



SHERMAN CRAIG
Chairman

TERRY MARTINO
Executive Director

MEMORANDUM

TO: Terry Martino

FROM: Kathy Regan, Planning Director

DATE: June 1, 2017

RE: Town of Newcomb Local Land Use Program Amendment

The Town of Newcomb seeks Agency review and approval to amend its Local Land Use Program. The Town seeks to amend and adopt the Town of Newcomb Zoning and Site Plan Review Local Law to add the use “Portable Sawmill” and add additional uses to certain zoning districts. Newcomb has administered an Agency-approved Local Land Use Program (ALLUP) since 1993.

Proposed Changes

The Town has, by Resolution passed on May 23, 2017 and dated May 24, 2017, requested that the APA Board consider the proposed amendments to the Town of Newcomb Zoning and Site Plan Review Local Law. The Town has proposed to amend Section 2.020: Definitions, Section 12.081: Issuance and Form of Land Use and Development Permits and Section 4.050: Zoning Schedule of Uses and Area and Bulk Controls of the zoning code.

The Town has proposed to add a definition for “Portable Sawmill” and add this new use as permissible with site plan review in the Town RC1, R3.2, R8.5, LC and I districts. The Town proposes to amend Section 12.081 to increase the allowable square footage of sheds that can be built without a permit from 100 to 140 square feet. In addition the Town has proposed several changes to the zoning schedule to expand uses to additional districts. The Town has also proposed to add Tourist Accommodations as permissible with site plan review in the Town R1, R3.2, R8.5 and LC districts. Campgrounds are proposed to be added as permissible with site plan review in the Town RC1, R3.2, R8.5 and LC districts. Non-listed Commercial Uses similar to those already allowed in the district are proposed to be added as permissible with site plan review in the Town RC1, R1.3, R3.2, R 8.5, LC & I districts. Home Based Manufacturing and Sales are proposed to be added as permissible with site plan review to the Town RC1, R3.2, R8.5 and LC districts. Finally the requirement for site plan review for Hunting and Fishing Cabins is proposed to be removed in the Town R8.5 and LC districts.

The text of the proposed amendments, dated May 24, 2017, is attached for reference.

Staff Review and Comment

The proposed new use of “Portable Sawmill” and the existing expanded use of “Home Based Manufacturing and Sales” would likely qualify as Accessory Uses under the Agency’s definition. Since these uses are proposed to be added as permissible with site plan review they receive a greater level of review than that required by the Agency for Accessory Uses. Therefore inclusion of these uses in districts in the Town would be consistent with the requirements of the Town’s ALLUP.

The Town has proposed to add “Tourist Accommodations,” as a use permissible with site plan review in several districts including the Town Land Conservation (LC) District (APA Resource Management). Under the APA Act Tourist Accommodations are considered *incompatible B’s* in lands classified as Resource Management since they are not listed as primary or secondary compatible uses in §805(3). Agency staff feel that the Town has sought to expand this use in light of its needs and considerations consistent with §807(2)d of the APA Act.

The proposed amendments do not change Agency Class A jurisdiction or affect application of the shoreline restrictions. If any of the proposed new or expanded uses exceeded the Agency’s Class A jurisdictional threshold, they would still require an Agency permit regardless of the site plan review requirement in the Town. The permitting exemption for sheds less than 140 square feet in size does not exempt the structure from the shoreline setbacks which is consistent with the requirements of §806 of the APA Act.

Based on its review of the proposed amendment, Agency staff believes that the proposal complies with the standards for approval of an amendment to a Local Land Use Program set forth in APA Act and regulations.

Conclusion

As explained above, Agency staff believe that the Town of Newcomb’s proposed amendment complies with the standards for approval set forth in APA Act §807(2) and NYCRR §582.2(e). Accordingly, Agency staff recommends approval of the proposed amendment to the Town of Newcomb’s Agency-approved Local Land Use Program.

