



**SHERMAN CRAIG**  
Chairman

**TERRY MARTINO**  
Executive Director

**MEMORANDUM**

TO: Terry Martino  
FROM: Kathy Regan  
DATE: March 2, 2017  
RE: Town of Colton Local Land Use Program Amendment

The Town of Colton seeks Agency review and approval to amend its Local Land Use Program. The Town proposes to update the Town of Colton Chapter 105 - Land Use Law.

The Town of Colton has administered an Agency-approved Local Land Use Program since 1982. This is the first major amendment that involves the Town's land inside of the Park since 1999. The proposed program amendment is a rewrite of the entire land use code.

**Proposed Changes**

The Town of Colton proposes a repeal and replacement of their existing zoning and subdivision codes. The full text of the law, dated March, 2017 is attached for reference. The Town has also included an updated GIS-based version of its zoning map as part of this amendment process.

Colton is expected to submit the proposed amendment to the Agency for review and approval pursuant to APA Act §807 by Town Resolution on March 8, 2017. Depending on the outcome of the March 8, 2017 Town meeting, staff may recommend adoption of a resolution approving the amendment to Colton's Local Land Use Program. A draft of the resolution is also attached.

**Staff Review and Comment**

Agency staff began working with the Town of Colton on its revised code in 2016. The proposed Town law builds upon the foundation of the Town's existing code which was approved by the Agency in 1979 and enacted in 1982.

The Town's proposed land use law incorporates the Agency's current terminology and methodology which allows for consistency between Town and Agency review. An integral component of ALLUPs is incorporation of the shoreline restrictions from §806 of the APA Act. The Agency's 2008 regulatory changes which addressed boathouses,

docks and non-conforming shoreline structures have been incorporated into the proposed Town code. Portions of the Town of Colton are outside of the Adirondack Park and therefore not subject to the review or jurisdiction of the Agency. Because of this, the Town has chosen to define docks that are outside of the Adirondack Park differently than those that are inside the Park. The Town chose to do this since there are several docks outside of the Park that would not conform to the Agency's definition.

Ensuring a reasonable application of the compatible use lists of the APA Act is a requirement of an ALLUP. The Town of Colton proposed changes to its use tables as part of the amendment however; many of these changes were for areas outside of the Adirondack Park. Inside of the Park, staff worked with the Town to account for the forty different types of uses identified by the Act and compared those to the different types of uses as defined by the Town. The proposed law includes Agency terms, which had been omitted from the prior law and has amended key definitions to match those used by the Agency. Towns often choose to further define types of commercial uses in order to specify where such uses are appropriate. The Town has proposed utilizing the definition for Agricultural Use as found in Agriculture and Markets Law rather than the definition found in the APA Act. Staff feels that this definition reasonably matches that of the Agency and does not affect Agency jurisdiction.

### **Conclusion**

Based on its review, Agency staff believe that the Town of Colton's proposed Land Use Law complies with the standards for approval set forth in APA Act §807(2) and NYCRR §582.2(e). The Town is expected to complete SEQR on March 8, 2017 and request approval of the amendment; accordingly, Agency staff would recommend approval of the proposed amendment to the Town's Agency-approved Local Land Use Program.