



7 May 2008

Lake Luzerne Comprehensive Plan Committee
Lake Luzerne Town Hall
P O Box 370
Lake Luzerne NY 12846

Re: Draft Comprehensive Plan

Dear Committee Members:

On behalf of our membership, the Board of the Lake Luzerne Association (“LLA”) would like to express our thanks to the Committee for the time your members have devoted to preparing the Draft Comprehensive Plan. Your hard work is obvious and the product is commendable.

Officers of the LLA have attended the public meetings throughout the Draft Plan’s development and we have looked forward to this opportunity to analyze the complete product and provide our comments and thoughts.

At the outset, the LLA is in complete agreement that a Comprehensive Plan is a critical part of the future of Lake Luzerne. The Plan is necessary to dictate growth patterns in Lake Luzerne and to assist in securing grants and government assistance to help reduce the burden on the local taxpayer base for infrastructure and other demands.

There are, of course, certain items in the Plan that the LLA believes need to be clarified and further discussed in order to ensure that these proposals are not in conflict with the LLA’s goals. If there is a conflict, we would like the opportunity to further discuss these matters with the Committee as a stakeholder in the process.

First, we note that this public meeting is being held in early May, at a time when the seasonal and part-time residents in Luzerne are not yet in residence. The LLA believes that another meeting should be held in July or August to ensure that the Committee and the Town Board has the full input from this significant group of taxpayers in Luzerne.

The last public meeting was held in August, and a substantial portion of the attendees were seasonal residents. The LLA strongly urges the Committee and the Board to hold another public session, after the Plan is revised with input from this meeting, sometime during the summer months.

The LLA's comments are set forth below in the order in which items appear in the Plan.

In the Vision Statement, page 5, the second paragraph states that one of the "pressures" facing Luzerne is "secondary to primary home conversion". This statement, as part of the "Vision Statement", may be an area of concern for the LLA and we will discuss it further in Section 7.4.

In Section III, on page 7, as well as Section 1.4, the Plan recommends that the Town form an Environmental Committee. The LLA completely supports this recommendation and would volunteer a member to serve on such a Committee. However, the LLA believes that such an Environmental Committee be formed with specific mandates and guidelines. For example, any application before the Planning and Zoning Boards that are for properties of more than 5 acres or provide for more than 5 homes should be submitted to the Environmental Committee for its review and recommendation before any hearings are held by the Board. A report from the Committee, while not binding, would be part of the record and help create a knowledge base within the Town on critical environmental matters.

In Sections 1.5 and 1.6, the Plan indicates that Luzerne should become a model community for green technologies. The LLA believes this is an important component of Luzerne's future and should be given heightened importance. All Town buildings in the future should be required to incorporate alternative energy sources. The Town should look to set up "solar farms" to increase output of electric capacity to offset conventional uses. Further, the Town should consider incorporating vocational training in "green collar" jobs at the high school level and look to create joint ventures with the County, and maybe ACC, to create programs in these fields. Our community has already had positive experiences with solar power through the LLA-sponsored water heater in the bath house of the Pierpont Public Beach.

If Luzerne can establish a knowledge base among its young citizens in these growth areas of business, and create revenue sources as well, it may be possible to keep them as lifelong residents. It seems there is not a young person today that is not interested in solar energy, wind technology and hybrid engines. There is an opportunity to turn that interest into jobs, and into a sustainable economic foundation for the Town.

Section 1.10, regarding vegetation clearing, should be strengthened into an ordinance and have strict requirements for steep slopes in the watershed. Some property owners around the Lake (Lake Luzerne) have “clear cut” or removed large amounts of vegetation which leads to erosion and infiltration into the water of chemicals and nutrients that would otherwise not enter the Lake. In addition, a “historic tree” ordinance should be considered for the Hamlet (including Luzerne Heights) to limit the size (caliper) and number of trees that may be removed without a permit.

The LLA is in complete agreement with Section 2.2 and believes a watershed management plan is a necessary component of the Town’s growth plan. Once damage to the watershed occurs, it takes decades to correct, if correction is even possible. Such deleterious effects from future growth can be protected against by proper zoning and planning. In effect, the Town’s significant water resources should be protected from significant growth and the soils map should provide the guide for density and use.

With regard to Section 2.5, the LLA notes with pleasure that the Town recently established the ACT group to continue the battle against invasive species within the Lake, and the Town should carefully consider the Plan’s recommendation to expand the scope to the entire watershed and other water bodies to ensure that invasive species do not overrun our beautiful resources. A significant portion of the Town’s property tax revenue, as well as our local businesses, is dependent upon the use of our waterways for recreation and scenic beauty. Any reduction of these would have serious consequences that must be avoided and protected against.

In Section 3.1, the Plan discusses a Feasibility Report that was done with regard to a municipal sewer system. The LLA believes that there was little public discussion on this Feasibility Report and it should be made available on the Town website for continued review and discussion. Indeed, any municipal system serving the downtown area could easily incorporate most of the “Heights”, by gravity without the need for expensive pump stations, which would eliminate future environmental concerns from aging septic systems. We believe that an open dialogue on this subject may reveal a public commitment to the concept as well as a willingness to find inventive ways to fund the infrastructure.

Section 3.2, regarding the Hamlet Revitalization Plan, is the fulcrum on which all else will eventually balance. In order for businesses to relocate to Lake Luzerne, whether they are art studios, restaurants or recreation-based businesses, the draw will be a cohesive plan that allows an entrepreneur to rely on the Town’s word that resources and growth are focused on a specific direction. The vision and development are open for debate, but the necessity of a hamlet Revitalization Plan is not.

The key part of a Revitalization Plan is recognizing that any Plan must provide for guidelines and enforcement mechanisms that will allow the Town to require property owners who have important parcels and buildings (whether because of the structure, the location or both) to keep up and maintain their properties so that other property owners are encouraged to continue the Plan's progress and invest in Luzerne's future. Owning a "gateway" property carries with it responsibilities to the Town as a whole that must be recognized and enforced.

Section 5, with regard to Economic Growth, must always have as its underlying guidance protection of the watershed and the environment that gives Luzerne its prominent position in the Adirondack landscape. Our location inside the Blue Line, but with close proximity to the Capital Region, gives us great opportunities but applies some strict standards. As such, the LLA believes that the growth of home based businesses is a key area that should not be relegated to item 5.8.

"Home based businesses" are not what most people think of anymore. For instance, many internet sites, blogs and marketing companies are run by individuals working from their homes. With a quality broadband backbone, it is certainly conceivable that many professionals (included retirees who are now doing a little "consulting" for extra money) would love to locate in Luzerne and enjoy the splendor of the Adirondacks and our wonderful Town.

That being said, the LLA believes that all the players must recognize that there will be no such economic growth unless there is complete and full broadband and wireless coverage within the Town. No business, however local, can thrive in tomorrow's marketplace without two things: (1) internet presence and connectivity to allow for 24/7/365 communication and operations, and; (2) clear cell phone coverage to allow the business to be always "available" for the convenience of customers and associates. While Luzerne has a decent broadband base and availability, cell coverage is limited or not available. This has to change and must be made a priority if the Town expects any business to locate or relocate here. This cannot be relegated to Section 5.12 of the Plan, but must be up front and center. The Town must take the lead, and identify tower locations and create opportunities for carriers to locate in and provide service for Luzerne. Working harmoniously with the Adirondack Park agency will pave the way for this effort.

Section 5.8 discusses the need to protect existing residents from the traffic, noise and parked vehicles that a home based business can create. These regulations, while well intentioned, must be carefully drafted to avoid their use against innocent activities (large amounts of cars for a family gathering, songs around the campfire after dinner) that have

long been part of the Luzerne experience. The LLA does agree that some areas should be addressed, such as a noise ordinance that would limit business and construction activity to reasonable hours, especially on weekends. The problem, of course is in the enforcement.

The Town currently is not in the position to actively enforce such ordinances. The LLA would suggest looking at a cooperative venture with neighboring towns to develop a shared services approach for the enforcement of this and the many other ordinance suggestions contained in the Plan.

Section 6.1, regarding the Boat Launch, is a wonderful idea. The LLA suggests the addition of signage and maps to the Launch, to tell users where local businesses are and what services are provided.

Section 6.2 seems to be in conflict with the overriding theme that tourism is an important part of Luzerne's economy. That being said, the LLA agrees that commercial use of the Lake should be limited as this would assist in other areas, such as limiting invasive species. The LLA suggests that the Town look at making commercial access limited to a special permit, and either auction off or otherwise sell the right to have commercial access (rented kayaks and canoes) on an annual basis. The permit should have restrictions, such as cleaning and removing all foreign material from the boats before launching. Proceeds from this commercial use could be dedicated to the milfoil ACT fund, since a source of milfoil comes from (among other things) foreign watercraft.

Section 6.3 would help keep commercial traffic off the Lake, and the suggestion in Section 6.5 is an excellent one. Creating clearly defined and developed boat access points along the Hudson in north and south Luzerne, along with larger parking areas, would be a benefit.

Another important point in this area of concern is the maintenance of the Lake as one of the Town's most important resources. The LLA believes that there should be ordinances in place that limit the size of docks that can be built, since oversized construction limits the public's use of the water. Another area of concern is the removal of trees that fall from private property into the Lake, which are then left to decay over decades. These areas should be addressed and enforced in some fashion, and the LLA would be pleased to work with the Town Board to ensure success on these matters. The LLA looks forward to continuing to take an active role in educating waterfront property owners of their special responsibility.

Section 7.4 discusses the conversion of homes from seasonal to year-round and the concern that an undue burden not be placed on municipal resources or the environment. We are unsure why this item appears in the Vision Statement since it only appears in the actual Plan at Section 7.4 – hardly a place of prominence that necessitates being part of the Vision for Luzerne.

The LLA completely agrees that any conversion of use must be done with assurance that no damage to the environment, and in particular the watershed, occurs. To that end some regulatory constraints on investigating and upgrading the septic systems should be put into place whenever such use changes occur.

That being said, conversion from a seasonal to a year-round use does not necessarily mean that the property is going to burden municipal services. Insulating a home and providing for heat generation only means there is the ability to enjoy the property in the winter months, which should be promoted by Luzerne as a way to generate addition revenue through winter tourism and recreation.

As we are all aware, the seasonal and part-time home provides a substantial tax-positive base for Lake Luzerne. In other words, these property owners pay more in taxes than they consume in municipal services, which imparts a significant benefit to the full-time residents. However, this “concern” should be tempered and appropriately placed. The only true concern would be if the properties, which were seasonal, were converted to full time use and then utilized by owners who consumed more than their share of municipal resources based on tax assessments.

The LLA assumes that the tax assessment on such converted properties would properly change to reflect the change in use, and thus they would fall under the same regime as is currently applied to all full-time residents in Lake Luzerne. Hence, any “concern” is misplaced and in fact may be applied in a discriminatory fashion against property owners seeking to convert their homes.

The Committee should recognize that many property owners who vacation in Luzerne may want to retire here, but that is after their school age children are gone from the home. Such “conversions” would likely produce only two full-time residents, at the full tax assessment rate, thus continuing the tax revenue positive position that property had in Luzerne when it was only a seasonal residence.

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Again, this is another reason that a meeting should be held in the summer on the draft Plan. It would appear to the LLA that any future growth strategies should be aired with the full input of this critical tax base – not necessarily to make sure that there is complete agreement since we all know that scenario is unlikely. But, any Plan that is met with significant opposition from seasonal residents could create an out-migration and conversion of these properties to full-time use by families, which would place the apparently unwanted stresses on the Town's tax base. Therefore, we believe that a continued open dialogue between the LLA, all seasonal residents, and the Town is the best path to ensuring that the current tax revenue allocations are not jeopardized by conversion of seasonal or retirement-owners to full-time residential ones.

Finally, the LLA believes that another meeting should be held after the Committee and/or Board "prioritizes" the Plan's suggested courses of action. In fact, the LLA suggests that it may be very productive to ask the public to take the Strategic Matrix and complete the priorities in the order of importance they believe should exist. Establishment of priorities is as important to the Plan as the document itself, and this portion of the process should have public input as well.

That being said, the LLA's priority has been, and will continue to be, protection of the Lake and its watershed to ensure that future generations can enjoy the splendor of Lake Luzerne as we have, and the generations before us did.

Sincerely,
Lake Luzerne Association

Arthur Havighorst II
President

CC: Supervisor Merlino
Lake Luzerne Town Board
Elan Associates