



LAKE • GEORGE
WATERKEEPER®

PO Box 591, Lake George, NY 12845

Tel: (518) 668-5913 Fax: (518)-668-5915

Email: info@lakegeorgewaterkeeper.org

www.lakegeorgewaterkeeper.org

July 7, 2010

Mr. Craig Brown, Zoning Administrator
Town of Queensbury Zoning Department
742 Bay Road
Queensbury, NY 12804

Re: Patio Shoreline Setback Requirements

Dear Mr. Brown:

I have attempted to contact you regarding the above referenced code interpretation without success. This correspondence is to request a determination regarding the application of shoreline setbacks to patios under the Town of Queensbury Code.

Specifically, this is in reference to Area Variance 25-2010 (Crowell) located at 20 Holly Lane on Assembly Point. The agenda stated that shoreline relief was requested for the proposed permeable patio and specified as 21' according to the application. However during the meeting, Mr. Keith Osborne stated this was in error and there was no shoreline setback relief required for the patio.

The Town of Queensbury has a local land use program approved by the Adirondack Park Agency. The Adirondack Park Agency Rules and Regulations §582.2.d.3 states "A local land use program will comply with section 807(2) of the Adirondack Park Act if (d) it contains local zoning regulations which (3) include dimensional regulations in which the minimum shoreline lot widths and building setbacks comply with or exceed section 806 of the Adirondack Park Act".

However, the Town of Queensbury is not consistent with the Adirondack Park Agency's shoreline setback requirements for patios. According to §575.4.b of the Adirondack Park Agency Rules and Regulations "Porches, decks and other structures attached to single family dwellings or to other structures subject to building setback restrictions shall be considered part of the structure for applying the setback restriction." Since the patio in the Crowell application is connected to the house, will be supported by retaining walls and is not flush with existing grade, it appears the shoreline setback dimension should be applied to the patio since it is attached to the principle structure.

Therefore, I am requesting the determination by the Town of Queensbury whether shoreline setback restrictions apply to patios as per the requirements of the Adirondack Park Act Rules and Regulations that the Town of Queensbury Code is to be consistent with.



THE FUND for LAKE GEORGE

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, reading "Chris Navitsky". The signature is written in a cursive style with a large, stylized "C" and "N".

Christopher Navitsky, PE
Lake George Waterkeeper

cc: Hon. Dan Stec – Town of Queensbury Supervisor
Town of Queensbury Town Board
James Underwood – Town of Queensbury Zoning Board of Appeals Chairman
Town of Queensbury Zoning Board of Appeals
Brian Grisi – Adirondack Park Agency
John Banta – Adirondack Park Agency
Terry Martino – Adirondack Park Agency