

Public Hearing Meeting for Zoning Ordinance held November 9, 2011 at 5:30 P.M.

at the Town Hall

In Schroon Lake N.Y.

Present:

Town Supervisor: Cathy Moses

Councilpersons: Roger Friedman, Clara Phibbs, and Meg Wood
(Mark Whitney – excused)

Town Clerk: Patricia Savarie

Highway Superintendent: Dana Shaughnessy

Also Present: Rich Schoenstadt, Mike Marnell, Fran Filshie,
Howard Lashway, and Rosemarie Ritson

Supervisor Moses called the meeting to order at 5:30 P.M.

Resolution # 206 Dispense with the reading of the Public Notice

Councilman Friedman moved a resolution to dispense with the reading of the Public Hearing Notice for the Zoning Ordinance, seconded by Councilwoman Wood; carried.

Richard Schoenstadt stated that he had four changes to make. One for the Local Law #1 of 1979 the Environmental Quality Review Law and two to the Town of Schroon Zoning Ordinance they are as follows:

**CHANGE TO:
TOWN OF SCHROON
Local Law No. 1 of the year 1979
ENVIRONMENTAL QUALITY REVIEW LAW**

ARTICLE 6. TYPE II ACTIONS

Section 6.010. State Type II Actions as defined in the state SEQR regulation and as set forth herein as Appendix E are hereby adopted.

Section 6.020. Local Type II Actions. The following are deemed Type II action in addition to those set forth in the state SEQR regulations:

(a) Any action which requires approval pursuant to the Town of Schroon land use regulations including the Town of Schroon zoning ordinance and subdivision regulations, which is a "land use development" or "subdivision" as defined in the Adirondack Park Agency Act (hereinafter set forth), but which is not a regional "project" (that is, does not require a Class A or B permit), and which is not a Type I action as listed in Article 5 of this local law, is deemed a Type II Action.

"Land use and development... means 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 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 structures or uses."

"Subdivision.... means 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 any 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."

(b) Class B regional projects pursuant to the Adirondack Park Agency Act if undertaken after the adoption by the Town of Schroon of a Zoning Ordinance approved by the Adirondack Park Agency.

Delete Section 6.020 (a) the area highlighted above. And replace with below.

(a) There are no local type II actions currently defined.

ZONING ORDINANCE CHANGE #1

TO existing section:

313. Multiple family dwellings are allowed in all districts when approved by the Planning Board in accordance with the provisions of Section 311. (amend. 02/08/88)

1. ADD THE FOLLOWING

a) Excepting that:

A single multiple family dwelling consisting of a single building with 3 or fewer dwelling units or duplexes consisting of two side by side attached buildings with a single dwelling unit in each building will not require planning board approval and are permitted in all districts provided that all other applicable laws are followed including in particular the increased lot size required by section 312, all other applicable zoning laws and the health department on site waste disposal regulations for properties not served by town sewer.

Alternative simplified wording:

a) Excepting that a single multiple family dwelling, containing 3 or fewer dwelling units, is permitted in all zoning districts. The lot size must be increased proportionally as required in section 312.

Comments:

This commentary should be part of the record for this amendment.

Having dealt now with the zoning ordinance for many years, I believe it is often difficult to draft a rule that properly covers every circumstance or whose meaning is sufficiently clear – at least without the language becoming overly cumbersome.

So to be clear the purpose of this amendment is to permit **one** multiple family dwelling containing 3 or fewer dwelling units in all districts on **one** properly sized lot as a matter of right - in the same way that a single family dwelling is permitted as a matter of right.

A properly sized lot is a lot that meets all the appropriate zoning criteria.

It meets the overall minimum land square footage by being increased proportionately.

Being increased proportionately means that if a dwelling with one dwelling unit requires at least 10,000 sq ft of land, then a multiple family dwelling with 2 dwelling units requires at least 20,000 sq ft and a multiple family dwelling with 3 dwelling units requires at least 30,000 sq ft.

One multiple family dwelling could be one apartment building with 2 or 3 apartments total.

It could be one duplex containing 2 dwelling units total or one triplex containing 3 dwelling units total.

By all districts I mean all zoning districts – i.e. everywhere in town.

Matter of right means that a permit cannot be denied because of the use. For example if a neighbor comes in and says I don't want a multiple family dwelling next to me, the plea has no weight. The permit could be denied for other reasons but not because of the use.

I should note that while the current ordinance requires planning board review and approval of such multiple family dwellings as described here, I don't believe the planning board has ever done so.

These multiple family dwellings are common place. So this change will legalize what already frequently occurs.

This is not intended to prohibit the construction of one multifamily dwelling on lots that do not meet the minimum zoning criteria.
However those situations would either need a variance or require planning board review and approval via cluster zoning.

ZONING ORDINANCE CHANGE #3

PROPOSED INCREASE IN FINE FOR ZONING ORDINANCE VIOLATION.

1002. A violation of this ordinance is hereby declared to be an offense, punishable by a fine not to exceed **fifty** dollars. Each week's continued violation shall constitute a separate additional violation.

Change to:

1002. A violation of this ordinance is hereby declared to be an offense, punishable by a fine not to exceed **two hundred and fifty** dollars. Each week's continued violation shall constitute a separate additional violation.

The Board will look over the changes and reconvene on

December 1, 2011 at

5:30 P.M. to continue the Public Hearing for Zoning Laws.

Supervisor Moses closed the Public Hearing at 6:15 P.M., seconded by

Councilwoman Phibbs; carried.

I, Patricia J. Savarie, do hereby certify the foregoing to be a true and correct transcript from the minutes now on file in my office and of the whole such original minutes.

Dated: November 13, 2011 _____
Town Clerk