

**TOWN OF DAY  
LOCAL LAW REVIEW COMMITTEE  
MEETING MINUTES  
MARCH 15, 2011, 9:30 A.M.**

**Present:** Ted Mirczak, Chairman  
David Cox  
Dave Davidson  
Kenneth Metzler  
June Dixon  
Richard Lamb, Consultant

**Review of Minutes:**

Minute review will be deferred to the April 5, 2011 meeting.

Committee Member Cox attended the Town Board meeting of March 14, 2011 and the Town Board Members had a concern regarding APA review prior to Town of Day Town Board review. The Committee decided the following:

- Town Board will review Committee proposals of changes or amendments prior to any review by any agency.
- The Completion Schedule will be changed to reflect the same. Committee Member Cox stated his comments to the Town Board at their meeting was that this Committee would certainly keep the Town Board informed as progress is made without any formal review until after APA review in order that the Town Board would have the benefit of APA comments prior to Town Board formal review.
- Prior to any public information meetings, Town Board and Town Attorney will review any proposals made by this Committee. David Avigdor will review piece meal each proposal in order to make determinations as work progresses and will attend the April 5<sup>th</sup> meeting. It was noted that Town Attorney Avigdor would be unable to make any specific comments until Professor Lamb completes a draft which may included a summary of the changes or a copy with notations of changes.
- Input will be sought from Town Attorney Avigdor on what he would like to see in this Committee's documents (via minute copy to ascertain areas the Committee is working on along with changes).
- Chairman Mirczak will attend the next Town Board meeting to ascertain their preference as scheduling.
- The Completion Schedule will be revised after the April 5<sup>th</sup> meeting.
- Town Board will be provided with all minutes of LLRC meetings via email with the understanding these would be draft minutes subject to change.

**Correspondence:**

Law of the Land memo regarding 280(a) area variances for informational purposes was distributed to this Committee and both Planning and Zoning Boards. Zoning law is clear on what requirements are. Discussion ensued on the thought process in enforcing road frontage requirements which included past negative experiences with private roads. Discussion of whether private roads should be allowed in lots located off the lakefront will be held at a later meeting.

**Review of Revised Permitted Use Chart Worksheet:**

(First revisions are in red with second revisions made at the March 1<sup>st</sup> meeting with line through them on Professor Lamb's submissions).

**(Any referrals to Town Attorney Avigdor are indicated in italics.)**

- Home Occupation: Discussion included the following:
  1. Review definition because it is not as specific as it could be, needs ability to interpret whether a particular industry is truly a home occupation. If it is a difficult interpretation, it would be sent to the Zoning Board for interpretation.
  2. Home occupation is within the confines of the home and home manufacturing would not.
  3. Small auto repair business with cars stored in the yard would be a home occupation allowable in some zoning districts.
  4. Home school with only one employee may also have parent volunteers who would give assistance and need to park their car and how would that differ from visitors. Would a music school with possible noise pollution be disallowed in certain districts even if it is within the confines of the home?
  5. How would a local furniture maker who has been in business without complaint be affecting the town? To the extent, it is within the confines of the home, would it be a permitted use.
- Accessory Structures: Signs should be permitted in all zones. Private boat house/dock be permitted in all zones (lakes other than Great Sacandaga in which there the only Lakefront Residential Zone.)
- Agricultural Use: Discussion included the following:
  1. Problems associated with animals could be solved with setbacks and what is existing would be grandfathered.
  2. While buildings would be required to be setback, how would there be control of manure piles.
  3. Do we want to restrict in the present economy, the ability of a property owner to have hobby farms? While requiring site plan review may provide a way to deal with issues, runoff is difficult to address. There is concern that a negative Board would not permit hobby farms. There is an understanding that it would not be permitted in Lakefront Residential or

Residential Moderate Density but it should be a permitted use on parcels away from the lakefront. Hobby farms for individual sustenance should be allowed. Current setback requirements may be 15 feet. Need for balance with Right to Farm laws in mind

4. If farm animals are offered for sale, it would be a different issue entirely and be regulated by Agriculture and Markets.

5. No change to be anticipated in these regulations.

- Cemeteries: Not permitted in RRC because it is one of the most restrictive zones under APA regulations (incompatible use)
- Accessory uses: Discussion included the following:
  1. Discussion of examples such as storage shed which is defined in law “Accessory building used to store materials and small equipment, not including vehicles, which supports the principal use of the site.” Where the definition appears, there is no mention of square footage but on Page 79, it states 1250 square feet with 1250 square feet or over the size of a principal building. The 100 square foot building would not need a building permit and anything over would require a permit. During a reval, these sheds could be added to the tax roll.
  2. The 100 square foot restriction is currently not in the law and should be. The State does not require a permit for a building of 144 square feet or less. The Town requirements are stricter.
  3. Examples from Johnsbury “Permits and Procedures would be reviewed and compared to current zoning law.
  4. Should all structures be subject to setback restrictions?
  5. Discussion ensued regarding a recent ZBA interpretation regarding temporary structures and any structure should be subject to setback requirements. This would not change the law but would clarify these restrictions.
- Temporary structures: Discussion included the following:
  1. Tents used in assemblies in Lake George require permits which indicates that the term “temporary” may not be able to be applied any longer.
  2. Should temporary include a limited time period? There is nothing in land use which addresses this. Dumpsters are usually on site until the construction is completed. Difference between a building and a structure was discussed. Dumpsters could be added to the building permit. Necessity to enumerate in detail what is or is not allowed. Concern for definite definitions. Under category “Permitted Accessory Uses” in zoning law, some suggestions may change law. Where should it be included in site plan review. *Discuss with Town Attorney Avigdor.*
- Shed discussion items: Discussion included the following:
  1. Can a person sleep in it?
  2. Can electricity and water be installed? Water needs a system to remove it such as a septic system. Even if an existing septic system is used, it is still a dwelling structure. Example: guest house may become a rental unit when it is sold and that would not be permitted.

- Private Garage: Discussion included the following:
  1. Definition states an enclosed space for the storage of one (1) or more motor vehicles, provided that no business, occupation or service is conducted for profit therein or space therein for more than one (1) car is leased to a non-resident of the premises.
  2. Issues raised were what if a boat or tractor is stored there or a washer/dryer is installed or there are sleeping quarters there.
  3. A garage/workshop with plumbing is permitted with no overnight occupancy. The primary use of a garage is for storing vehicles.
  4. Garage could be a special category under Accessory Structures in that it is different from storage sheds (difference being water and sewer).
  5. There are issues of egress and conformance to fire codes for sheds or garages converted to living quarters or bunkhouses. Guest room over garage allowed if the garage is attached to house.
- Garden sheds may include water for irrigation.
- Churches: Replace with term “Place of Worship” and remove following line and move “s” up. Not allowed in RRC because of incompatibility with APA rules. Allowable in NC with site plan review.
- Club or Lodge: Discussion included the following:
  1. Whether club or lodge is commercial or not, i.e. Overlook.
  2. Overlook, Day Center and Brooks Bay are all clubs without lodges (with exception of Overlook) located in Lakefront Residential and this should be changed to be allowed in this zone.
  3. Remove “private” from category.
  4. Allow in NC with site plan review in all zones.
- Golf Course and Hospital will remain the same.
- Major Public Utility Structure: Discussion included the following:
  1. Would refer to small utility buildings rather than poles.
  2. Require site plan review in both Lakefront Residential and NC.
  3. *Need Public Utility Commission or Town Attorney Avigdor’s advice on wording.*
- Museum: Discussion included the following:
  1. Consideration should be given that the museum could be permanently closed, a historical committee is formed and wishes to reopen the museum. Under current zoning, it would not be allowed (currently the museum which is active is grandfathered).
  2. Consider a category of Public Buildings and Grounds which would include town halls, museums. Need for a definition.
  3. Allow in Lakefront Residential and NC with site plan review. Not allowed in RRC due to incompatibility with APA regulations.
- Public Garage: Discussion included the following:
  1. Separate from a commercial garage. If intended to be municipal should be under Public Building and Garages.
  2. Profit and not-for-profit should not be on same list.
  3. It is confusing on what the original intent was when the law was written. Needs better definition for clarity and site plan review.

4. Due to town uses not being subject to zoning law, eliminate Public Garage, Public Utility and Riding Stable.
5. Rename category (Automotive Service and Repair).

The meeting adjourned at 11:55 a.m.

Respectfully submitted,

Diane Byrne  
Secretary