



**Adirondack  
Park Agency**

# **Local Government Services Committee**

**January 2022 Agency Meeting**

**January 14, 2022**

# Presentation Outline

- Agency-approved Local Land Use Programs (ALLUPs)
  - ALLUP Basics [slides: 4-15]
  
- ALLUP Amendment Review
  - Statutory Authority [slides: 16-21]
  - Process [slides: 22-28]
    - Del Res
  
- Village of Lake George ALLUP Amendment
  - Background [slides: 29-35]
  - Amendment - Sign Standards [slides 36-50]
  - Approval Criteria [slides: 51-54]
  - Resolution [slides: 55-56]



# Agency-approved Local Land Use Programs

*ALLUP Basics*

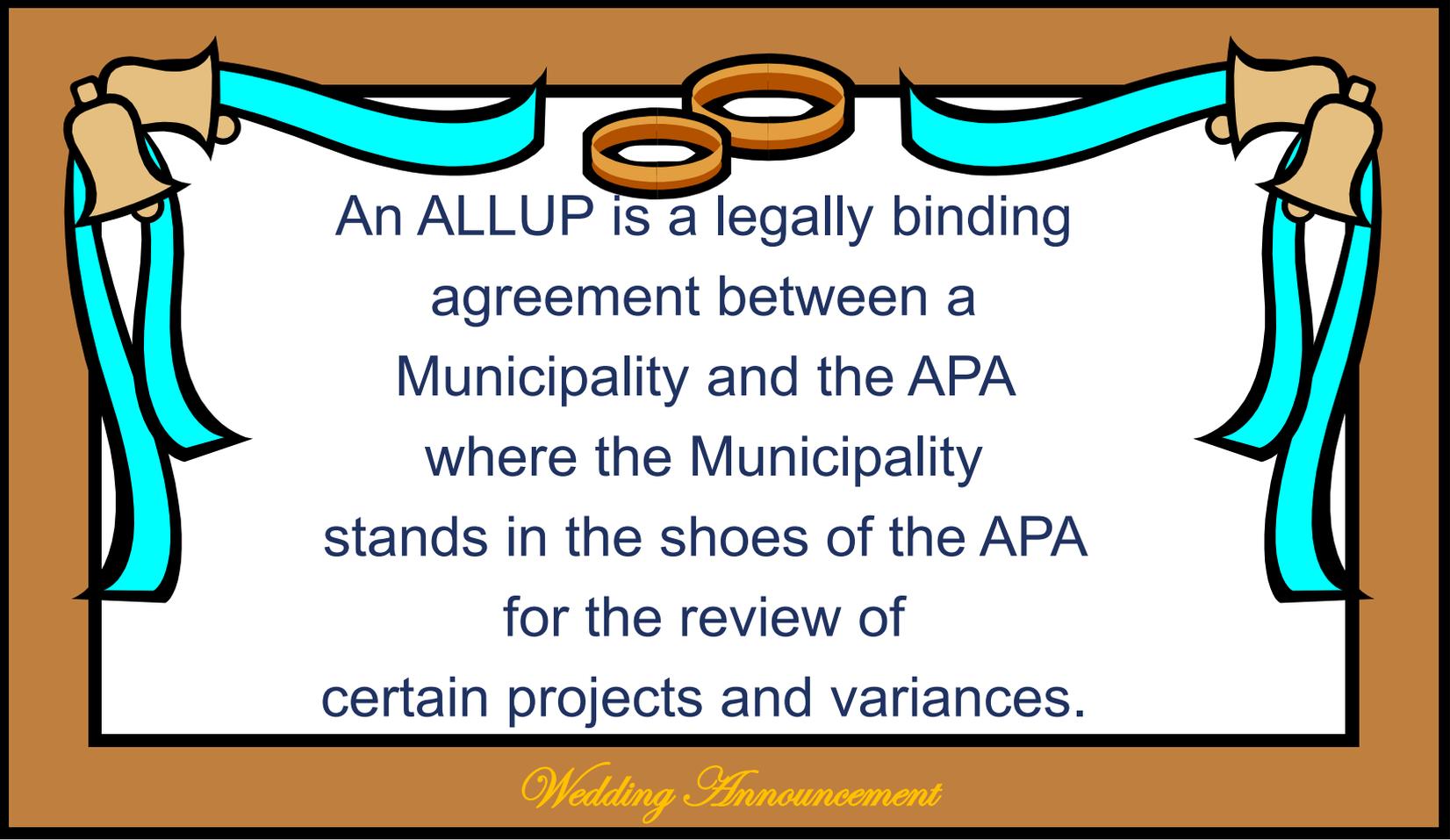
# Agency-approved Local Land Use Programs (ALLUPs)

- Section 807 of the Act
  - Authorizes creation of ALLUPs
  - Sets requirements for approval
- Section 808 of the Act
  - Outlines procedures for Class B and Variance review
- Section 809(9) of the Act
  - Sets requirements for APA project review in an ALLUP
- Part 582 of the Regulations



# ALLUP

## APA-approved Local Land Use Programs



An ALLUP is a legally binding agreement between a Municipality and the APA where the Municipality stands in the shoes of the APA for the review of certain projects and variances.

*Wedding Announcement*

# ALLUP Criteria: APA Act §807(2)

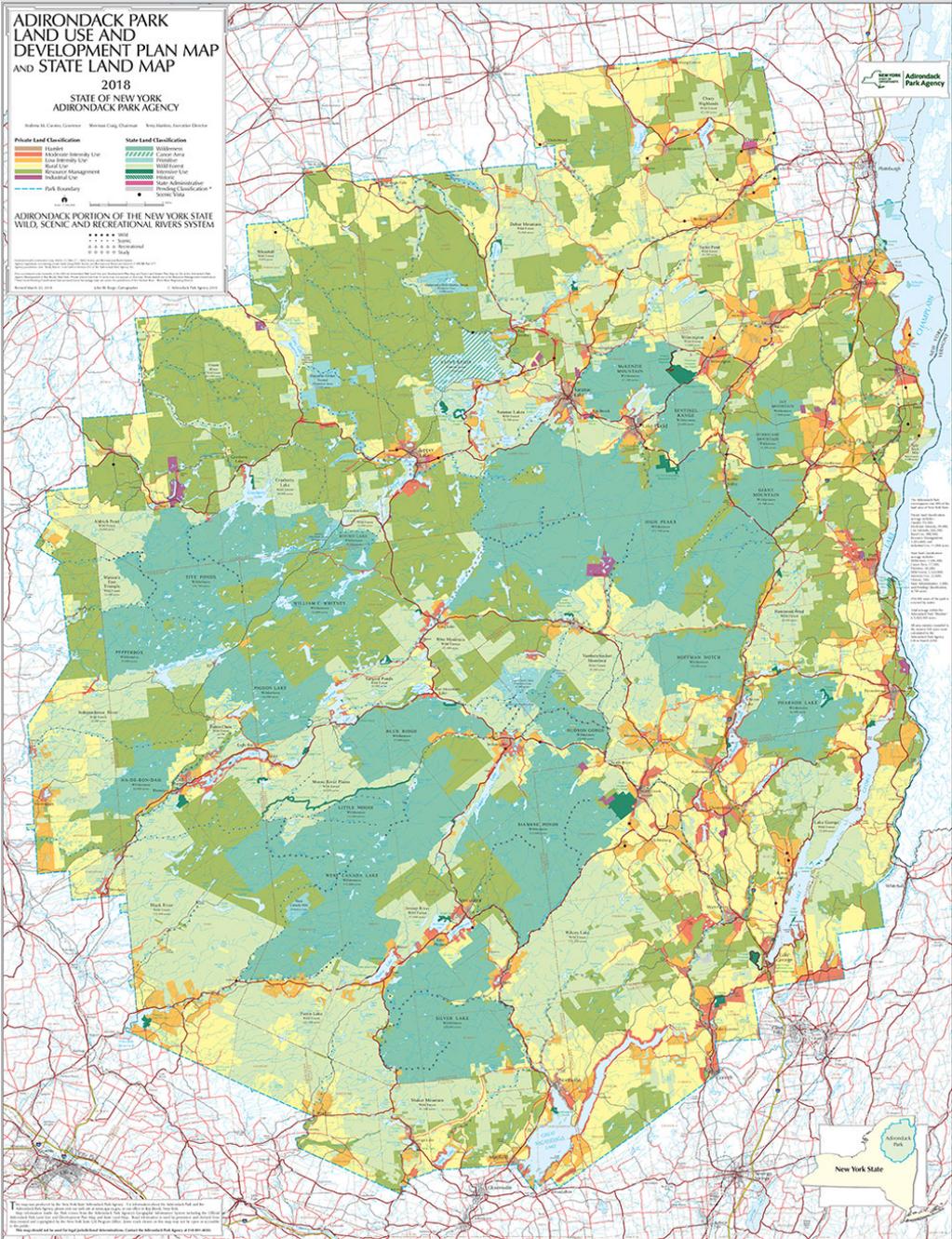
## The Program...

- Is in accordance with the land use and development plan
- Is compatible with the character descriptions and purposes, policies and objectives of the land use areas, and, in regard to its map, compatible with the plan map
- Reasonably applies the overall intensity guidelines
- Reasonably applies the compatible uses lists
- Incorporates at a minimum the shoreline restrictions
- Requires review of class B regional projects
- Contains authority and provisions for administration and enforcement

# APA-approved Local Land Use Programs

- Local Code includes provisions of the APA Act and APA Regulations
- APA transfers Class B and Shoreline Restrictions to the Town/Village for administration
  - Town/Village Permit for Class B Projects
  - Town/Village Variance for shoreline restrictions





“The Map”

# Summary of APA Authority Over Land Use & Development & Subdivision

## Chart Summarizes APA Jurisdiction

- Includes
  - Overall Intensity Guidelines (OIGs)
  - Project Jurisdiction
    - Non-Jurisdictional (NJ)
    - Class A Projects
    - Class B Projects
    - Wetlands
    - Rivers ★
  - Shoreline Restrictions

# Excerpt - Summary of APA Authority Over Land Use & Development & Subdivision

Summary of APA Jurisdiction		Hamlet	Moderate Intensity Use	Low Intensity Use	Rural Use	Resource Management	Industrial Use
Always check with the APA before starting a project							
Overall Intensity Guidelines (OIGs) Average Lot Size (in acres)		n/a	1.3	3.2	8.5	42.7	n/a
Use Type ↓	APA Land Use Area →	HA	MIU	LIU	RU	RM	IU
01	Single Family Dwelling	NJ	NJ	NJ	NJ	B	IC-B
02	Individual Mobile Home	NJ	NJ	NJ	NJ	B	IC-B
03	Residential Subdivisions	NJ: 2-99 lots	NJ: 2-14 lots B: 2-14 lots if any shoreline lot is <25,000 sqft (0.57a) or <40,000 sqft (0.92a) for non-shoreline lots	NJ: 2-9 lots B: 2-9 lots if any shoreline lot is <50,000 sqft (1.15a) or <120,000 sqft (2.75a) for non-shoreline lots	NJ: 2-4 lots B: 2-4 lots if any shoreline lot is <80,000 sqft (1.84a) or <320,000 sqft (7.35a) for non-shoreline lots	A	IC-B
			B: 15-74 lots	B: 10-34 lots	B: 5-19 lots		
		A: ≥100 lots	B: If any lot does not meet the shoreline lot widths				
04	Mobile Home Court	NJ: <100 units	B: < 75 units	B: < 35 units	B: < 20 units	IC-B	IC-B
		A: ≥100 units	A: ≥ 75 units	A: ≥ 35 units	A: ≥ 20 units		
05	Multiple Family Dwelling	NJ: <100 units	B: < 75 units	B: < 35 units	B: < 20 units	IC-B	IC-B
		A: ≥100 units	A: ≥ 75 units	A: ≥ 35 units	A: ≥ 20 units		
06	Open Space Recreation	NJ	NJ	NJ	NJ	NJ	NJ
07	Agricultural Use	NJ	NJ	NJ	NJ	NJ	NJ
08	Agricultural Use Structure	NJ	NJ	NJ	NJ	NJ	NJ

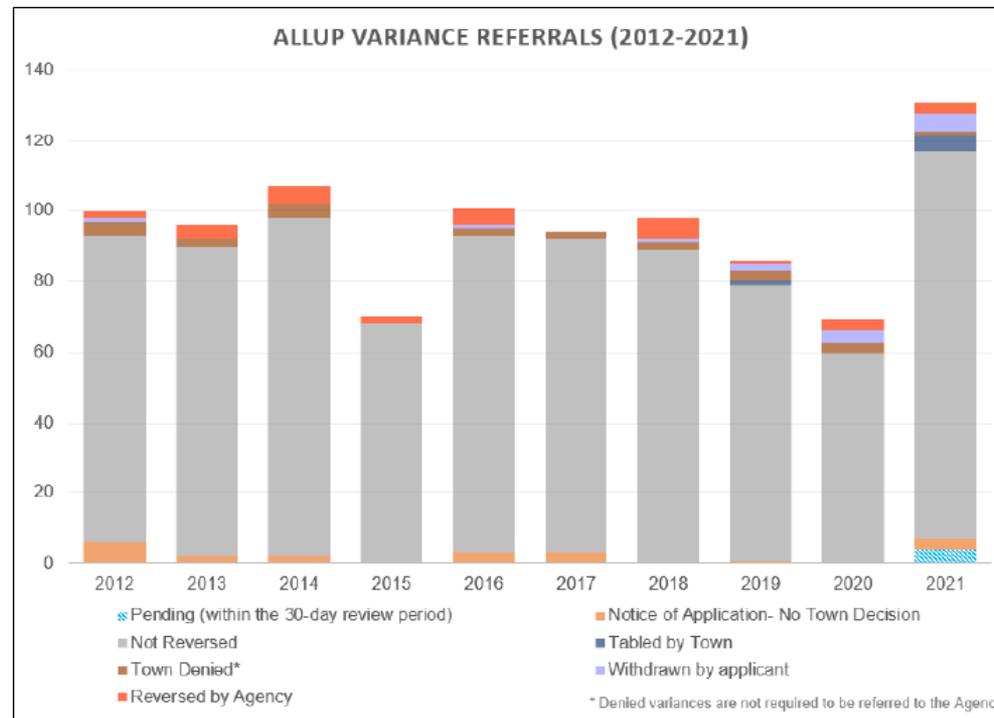
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Summary of APA Jurisdiction		Hamlet	Moderate Intensity Use	Low Intensity Use	Rural Use	Resource Management	Industrial Use
Always check with the APA before starting a project							
Overall Intensity Guidelines (OIGs) Average Lot Size (in acres)		n/a	1.3	3.2	8.5	42.7	n/a
Shoreline	Shoreline Structure Setback (waterbody must be navigable & applies to all structures >100 sqft)	50 ft	50 ft	75 ft	75 ft	100 ft	n/a
	Shoreline Septic Setback (navigable and non-navigable waterway)	100 ft for leaching facility					
	Minimum Lot Width	50 ft	100 ft	125 ft	150 ft	200 ft	n/a
	Vegetative Cutting Restrictions	Within 35 feet of the MHWM: Not more than 30% of trees >6 inches in diameter at breast height may be cut during any 10-year period Within 6 feet of MHWM: Not more than >30% of the shoreline lot width may be cleared of vegetation					

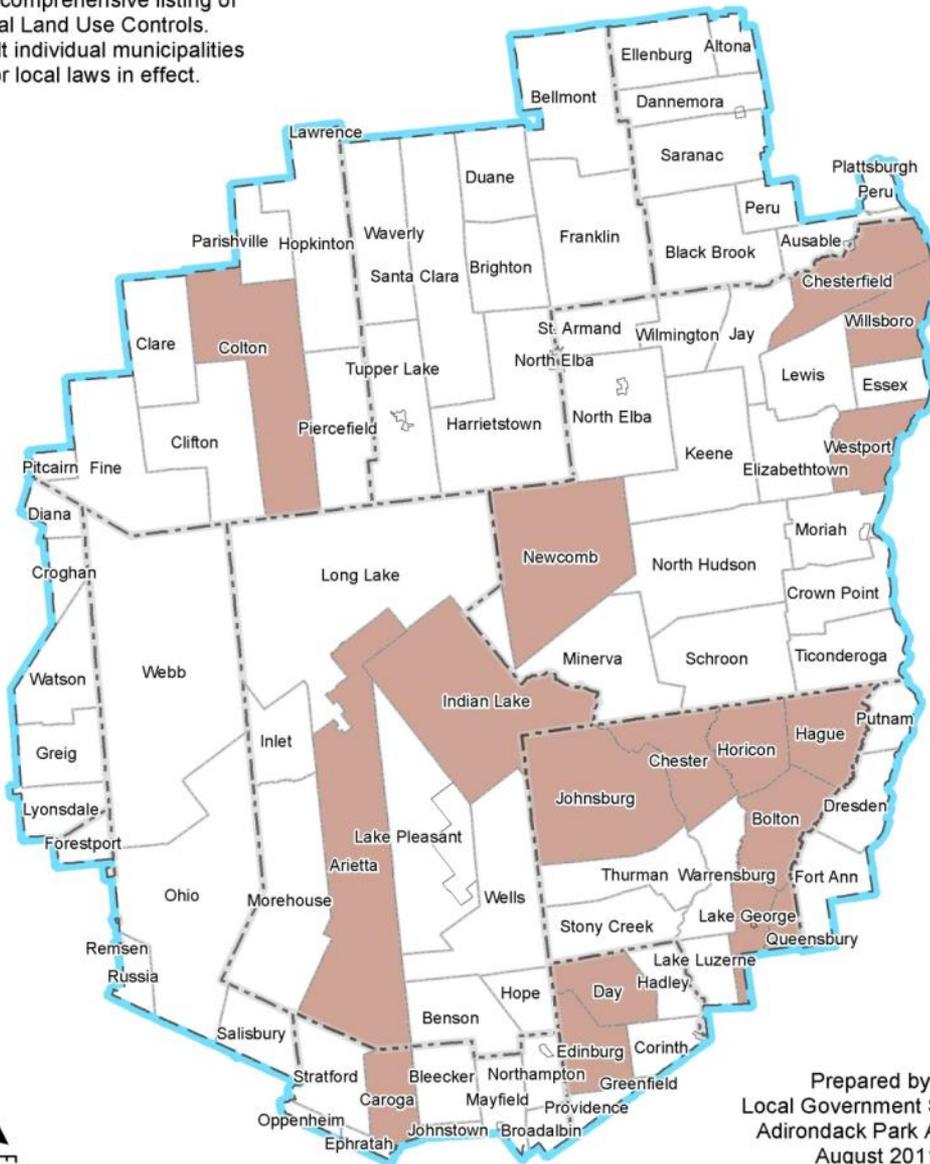


# ALLUPs - Variances

- Town (not the Agency) issues variances, including shoreline
  - APA retains review authority over certain variances - §808(3) & §582.6(a)
  - APA may reverse certain local variances - §808(3)
  - No APA review of variances in Hamlet (including shoreline)



Not a comprehensive listing of  
Local Land Use Controls.  
Consult individual municipalities  
for local laws in effect.



Prepared by:  
Local Government Services  
Adirondack Park Agency  
August 2011

## 17 Towns

Arietta  
Bolton  
Caroga  
Chester  
Chesterfield  
Chesterfield  
Colton  
Day  
Edinburg  
Hague  
Horicon  
Indian Lake  
Johnsburg  
Lake George  
Newcomb  
Queensbury  
Westport  
Willsboro

## 1 Village

Village of Lake George



# ALLUP Amendment Review *Statutory Authority*

# ALLUP Amendment Review

## §807(1)

...All amendments to an approved local land use program that do relate to such criteria shall be subject to approval by the agency as set forth in subdivision two of section eight hundred seven for approval of an initial local land use program...

# ALLUP Criteria: APA Act §807(2)

## The Program...

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- Reasonably applies the overall intensity guidelines
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- Requires review of class B regional projects
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# ALLUP Amendments Rules & Regs §582.5

- Shoreline restrictions below the §806 minimums
- Substantive or procedural provisions relating to review of Class B's
- Provisions relating to administration and enforcement
- Sign, Junkyard, Sanitary or Subdivision Regulations

## Outside of Hamlet

- New or revised town zoning districts
- Additions to town permitted use lists which would allow a use not on the APA compatible use list for that area
- Intensity of development (changes in density)

**Any repeal of the above provisions or other amendments which involve the provisions of the land use and development plan**

The agency shall approve, approve subject to conditions or disapprove such amendment(s) within 45 days of submission.



# ALLUP Amendments §807(1)

Amendments that relate to the  
criteria in §807(2)  
require  
approval by the Agency

**But...**

Amendments that do not relate to the  
criteria for approval in §807(2)  
are not  
subject to approval by the Agency



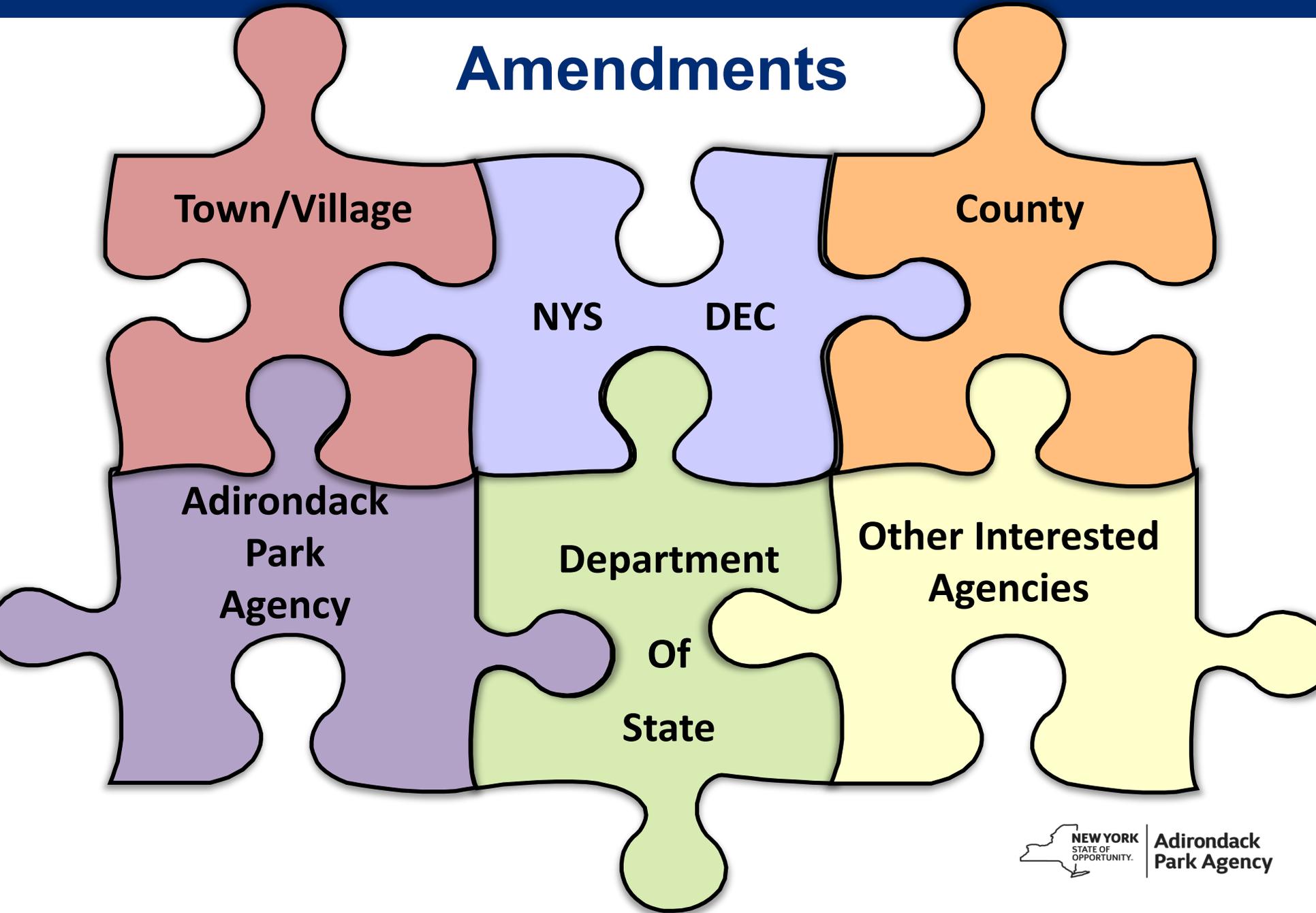
## ALLUP Criteria: APA Act §807(2)

The Program...

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- Reasonably applies the overall intensity guidelines
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# ALLUP Amendment Review *Process*

# Amendments



# ALLUP Amendments

## •Coordination & Responsibilities of Involved Agencies

### ➤Town/Village

- Author (With and without professional consultant)
- Lead Agency for SEQRA

### ➤Adirondack Park Agency

- Involved Agency for SEQRA
- Technical Assistance
- Formal Approval

### ➤County

- Involved Agency for SEQRA

### ➤Department of State

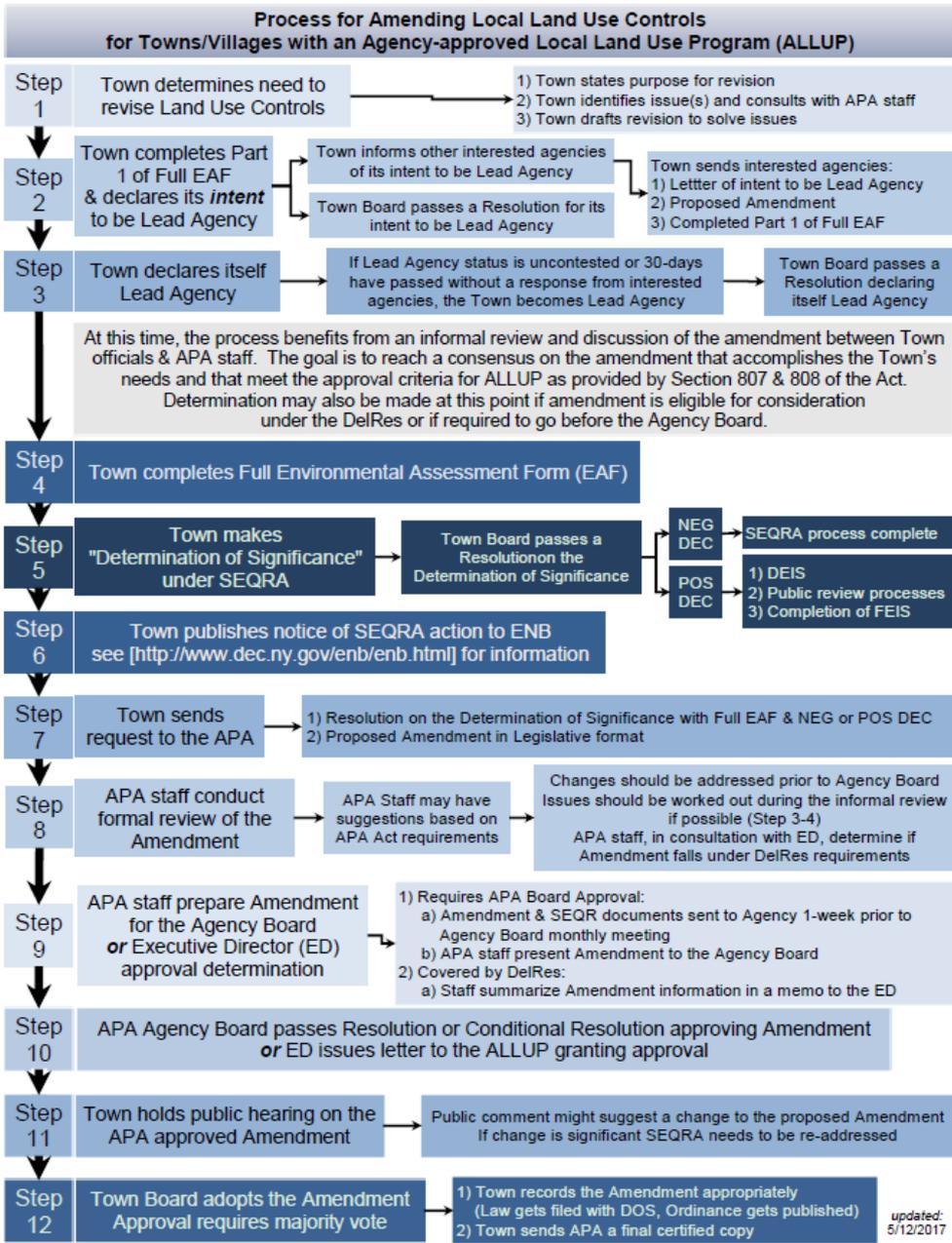
- Record Keeping & Repository for all Local Laws
- Technical Assistance

### ➤Department of Environmental Conservation

- Potential Involved Agency for SEQRA
- ENB Notices

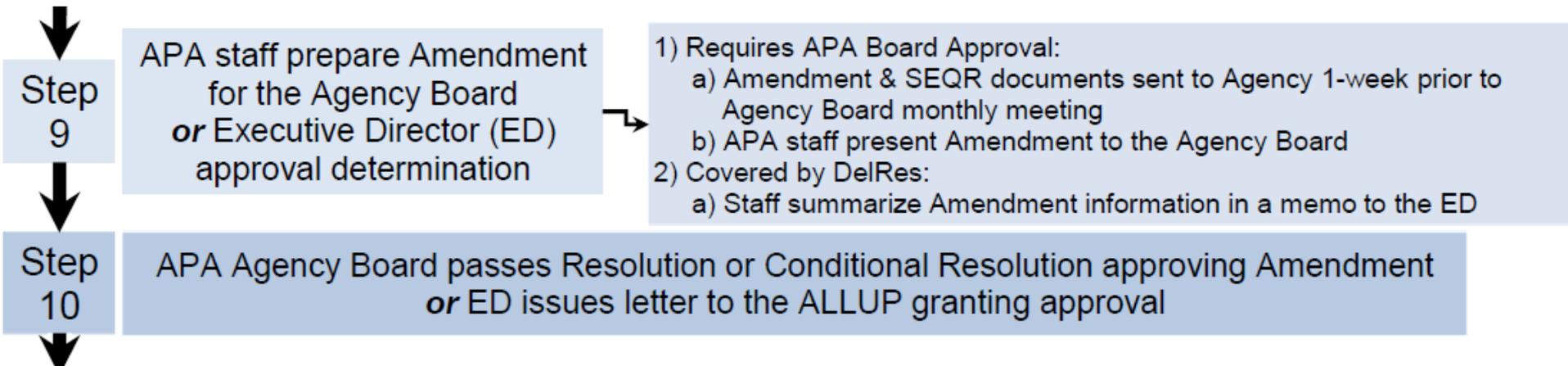
### ➤Other Interested Agencies (i.e., DOH, DOT, LGPC)





# ALLUP Amendment Flowchart

# ALLUP Amendment Approval



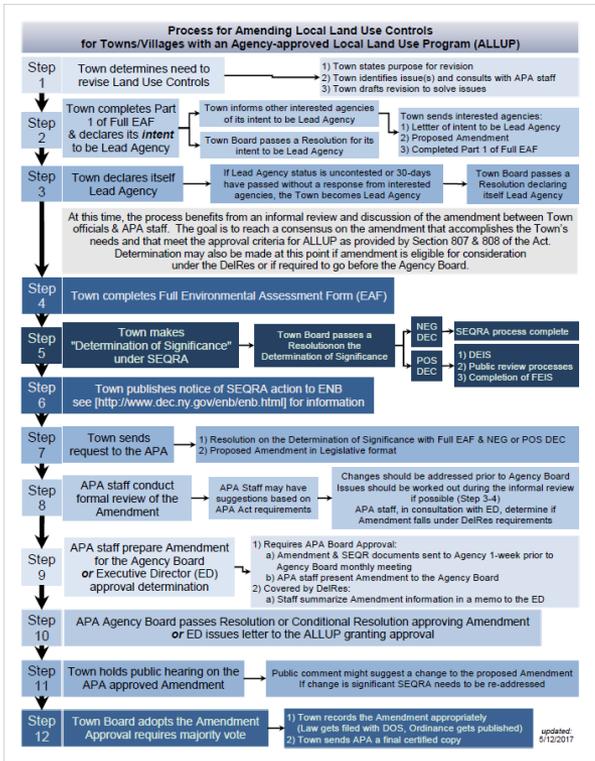
## ALLUP Amendment Approval

**Executive Director  
pursuant to the Del Res**

**Agency Board**

O. To review and approve, pursuant to Section 807 of the Adirondack Park Agency Act and Part 582 of Agency Rules and Regulations, the following proposed amendments to approved local land use programs:

- 1) minor amendments that add targeted land use controls equivalent to or exceeding those applied by the Agency;
- 2) amendments adding permitted uses on the primary or secondary compatible use lists in Section 805(3) of the Adirondack Park Agency Act;
- 3) amendments deleting permitted uses;
- 4) amendments that conform provisions of the local program with the Adirondack Park Agency Act or Agency Rules and Regulations; and
- 5) other non-material amendments involving provisions of the land use and development plan as defined in Section 802(29) of the Adirondack Park Agency Act.





**Adirondack  
Park Agency**

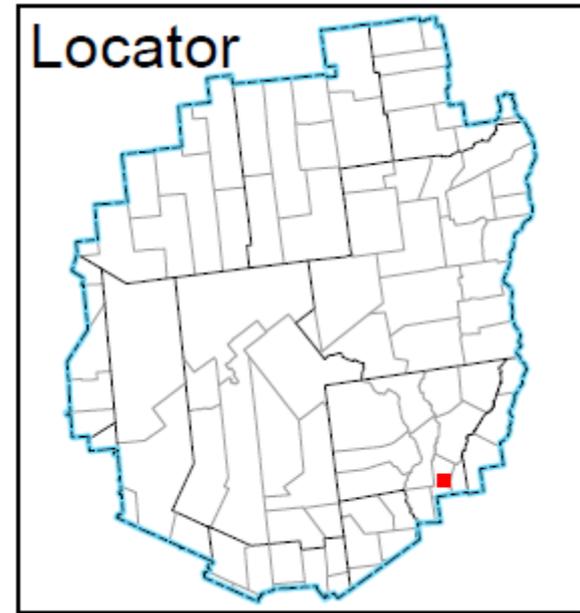
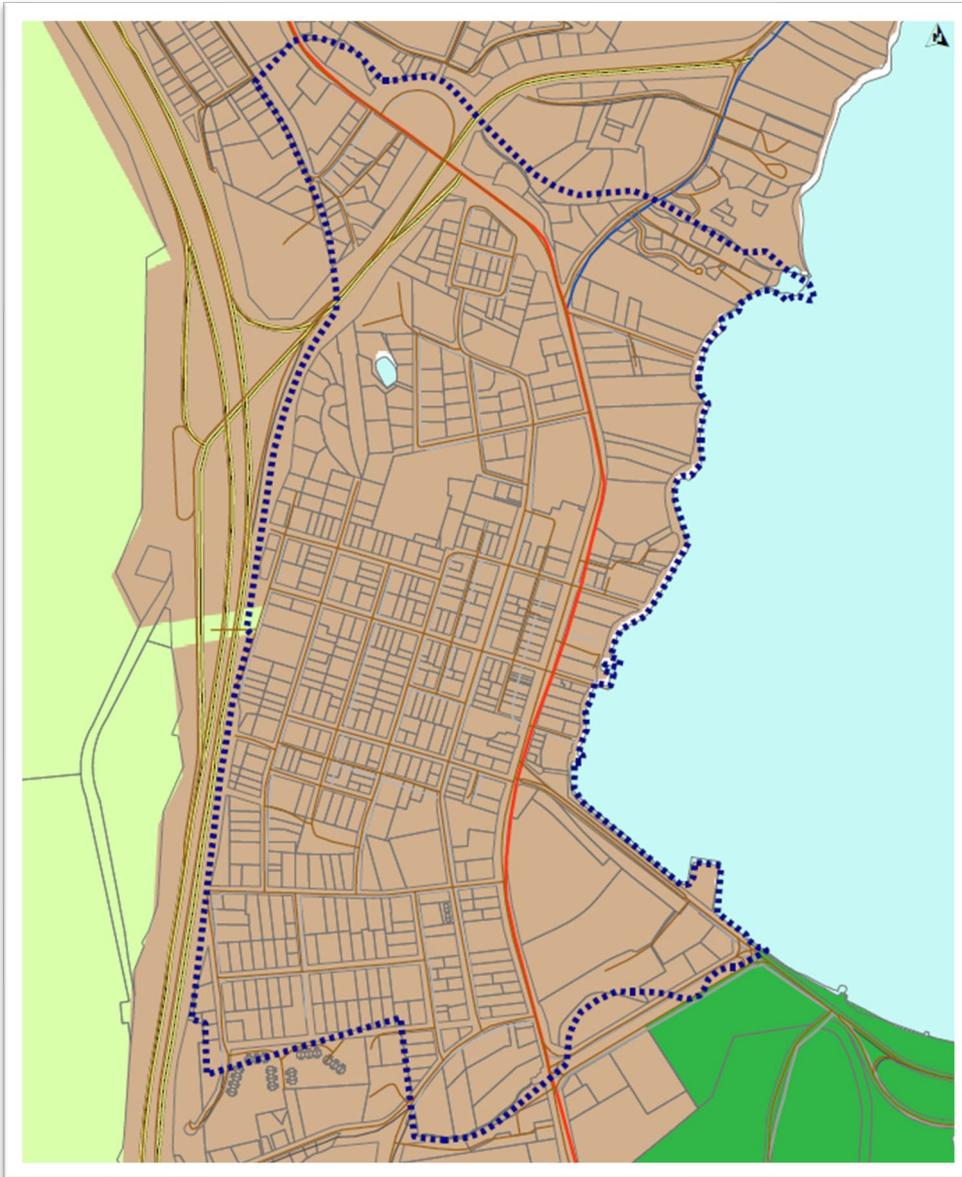
# **Village of Lake George ALLUP Amendment 2022 Sign Standards**

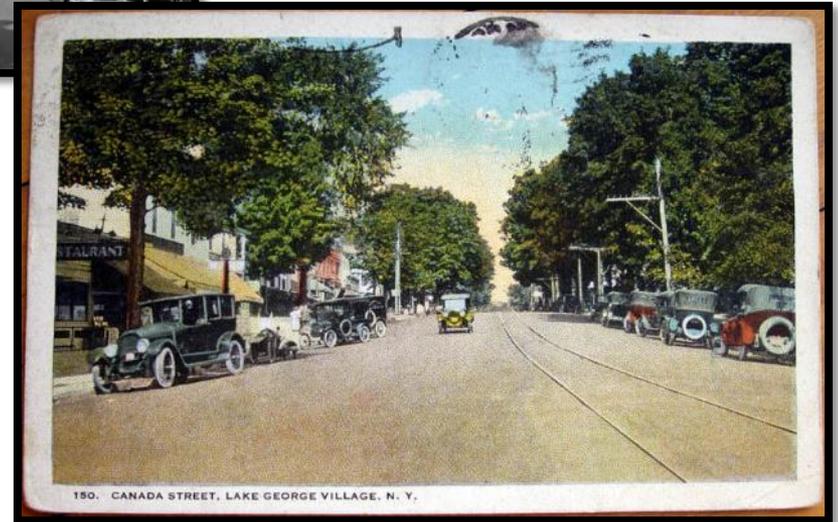
January 14, 2022

# Village of Lake George

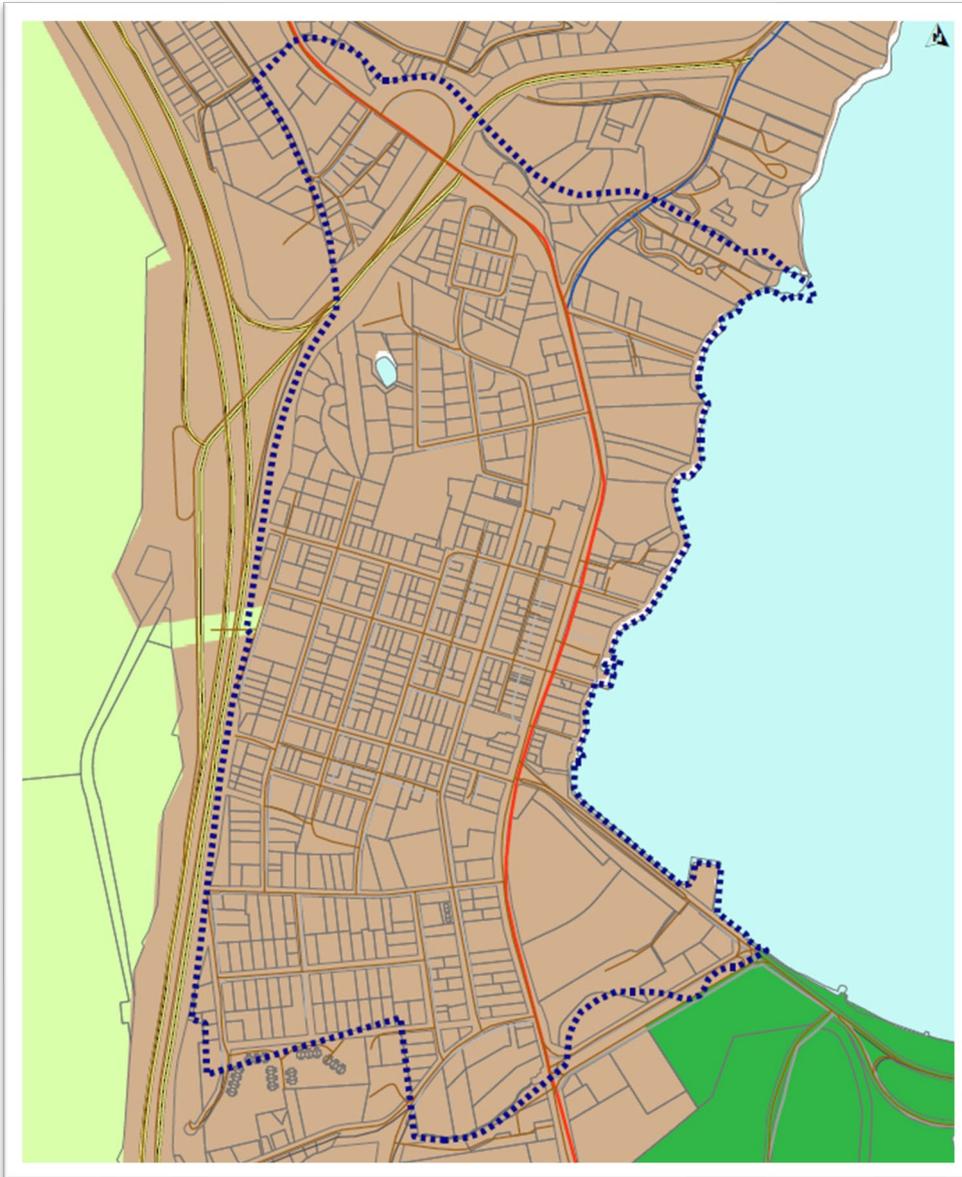
## *ALLUP - Background*

# Village of Lake George – Warren County, NY





# Village of Lake George – Hamlet



1. No Class B Projects in Hamlet
2. Hamlet variances not required to be referred to the Agency
3. Certain Hamlet amendments are not required to be reviewed/approved by the Agency

# Brief History of Village of Lake George ALLUP

**1978:** Village of Lake George Zoning Code

**1985:** Village of Lake George's ALLUP

**2005:** Zoning Code Repeal/Replacement

**2010:** Updated Sign Regulations

**2018:** Updated Subdivision Regulations

**2022: *Sign Amendment***

*Note amendments in Hamlet are generally not subject to Agency review/approval*





## Village of Lake George



# Village of Lake George ALLUP Amendment *2022 Sign Standards*

# Amendment – §220-24: Sign Standards

- 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.



## §220-24: Sign Standards

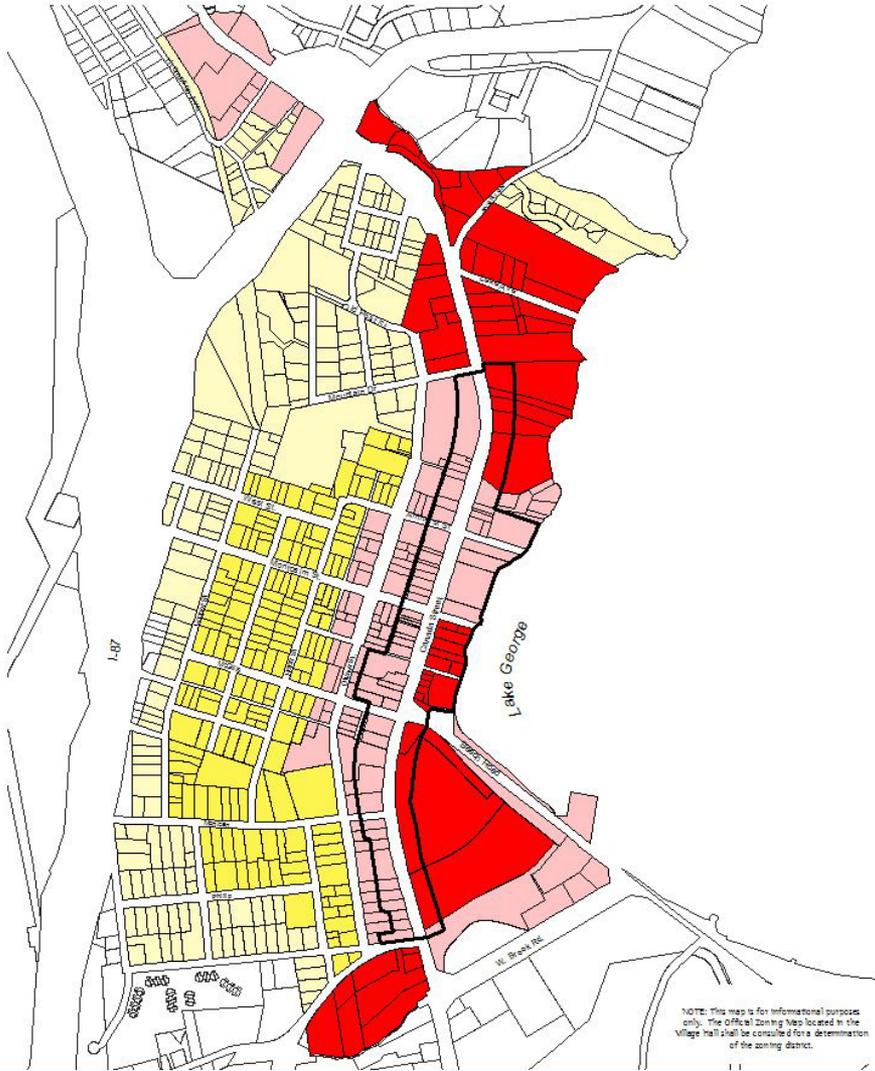
(C) Placement, number and height limitation of permitted signs unless otherwise provided.

(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.

# Village of Lake George Zoning Map



 Commercial Mixed Use

 Commercial Resort



Zoning District  
Single Family Residential  
Residential Mixed Use  
Commercial Mixed Use  
Commercial Resort  
Downtown Canada Street Overlay District  
Town of Lake George Parcels

Village of Lake George  
Zoning Map

October 24, 2009



## Appendix Q-3

# Standards For Signs Associated With Projects

- 1. The purpose of these standards.** The purpose of these standards is to provide a coordinated, uniform and consistent approach for the review ... of signs proposed ... in association with projects subject to agency jurisdiction ...
- 2. Application of these standards.** These standards shall govern the agency in its review of all private signs associated with projects subject to agency jurisdiction ...



## Appendix Q-3

# Standards For Signs Associated With Projects

(a) *Sign* means any sign, billboard, advertising structure or inscribed surface, pattern of artificial lighting, pictorial or symbolic ornament, emblematic structure, banner, fluttering apparatus, statue, model, ornamental figure or other visually communicative or expressive device that is visible from an out-of-doors position and is used to advertise or call the public's attention to any business, commercial, industrial, tourist or any other activity, object for sale or lease, person or place, or to bear any kind of message...



## Appendix Q-3

# Standards For Signs Associated With Projects

### 4. Number of signs.

- a) Not more than two signs may be erected or maintained advertising or otherwise relating to a single business or activity, except for directional signs that do not exceed two square feet in sign area and are limited to such texts as “Office”, “Entrance”, “Exit”, “Parking”, and “No Parking”.
- b) Not more than one pole sign may be erected or maintained upon the premises of any gasoline or other automotive service station.

# Lake George Signs - 6NYCRR Part 646-7

## §646-7.1

The purpose of this Part is as follows:

- (a) to preserve and enhance the natural beauty of the park;
- (b) to create a restful atmosphere in keeping with the natural beauty of the lake and the surrounding Adirondack Mountains which will commend the park to vacationers;
- (c) to safeguard the general public by the elimination of advertising signs which distract the motorist and contribute to the hazards of driving;
- (d) to encourage the installation of appropriate advertising signs that harmonize with the buildings, the neighborhood and other signs in the area; and
- (e) to eliminate excessive, unsightly competition for visual attention through advertising signs.

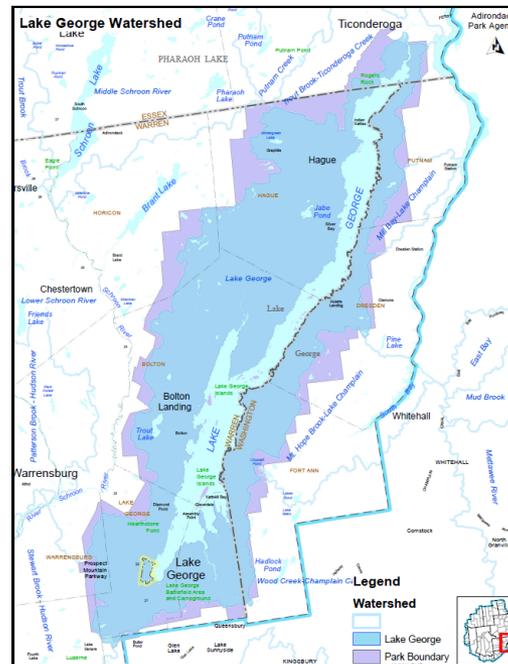
# Lake George Signs - 6NYCRR Part 646-7

## §646-7.2 Exemptions

The following signs shall be exempt from the permit requirements of this Subpart:

- a) A sign erected or maintained within an incorporated village.

...



# Amendment – §220-24(C): Sign Standards

(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.

## Appendix Q-3

# Standards For Signs Associated With Projects

- Q-3 only applies to projects subject to Agency review
- Signs are not a bases of Agency jurisdiction
- Businesses limited to 2 signs



# Hamlet - Class A Projects

Summary of APA Jurisdiction		Hamlet
Always check with the APA before starting a project		
Overall Intensity Guidelines (OIGs) Average Lot Size (in acres)		n/a
Use Type ↓	APA Land Use Area →	HA
03	Residential Subdivisions	NJ: 2-99 lots A: ≥100 lots
04	Mobile Home Court	NJ: <100 units A: ≥100 units
05	Multiple Family Dwelling	NJ: <100 units A: >100 units
21	Tourist Accommodation	NJ: < 100 units A: ≥ 100 units
29	Commercial or Private Airport	A
34	Watershed Management-Flood Control	A NJ: if DEC permit
≥25%	Expansion by 25% or more: Expansions by 25% or more of any project listed, whether or not the project being expanded is pre-existing and whether the expansion is done at one time or in stages, requires a permit if the project being expanded, if new, would require one. <i>See §811(5)</i> - exception for Single Family Dwellings	
>40ft	Structures over 40 feet: All structures over 40 feet in height* are Class A Regional Projects, except agricultural use structures and *Height is measured from the highest point of a structure to lowest point of original or finished grade or base of supporting fill, whichever is lower.	



# Strange But True...

## NYS General Business

### Article 14 - Aircraft

§ 248. ... and the operation of aircraft on or over the waters of Lake George, ... for the carriage of passengers for hire, from and to points on such lakes or on the shores thereof, is a misdemeanor.



# APA Q-3 vs. Village of Lake George

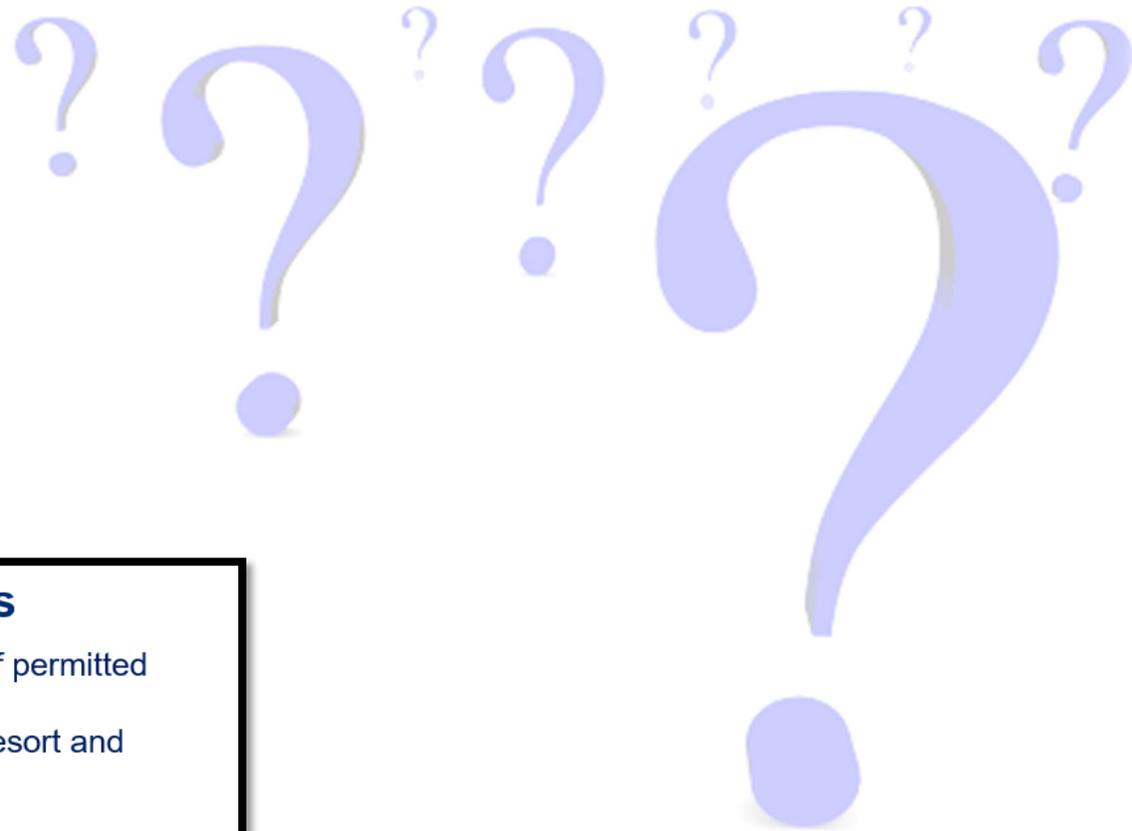
Maximum of 2 signs advertising or relating to a business

Q-3 only applies if the Agency has jurisdiction the project.

Commercial Uses in Hamlet are NJ\*

May allow for >2 signs for businesses (aka commercial uses) subject to permitting requirements under certain circumstances in the Village Commercial Mixed Use and Commercial Resort Districts

\* Exception would be if the structure was over 40-feet in height or involved wetlands



## §220-24: Sign Standards

(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.

# Village of Lake George ALLUP Amendment *Approval Criteria*

# ALLUP Amendments Rules & Regs §582.5

- Shoreline restrictions below the §806 minimums
- Substantive or procedural provisions relating to review of Class B's
- Provisions relating to administration and enforcement
- **Sign, Junkyard, Sanitary or Subdivision Regulations**

## Outside of Hamlet

- New or revised town zoning districts
- Additions to town permitted use lists which would allow a use not on the APA compatible use list for that area
- Intensity of development (changes in density)

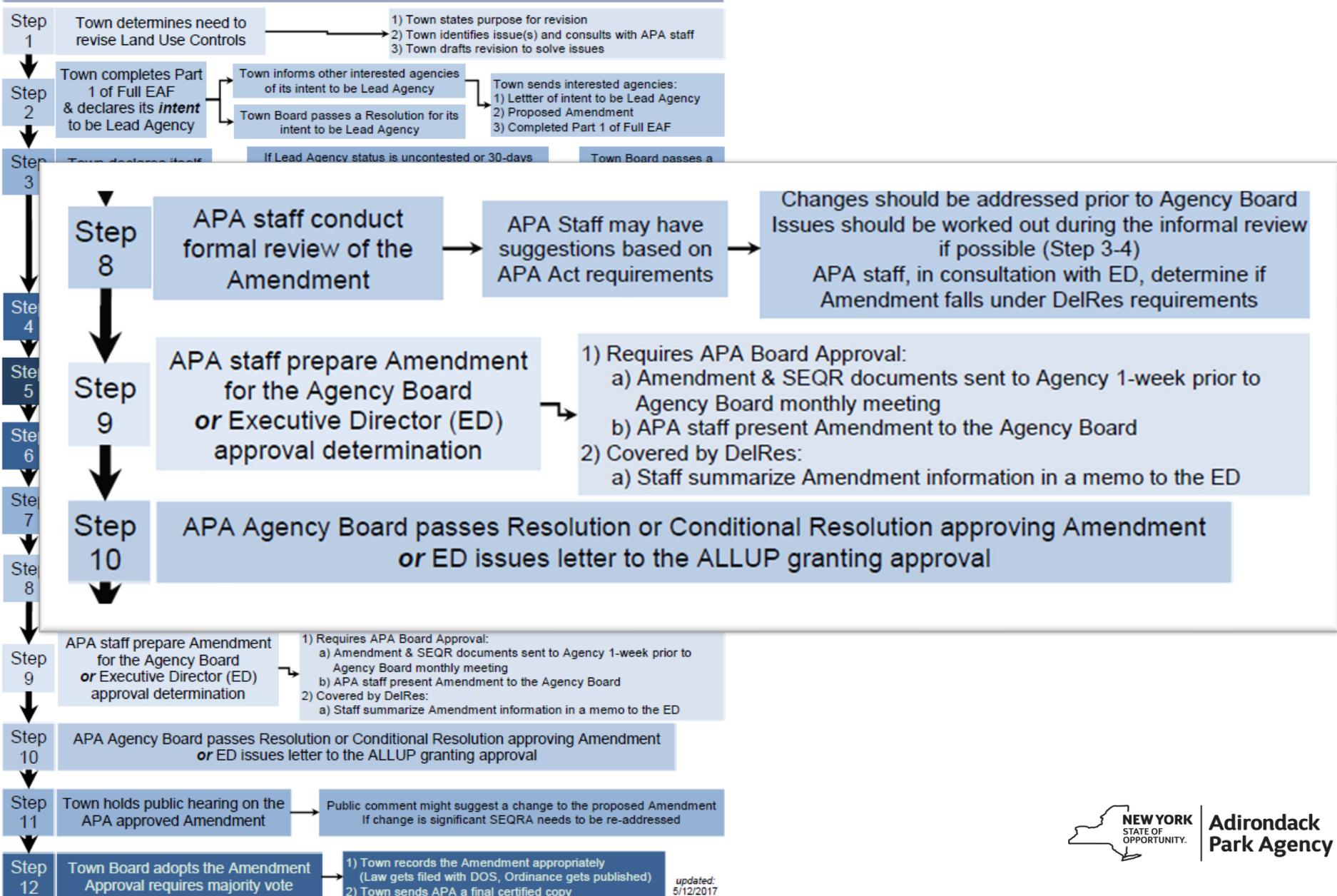
**Any repeal of the above provisions or other amendments which involve the provisions of the land use and development plan**

The agency shall approve, approve subject to conditions or disapprove such amendment(s) within 45 days of submission.

# Village Board Action & SEQR Review

- Town Board Designated as Lead Agency
- Unlisted Action
- Negative Declaration (Neg Dec) on 12/20/2021
- Village Requested APA Approval on 12/21/2021

**Process for Amending Local Land Use Controls  
for Towns/Villages with an Agency-approved Local Land Use Program (ALLUP)**



# 2022 Sign Amendment – Draft Resolution



KATHY HOCHUL  
Governor

TERRY MARTINO  
Executive Director

## RESOLUTION AMENDMENTS TO THE VILLAGE OF LAKE GEORGE LOCAL LAND USE PROGRAM (Amendment to Section 220-24: Sign Standards)

January 14, 2021

**WHEREAS**, the Village of Lake George (Village) administers a local land use program (Local Program) conditionally approved by the Adirondack Park Agency (Agency) pursuant to Section 807 of the Adirondack Park Agency Act, the Agency having approved the Local Program on July 19, 1985; and

**WHEREAS**, the Village's proposed amendment will add Section 220-24(C)(1)(f) to the Sign Standards in the Village of Lake George Zoning Law; and

**WHEREAS**, the Village submitted the proposed amendment to the Agency for review and approval on December 21, 2021; and

**WHEREAS**, the proposed amendment satisfies the approval criteria set forth in Section 807(2) of the Adirondack Park Agency Act; and

**WHEREAS**, on December 20, 2021, the Village Board, as lead agency, issued a negative declaration pursuant to the State Environmental Quality Review Act finding that the proposed amendment would not have a significant impact on the environment.

**NOW, THEREFORE, BE IT RESOLVED** that the amendment to the Village of Lake George's Local Program are hereby approved by the Adirondack Park Agency; and

**BE IT FURTHER RESOLVED** that upon adoption of the local law, the Village shall provide a copy of the final version of the document to the Agency's Planning Division so that the Agency may update its copy of the Village's local laws; and

**BE IT FINALLY RESOLVED** that the Agency further directs its staff to continue to provide technical assistance to the Village on its Local Program plan and to coordinate in the review of projects of regional significance.

Resolution adopted on this date, January 14, 2021.



**Adirondack  
Park Agency**

KATHY HOCHUL  
Governor

TERRY MARTINO  
Executive Director

**RESOLUTION  
AMENDMENTS TO THE VILLAGE OF LAKE GEORGE  
LOCAL LAND USE PROGRAM  
(Amendment to Section 220-24: Sign Standards)**

**January 14, 2021**

**WHEREAS**, the Village of Lake George (Village) administers a local land use program (Local Program) conditionally approved by the Adirondack Park Agency (Agency) pursuant to Section 807 of the Adirondack Park Agency Act, the Agency having approved the Local Program on July 19, 1985; and

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**Adirondack  
Park Agency**