

LAND USE

105 Attachment 5

Town of Colton

Appendix E Regional Projects

Until such time as the Town of Colton submits, and the Adirondack Park Agency approves, the Town's local land use program or significant components of such program, the Adirondack Park Agency shall retain jurisdiction over Class A and B Regional Subdivisions and Projects as provided for in the Adirondack Park Agency Act; and the Town of Colton shall have no responsibility for or formal privilege in the review of such Regional Subdivisions and Projects as they pertain to the requirements of the Adirondack Park Agency Act within that portion of the Town that lies within the Adirondack Park.

This Appendix and Zoning Map No. 6, representing the Adirondack Park Land Use and Development Plan, are designed to be used by the Town and the Park Agency to cross-reference Class A and B Regional Subdivisions and Projects, as established by Section 810 of the Adirondack Park Agency Act, with the Town Plan and Land Use Code. Section I of the Appendix is a listing of land use and subdivision activities that constitute Class A and B subdivisions or projects under the Park Agency Act and which may or may not be allowed for in some form under the Town Plan and Land Use Code. Section II of the Appendix outlines a coordination and review process between the Park Agency and the Town, which shall become effective only upon approval by the Park Agency of the Town's local land use program. Until such time, only such informal means and procedures as the Agency and the Town may establish by mutual agreement shall pertain to the coordination of such Regional Projects.

I. Class A and B Regional Subdivisions and Projects.

A. The following land use activities, by Park Plan classification, are subject to the Class A regional review procedure as set forth in the Adirondack Park Agency Act.

1. Hamlet:

- a. All land uses and development and all subdivisions of land involving wetlands except for forestry uses (other than timber harvesting that includes a proposed clear-cutting of any single unit of land of more than 25 acres), agricultural uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any preexisting use.
- b. Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.

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- c. All land uses and development and all subdivisions of land involving 100 or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.
 - d. All structures in excess of 40 feet in height, except agricultural-use structures and residential radio and television antennas.
 - e. Commercial or private airports.
 - f. Watershed management and flood control projects.
 - g. Any material increase or expansion of an existing land use or structure included on this list that is 25% or more of the original size of such existing use or 25% or more of the original square footage of such structure.
 - h. Community housing as defined in Subdivision 17-a of § 802 of the Executive Law.
2. Moderate-Intensity Use:
- a. All land uses and development and all subdivisions of land located in the following critical environmental areas — within 1/4 mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation; involving wetlands; at elevations of 2,500 feet or more; within 1/8 mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single-family dwelling and accessory uses or structures thereto; provided, however, that the above shall not include forestry uses (other than clear-cutting as specified under Subsection A.2.i below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any preexisting use.
 - b. Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.
 - c. All land uses and development and all subdivisions of land involving 75 or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.
 - d. Commercial or agricultural service uses involving 10,000 or more square feet of floor space.
 - e. All structures in excess of 40 feet in height, except agricultural use structures and residential radio and television antennas.

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- f. Tourist attractions.
 - g. Ski centers.
 - h. Commercial or private airports.
 - i. Timber harvesting that includes a proposed clear-cutting of any single unit of land of more than 25 acres.
 - j. Sawmills, chipping mills, pallet mills and similar wood-using facilities.
 - k. Mineral extractions.
 - l. Mineral extraction structures.
 - m. Watershed management and flood control projects.
 - n. Sewage treatment plants.
 - o. Major public utility uses.
 - p. Industrial uses.
 - q. Any material increase or expansion of an existing land use or structure included on this list that is 25% or more of the original size of such existing use or 25% or more of the original square footage of such structure.
 - r. Community housing as defined in Subdivision 17-a of § 802 of the Executive Law.
3. Low-Intensity Use:
- a. All land uses and development and all subdivisions of land located in the following critical environmental areas — within 1/4 mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation; involving wetlands; at elevations of 2,500 feet or more; within 1/8 mile of tracts of forest preserve land now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single-family dwelling and accessory uses or structures thereto; provided, however, that the above shall not include forestry uses (other than clear-cutting as specified under Subsection A.3.i below), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any preexisting use.
 - b. Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a

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local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.

- c. All land uses and development and all subdivisions of land involving 35 or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.
- d. Commercial or agricultural service uses involving 5,000 or more square feet of floor space.
- e. All structures in excess of 40 feet in height, except agricultural-use structures and residential radio and television antennas.
- f. Tourist attractions.
- g. Ski centers.
- h. Commercial or private airports.
- i. Timber harvesting that includes a proposed clear-cutting of any single unit of land of more than 25 acres.
- j. Sawmills, chipping mills, pallet mills and similar wood-using facilities.
- k. Mineral extractions.
- l. Mineral extraction structures.
- m. Watershed management and flood control projects.
- n. Sewage treatment plants.
- o. Waste disposal areas.
- p. Junkyards.
- q. Major public utility uses.
- r. Industrial uses.
- s. Any material increase or expansion of an existing land use or structure included on this list that is 25% or more of the original size of such existing use or 25% or more of the original square footage of such structure.
- t. Community housing as defined in Subdivision 17-a of § 802 of the Executive Law.

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4. Rural Use:

- a. All land uses and development and all subdivisions of land located in the following critical environmental areas — within 1/4 mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation; involving wetlands; at elevations of 2,500 feet or more; within 1/8 mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single-family dwelling and accessory uses or structures thereto; within 150 feet of the edge of the right-of-way of federal or state highways, except for an individual single-family dwelling and accessory uses or structures thereto; within 150 feet of the edge of the right-of-way of county highways designated by rule or regulation of the agency adopted pursuant to Subdivision 14 of Section 809 or in an approved local land use program as major travel corridors by the agency or local government, except for an individual single-family dwelling and accessory uses or structures thereto; provided, however, that the above shall not include forestry uses (other than clear-cutting as specified under Subsection A.4.i below and sand and gravel pits associated with such uses located within 150 feet of the edge of the right-of-way of the above-described travel corridors), agricultural uses (other than sand and gravel pits associated with such uses located within 150 feet of the edge of the right-of-way of the above-described travel corridors), open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such uses or to any preexisting use.
- b. Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.
- c. All land uses and development and all subdivisions of land involving 20 or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.
- d. Commercial and agricultural service uses involving 2,500 or more square feet of floor space.
- e. All structures in excess of 40 feet in height, except agricultural use structures and residential radio and television antennas.
- f. Tourist accommodations.
- g. Ski centers.
- h. Commercial seaplane bases.

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- i. Commercial or private airports.
 - j. Timber harvesting that includes a proposed clear-cutting of any single unit of land of more than 25 acres.
 - k. Sawmills, chipping mills, pallet mills and similar wood-using facilities.
 - l. Mineral extractions.
 - m. Mineral extraction structures.
 - n. Watershed management and flood control projects.
 - o. Sewage treatment plants.
 - p. Waste disposal areas.
 - q. Junkyards.
 - r. Major public utility uses.
 - s. Industrial use.
 - t. Any material increase or expansion of an existing land use or structure included on this list that is 25% or more of the original size of such existing use or 25% or more of the original square footage of such structure.
5. Resource Management:
- a. All land uses and development and all subdivisions of land located in the following critical environmental areas — within 1/4 mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation; involving wetlands; at elevations of 2,500 feet or more; within 1/8 mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single-family dwelling and accessory uses or structures thereto; within 300 feet of the edge of the right-of-way of federal or state high-ways, except for an individual single-family dwelling and accessory uses or structures thereto; within 300 feet of the edge of the right-of-way of county highways designated as major travel corridors by rule or regulation of the agency adopted pursuant to Subdivision 14 of Section 809 or in an approved local land use program, except for an individual single-family dwelling and accessory uses or structures thereto; provided, however, that the above shall not include forestry uses (other than clear-cutting as specified under Subsection A.5.k below and sand and gravel pits associated with such uses located within 300 feet of the edge of the right-of-way of the above-described travel corridors), agricultural uses (other than sand and gravel pits

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associated with such uses located within 300 feet of the edge of the right-of-way of the above-described travel corridors), open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such uses or to any preexisting use.

- b. Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.
 - c. All subdivisions of land (and all land uses and development related thereto) involving two or more lots, parcels or sites.
 - d. Campgrounds involving 50 or more sites.
 - e. Group camps.
 - f. Ski centers and related tourist accommodations.
 - g. Agricultural service uses.
 - h. All structures in excess of 40 feet in height, except agricultural-use structures and residential radio and television antennas.
 - i. Sawmills, chipping mills and pallet mills and similar wood-using facilities.
 - j. Commercial sand and gravel extractions.
 - k. Timber harvesting that includes a proposed clear-cutting of any single unit of land of more than 25 acres.
 - l. Mineral extractions.
 - m. Mineral extraction structures.
 - n. Watershed management and flood control projects.
 - o. Sewage treatment plants.
 - p. Major public utility uses.
 - q. Any material increase or expansion of an existing land use or structure included on this list that is 25% or more of the original size of such existing use or 25% or more of the original square footage of such structure.
6. Industrial Use:

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- a. Mineral extractions.
 - b. Mineral extraction structures.
 - c. Commercial sand and gravel extractions.
 - d. Major public utility uses.
 - e. Sewage treatment plants.
 - f. Waste disposal areas.
 - g. Junkyards.
 - h. Any material increase or expansion of an existing land use or structure included on this list that is 25% or more of the original size of such existing use or 25% or more of the original square footage of such structure.
- B. The following land use activities, by Park Plan classification, are subject to the Class B regional review procedure as set forth in the Adirondack Park Agency Act.
- 1. Hamlet - none.
 - 2. Moderate-Intensity Use:
 - a. Subdivisions of land (and all land uses and development related thereto) involving 15 or more but less than 75 lots, parcels or sites, other than subdivision of land involving mobile homes.
 - b. Subdivisions of land (and all land uses and development related thereto) involving less than 15 lots, parcels or sites, other than subdivisions of land involving mobile homes, which do not meet the following criteria - in the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least 25,000 square feet in size and complies with all of the provisions of the shoreline restrictions; in the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least 40,000 square feet in size. Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a Class B regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds 14.
 - c. Multiple-family dwellings.
 - d. Mobile home courts.
 - e. Subdivisions of land involving mobile homes (and all land uses and development related thereto) and involving two or more lots, parcels or sites.

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- f. Public and semipublic buildings.
 - g. Municipal roads.
 - h. Commercial or agricultural service uses involving less than 10,000 square feet of floor space.
 - i. Tourist accommodations.
 - j. Marinas, boatyards and boat launching sites.
 - k. Golf courses.
 - l. Campgrounds.
 - m. Group camps.
 - n. Commercial seaplane bases.
 - o. Commercial sand and gravel extractions.
 - p. Land use or development or subdivisions of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
 - q. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for moderate-intensity-use areas.
 - r. An individual single-family dwelling within 1/8 mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.
 - s. All land uses and development and all subdivisions of land within 1/4 mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.
 - t. Any material increase or expansion of an existing land use or structure included on this list that is 25% or more of the original size of such existing use or 25% or more of the original square footage of such structure.
3. Low- Intensity Use:
- a. Subdivisions of land (and all land uses and development related thereto) involving 10 or more but less than 35 lots, parcels or sites, other than subdivisions of land involving mobile homes.

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- b. Subdivisions of land (and all land uses and development related thereto) involving less than 10 lots, parcels or sites which do not meet the following criteria - in the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least 50,000 square feet in size and complies with all of the provisions of the shoreline restrictions; in the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least 120,000 square feet in size. Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a Class B regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds nine.
- c. Multiple-family dwellings.
- d. Mobile home courts.
- e. Mobile home subdivisions (and all land uses and development related thereto) involving two or more lots, parcels or sites.
- f. Public and semipublic buildings.
- g. Municipal roads.
- h. Commercial or agricultural service uses involving less than 5,000 square feet of floor space.
- i. Tourist accommodations.
- j. Marinas, boatyards and boat launching sites.
- k. Golf courses.
- l. Campgrounds.
- m. Group camps.
- n. Commercial seaplane bases.
- o. Commercial sand and gravel extractions.
- p. Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
- q. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for low-intensity-use areas.

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- r. An individual single-family dwelling within 1/8 mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.
 - s. All land uses and development and all subdivisions of land within 1/4 mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.
 - t. Any material increase or expansion of an existing land use or structure included on this list that is 25% or more of the original size of such existing use or 25% or more of the original square footage of such structure.
4. Rural Use:
- a. Subdivisions of land (and all land uses and development related thereto) involving five or more but less than 20 lots, parcels or sites, other than subdivisions of land involving mobile homes.
 - b. Subdivisions of land (and all land uses and development related thereto) involving less than five lots, parcels or sites which do not meet the following criteria - in the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least 80,000 square feet in size and complies with all of the provisions of the shoreline restrictions of the plan; in the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least 320,000 square feet in size. Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a Class B regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds four.
 - c. Multiple-family dwellings.
 - d. Mobile home courts.
 - e. Mobile home subdivisions (and all land uses and development related thereto) involving two or more lots, parcels or sites.
 - f. Public and semipublic buildings.
 - g. Municipal roads.
 - h. Marinas, boatyards and boat-launching sites.
 - i. Golf courses.
 - j. Campgrounds.

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- k. Group camps.
 - l. Commercial sand and gravel extractions.
 - m. Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
 - n. All land uses and development and all subdivisions of land within 1/4 mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.
 - o. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for rural use areas.
 - p. Commercial and agricultural service uses involving less than 2,500 square feet.
 - q. An individual single-family dwelling within 1/8 mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, or within 150 feet of a designated travel corridor.
 - r. Any material increase or expansion of an existing land use or structure included on this list that is 25% or more of the original size of such existing use or 25% or more of the original square footage of such structure.
5. Resource Management:
- a. Single-family dwellings.
 - b. Individual mobile homes.
 - c. Forestry use structures.
 - d. Hunting and fishing cabins and hunting and fishing and other private club structures involving 500 or more square feet of floor space.
 - e. Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided in the shoreline restrictions.
 - f. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for resource management areas.

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- g. Municipal roads.
 - h. Golf courses.
 - i. An individual single-family dwelling within 1/8 mile of tracts of forest preserve land or waters now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, or within 300 feet of a designated travel corridor.
 - j. Campgrounds involving fewer than 50 sites.
 - k. All lands uses and development and all subdivisions of land within 1/4 mile of rivers designated to be studied as wild, scenic and recreational. In accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.
 - l. Any material increase or expansion of an existing land use or structure included on this list that is 25% or more of the original size of such existing use or 25% or more of the original square footage of such structure.
6. Industrial Use:
- a. Sawmills, chipping mills, pallet mills and similar wood-using facilities.
 - b. Industrial uses.
 - c. Commercial uses.
 - d. Agricultural service uses.
 - e. Public and semipublic buildings.
 - f. Municipal roads.
 - g. Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for industrial use areas.
 - h. Any material increase or expansion of an existing land use or structure included on this list that is 25% or more of the original size of such existing use or 25% or more of the original square footage of such structure.

II. Coordination of regional subdivisions and projects.

- A. Applicability - When a proposed subdivision or project is determined to be a Class A or Class B Regional Subdivision/Project, and at such time as this Code or significant components thereof may become part of an approved local land use program for the

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Town under the Adirondack Park Agency Act, the provisions of this Appendix shall apply in addition to all other provisions of this Code.

- B. Class A Regional Subdivisions/Projects. The Adirondack Park Agency's review of Class A Regional Subdivisions/Projects within the territory of the Town pursuant to and in accordance with Section 809 of the Adirondack Park Agency Act shall be governed by the criteria and procedures hereinafter set forth, as well as those set forth in the Act, as follows:
1. As soon as reasonably practicable following receipt by the Planning Board from the Adirondack Park Agency of notice of application completion with regard to a Class A Regional Subdivision/Project, the Planning Board or one or more designees thereof shall consult with the Agency for the purpose of analyzing the application and formulating advisory recommendations as to whether the subdivision/project meets all of the pertinent requirements and conditions of the Town of Colton Plan and Land Use Code.
 2. Not later than 45 days following receipt by the Planning Board from the Agency of such notice of application completion with regard to a Class A Regional Subdivision/Project, the Planning Board shall provide to the Agency its advisory recommendations as to whether the subdivision/project meets all of the pertinent requirements and conditions of the Town Plan and Land Use Code. Should the Planning Board fail to provide such recommendations within the said period, the Agency may make the required finding without receipt of such recommendations.
 3. The Adirondack Park Agency shall not approve a Class A Regional Subdivision/Project unless it first determines, after consultation with the Planning Board and receipt of its advisory recommendations relative to the subdivision/project, that the subdivision/project would comply with all the pertinent requirements and conditions of the Town Plan and Land Use Code.
 4. In making the determination required by Section 809 of the Adirondack Park Agency Act as to the impact of a proposed Class A Regional Subdivision/Project upon the resources of the Adirondack Park, including the ability of all levels of government to provide supporting facilities and services made necessary by the subdivision/project, the Agency shall consider those factors pertinent to the subdivision/project contained in the Development Considerations set forth in Appendix C and such others as the Agency may establish for the review process under and according to the Adirondack Park Agency Act.
 5. The Planning Board may establish whatever joint procedures with the Adirondack Park Agency for review of Class A Regional Subdivisions/Project which the Board and the Agency, at their discretion, deem desirable to minimize duplication and generally expedite the review process.
- C. Class B Regional Subdivisions/Projects -The Planning Board's review of any Class B Regional Subdivision/Project shall determine that the subdivision/project would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife,

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historic, recreational or open space resources of the Adirondack Park or upon the ability of the public to provide supporting facilities and services made necessary by the subdivision/project taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the subdivision/project. In making this determination, the Planning Board shall consider those factors pertinent to the subdivision/project contained in the applicable Development Considerations set forth in Appendix C and according to the following:

1. If a Class B Regional Subdivision/Project is also a Class A Regional Subdivision/Project, the subdivision or project will be deemed to be a Class A Regional Subdivision/Project in its entirety, and subject to the review authority of the Adirondack Park Agency as set forth above.
2. The Planning Board shall not approve a Class B Regional Subdivision/Project unless it shall determine that the proposed subdivision/project is consistent with this Code, any other pertinent requirements of the Town land use program and is consistent with those Development Considerations as set forth in Appendix C.
3. Application for approval of a Class B Regional Subdivision/Project shall be made to the Enforcement Officer, who shall refer the same to the Planning Board as is otherwise appropriate. All applications shall be in such form and include such information as the Board determines necessary to evaluate the subdivision/project under the requirements of this section and according to the Development Considerations set forth in Appendix C. In particular, any such application shall include those items of information set forth in Appendix B which are appropriate to the subdivision/project under consideration.
4. Within 10 days following a determination that an application is complete, the Town shall give written notice to the Adirondack Park Agency of the receipt of same and shall furnish the Agency a copy of the subdivision/project application as well as afford the Agency the opportunity to request such additional and pertinent information as the Agency may deem necessary from the applicant and the opportunity to comment thereon.
5. Within 10 days following a determination that an application is complete, the Planning Board will determine whether or not, based on the subdivision/project scale, complexity, significance, relationship to the public interest and other requirements of this Code, a public hearing will be held.
6. No Class B Regional Subdivision/Project may be disapproved unless a public hearing has first been held. If the Planning Board determines that a public hearing will be held, the hearing shall be scheduled in accord with the timetable elsewhere established, or if not elsewhere established, for a date not less than 15 days, nor more than 45 days, following the date of determination of subdivision/project application completeness. Any such public hearing will be advertised and conducted as elsewhere stipulated in this Code for public hearings. A copy of the notice of such hearing shall be provided to the Adirondack Park Agency and the

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Agency shall be a full party in interest with standing to participate in any and all proceedings conducted pursuant to the provisions herein set forth.

7. If the Planning Board determines that a public hearing shall not be held, then in accord with the timetable elsewhere established, but not later than 45 days following a determination that the application is complete, the Board shall approve the subdivision/project or approve it subject to conditions.
8. If the Planning Board holds a public hearing pursuant to the provisions of this section, then in accord with the timetable elsewhere established, but not later than 45 days after the completion of said hearing, the Board shall approve, approve subject to conditions, or disapprove the subdivision/project.
9. Every Class B Regional Subdivision/Project decision rendered by the Planning Board shall be in writing and shall contain such findings of fact as are required by this Appendix. The Planning Board, in conjunction with its approval of any Class B Regional Subdivision/Project, may impose such requirements and conditions upon the issuance of any permit as are allowable within the proper exercise of the police power to ensure that the intent of this Code and provisions of this Appendix are recognized.
10. Notice of final action on any Class B Regional Subdivision/Project shall be transmitted to the Adirondack Park Agency within five days following the date of such action.

III. Amendment or Variance of Approved Local Land Use Program.

- A. All proposed amendments to this Code affecting any provision of the approved local land use program within that portion of the Town in the Adirondack Park, or regulations applicable thereto, shall be referred to the Adirondack Park Agency. No such amendment will be made or become effective until the Agency has reviewed the proposed amendment according to the criteria for approval of a local land use program as set forth under Subdivision 2 of Section 807 of the Act and authorized approval of the amendment.
- B. All proposed variances to this Code affecting any provision of the approved local land use program within that portion of the Town in the Adirondack Park, or regulations applicable thereto, other than in a Hamlet designation, shall be referred to the Adirondack Park Agency. The Town shall refer the decision to the Agency within 15 days along with whatever pertinent information is required. Following receipt, the Agency has 30 days to make a determination. If within this thirty-day period the Agency determines that such variance involves the provisions of the Land Use and Development Plan as approved in the local land use program, including any shoreline restrictions, and was not based upon the appropriate statutory bases of practical difficulty or unnecessary hardship, the Agency may reverse the Town's authorization of the variance. The Town, if aggrieved by said reversal, shall have standing to have such action reviewed under Article 78 of the Civil Practice Law and Rules.