

Responses to Comments
2009 Draft Zoning Code
Prepared for Queensbury Town Board
Issued March 10, 2009

#	COMMENT	T. Board/Staff Response	Town Board Action
2009 Draft Zoning Code			
1	Page 9.8, Section 179-9-070(J)(1)(b): Will referral to the Planning Board be mandatory? Current code has such referral as discretionary.	The use of "shall" is intentional. The referral will be mandatory in an effort to better coordinate information for both boards before any decisions are rendered.	No action.
2	Page 14.3, Section 179-14-040(D) has the referral to the Planning Board as discretionary. Does this contradict the language in Section 179-9-070(J)(1)(b)?	179-9-070(J)(1)(b) refers to projects that already require review by both the Planning Board and Zoning Board of Appeals. 179-14-040(D) refers to projects where the Planning Board does not have review authority, such as projects that do not otherwise require site plan review.	No action.
3	<p>Amend the definition of Building Height in Article 2 as follows:</p> <p>BUILDING HEIGHT -- The vertical distance measured from the lowest portion of the natural grade or the finished grade in a cut area excavated below the natural grade of the building site adjacent to the building to the highest point of the structure, whichever results in the greatest measurement. A detailed site plan, prepared by a licensed surveyor, with pre-construction grade lines (elevations) marked at 2 foot increments must be provided with building plans so natural grade can be determined. When the natural grade prior to any disturbance of the building site cannot be determined, an estimation of natural grade shall be made by extrapolating straight lines connecting equal elevations on non disturbed portions of the lot or neighboring lots. the vertical distance shall be measured from the lowest exposed portion of the structure or building to the highest point of the structure. The measurement is</p>	Recommended by staff.	Make suggested change in definition, changing the second sentence to read "A detailed site plan, prepared by a licensed surveyor, with pre-construction grade lines (elevations) marked at 2 foot increments may be required with building plans so natural grade can be determined."

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	<p>exclusive of church spires, cupolas, chimneys, ventilators, cooling towers, mechanical equipment or similar features customarily carried above roof level. These features shall not exceed an aggregate coverage of twenty-five percent (25%) of the roof area on which they rest. Within the Adirondack Park, building height is measured from the highest point on the structure to the lowest point of existing grade or finished grade, whichever is better.</p>		
4	<p>Amend the Total Building Floor Area definition in Article 2 as follows:</p> <p>BUILDING FLOOR AREA, TOTAL -- A The combined area of all square footage, as measured from the outside of exterior walls of all structures on the property, including all floors of the structures, garages, basements and attics with more than five (5) feet of ceiling height and covered porches. Building square footage does not include: Open deck, docks and that portion of covered docks extending over water and one storage shed of one hundred twenty (120) square feet or less. Any additional sheds will be included. (See FLOOR AREA RATIO").</p>	Recommended by staff	<p>Add suggested language.</p> <p>Re-evaluate 5' threshold in 6 months.</p>
5	<p>Amend the Setback definition in Article 2 as follows:</p> <p>SETBACK -- The established line, measured horizontally from the property line, beyond which no part of a building or attached structure shall extend, except for the building eaves, which may extend 18" into the setback. (See "building line.")</p>	No change recommended by staff.	No action.
6	<p>Objection to change of zoning on parcel 289.17-1-1.1 to all LC-42. Current zoning is portion LC-42A, majority is RC-15</p>	<p>Staff recommends proposed zoning to remain the same as current zoning. Consistent with 2007 CLUP recommendation.</p>	<p>Change proposed zoning map for this lot to retain existing district lines on this property.</p>
7	<p>Page 10.10, Section 179-10-070(I) Firing Ranges: concerns with restrictions on Sunday hours</p>	<p>Hours of operation would be set by the Planning Board only for those projects</p>	<p>No action.</p>

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		requiring their approval. No change in operating hours would be required of pre-existing uses.	
8	Section 179-10-070(C), page 10.7; objection to proposed changes in lot size and setback requirements for kennels	No change recommended by staff.	Revert back to current setback and lot size language for kennels in Article 10.
9	Section 179-6-020(B): request to reduce sunset clause from 7 to 5 years; objection to Planning Board having ability to waive lighting standards; suggestion that auto dealers be required to shut down lot lighting after closing; request for lower foot candle requirements for auto dealers and gas stations	No change recommended by staff.	Re-evaluate in 6 months.
10.	Article 2, page 2.6: objections to inclusion of basement and attic space in the definition of building floor area; too limiting on small shoreline lots	No change recommended by staff. See #4	No action.
11	28' WR height limit too restrictive; more restrictive than APA	No change recommended by staff.	No action
12	Two (2) acre minimum lot size for WR district makes most lots non-conforming	No change recommended by staff.	No action
13	WR side setback requirements would no longer include the sliding scale based on lot width; unrealistic given existing variation in lot widths	Staff recommends Town Board discussion.	Revert back to sliding scale for side setbacks. Re-evaluate in 6 months
14	PR-42 zoning district designation on City land is too restrictive and inconsistent with surrounding residential development densities; would inhibit development that could benefit both Town and City	Subject of current litigation. No change recommended by staff.	Re-evaluate in 6 months.
15	PR-42 zoning district designation is an impediment to the City; both CLUP and Open Space Plan advocate for dialog between Town and City on issue	Subject of current litigation. No change recommended by staff.	Re-evaluate in 6 months.
16	Objection to proposed 300' setback for residential development in Office district on Bay Road; district should be commercial development only		No action.
17	Concern with proposed increased setback requirements for special use permit approval of kennels	No change recommended by staff.	Revert back to current setback and lot size language for kennels in Article 10.
18	PR-42 acre zoning too restrict on city lands	Subject of current litigation. No change recommended by staff.	Re-evaluate in 6 months

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19	Objection to 300 foot Bay Road Office district setback		No action.
20	PR-42 zoning for city land is important for protection of future water quality.		No action
21	Common Open Space definition in Article 2 needs clarification	No change recommended by staff.	No action
22	Objection to density bonuses in Rural Residential zoning districts.	Changed in response to APA concerns	No additional action.
23	Application of Enclosed Shopping Center district requirements to free-standing buildings is still unclear in the draft code.	Town Board discussion needed. "A group of architecturally unified establishments" does not refer to separate buildings.	Revise 179-3-040(B) to include free standing buildings. ADD FREE STANDING COMMERCIAL RETAIL BUILDINGS
24	Commercial design guidelines are needed for the Enclosed Shopping Center district.		Re-evaluate in 6 months
25	Highlighted changes version of draft desired.	On file in Town Clerk's office.	No action.
26	Table of contents needed.	Recommended by staff. Will be provided upon approval and publication.	No action.
27	Retain the 1000' residential setback on Bay Road		No action.
28	Amend definition of Large Office to include buildings >10,000 square feet		No action
29	Prohibit clustering in the Rural Residential districts to preserve open space; current draft allows open space parcels in cluster developments that may be subject to future development proposals	Draft code provides tools for perpetual retention of open space created by clustering. See Article 11.	No action.
30	179-1-010: remove reference to density of population; Town should not regulate population size	No change recommended by staff. Reference is in the context of land use regulation, which is within the Town's authority to regulate under NYS laws.	No action
31	Article 2: museum definition should include gift shop	Recommended by staff.	Amend definition in Article 2.
32	Article 2: clarify professional occupation definition		No action.
33	Article 2: definitions of large and small office should include additional criteria such as trip generation	No change recommended by staff.	No action
34	Objection to increased lot size and setback requirements for kennels	No change recommended by staff.	Revert back to current setback and lot size language for kennels in Article 10.
35	Reduce allowable lighting levels for commercial development		Re-evaluate in 6 months.
36	Page 3.14: Veterans Field district should include	Zoning is set by contractual agreement	No action.

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	note that this is in the City of Glens Falls	between the Town and City that resulted from an EIS.	
37	Page 4.2, moderate density residential: is a 10' wide easement large enough for utilities?	No change recommended by staff.	No action.
38	Rural residential design standards say nothing about retaining stone walls in Ridge Road/Chestnut Hill region		Re-evaluate in 6 months.
39	Concern that Moderate Density Residential district densities will create many nonconforming lots.	Pre-existing lots are protected by language in Article 13.	No action.
40	Support of 300' Bay Road Office zoning district setback proposal.		No action
41	Need stronger language regarding the health and aesthetic impacts of wireless communications towers in residential areas.	Federal law precludes a municipality from considering health concerns related to telecommunication facilities. Under the current and proposed zoning code, the Planning Board already has the authority to consider aesthetic concerns. No change recommended by staff.	No action
42	Wants 1000' residential setback on Bay Road in Office zoning district, similar to what the CLUP recommended for the I-87 corridor.		No action
43	Agree with suggestion to lower large office definition threshold (Article 2) to 10,000 square feet.		No action
44	Supports conservation subdivision standards and the proposed watershed property zoning.		No action
45	Does not support proposed office zone; prefers current Professional Office district.	No change recommended by staff.	No action
46	Would prefer smaller office buildings in Bay Road corridor; easier to reuse once vacated.	Both large and small offices are allowed in the draft code.	No action.
47	Like improvements to surface water quality protection measures.		No action
48	Does FAR standard include stairways in the calculation? If not, it should for clarity.	FAR includes space occupied by interior stairways in the calculations. See definitions of FLOOR AREA RATIO and TOTAL BUILDING FLOOR AREA in Article 2.	Re-evaluate in 6 months.
49	How is the natural grade determined for building height measurement in the WR district?	See #3.	See #3
50	Need to further define what is an impervious	Consider revision to definitions.	Revise ".....or other impervious

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	surface. Are gravel drives considered impervious?		surfaces including but not limited to patios, walkways and graveled areas containing materials smaller than #2 stone size."
51	Shoreline setback requirements should also be applied to other impervious surfaces, not just structures.	Hard surfacing within 50 feet of shoreline requires site plan review by Planning Board. No change recommended by staff.	No action.
52	Conversion of seasonal residences standards should also apply to ownership transfer for existing seasonal homes.		Re-evaluate in 6 months.
53	Need to clarify where in shoreline areas fertilizers are allowed.		Re-evaluate in 6 months.
54	Need introductory purpose and intent language for shoreline buffering standards.		Staff recommends change.
55	Would like to see an overlay zone requiring site plan review for all structures, stormwater and septic systems within the Lake George Critical Environmental Area.		No action.
56	Do we have specific architectural design standards for specific areas of Town?	Yes. See Article 7.	No action.
57	Code should require individual residential lot level review of clearing limits, not just at subdivision review.	The Planning Board has the authority to review individual lot clearing limits at subdivision review.	No action.
58	Town should purchase some or all of City watershed lands to preserve them.		Re-evaluate in 6 months.
59	Table of contents needed.	Will be provided at publication.	No action.
60	Proposed zoning map does not show lands that extend under Lake George.	Such lands may not be within the Town of Queensbury.	No action.
61	Supports proposed changes in kennel special use permit requirements		Revert back to current setback and lot size language for kennels in Article 10.
62	Article 2: definition of seasonal use should be based on heating, insulation, and other construction elements, not length of occupancy.	Staff recommends further Town Board discussion.	Re-evaluate in 6 months
63	Article 2: definition of tourist accommodations is outdated. Most lodging units today are > 300 square feet.		Re-evaluate in 6 months
64	Use schedule: some uses currently listed in the HI	HI uses in the draft code are as per PORC	Zoning Administrator

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	district are not in the draft code. Intentional?	recommendation.	recommends consistency with/continuation of current use table requirements.
65	It's unclear what if any permits some uses listed in use table need.	At a minimum, all uses require a zoning review prior to the issuance of a building permit.	
66	Existing golf driving ranges are left as nonconforming uses in the draft code.		Change code to list as permitted use.
67	Draft zoning code does not seem to recognize critical environmental areas not designated by the Town.	The draft code does not make any distinction between CEAs based on their origin.	No action
68	Neighborhood commercial zoning density: Is 1 acre enough land to provide on site septic and parking for proposed uses?	1 acre is the proposed minimum lot size for this zoning district. Projects are likely to be on larger lots.	No action
69	Concerned that some uses listed as permitted home occupations may not be able to adhere to performance criteria in Section 179-5-070(B)	Allowed home occupations can be changed at any time in the future by the Town Board if problems arise.	Re-evaluation in 6 months.
70	Code should allow beauty shops and barbers as home occupations.	These were specifically removed by the Town Board.	Re-evaluate in 6 months
71	Norway maples are permitted in some areas and prohibited in others. They are an invasive species.	Staff recommends removing Norway Maples from Articles 7 and 8 as permitted.	Amend draft code.
72	Soil storage piles at construction sites should be regulated to prevent health hazards such as pollen.	Code addressed this 179-6-060.	No action.
73	Residential setback in Office district should be 1000 feet.		No action
74	Code should be organized so that all regulations pertaining to a particular district are found in one section.	Information brochures will be produced after code adoption discussing all regulations for each commercial zoning district.	Re-evaluate in 6 months.
75	Concern that Moderate Density Residential district will not accommodate nonconforming uses.	Nonconforming uses are addressed under Article 13. Section 179-13-060(B) addresses development rights of lots created by approved subdivisions.	No action
76	"Highway" term still used in places for commercial districts. HCI references also need to be removed.	Staff recommends correcting these district references.	Amend code.
77	Design guidelines are needed for neighborhood commercial uses.	Staff recommends addressing this proposed addition at a later date.	Re-evaluate in 6 months.
78	Travel corridor overlay setback requirements may act as a deterrent to the type of lot design we want.		No action
79	Pages 7.3 & 7.4: parking is required behind	The reference on Page 7.6 addresses the	No action.

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	buildings; Page 7.6 entrances in rear. Consistency?	desired location of delivery entrances, <u>not</u> customer entrances.	
80	Shooting Range special use permit requirements (Article 10): proposed 1000' setback for indoor range building would not work for the Dunham's Bay club. 1000' separating distance from other uses on adjacent lots is unfair, leaves them at the mercy of potential changes of use on these lots. Concerned about ability to continue existing use.	Staff recommends Town Board discussion.	Re-evaluate in 6 months
81	1 and 2 acre density proposal in the Moderate Density Residential district would spread development out over a larger area. What goal is this intended to serve?	Lower proposed densities are offset by higher proposed densities in the Neighborhood Residential district, as advocated by the adopted CLUP.	No action
82	Where is the dimensional discussion of what is a large office?	See OFFICE, LARGE definition in Article 2.	No action
83	The Office district on Bay Road is proposing urban style residential densities without the amenities that make urban living workable.	Public water, sewer and roads infrastructure is all present to support the proposed densities.	No action
84	Article 4: is there a maximum parking standard? Code should allow option for less parking where the use would permit it.	Maximum parking standards are not proposed. Permeability requirements will affect that maximum parking proposed.	No action
85	The zoning code needs to include pedestrian connections between multi-family developments, not just within separate project sites.	Staff recommends amending Section 179-5-050 to include pedestrian connections to adjacent MFR developments.	Amend code
86	Gas stations are prohibited within 250 feet of limited access highways. Does this make sense?	The standard is in existing code as well as the proposed zoning. Intent is to protect vehicle use of and emergency vehicle access to the highways.	No action
87	Petition signed by 162 residents against proposed changes to the special use criteria for kennels in the Rural Residential Districts		Revert back to current setback and lot size language for kennels in Article 10.
88	Letter supporting changes to the special use criteria for kennels in the Rural Residential Districts		Revert back to current setback and lot size language for kennels in Article 10.
89	Opposing 179-3-040 2 b vii changes to RR road frontage requirements		Re-evaluate in 6 months
90	179-5-030 Agricultural Uses C: would require existing multiple lots to consolidate to meeting minimum size standards?	This section does not require minimum acreage to be on one lot. Use of adjacent lots is permitted.	No action.

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91	179-5-030 B: 50' setback standard is too small		Re-evaluate in 6 months
92	179-5-110 (A) does not allow for multiple dishes where they may be necessary for high speed internet access	Not all neighborhoods have DSL or cable internet access.	Amend to read: Not more than one two satellite dish antennae shall be allowed on any residential lot for residential purposes
93	Does the zoning code address noise? Does the Town have any regulations regarding noise?	Preventing noise is addressed in multiple places in the zoning code as an issue reviewable by the Planning Board under site plan review. The Town does not have a noise code.	No action.
94	Supports proposed 300' setback for kennels		Revert back to current setback and lot size language for kennels in Article 10.
95	Article 3: shoreline/wetland/stream setback inconsistencies; recommends one standard of 50 or 75 feet		Re-evaluate in 6 months
96	Change large/small office definitions threshold to 50,000 square feet		Re-evaluate in 6 months
97	There are no development design standards for Neighborhood Commercial		Re-evaluate in 6 months
98	Article 4: spell out and define DBH	Also needs to be done in Article 8	Make requested change.
99	Article 4: bring back Planning Board authority to allow fewer than the minimum required parking spaces		TB ACTION: MAKE CHANGE.
100	PUD was eliminated from the Urban Residential zoning.	UR is now Neighborhood Residential	Re-evaluate in 6 months.
101	Article 17 – imposition of fines was deleted. Asks that it be re-inserted.	Fines can only be imposed by the Court	No action
102	Article 19 – can roads be listed alphabetically?	Yes.	Make suggested change.
103	Article 3 requires a minimum lot size of 1 acre in Moderate Commercial; cost prohibitive?	Pre-existing lots below 1 acre are available. Minimum lot size only applies to new lots created.	No action
104	Objection to expanded space requirements for kennels		No action.
105	Table of Contents missing	Will be provided by publisher.	No action.
106	Related codes list needed	Will be provided by publisher	No action.
107	Article 2: definition of Bedroom needed	Codes staff uses NYS Building Code	No action.

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		definition for consistency with building and health codes administration	
108	Definitions of "stream" and "stream corridor" needed	Defined in Chapter 147	No action
109	Use Table needs a reference title	Provided at publication	No action
110	Is WR existing or proposed.	Draft code references are proposed. Upon adoption these references become existing.	No action
111	Hunting and fishing cabins removed?	Will be treated as a seasonal residence	No action
112	Boathouse height increased to 16' from 14'?	For consistency with LGPC regulations	No action
113	Class B marinas no longer a permitted use?	The Town does not regulated Class B marinas.	No action.
114	Reference 6 NYCRR Part 645 in standards for Class and Class B marinas	That section of state regulations is administered by the Lake George Park Commission.	No action.
115	WR-1a and WR-3A district references remain in the code	All references will be replaced with WR.	Amend as suggested.
116	Not all lands within the Town have a zoning district classification	NYS APA has requested that state owned lands within the Park have no zoning classification.	No action.
117	Why consolidate two waterfront districts into only one?	Reduction of number of zoning districts was a recommendation of the adopted comprehensive land use plan.	No action.