



Adirondack Park Agency

SHERMAN CRAIG
Chairman

TERRY MARTINO
Executive Director

DRAFT MINUTES
LGS Committee
September 15, 2016 Meeting
REB:ap

Local Government Services September 15, 2016

The Local Government Services Committee convened at 3:15 p.m.

Local Government Services Committee Members Present:

Dan Wilt, Chair, William Thomas, Bradley Austin (ESD), Robert Stegemann (DEC)

Other Members and Designees Present:

Sherman Craig, Arthur Lussi, John Ernst, Sandi Allen (DOS), Karen Feldman, Dr. Chad Dawson

Local Government Review Board:

Frederick Monroe

Agency Staff Present:

Terry Martino, James Townsend, Kathy Regan, Kate-Lyn Knight, Rick Weber, Keith McKeever, Annemarie Peer

Town of Horicon Local Land Use Program Amendment (Robyn Burgess)

This item was for action.

The Town of Horicon sought Agency approval to amend its Local Land Use Program. Specifically, the Town sought to repeal and replace their existing zoning code. The Town of Horicon code was originally approved in 1978, with few changes since. Ms. Burgess first provided an overview of the amendment process, and then gave a background on the Town of Horicon and its approved program. The Agency started working with the Town of Horicon on their zoning code in 2012 following the adoption of their new comprehensive plan.

Ms. Burgess reviewed what a Town and the Agency must do to amend an Agency-approved Local Land Use Program. The steps through the process, from identifying the need for an amendment through SEQRA, agency approval and finally adoption.

Ms. Burgess noted that Horicon is the only approved program that incorporates and administers the River Regs, specifically for the Schroon River which is a Recreational River.

Ms. Burgess reported that section 807(1) of the APA Act says that any amendment to an approved program that relates to the original approval criteria shall be subject to Agency approval. She then proceeded to explain the criteria.

Ms. Burgess gave a general idea of what went into the review of the zoning code by highlighting the topics of Definitions and Uses, the changes to the shoreline provisions and finished with the incorporation of some of the overlay districts. She explained that the changes to the Town's dock and boathouse definitions mirror the Agency's which were amended in 2008. She also described how the Town wanted to match the Agency's practice with regards to non-conforming shoreline structures.

Ms. Feldman asked under the shoreline provision, can they put any number of structures under 100 square feet on the shoreline? Mr. Townsend replied yes as long as they are not connected. Ms. Burgess said the Town has the ability to make stricter rules than the Agency, if they chose to.

Ms. Burgess stated a town has the ability to establish an overlay district, and an example of this is the Hamlet of Adirondack on Schroon Lake. It has little APA requirements and restrictions, but the Town has put in controls to make sure it stays special. Mill Pond, the "downtown" of Horicon, is another example.

Mr. Craig asked about instances when the Town has gone from more restrictive than the Agency to equal to the Agency and if that was a trend over the development of the code. Ms. Burgess responded that it was more of a give and take and some areas are more restrictive as in the overlay districts, and in others they are as restrictive as the Agency.

Ms. Martino asked Ms. Burgess to show the boathouse slide for the new members. It was noted that the slide refers to the Agency's 2009 change of the Agency's boathouse definition.

Mr. Thomas asked that if zoning has to be approved by the Agency to maintain their approved program what happens if things change in the community. And if they do not propose an amendment that conforms with the APA requirements, or if they no longer have the capacity for an approved program. Ms. Burgess responded that the Agency has the ability to conditionally approve something to require the change.

Mr. Townsend added that rescinding an approved program could happen but has never happened. Ms. Martino said Ms. Burgess has addressed this in the past meetings, referencing the relationship between the Agency and an approved town as a marriage between the Agency and the Town.

Ms. Feldman wanted to know what it cost the Town to do this. Ms. Burgess responded they did the work in-house between the Town Supervisor, Town Clerk, Town Zoning Administrator, and committee, along with the Agency's guidance.

Mr. Stegemann asked if there was an area in this process with the Town where there was friction between the Town and the Agency on aspects of the code. Ms. Burgess responded there were no specific sticking points. The only issue was early on with the understanding of terminology.

Mr. Thomas made a motion to approve the amendment. Mr. Austin seconded the motion, and all were in favor.

Old Business

None

New Business

None

Mr. Wilt adjourned the meeting at 3:45 p.m.