



KATHY HOCHUL
Governor

TERRY MARTINO
Executive Director

MEMORANDUM

TO: Terry Martino
FROM: Robyn Burgess. Principal Adk Planning Assistance Specialist
DATE: January 7, 2022
RE: Village of Lake George Local Land Use Program Amendment

The Village of Lake George seeks Agency review and approval to amend its Local Land Use Program. The Village seeks to amend its local land use law pertaining to signs. Specifically, they propose to amend Section 220-24: Sign Standards of the Village of Lake George Zoning Law.

The Village of Lake George has administered an Agency-approved Local Land Use Program (ALLUP) since 1985. The Village of Lake George last amended its sign standards in 2010 which was not subject to Agency review and approval.

Proposed Changes

The Village requested on December 21, 2021, that the Adirondack Park Agency consider the revised Section 220-24, titled "Sign Standards," for approval. The amendment proposes to add:

§220-24

(C) Placement, number and height limitation of permitted signs unless otherwise provided.

(1) Placement and number. Commercial Resort and Commercial Mixed-Use Zones...

(f) A permit may be granted for additional signage attached or hung from another building located on the same parcel of property with frontage on a public street, owned and operated by the same business, with a separate street address. Such signage shall match the wall signage on the other building and identify only the business and or logo.

The full text of Section 220-24: Sign Standards is attached for reference.

Staff Review and Comment

Section 807(2)(a) of the APA Act requires that an Approved Program be in furtherance and supportive of the Agency Land Use and Development Plan. In addition, Agency Regulation 9 NYCRR §582.5(a)(6) requires Agency review of amendments to an

Approved Program's sign regulations to ensure compliance with §807(2) of the APA Act based on the criteria in §582.2. Specifically, §582.2(d)(7) requires local sign regulations in conformance with Appendix Q-3.

Per 9 NYCRR §574.3, the Agency's sign standards contained in Q-3 apply to all projects subject to Agency jurisdiction. In the Village of Lake George, which is entirely Hamlet, the Agency's jurisdiction would be limited to 1) structures over 40 feet in height; 2) projects involving wetlands; 3) Tourist Accommodations, Mobile Home Courts, Multiple Family Dwellings, or Residential Subdivisions involving 100 or more units; 4) Commercial or Private Airports, or 5) Watershed Management or Flood Control Projects and 6) Greater than 25% expansion of any of the preceding. Signs are not a bases of Agency jurisdiction in Hamlet, such that Q-3 applies only to the above Class A projects.

The APA Act and Regulations clearly defer to the local municipality with regards to local controls applying to Hamlet land use areas. The proposed amendment is targeted at the Village's Commercial Resort and Commercial Mixed-Use Zones which comprise 185± parcels. Given the criteria of the amendment, it is expected that the change would currently apply to about 3 businesses.

The Village of Lake George's local program, including its sign standards, was approved by the Agency on July 19, 1985. At that time the Agency Board recognized the long-standing regulation of signs by the Village and deferred to local regulations despite some non-conformance of the local program sign standards with Q-3.

Based on its review of the proposed amendment, Agency staff believe that although the Village Sign Standards do not fully comply with Appendix Q-3, given the Hamlet land use area, the amendment should be considered for approval by the Board.

Conclusion

As discussed above, Agency staff believe that the Village of Lake George's proposed amendment complies with the standards for approval set forth in APA Act §807(2) and NYCRR §582.2(d). Accordingly, Agency staff recommends approval of the proposed amendment.

Village of Lake George

§ 220-24. Sign standards.

A. General regulations.

- (1) Signs are a permitted accessory use.
- (2) Except as otherwise provided below, a sign permit from the Village is required prior to the erection or relocation of any sign.
- (3) Signs are not permitted as principal uses.
- (4) Except as provided in § 220-24B(7)(a)[9][d] and § 220-24B(7)(a)[10], no off-premises signs are allowed.
- (5) No sign shall be attached to any roof or mansard facade.
- (6) No sign may extend more than four feet over the street, right-of-way or property line.
- (7) No sign or part thereof shall contain or consist of pinwheels, posters, pennants, ribbons, streamers or other similar moving, fluttering or revolving devices. Such devices, as well as strings of light, shall not be used for the purposes of advertising or attracting attention when not part of a sign, except as provided below.
- (8) No signs containing luminous material, sequin-studded lettering or lettering with fluorescent paint shall be allowed.
- (9) Signs shall not be allowed on a lot unless such signs carry advertising strictly incidental to a lawful use of the premises, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, and the name of the business, or person, occupying said premises.
- (10) No A-frame-type signs, portable signs, signs on rocks, trees and other parts of the natural landscape or signs on a public street shall be allowed, except as provided herein.
- (11) Signs designating credit cards accepted may be displayed, but such signs shall not occupy more than two square feet of the building facade. If located in a window, said signs shall be computed as part of allowable interior sign area as described in Subsection B(4), Interior signs, below.
- (12) No freestanding sign, projecting building sign, marquee sign, or any other sign or lighting device shall be erected or maintained on any municipal property or right-of-way unless erected by the proper municipal authorities, except as provided herein.
- (13) Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs or societies shall be exempt from sign fees, if such signs or bulletin boards do not exceed 10 square feet and are located on the premises.
- (14) Only one face of a double-faced sign shall be included in computation of display area.
- (15) The structure supporting a sign is not included in determining the display area unless the structure forms an integral background for the display.

B. The following signs are permitted, subject to the limitations provided below, in any use district, but require a permit as provided herein:

- (1) Illuminated signs.
 - (a) Any illuminated sign or lighting device shall employ only lights of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent or moving light or lights. The provisions of this section shall not be applied so as to prohibit a sign changing to show time, temperature, or event or tour schedules.
 - (b) In no event shall an illuminated sign or lighting device be placed or directed as to illuminate a public street, highway, sidewalk or adjacent premises as to cause glare or reflection that may constitute a traffic hazard or nuisance.

- (c) Internal lighting.
 - [1] No neon or rope lights shall frame or highlight a window.
 - [2] Internally lit signs with a transparent or light background color are prohibited. Dark background internally lit signs are permitted.
 - [3] Only lettering, graphics, or logos shall be illuminated with the background areas darkened and sufficiently opaque so as to prevent light spillage.
- (2) Projecting signs.
 - (a) Size. The maximum size of any projecting sign shall be five square feet.
 - (b) Material. Projecting signs shall be wood-carved and nonilluminated, with an ornamental hanger.
 - (c) Attachment. Signs shall be perpendicular to and attached to the building face of the premises which they advertise.
 - (d) Projection. Signs shall have a minimum projection of six inches and a maximum projection of three feet six inches from the building face.
 - (e) Clearance. Signs shall have a minimum clearance of eight feet and a maximum clearance of 10 feet from the ground. All measurements of clearance are from the ground to the bottom of the sign.
 - (f) Encroachment. If any part of any sign encroaches into any air space over Village property, and if such encroachment is permitted by the Village Board, the owner of such sign shall execute a hold-harmless agreement upon such forms as provided by the Village and shall also provide to the Village a complete copy of a policy of liability insurance in which the Village is named as an additional insured in the minimum sum of \$500,000 per occurrence.
- (3) Freestanding signs.
 - (a) No freestanding sign shall have a display area exceeding 50 square feet with a maximum dimension of 10 linear feet on any one side, height or width.
 - (b) No freestanding sign or its support shall exceed a height of 25 feet.
- (4) Interior signs. No sign, or combination of signs, erected or maintained in the window of a building and visible from any public or private street or highway shall occupy more than 35% of the window area, except as provided herein.
- (5) Wall signs. Total wall signage shall not exceed 1.5 square feet per linear foot of building frontage, 10% of the total area of the building facade, or 25 square feet, whichever is less.
- (6) Awning, canopy and umbrella signs.
 - (a) Lettering may be placed on the front and/or side panels of the awning, but not on the slope.
 - (b) Awning lettering may contain names, numbers, and graphics limited to the business name or building name upon which the awning is located.
 - (c) Umbrellas shall not contain any signage.
- (7) Temporary signs. No temporary sign shall be erected except as hereinafter provided.
 - (a) The following temporary signs are permitted without a permit, provided that such signs comply with the general regulations of this chapter:
 - [1] Temporary signs in the form of window signs, provided that they do not occupy more than 35% of the window area they are displayed in and that they are not displayed for more than 14 consecutive days.
 - [2] Signs posted by governmental agencies or required by governmental law, order or regulations.
 - [3] Signs required by the legal process.

- [4] Historical tablets, memorial plaques or emblems installed by governmental agencies or religious or legally recognized not-for-profit not to exceed six square feet.
- [5] Transportation signs, including but not limited to bus stops, not to exceed two square feet.
- [6] Signs necessary for the identification, operation or production of a public utility.
- [7] "Warning," "Private Drive," "Posted" or "No Trespassing" signs, not to exceed two square feet.
- [8] Noncommercial flags or emblems, including but not limited to religious, educational, social or governmental organizations, not to exceed 15 square feet with no single dimension greater than five feet, not to exceed three flags per 50 feet of frontage, flown from supports of the buildings or grounds being occupied by the organization or by an individual.
- [9] Signs advertising the sale, lease or rental of a premises upon which the sign is located:
 - [a] Residential zones: one sign, not to exceed six square feet.
 - [b] Commercial zones: one sign, not to exceed nine square feet with no single dimension greater than five feet.
 - [c] Signs shall be removed no later than three days after the transfer of title, lease or rental of the premises.
 - [d] Off-premises "Open House" directional signs permitted on day of event only.
 - [e] Nonilluminated project signs denoting the developer, architect, engineer, subcontractors or contractor on the premises where construction, repair or renovation is in progress. Each project shall be permitted one sign not to exceed six square feet in area, to be removed upon completion of the project but not to be in place longer than two years. Setbacks from all property lines shall be a minimum of 15 feet.
- [10] Private-owner merchandise sale signs for garage sales and auctions may be in place for a period not to exceed seven consecutive days and must be removed within 24 hours of the closing of the sale. No more than six signs per sale are allowed. The size of such signs shall not exceed four square feet.
- [11] Price signs required on gasoline pumps by New York State or federal law, not to exceed the minimum requirements established by law.
- [12] Commercial signs, for example, "Grand Opening," "End of Season," "Closeout," and "Going Out of Business" or signs with similar messages, provided that they are no more than 15 square feet with no single dimension greater than five feet, shall be permitted for no more than 14 consecutive days.
- (b) All other temporary signs require a permit, are subject to a fee and deposit (if applicable) as determined by the Village Board of Trustees, and must comply with the following regulations:
 - [1] A permit may be granted for such signs twice per season (twice between October 1 and May 1 and twice between May 1 and October 1).
 - [2] The sign shall be no more than 15 square feet with no single dimension greater than five feet.
 - [3] Each permit shall not exceed 15 days.
 - [4] Such signs shall not project more than 15 inches from the face of the building wall nor extend beyond the outer edge of the wall to which it is attached.

- [5] Such signs shall not attach to fences, trees, utility poles or the like, or be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.
- [6] Placement of temporary signs shall not hinder pedestrian traffic.
- [7] Each business property site is allowed only one such sign at a time. Each such sign shall be affixed to the business property site of the property owner designated in the permit application.
- [8] A-frame signs seasonal permits. Permits may be issued from September 15 until May 24, provided that the sign(s) conform to the following:
 - [a] Display area no greater than three feet by three feet per side;
 - [b] One per storefront;
 - [c] Signs shall be located on a sidewalk;
 - [d] Only displayed during open hours of business.
 - [e] Subject to Planning Board approval.
- [9] Banners shall be those made of vinyl, cloth or other flexible material designed to be hung or attached to a building temporarily, and shall conform to the following:
 - [a] The banner shall be no more than 15 square feet. with no single dimension greater than five feet.
 - [b] There shall be no more than one banner attached to a single building or storefront.
 - [c] The banner may contain commercial advertising. Such commercial advertising cannot be more than 33 1/3% of the banner. The remaining percentage shall be devoted to a message specifically welcoming a group, promoting a special event, entertainment, or an event specific to the location of the banner.
 - [d] Any wholesaler supplying banners must be authorized to do so by the State Liquor Authority. Proof of such authorization will be required prior to obtaining a permit.
 - [e] A permit for a banner must be obtained and is valid for 30 days from the date issued. Two banner permits may be purchased in one calendar year. The fee for each banner permit is \$100. Permit holders will be permitted to change banners at their discretion so long as they conform to all sections of this chapter.
 - [f] Special convention, group or association banners that are designed to specifically welcome their members and contain no commercial advertising do not count as the one permitted banner. They may be placed on a building for a period of no longer than 14 days. They shall be made of vinyl, cloth or other flexible material designed to be hung or attached to a building temporarily. The banner shall be no more than 15 square feet with no single dimension greater than five feet.

C. Placement, number and height limitation of permitted signs unless otherwise provided.

- (1) Placement and number. Commercial Resort and Commercial Mixed-Use Zones.
 - (a) Businesses may be granted a permit for two signs, one freestanding double-faced sign and one sign attached to a building, or two signs attached to a building (wall or projecting).
 - (b) Businesses where the principal building is located with frontage on more than one street or public highway will be permitted one wall sign or one projecting sign or one freestanding sign facing each street, regardless of frontage.

- (c) A permit may be granted for the erection of directional signs, provided that each individual sign does not exceed three square feet in area and is limited to the text "entrance" or "exit." One directional sign shall be allowed for each curb cut or driveway associated with the business or parcel.
- (d) In addition to the above, a permit may be granted for an externally lit identification sign on the lakeshore, provided that such sign does not exceed 15 square feet in area and the sign shall state only the name of the business or property.
- (e) A permit may be granted for additional signage attached or hung from a portion of the principal building or principal sign that contains products or services offered at that location, provided such sign does not exceed 60 square inches, is wood-carved, contains letters only and does not project from the face of the building, railing or other appurtenances by more than two inches. All such signs in place as of the date of this subsection are hereby grandfathered so long as ownership of the property remains the same.
- (f) A permit may be granted for additional signage attached or hung from another building located on the same parcel of property with frontage on a public street, owned and operated by the same business, with a separate street address. Such signage shall match the wall signage on the other building and identify only the business and or logo.

D. Restrictions.

- (1) Only one wall sign per business is permitted.
- (2) Businesses are not entitled to any additional freestanding signs due to any of the following circumstances:
 - (a) A business being situated on two or more lots, regardless of whether such multiple lots were created as two or more parcels in one deed, multiple deeds, separate Tax Map parcels, or otherwise.
 - (b) A business owned by a person or entity other than the owner(s) of the real property on which it is situated.
 - (c) If a business is located upon one or more contiguous lots or parcels, only one freestanding sign is permitted, regardless of whether the ownership of such lots or parcels is the same.
 - (d) If two or more businesses are located upon one or more contiguous lots or parcels, only one freestanding sign is permitted. The owner of such real property or business may elect which business to advertise or how the allowable signage is allocated among the various businesses.

E. Sign removal.

- (1) Any new sign which does not comply with the regulations established for the issuance of a permit pursuant to this chapter or which permit is revoked or which is deemed to be an abandoned sign; or which is not maintained in good and complete condition with lettering and graphics clean, legible, in true alignment and finishes in good repair, is prohibited and shall be brought into compliance or removed.
- (2) The business, property and/or sign owner of any noncomplying sign and/or abandoned sign shall be in violation until such sign(s) is removed or repaired. The Village may, with 30 days' prior written notice to the property and/or sign owner(s), remove such sign without further notice or further proceedings at the expense of the property and/or sign owner. The expense may be recovered by the Village in an action instituted in a court having competent jurisdiction.

- F. Amortization of nonconforming signs. Nonconforming signs, except as herein provided, existing either by variance previously granted or by conformance with the regulations existing when the original permit was granted, shall be removed or brought into compliance with the provisions herein no later than five years after the adoption of this chapter. If said sign is changed in any way, then said sign shall be required to conform with this chapter.
- G. Nonconforming freestanding signs.
- (1) Freestanding signs in existence prior to adoption of this chapter may remain as a nonconforming accessory use except those signs existing in the RMU District. Such signs shall be deemed grandfathered nonconforming uses.
 - (2) If the lettering, message or graphics on a freestanding sign is changed, it shall be required to conform to this chapter.