to 8 percent slopes, very stony
Symbol: KgB
Kind: Consociation
Dominant drainage class: Moderately well drained
Wettest drainage class: Moderately well drained
 material consists of loamy lodgment till derived from igneous and sedimentary rock. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. A seasonal zone of water saturation occurs within a depth of 22 inches during January, February, March, April, May, November, December. Organic matter content in the surface horizon is about 60 percent. Nonirrigated land capability classification is 4s. This soil does not meet the requirements for a soil series.

Description:

Name: Kingsbury silty clay loam, 0 to 3 percent slopes
Symbol: KyA
Kind: Consociation

Dominant drainage class: Somewhat poorly drained

Wettest drainage class: Somewhat poorly drained

Description:

material consists of clayey glaciolacustrine deposits derived from igneous and sedimentary rock. Depth to a root restrictive layer is 60 inches. The natural drainage class is somewhat poorly drained. Water movement in the most restrictive layer is very low. Available depth of 60 inches is low. Shrink-swell potential is very high. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is 9 inches during January, February, March, April, May, December. Organic matter content in the surface horizon is about 4 percent. No

Name:

Kingsbury silty clay loam, 3 to 8 percent slopes

Symbol:

KyB

Kind:

Consociation

Dominant drainage class: Somewhat poorly drained

Wettest drainage class: Somewhat poorly drained

Description:

material consists of clayey glaciolacustrine deposits derived from igneous and sedimentary rock. Depth to a root restrictive layer is 60 inches. The natural drainage class is somewhat poorly drained. Water movement in the most restrictive layer is very low. Available depth of 60 inches is low. Shrink-swell potential is very high. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is 9 inches during January, February, March, April, May, December. Organic matter content in the surface horizon is about 4 percent. No

Name:

Massena gravelly silt loam, 0 to 3 percent slopes

Symbol:

McA

Kind:

Consociation

Dominant drainage class: Somewhat poorly drained

Wettest drainage class: Somewhat poorly drained

Description:

consists of loamy lodgement till derived from limestone. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is somewhat poorly drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 9 inches during January, February, March, April, May, November, December. Organic matter content in the surface horizon is about 8 percent. No

Name:

Massena gravelly silt loam, 3 to 8 percent slopes

Symbol:

McB

Kind:

Consociation

Dominant drainage class: Somewhat poorly drained

Wettest drainage class: Somewhat poorly drained

Description:	consists of loamy lodgement till derived from limestone. Depth to a root restrictive layer is greater than 60 inches. The natural drainage is somewhat poorly drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 9 inches. January, February, March, April, May, November, December. Organic matter content in the surface horizon is about 8 percent. No
Name:	Nellis fine sandy loam, 3 to 8 percent slopes
Symbol:	NeB
Kind:	Consociation
Dominant drainage class:	Well drained
Wettest drainage class:	Well drained
Description:	material consists of loamy lodgement till derived from limestone. Depth to a root restrictive layer, densic material, is 60 to 72 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 60 inches. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability classification is 2e. This soil is
Name:	Nellis fine sandy loam, 8 to 15 percent slopes
Symbol:	NeC
Kind:	Consociation
Dominant drainage class:	Well drained
Wettest drainage class:	Well drained
Description:	material consists of loamy lodgement till derived from limestone. Depth to a root restrictive layer, densic material, is 60 to 72 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 60 inches. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability classification is 3e. This soil is
Name:	Nellis fine sandy loam, 15 to 25 percent slopes
Symbol:	NeD
Kind:	Consociation
Dominant drainage class:	Well drained
Wettest drainage class:	Well drained

Description:	material consists of loamy lodgement till derived from limestone. Depth to a root restrictive layer, densic material, is 60 to 72 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 60 inches. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability classification is 4e. This soil is
Name:	Niagara silt loam, 0 to 3 percent slopes
Symbol:	NgA
Kind:	Consociation
Dominant drainage class:	Somewhat poorly drained
Wettest drainage class:	Somewhat poorly drained
Description:	consists of silty glaciolacustrine deposits derived from igneous and sedimentary rock. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is somewhat poorly drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. A seasonal zone of water saturation occurs within a depth of 9 inches during January, February, March, April, May, December. Organic matter content in the surface horizon is about 4 percent.
Name:	Pittsfield loam, 3 to 8 percent slopes
Symbol:	PfB
Kind:	Consociation
Dominant drainage class:	Well drained
Wettest drainage class:	Well drained
Description:	consists of loamy ablation till derived from igneous and sedimentary rock. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 60 inches. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability classification is 2e. This soil is
Name:	Pittsfield loam, 25 to 45 percent slopes
Symbol:	PfE
Kind:	Consociation
Dominant drainage class:	Well drained
Wettest drainage class:	Well drained

Description:	consists of loamy ablation till derived from igneous and sedimentary rock. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 60 inches. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability classification is 7e. This soil is
Name:	Pyrities fine sandy loam, 3 to 8 percent slopes
Symbol:	PtB
Kind:	Consociation
Dominant drainage class:	Well drained
Wettest drainage class:	Well drained
Description:	of loamy lodgment till derived from igneous and sedimentary rock. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 60 inches. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability classification is 2e. This soil is
Name:	Pyrities-Nehasne complex, 8 to 15 percent slopes, rocky, very stony
Symbol:	PwC
Kind:	Complex
Dominant drainage class:	Well drained
Wettest drainage class:	Well drained
Description:	material consists of loamy lodgment till derived from igneous and sedimentary rock. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability classification is 6s. This soil is
Description:	material consists of loamy lodgment till derived from igneous and sedimentary rock. Depth to a root restrictive layer, bedrock (lithology) is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is very low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability classification is 6s. This soil is
Name:	Sun silt loam, 0 to 3 percent slopes
Symbol:	SuA
Kind:	Consociation
Dominant drainage class:	Poorly drained

Wettest drainage class: Poorly drained

material consists of loamy lodgment till derived from limestone. Depth to a root restrictive layer, densic material, is 20 to 40 inches. The natural drainage class is poorly drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 0 inches.

Description: January, February, March, April, May, June, October, November, December. Organic matter content in the surface horizon is about 5 percent.

Name: Vergennes silty clay loam, 3 to 8 percent slopes

Symbol: VeB

Kind: Consociation

Dominant drainage class: Moderately well drained

Wettest drainage class: Moderately well drained

material consists of clayey glaciolacustrine deposits derived from igneous and sedimentary rock. Depth to a root restrictive layer is 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches is moderate. Shrink-swell potential is very high. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 20 inches during January, February, March, April, May, December. Organic matter content in the surface horizon is about 5 percent.

Description: January, February, March, April, May, December. Organic matter content in the surface horizon is about 5 percent.

Name: Vergennes silty clay loam, 8 to 15 percent slopes

Symbol: VeC

Kind: Consociation

Dominant drainage class: Moderately well drained

Wettest drainage class: Moderately well drained

material consists of clayey glaciolacustrine deposits derived from igneous and sedimentary rock. Depth to a root restrictive layer is 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches is moderate. Shrink-swell potential is very high. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 20 inches during January, February, March, April, May, December. Organic matter content in the surface horizon is about 5 percent.

Description: January, February, March, April, May, December. Organic matter content in the surface horizon is about 5 percent.

Name: Vergennes silty clay loam, 15 to 25 percent slopes

Symbol: VeD

Kind: Consociation

Dominant drainage class: Moderately well drained

Wettest drainage class: Moderately well drained

Description:	material consists of clayey glaciolacustrine deposits derived from igneous and sedimentary rock. Depth to a root restrictive layer is 60 inches. The natural drainage class is moderately well drained. Water movement in the most restrictive layer is very low. Available depth of 60 inches is moderate. Shrink-swell potential is very high. This soil is not flooded. It is not ponded. A seasonal zone of water is at 20 inches during January, February, March, April, May, December. Organic matter content in the surface horizon is about 5 percent.
Name:	Windsor loamy sand, 3 to 8 percent slopes
Symbol:	WnB
Kind:	Consociation
Dominant drainage class:	Excessively drained
Wettest drainage class:	Excessively drained
Description:	consists of sandy glaciolacustrine deposits derived from igneous and sedimentary rock. Depth to a root restrictive layer is greater than 72 inches. The natural drainage class is excessively drained. Water movement in the most restrictive layer is high. Available water to a depth of 72 inches is very low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within 72 inches. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 3s. This soil is not flooded.

APPENDIX J
PUBLIC HEARING NOTICE



Adirondack Park Agency

SHERMAN CRAIG
Chairman

TERRY MARTINO
Executive Director

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT TO THE OFFICIAL ADIRONDACK PARK LAND USE AND DEVELOPMENT PLAN

Map Amendment 2017-01

PLEASE TAKE NOTICE that a public hearing will be held by the Adirondack Park Agency pursuant to Section 805 of the Adirondack Park Agency Act and 6 NYCCR Part 617 to amend certain lands on the Official Adirondack Park Land Use and Development Plan Map located in the Town of Essex, Essex County (MA2017-01). The proposed amendments were requested by the Town of Essex. The public hearing will be held on May 23, 2017 at 2:00 PM at the Essex Town Hall, located at 2313 Main Street, Essex, NY.

The proposed amendment would reclassify 15 areas ranging in size from 2.3 acres to 2,599 acres. The proposed amendments, their size, and general locations are as follows:

Area A – Moderate Intensity Use to Low Intensity Use. A 35.4 acre area north of Blockhouse Road and west of Lake Shore Road. Area B – Low Intensity Use to Resource Management. A 24.3 acre area between Blockhouse Road and a line 1,320 feet south of Blockhouse Road; and between a line 1,320 feet west of Lake Shore Road and a line 528 feet west of Lake Shore Road. Area C – Resource Management to Hamlet. A 5.5 acre area south of Library Brook, west of Lake Shore Road and north of NYS Route 22; and includes the parcel that contains the Belden Noble Memorial Library. Area D – Moderate Intensity Use to Resource Management. An 18.5 acre area between Lake Shore Road and a line 528 feet west of Lake Shore Road; and between the boundary between Pott's Patent and the Gore South of Pott's Patent. Area E – Moderate Intensity Use to Resource Management. A 2.3 acre area between Lake Shore Road and the shoreline of Lake Champlain; and between the boundary between Pott's Patent and the Gore South of Pott's Patent. Area F – Resource Management to Rural Use. A 60.7 acre area west of Lake Shore Road, at its intersection with Whallons Bay Road. North of Whallons Bay Road, Area F includes the land between a line 528 feet west of Lake Shore Road and a line 1,320 feet west of Lake Shore Road, and is bound on the north side by the Crater Club property. South of Whallons Bay Road, Area F is bound on the west and south by an unnamed stream and on the east by Lake Shore Road. Area G – Resource Management to Low Intensity Use. A 76.1 acre area west of Lake Shore Road, south of Whallons Bay. Area G is bound on the west and north by an unnamed stream, on the east by Lake Shore Road and on the south by a line that is 1,320 feet north of Cross Road. Area H – Rural Use to Resource Management. A 266.6 acre area in the southeast corner of the Town from the Town of Westport to Split Rock Point. Area I – Rural Use to Resource Management. A 2,599

acre area west of Whallonsburg and Mather Road, north of the Essex/Westport boundary, east of a north-south segment of Walker Road, and south of a line that is 1,320 feet south of Cook Road. Area J – Rural Use to Resource Management. A 49.0 acre area west of Leaning Road, in an area east of Boquet Mountain. Area K – Rural Use to Resource Management. A 706.6 acre area south of Jersey Street that includes Boquet Mountain and South Boquet Mountain. Area L – Low Intensity Use to Rural Use. A 709.4 acre area west of Boquet River, south of the Essex Town boundary, north of Jersey Street and east of Sanders Road and Brookfield Road. Area M – Low Intensity Use to Rural Use. A 487.1 acre area west of Brookfield Road, north of Church Road, north and east of Daniel Road and south of an old road that runs roughly 2,000 feet south of Jersey Street. Area N – Rural Use to Low Intensity Use. A 35.3 acres area west of Daniel Road, between Jersey Street and Mason Road and east of a line that is 528 feet west of Daniel Road. Area O – Rural Use to Resource Management. A 422.1 acre area that is located along the western boundary of the Town, and includes Payne Mountain and the western slopes of Ferguson and Whipple Mountains.

A Draft Supplemental Environmental Impact Statement, together with a Notice of Completion, has been prepared for this proposed action pursuant to the State Environmental Quality Review Act and is on file at the Adirondack Park Agency headquarters in Ray Brook, NY and is available on the Adirondack Park Agency website (www.apa.ny.gov). Written comments on the proposed map amendment will be accepted until June 12, 2017, and can be submitted to the address below.

Further details may be obtained by contacting: Matthew Kendall, Natural Resources Planner, Adirondack Park Agency, PO Box 99, Ray Brook, NY 12977; (518)891-4050.

APPENDIX K
SUMMARY OF PUBLIC HEARING

The following is a summary of the public hearing for Map Amendment 2017-01(Essex) held on May 23, 2017 at the Essex Town Hall:

Keith McKeever provided an overview of the hearing process. Matthew Kendall provided an overview the Adirondack Land Use and Development Plan map, land classification system, map amendment review process and the decision criteria. Mr. Kendall explained the Towns proposed amendments and that the Agency had prepared as Draft Supplemental Environmental Impact Statement on the proposal. He then provided a brief overview on all fifteen areas.

Mr. Kendall stated that before accepting formal comments for the record, he would attempt to answer any questions the audience had about the Town's request or the Agency's review process.

A member of the public asked about the criteria for resource management, and commented that the proposed significantly reduces the number of possible building or expansion in the Town because it is much more restrictive that in has been. Mr. Kendall read from Section 805 of the APA Act the purposes, policies and objectives of Resource Management areas, and informed audience that DSEIS has information and maps that describe several of the characteristic mentioned, such as soils and slopes, for all of the areas under consideration and proceeded to show the audience some examples of slope and soil maps.

An audience member asked if the Town should has notified landowners in writing about its request. Mr. Kendall explained that the Agency is required by law to notify all affected and adjacent landowners but cannot speak to the Town's requirements. The same audience member stated that the proposal for Area K would include moving four smaller lots into the Resource Management classification. Mr. Kendall requested that the audience hold their comments on the proposal until all questions are answered.

One member of the audience asked for clarification about the Town's intention for the proposal. Mr. Kendall stated that the Towns proposal would bring the APA map more aligned with the Towns zoning map. A member of the audience asked if the Town made the same changes to their map. Mr. Kendall explained that the Town made several changes to their zoning map, some of which didn't involve any of the fifteen areas and that if the Agency approves the requested map amendments, the two maps with match allowable densities closely in most areas.

Jim Van Hoven, Chairman of the Essex Planning board, offer to explain the Town's objective. Mr. Van Hoven referred to Area I as an example, which is classified as "Resource Management" by the Town zoning and Rural Use by the APA. He noted that if you live in that area you are subject to the more restrictive Town zoning. Under the proposal, the Agency would change the classification of Area I to Resource Management to match the Town's zoning. Mr. Kendall highlighted another example, Area G, in which the Town is requesting that the Agency reclassify the area from Resource Management to Low Intensity Use to match the Town zoning.

Mr. Kendall reminded the audience of the Agency's review and decision criteria and pointed out that the Agency will make a decision on each individual area based on those decision criteria. Mr. Van Hoven noted that under the proposed change for Area G, the Agency would make the area less restrictive. He said the Town felt that Area G would fit better with the Low Intensity Use classification, in part due to the existing development which consists of several small lots.

A member of the audience asked Mr. Van Hoven what the overriding purpose of the Town's changes were. Mr. Van Hoven responded that some changes were obvious based on land use, such as agricultural areas were Resource Management, forested areas were primarily Rural Use. He noted that the audience member asking was probably mostly concerned with Area N, which his property was. Mr. Kendall noted that the Town made no changes to Area N on their zoning map but was asking the Agency to change its classification to match the Town's zoning there. Mr. Kendall pointed out that not all of the proposed map amendments resulted from Town zoning map changes, and explained that the Agency and Town started the process several years ago by identifying all of the areas where there was some discrepancy between the two maps.

A member of the audience asked if the Town notified landowners when the Town made changes to its zoning. Mr. Van Hoven answered in the affirmative, noting that the Town held three public hearings and notification was provided as required, including newspaper notices. Mr. Kendall said that he believes notifying each landowner by mail is uncommon and comes at a considerable expense.

A member of the audience asked again about the reason behind the Town changes, mentioning taxes as a possibility. Mr. Van Hoven stated that taxes were not a consideration. He further explained that Agency staff and Town representatives had conversations to discern why land certain areas were classified the way they were and based on the location and character of the lands made recommendations. He stated that when the APA became involved, the discussion became more specific based on the Agency's criteria, noting that the deliberation included examining soils in the field.

An audience member commented about the rationale given for Area G included the small size of the lots, which resulted in a request to change the area to Low Intensity Use, but in Area K, three small lots would become classified as Resource Management. Mr. Kendall said that Area G was classified as Moderate Intensity Use by the Town, Resource Management by the APA, and based on examination of the soils, the Town changes their map to rezone this area as Low Intensity Use and is asking the APA to do the same. He also stated that the Agency will need to find that Area K meets the criteria for Resource Management in order to reclassify it. To clarify, this audience member asked if the Agency does not find that the area meets the criteria for Resource Management, the Agency will not approve the Town's request. Mr. Kendall confirmed that statement, and noted that the Town and Agency staff have had conversations about the classifications of the areas, but the Agency board makes the final decisions on map amendments. An audience member asked for clarification, that if a landowner

was opposed to a change, they should submit a comment to the APA and Town. Mr. Kendall responded that the Agency is seeking for comment on these proposed changes.

An audience member asked about a situation where an individual parcel contains three different classifications. Mr. Kendall explained that in a situation such as that a portion of a parcel that is covered by a particular classification is subject to the rules of that classification.

An audience requested clarification regarding the Town and Agency staff agreeing on a final map, given that the Town already made changes to its map, if the Agency reconsiders some of these changes, would it cause the Town to make changes to its map? Mr. Kendall explained that regardless of the Agency's final decision, the Town is not obligated to make any further changes. He also explained that while no final approvals have been made, the Agency board did review these proposed changes when it approved the DSEIS. He also explained that the Town zoning and APA land use plan are different laws and but in Essex, they are very similar with respect to density. Mr. Van Hoven commented that if the Agency did not approve one of the changes with good reason, the Town would be remiss not to consider rezoning that area.

An audience member asked Mr. Van Hoven if he was aware of the APA's boundary criteria when the Town started this project. Referring to Area O, the audience member pointed out that the Town uses elevation contours while the Agency used straight lines. He asked Mr. Van Hoven if the Town would consider addressing that discrepancy. Mr. Van Hoven stated that they were aware of the APA criteria and not being able to use contours but it was decided that the Town would use them. Mr. Kendall pointed out that the contours were used as boundaries for the Critical Environmental Area zones, not the Resource Management zones, and the CEA were drawn to capture a specific feature such as a mountain. An audience member commented that for Area O, the Town and APA area were very different. Mr. Kendall stated that the Town also has the CEA zone, but the boundaries for Area O were drawn to match the Town's Resource Management zone. Mr. Van Hoven stated that at one point in the process, the Town removed the CEA zone completely but decided to put them back in.

An audience member asked Mr. Van Hoven about the reason for wanting the APA map amendments. Mr. Van Hoven said given there are two separate maps, it made sense to try to get them to align. Mr. Van Hoven pointed to the library as an example, where its Town's Hamlet zone but in the APA Resource Management area. An audience member asked if the intention was to make it simpler for landowners. Mr. Van Hoven answered that it was one reason but there was also some discussion about the Town of Essex attaining an Approved Local Land Use Program (ALLUP) by the Agency. As the process moved forward, the Town moved away from that idea because of the small size of the Town and the resources and expertise that the Agency has. Mr. Kendall briefly explained the ALLUP program.

Mr. McKeever then asked if anyone would like to make a formal comment on the proposed amendments. He reminded the audience that the public may also submit written comments, which will be considered in the same manner as oral comments.

Nancy Dugal stated that her property is in Area K, at approximately 750 feet in elevation, which is less than 2,500 feet. She stated that there are already several lots with homes that would be moved to 42 area lots (Resource Management) and that should would have more building lots if the classification doesn't change. She stated that she'd rather go to the Town for a variance than the APA. She said she preferred that her property no be reclassified.

Mr Pruitt- asked if there is a benefit to having both the APA and local zoning, and is there a reason to have local zoning. Mr. McKeever explained that the Agency regulations are more regional and density driven, while the Town zoning is more specific such as building setbacks and types of uses.

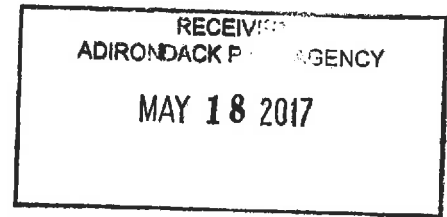
Corey Weidenback stated that he appreciated the Agency holding. He stated that he was learning today that his property was rezoned by the Town in 2015. Mr, Weidenback asked if the Town is only trying to harmonize the two maps as a result of the 2015 changes or were certain areas looked at differently in 2015 to reclassify.

After asking for further comments, Mr. McKeever closed the hearing.

APPENDIX L
COMMENT LETTERS RECEIVED

Matthew Kendall
Natural Resources Planner
A.P.A. Box 99
Ray Brook, N.Y. 12977

May 15, 2017



Dear Mr. Kendall,

I am a summer resident of Essex, N.Y. at 1641 & 1647 Lake Shore Rd. in the area marked Area G on the new Map Amendment 2017-01 for the Town of Essex. According to the map and information I received at my home in Portland, Me., comments and questions were to be received at the Town Office of Essex by the meeting time of May 23, 2017, or mailed to you.

Here are my questions:

1. Why the changes?
2. Does the change from RM to LU of Area G affect my tax assessment and/or school and property taxes?
3. Does the change affect what I can or cannot do to my properties?
4. Does this change affect the Whallon's Bay Town Beach, as I have a boat and mooring there?

I would appreciate your remarks on these questions from you and/or the Town Office of Essex.

Sincerely yours,
Edwin Douglas

Jack Halpin
2304 Washington Ave
Redding, CA 96001
TEL (530) 246 3410
JHALPIN677@AOL.COM



May 14, 2017
Matthew Kendall
National Resources Planner
Adirondack Park Agency
PO Box 99
Ray Brook, NY 12977

Re: Map Amendment 2017-01

Dear Mr. Kendall,

I received a Notice of Public Hearing concerning Map Amendment 2017-01.

The Notice contains the following description of the proposed Hamlet designation:

“Area C-Resource Management to Hamlet. A 5.5 acre south of Library Brook, west of Lake Shore Road and north of NYS Route 22; and includes the Belden Noble Memorial.” [Emphasis Added]

NYS Route 22 as depicted, on the accompanying map, runs west to east along the northern border of the area depicted as ‘Hamlet’ to Lake Champlain and then north towards Plattsburgh.

I do not understand how the description of the ‘Hamlet’ as ‘north of NYS Route 22’ could be consistent with the map. I believe the map correctly locates NYS Route 22. The only area depicted on the map north of NYS Route 22 appears to be the Essex-Charlotte Ferry Landing, the building occupied by the Old Dock and the building occupied by the Adirondack Art Association. The total acreage of these parcels does not approach 5.5 acres. On the other hand, the total acreage depicted on the map as ‘Hamlet’ appears to me to be more than 5.5 acres.

I trust you will write me and relieve me of my confusion.


Jack Halpin

Tuesday, May 30, 2017

Brian C. Dubay
PO BOX 96
North Hudson, NY

Re: Map Amendment 2017-01

Dear Mr. Kendall:

Please consider this correspondence to be a written comment pertaining to Map Amendment 2017-01 regarding changes to the Adirondack State Land Use and Development Plan Map.

My comment is specific to changes affecting my lands on Alden Road. More specifically Area O as designated in your letter of May 8, 2017. I would ask that the boundary of Area O be re-written or that the Area be removed for consideration from the Map Amendment. The line currently is arbitrary, as it bisects or goes adjacent to Critical Environmental Areas that should share the same consideration in the Environmental Impact Statement prepared by your Agency. The steep shallow soils of Whipple Mountain are not included at the same time a 60 acre field of a similar soil type is bisected. The line runs within 100 yards, but does not include a regulatory wetland in the pass between Ferguson and Whipple Mountain. My understanding is Area O was created to match current Town of Essex zoning controls, controls that appear to match more closely the critical environmental areas in that area. I do not believe that Area O as described in the DEIS retains the same protections after your drafting to meet Section 805 (2) (c) (5) of the Adirondack Park Agency Act stating "map amendment be regional in scale and follow "regional boundaries" such as roads, streams, municipal boundaries, Great Lot boundaries or standard setbacks from these boundaries."

Please consider re-drafting Area O or remove it from consideration in this amendment.

Respectfully,

Brian Charles Dubay



Tuesday, May 30, 2017

Marianne Patinelli-Dubay
PO BOX 96
North Hudson, NY

Re: Map Amendment 2017-01

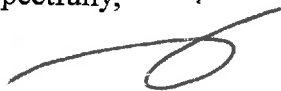
Dear Mr. Kendall:

Please consider this correspondence to be a written comment pertaining to Map Amendment 2017-01 regarding changes to the Adirondack State Land Use and Development Plan Map.

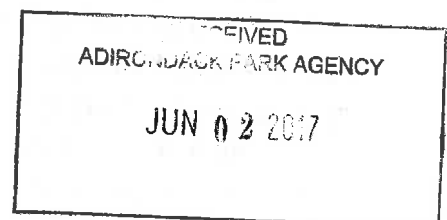
My comment is specific to changes affecting lands jointly owned with my husband Brian Charles Dubay on Alden Road. More specifically Area O as designated in your letter of May 8, 2017. I would ask that the boundary of Area O be re-written or that the Area be removed for consideration from the Map Amendment. The line currently is arbitrary, as it bisects or goes adjacent to Critical Environmental Areas that should share the same consideration in the Environmental Impact Statement prepared by your Agency. The steep shallow soils of Whipple Mountain are not included at the same time a 60 acre field of a similar soil type is bisected. The line runs within 100 yards, but does not include a regulatory wetland in the pass between Ferguson and Whipple Mountain. My understanding is Area O was created to match current Town of Essex zoning controls, controls that appear to match more closely the critical environmental areas in that area. I do not believe that Area O as described in the DEIS retains the same protections after your drafting to meet Section 805 (2) (c) (5) of the Adirondack Park Agency Act stating "map amendment be regional in scale and follow "regional boundaries" such as roads, streams, municipal boundaries, Great Lot boundaries or standard setbacks from these boundaries."

Please consider re-drafting Area O or remove it from consideration in this amendment.

Respectfully,



Marianne Patinelli-Dubay





The mission of the ADIRONDACK COUNCIL is to ensure the ecological integrity and wild character of the ADIRONDACK PARK for current and future generations.

June 12, 2017

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EXECUTIVE DIRECTOR

WILLIAM C. JANEWAY

Adirondack Park Agency
Attn: Mr. Matthew Kendall
PO Box 99
Ray Brook, NY 12977
(via electronic submission)

RECEIVED
ADIRONDACK PARK AGENCY
DATE
6/13/2017

RE: *Draft Supplemental Environmental Impact Statement on the Proposed Map Amendment 2017-01 to reclassify 15 areas, totaling approximately 5,518-acres, in the Town of Essex.*

Dear Mr. Kendall,

On behalf of the Adirondack Council, I want to thank you for the opportunity to comment on the *Draft Supplemental Environmental Impact Statement (DSEIS) on the Proposed Map Amendment (2017-01) to reclassify 15 areas, totaling approximately 5,518-acres in the Town of Essex.* We appreciate the Adirondack Park Agency's (APA) efforts to provide a comprehensive review and analysis of this and other recent proposed amendments to the official Adirondack Park Land Use and Development Plan Map (LUDPM).

As the Council has stated on past map amendment proposals, we support map amendments when they uphold the overall intent and integrity of the original LUDPM classifications, harmonize natural resource protection with meaningful economic and cultural expansion for the surrounding community, and provide measureable net gains for all stakeholders. The Council recognizes the value inherent in many of the stated goals for the proposed changes but notes that this is not a singular amendment to the LUDPM but a collection of 15 singular amendment proposals. While the associated areas are individual in nature, they should be weighed and evaluated using appropriate Agency criteria to ensure that they capture appropriate natural resource concerns and long-term development impacts at both the individual and cumulative level.

The scale and scope of the proposed changes to the LUDPM, as well as the unique review process needed to account for 15 individual amendments, presents a complex challenge that will clearly set precedents on how future map amendments are proposed and implemented. This is an opportunity for the Agency to offer firm,



DEFENDING THE EAST'S GREATEST WILDERNESS

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SUSTAINABLE FORESTRY INITIATIVE

definitive guidance for municipalities and the general public that clarifies the APA's technical and regulatory expertise and reflects the Agency's institutional knowledge as the guardian of the LUDPM for the past 40 years.

As noted in Section 801 of the APA Act, "The Adirondack park land use and development plan set forth in this article recognizes the complementary needs of all the people of the state for the preservation of the park's resources and open space character and of the park's permanent, seasonal and transient populations for growth and service areas, employment, and a strong economic base, as well. In support of the essential interdependence of these needs, the plan represents a sensibly balanced apportionment of land to each. Adoption of the land use and development plan and authorization for its administration and enforcement will complement and assist in the administration of the Adirondack park master plan for management of state land. Together, they are essential to the achievement of the policies and purposes of this article and will benefit all of the people of the state."

Council staff have reviewed the DSEIS and attachments, attended the Agency's public hearing, viewed the public archive of the staff presentation to the Board, and have concluded that the information exists for the APA to make an informed, educated, and technically consistent final recommendation on the map amendment requested by the Town of Essex. We commend the Agency for the thoroughness and level of detail captured in the DSEIS and for the extensive analysis that possible changes in each area would entail.

We have noted in our internal review and evaluation of the DSEIS that the vast majority (97%) of the proposed lands would revert to a more restrictive land use classification, just as we noted that over 177-acres would also be changed to a less restrictive classification, with over 114-acres moving from Resource Management to Low Intensity. We have marked the precision with which the GIS mapping and analysis has showed how soil and slope affect the ability of each area to meet the specific criteria that define these detailed land use classifications. We have categorized how the proposed changes would alter current protections, such as the removal of Critical Environmental Area designations, just as we have noted that the proposed increase in Hamlet connects to existing water and sewer infrastructure. These details need to be clearly captured in the FSEIS narrative and we urge the Agency to ensure that the associated final recommendations are clear, concise, and speak to both the individual and cumulative impacts each proposed change will have.

The tools presented within the DSEIS are sufficient for the APA to make the kind of meaningful recommendations and response that this amendment request warrants. While outside stakeholders can poke and prod at this document, there is a recognition that this is what the APA was created to do, use the best technical and professional talent available to make hard decisions that "recognize the complementary needs of all the people of the state for the preservation of the

park's resources and open space character and of the park's permanent, seasonal and transient populations for growth and service areas, employment, and a strong economic base.”

Fundamentally, map amendments are not an exercise in finding compromise but distilling the specific legal, regulatory, and technical merits down to an appropriate conclusion that is fully documented and supported within a Final SEIS. The Council believes there is much to celebrate in many of the changes contained in the proposals, just as there are a number of issues that need to be evaluated and accounted for. We urge the APA to be diligent in their review and to provide the kind of robust analysis that will result in a FSEIS that all stakeholders will recognize as being true to the APA's mission and in keeping with your role as the arbitrators and custodians of the Land Use and Development Plan Map.

In closing, the Council believes this is a pivotal time for the Agency as these types of large land use amendment requests will only increase. We encourage the APA to complete a final comprehensive review of the proposed map amendment changes with an eye on the precedent setting nature that it represents. The opportunity exists for the Agency to provide a powerful statement on the future of both private and public lands in the Park, and how they will be expected to interface in the future. Thank you for accepting our comments and addressing our concerns.

Sincerely,

A handwritten signature in blue ink that reads "Rocci Aguirre". The signature is fluid and cursive, with the first name "Rocci" and last name "Aguirre" clearly distinguishable.

Rocci Aguirre
Conservation Director

MILLER, MANNIX, SCHACHNER & HAFNER, LLC
ATTORNEYS AT LAW

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**Web Site: millermannix.com
E-Mail: jwhite@mmshlaw.com**

Michael J. Hill, Of Counsel

June 9, 2017

**Adirondack Park Agency
Attn.: Matthew Kendall
1133 NYS Route 86
PO Box 99
Ray Brook, NY 12977-0099**

**VIA FEDEX – PRIORITY OVERNIGHT
& E-MAIL: matthew.kendall@apa.ny.gov**

Re: Proposed Map Amendment 2017-01 - Braidlea Farms LP

Dear Mr. Kendall:

We represent Braidlea Farms LP, who owns a majority of the property identified as "Area A" on Proposed Map Amendment 2017-01 (PMA 2017-01) and write to object to the proposed reclassification of Braidlea's lands from "Moderate Intensity Use" (MIU) to "Low Intensity Use" (LIU). Braidlea was not aware of the Town of Essex's (Town) requested reclassifications set forth in PMA 2017-01 until it received your Agency's notice of May 8, 2017 regarding the Public Hearing and comment period. Braidlea has not been given the opportunity to comment on or even been made aware of the Town of Essex's underlying reason for this request.

Our first concern is an inconsistency regarding the description of "Area A". It is described on the map of proposed amendments and in the Environmental Setting section of the Draft Supplemental Environmental Impact Statement (DSEIS) as being a total of 35.4 acres. However, this acreage appears to be inconsistent with Table 3 of the DSEIS setting forth the tax map parcels comprising "Area A", which indicates that Area A comprised of: 1) a 32.4 acre portion of tax map parcel number 40.3-2-6.00, which is owned by Braidlea; and 2) a 1 acre parcel identified as tax map parcel number 40.57-1-1.000, which is owned by an unrelated entity. The breakdown by tax map parcels total only 33.4 acres, not 35.4 acres. Due to this inconsistency and the fact that Braidlea and entities under the same common ownership as Braidlea own much of the adjacent lands, we are concerned that this reclassification potentially impacts more than 32.4 acres of our client's lands.



**RECEIVED
ADIRONDACK PARK AGENCY
DATE 6/12/2017**

More importantly, there is no reasonable justification for a more restrictive reclassification of any of Braidlea's lands. The proposed map amendments must be evaluated in accordance with the criteria set forth at Adirondack Park Agency Act Section 805, the Adirondack Park Agency (APA) Regulations, as well as the Town of Essex Comprehensive Plan, Local Waterfront Revitalization Program and Zoning Laws. We have consulted with the environmental and planning firm, The Chazen Companies. Based upon our and Chazen's review of the relevant criteria and documents we believe the proposed action with respect to Area A is inappropriate for the reasons addressed in detail below.

TOWN OF ESSEX COMPREHENSIVE PLAN

The current Town Zoning and APA land use classifications along the Route 22 corridor, including Area A, are consistent with the Town of Essex Comprehensive Plan. There is no recommendation or information in the Comprehensive Plan that would support the proposed reclassification.

The Town Comprehensive Plan was created with significant public input. We understand that, as part of the development of the Comprehensive Plan, the Zoning and Shoreline Review subcommittee held two well-attended public sessions in 1999 and all meetings of the committee were open to the public. Presumably based upon this public input, Part II of the Comprehensive Plan recognizes that the existing ferry services in Essex provide a major access point to Essex County, northern New York and the Adirondack Park, and that "tourism and recreation utilizing the incomparable natural and cultural resources of Lake Champlain are economic activities which no community can afford not to incorporate in any revitalization effort..." Given Area A's proximity to Lake Champlain, the Hamlet of Essex and nearby ferry services (approximately 0.6 miles), the current APA classification is appropriate and consistent with the Town's Comprehensive Plan.

The Comprehensive Plan supports the Lake Champlain Byways, a collaborative effort between three New York County Planning offices, including Essex County, and four Vermont regional planning commissions, which developed a plan for a 250-mile bi-state route surrounding Lake Champlain. This bi-state route includes Route 22 in the Town of Essex. Several locations along Route 22, including the Hamlet of Essex, have been designated as Lake Champlain "Waypoint Communities", because of their ability to provide various services and resources to tourists. Area A's proximity to the Hamlet of Essex and Route 22 (i.e., Lake Champlain Byways) and the current zoning and APA classification provide tourist and economic development opportunities consistent with the goals of the Comprehensive Plan. Altering Area A's land classification is contrary to these goals.

Part III of the Comprehensive Plan states, "the Town wishes to encourage high quality growth, which will increase the community's ability to finance basic services and

public improvements". The Comprehensive Plan also notes, "land use regulations and programs should try to use common sense to balance the right to reasonable use of one's property, the right of adjacent property owners to co-exist without undue negative impacts, and the right of the Town to expect that new development will enhance the community and will not have hazardous environmental impacts." Given Area A's proximity to the Hamlet of Essex and Route 22, as well as its existing environmental conditions, specifically favorable topography, limited wetland resources and limited forest growth, it is clear that the current classification supports the type of growth envisioned and encouraged under the Comprehensive Plan.

There are also several Comprehensive Plan specific goals and recommendations that directly and indirectly support Area A's current classification. These include the following:

Goal 1.1 Economic Development:

- *Locations for light industrial and commercial development will be considered throughout the Town where feasible.*

While no development is currently proposed for Area A, the potential for commercial uses under the existing MIU classification support this recommendation.

Goal 1.2 Housing:

- *Encourage a variety of high quality housing types to meet the needs of all residents, especially young families and senior citizens.*

While no development is currently proposed for Area A, the potential for residential uses under the existing MIU classification would support this recommendation.

- *Encourage subdivisions which economize on roads, utilities and, services, and protect scenic beauty, agricultural lands, and natural resources.*

If developed in accordance with Local and State regulations, Area A's proximity to existing roadways and access points (i.e., Route 22, Block House Road and Braidlea Road), as well as its existing environmental conditions that are advantageous to quality development (i.e., favorable topography, limited wetland resources, limited forest growth and distance from Lake Champlain), would certainly result in a subdivision that meets this recommendation.

Goal 1.4 Tourism:

- *Support the efforts of the Lake Champlain Byways Program of Essex County in their efforts to promote and interpret the region for the benefit of tourism, economic, and community development.*

The existing MIU classification of Area A supports opportunities for related economic growth along the Lake Champlain Byways.

Area A's MIU classification supports the goals and recommendations set forth in the Town Comprehensive Plan. Reclassification to LIU will run contrary to the Comprehensive Plan and discourage the type of well-planned development and tourism envisioned.

TOWN OF ESSEX LOCAL WATERFRONT REVITALIZATION PLAN (LWRP)

The Essex LWRP strongly supports Area A's current APA classification. Area A is located within the Waterfront Revitalization Area, which correlates to the Town's Shoreline Overlay District Boundary. The LWRP Scenic Resources Section notes that Route 22 carries a large amount of automobile tourist traffic. Policy 1 of the LWRP is to "foster a pattern of development in the waterfront area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimizes adverse effects of development." Section 1.3 under Policy 1 states that the waterfront area north of the hamlet, where Area A is located, "should be maintained primarily for residential use of moderate intensity, while allowing a range of uses other than non-resource based industrial uses." The proposed reclassification of Area A would be contrary to these LWRP policies by significantly limiting development in an area that has been noted for its tourist travel and earmarked for "moderate intensity" development.

TOWN OF ESSEX ZONING

The Town of Essex's current Zoning is consistent with the APA's current MIU designation for Area A. The eastern portion of Area A is situated in the Town's Essex Hamlet District (EH-B District). The intent of this District is to encourage development along Route 22 that is compatible with the nearby APA Hamlet of Essex and serve as a transitional zone to nearby lower density zoning. According to Town Zoning Law Section 3.1-1-1, the Hamlet of Essex "represents a generally developed area with a mixture of residential, commercial and recreational/tourism uses". The purpose of the EH-B District is to "preserve the historic character of the Essex Hamlet while allowing compatible development on a suitable scale". Town Zoning Law Section 3.1-1-2. Area

A is also located in the westernmost portion of the Shoreline Overlay District, which represents lands that lie within 2,300 feet of the mean high water mark of Lake Champlain. The uses allowed in the underlying EH-B District remain in effect in the Overlay, except that a special use permit is required. The current APA MIU classification supports the goals of the EH-B District by allowing development along Route 22 that would act as an appropriate transition between the Hamlet and less developed areas. On the contrary, the proposed reclassification to LIU would result in a nearly 60% reduction in allowable densities.

DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

There appears to be several inconsistencies in the DSEIS. The DSEIS also fails to support the proposed reclassification of Area A. As noted above, we are concerned with inconsistencies regarding the size of Area A as it is unclear exactly how much of Braidlea's lands would be impacted by the reclassification. The DSEIS also notes that Area A is part of a larger 100-acre area currently classified as MIU and that Area A is the only portion west of Route 22. However, the fact that Area A is west of Route 22 does not appear to support its reclassification. Area A is located on Route 22 and is part of the "gateway" into the Town of Essex. It experiences an extensive amount of automobile tourist traffic and is only 0.6 miles from the Hamlet of Essex, which is commonly considered a "walkable" distance. This location is consistent with the MIU classification and correlating allowable development density.

In addition, while the DSEIS indicates that Area A is potentially visible from parts of Lake Champlain, this is not unique to the property or current MIU land classification areas. The existing MIU areas east of Route 22, which are not intended to be reclassified, are more likely to be visible from Lake Champlain than Area A. Moreover, the amendments propose changing Areas C and F to a more intense use, yet Areas C and F are also along Route 22 and potentially visible from Lake Champlain.

The physical conditions of Area A are also suitable for development and support its current classification of MIU. The flat to gently sloping topography makes the area suitable for many forms of development. While, the DSEIS indicates that the many of the soil types found in Area A are rated as "severe limitations" with regard to onsite wastewater systems, this is a typical condition throughout the Adirondack Park that is regularly addressed through appropriately designed wastewater management systems. With that said, it is worth noting that approximately 26% of the soils onsite are rated as "few limitations". Therefore, the topography and soil type are consistent with the MIU classification and do not support a reclassification to LIU.

Figure 7 of the DSEIS shows a mapped wetland in the southwest corner of Area A. The DSEIS on page 20 states that this wetland is approximately 2.5 acres. However, page 2 of the DSEIS indicates that this wetland "is less than an acre and

therefore not a statutory Critical Environmental Area (CEA) pursuant to the Adirondack Park Agency Act". A separate review of APA wetland mapping shows no regulated APA wetlands within Area A. This discrepancy should be addressed. However, it appears that any wetland that may be located in Area A is minimal in size and does not support the reclassification.

Based on the above information, moderate intensity development of Area A consistent with the existing APA classification is expected to have minimal visual impacts and minimal impacts on environmental resources such as soils and wetlands. Moderate intensity development is more likely to result in visual impacts and impacts to environmental resources east of Route 22, closer to the Lake. It appears the requisite hard look at Area A may have not been done to support the proposed reclassification.

APA LAND USE CLASSIFICATION CONSIDERATIONS

Area A is ideally situated for MIU classified lands, running along Route 22 at the gateway into the Town and in walking distance to the Hamlet of Essex. The current APA MIU classification appropriately provides a transition between the more intense Hamlet uses and lower density uses further from the Hamlet and Route 22. The APA's MIU classification is intended for areas of the community adjacent to developed areas and showing the most reasonable opportunity and ability to sustain added housing development. We presume that the APA previously selected the MIU designation for Area A by determining that, consistent with APA Act Section 805 (3)(d)(1): 1) "the capability of the natural resources and the anticipated need for future development indicate that relatively intense development, primarily residential in character, is possible, desirable and suitable", 2) Area A is "near or adjacent to hamlets to provide for residential expansion" and 3) it is "located along highways or accessible shorelines where existing development has established the character of the area". We find no supporting information or change in conditions to substantiate a different finding than that previously rendered by the APA.

Area A also remains ideally suited for the MIU classification since there are no sensitive physical or biological resources in this area, it is in the Town's Essex Hamlet Zoning District and it is along a well-traveled State highway with extensive use by tourists. Most of the other areas that are proposed to be rezoned to a lower intensity use classification under PMA 2017-01 are further west of Route 22, Lake Champlain and the Hamlet, where lower density is more appropriate.

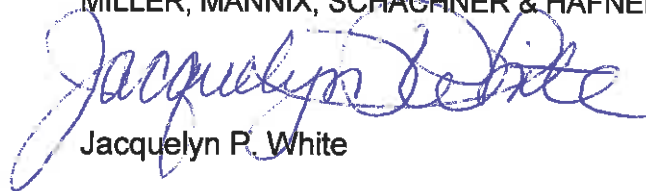
Development of Area A will not significantly harm the relatively tolerant physical and biological resources of the Area. Area A's location is ideal for residential expansion and growth related to residential uses in the vicinity of hamlets. Area A should not be reclassified as it so clearly meets the purposes, policies, and objectives of the MIU classification set forth at APA Act Section 805(3)(d)(2).

Area A has been arbitrarily selected to be "downzoned". There is no justification for the reclassification of "Area A", which will almost entirely burden Braidlea lands. No existing natural resources have been identified requiring greater protections than those provided under the MIU classification. While there is no apparent public benefit to the reclassification of Area A, there would be a significant detriment to Braidlea.

Braidlea's lands clearly fall within the character description and meet the purposes, policies and objectives of the MIU classification. The MIU classification of Area A is also consistent with the Town of Essex's Comprehensive Plan, Local Waterfront Revitalization Plan (LWRP) and Zoning Laws. There is no new information or change in conditions related to Braidlea's property since its classification that could justify burdening these lands in the manner proposed. We ask that the Agency deny the requested reclassification of Area A. Thank you.

Very truly yours,

MILLER, MANNIX, SCHACHNER & HAFNER, LLC



Jacquelyn P. White

cc: Braidlea Farms LP
The Chazen Companies

JPW/arf

APPENDIX M
FSEIS FILE LIST

MA2017-01 FSEIS File List

COPIES OF THE FSEIS WERE SENT TO THE FOLLOWING:

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