



**Adirondack
Park Agency**

Town of Lake George ALLUP Amendment

**Town Zoning Ordinance and
Zoning Map Amendment**

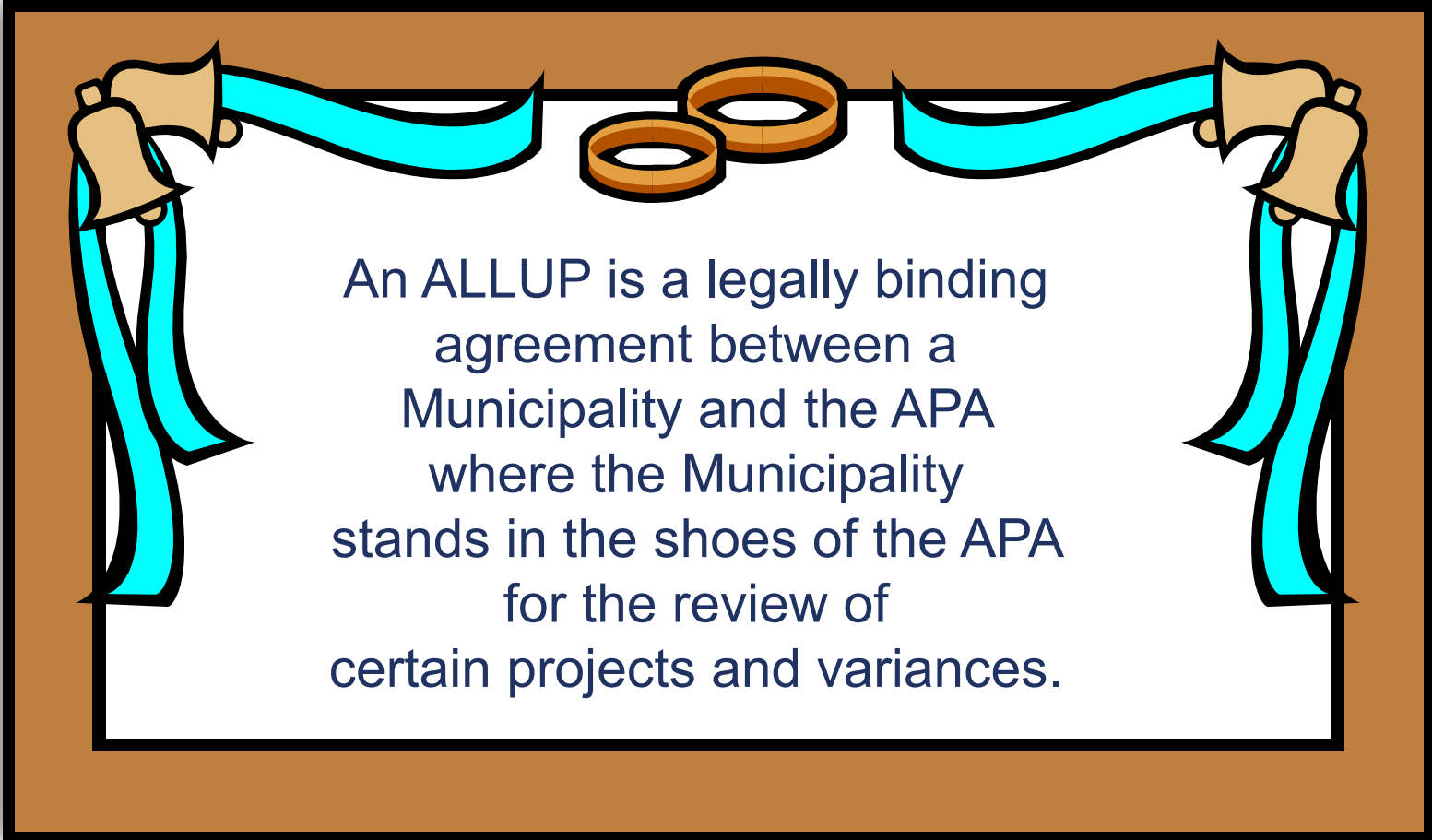
February 9, 2023

Outline

- ALLUP Refresher
- Proposed Zoning Ordinance Amendments
- Proposed Town Map Amendments
- Proposed “General Commercial” Amendment
- Summary and Draft Resolution

ALLUP

Agency Approved Local Land Use Program



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.

Agency-Approved Local Land Use Program- “ALLUP”

Required by §582.2 for an Agency-approved Local Land Use Program:

- Zoning
- Subdivision
- Sanitary

Comprehensive Plan*

ALLUP Criteria: APA Act §807(2)

The Program...

- Is in furtherance and supportive of 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



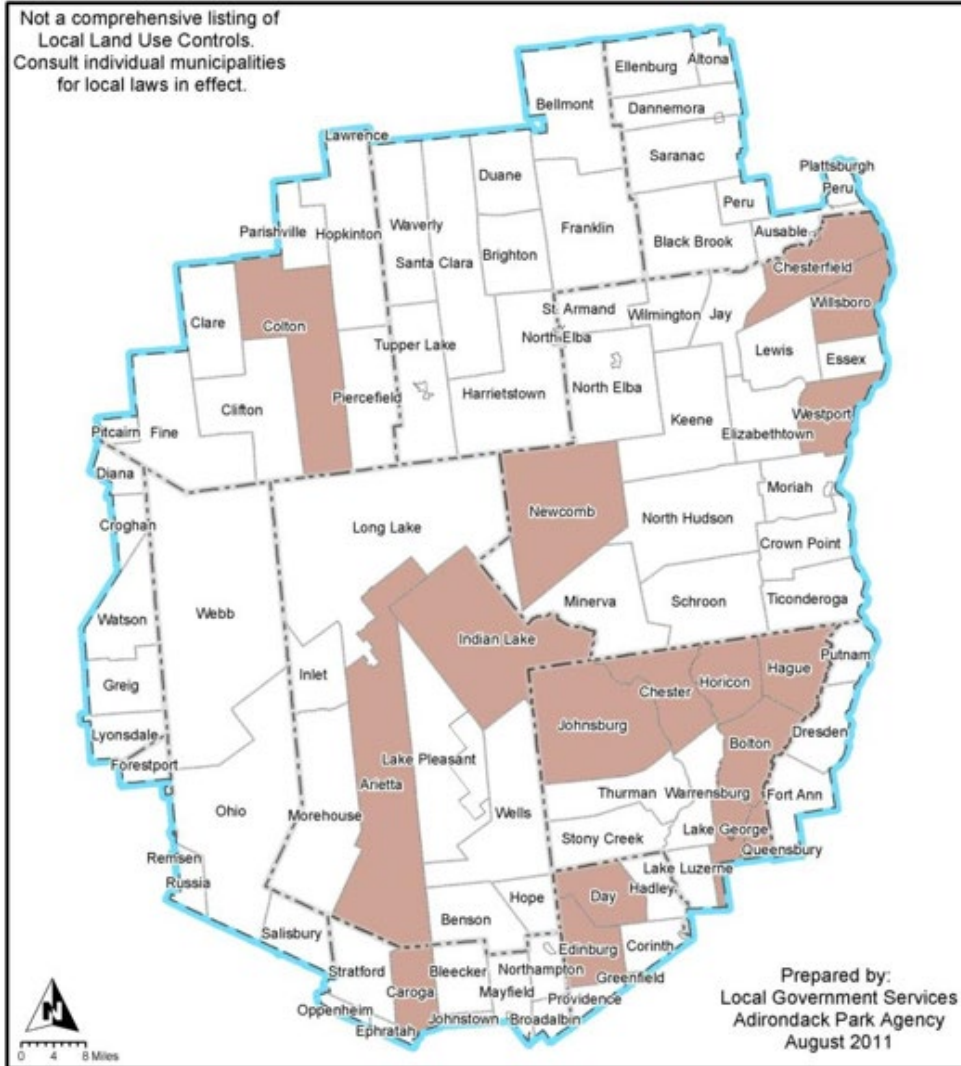
ALLUP Amendments §807(1)

Amendments that relate to the criteria set forth in §807(2) for initial authorization of an approved local land use program require approval by the Agency.

But...

Amendments that do not relate or pertain to the criteria for initial approval of a local land use program set forth in §807(2) are not subject to approval by the Agency.

Agency Approved Local Land Use Programs



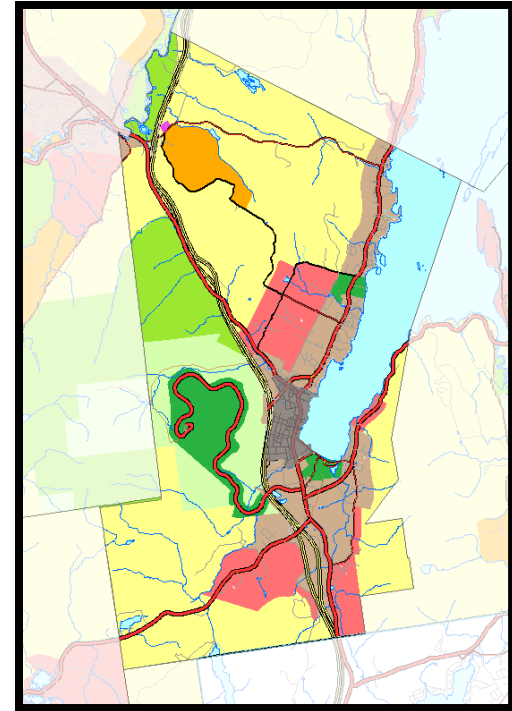
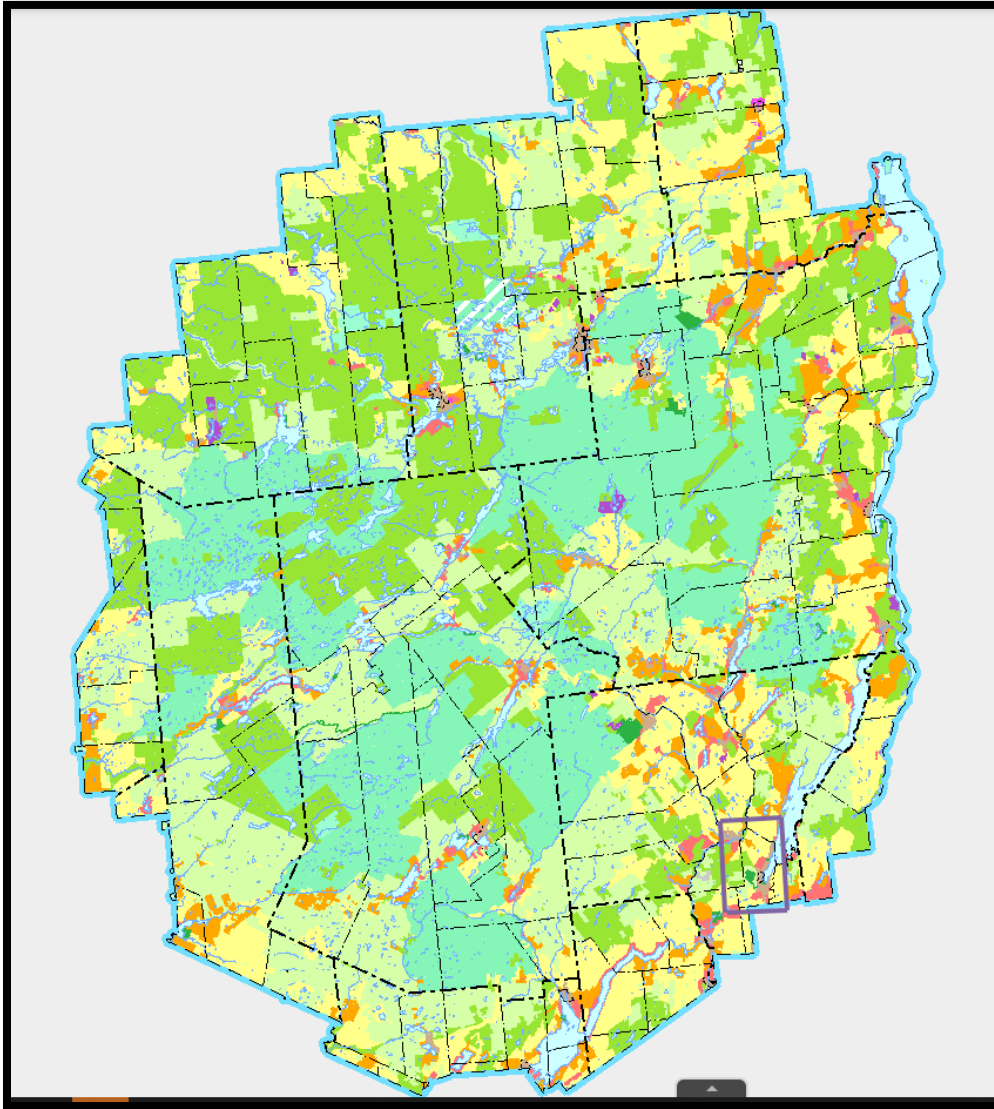
- 17 Towns
- Arietta
 - Bolton
 - Caroga
 - Chester
 - Chesterfield
 - Colton
 - Day
 - Edinburg
 - Hague
 - Horicon
 - Indian Lake
 - Johnsburg
 - Lake George
 - Newcomb
 - Queensbury
 - Westport
 - Willsboro

1 Village
Village of Lake George



Town of Lake George - Consolidated Amendments

Location and Background



Town of Lake George - Proposed Zoning Ordinance Amendments

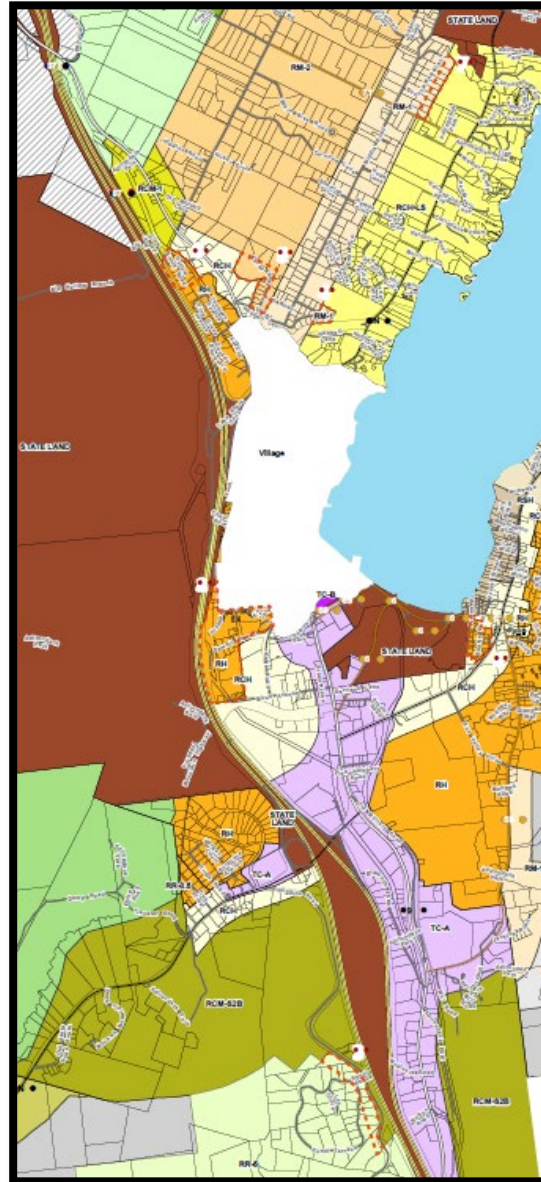
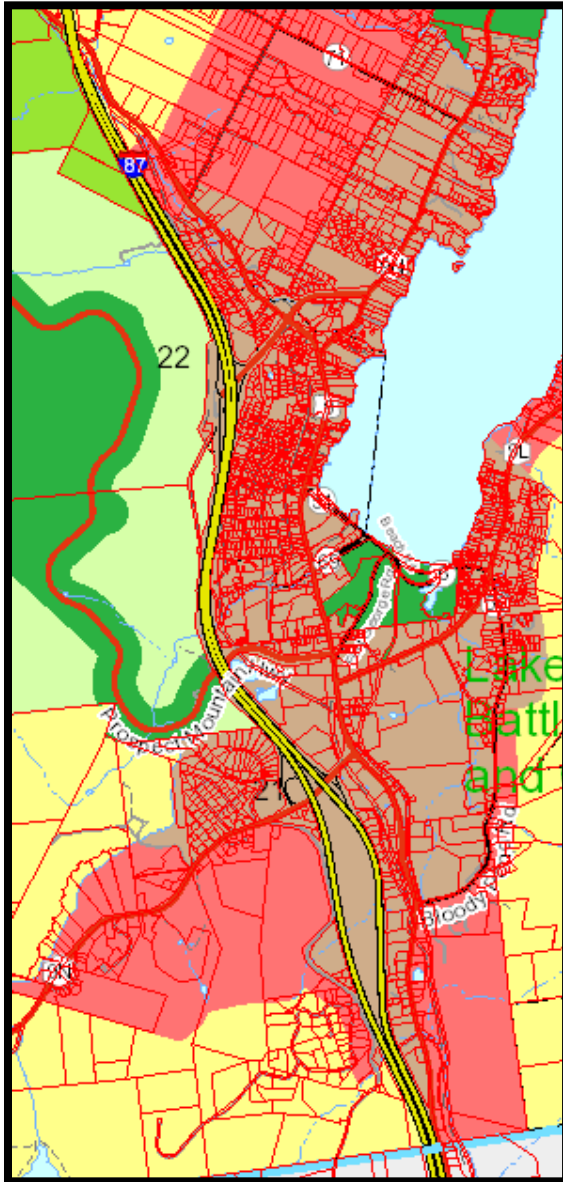
- Section 175-7: Defined Terms-Agricultural Activity and Agricultural Use
- Section 175-14: Planned Unit Developments
- Section 175-29: Yards
- Section 175-30: Detached Accessory Uses and Structures
- Section 175-47: Multiple-Family Dwellings
- Section 175-52: Tourist Accommodations and Residential Rentals
- Section 175-97: Penalties for Offenses; Complaint



Town of Lake George - Proposed Zoning Ordinance Amendments

- Section 175-7: Defined Terms-Agricultural Activity and Agricultural Use
- Section 175-14: Planned Unit Developments
- Section 175-29: Yards
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- Section 175-47: Multiple-Family Dwellings
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- Section 175-97: Penalties for Offenses; Complaint

Town of Lake George - Zoning Map Changes

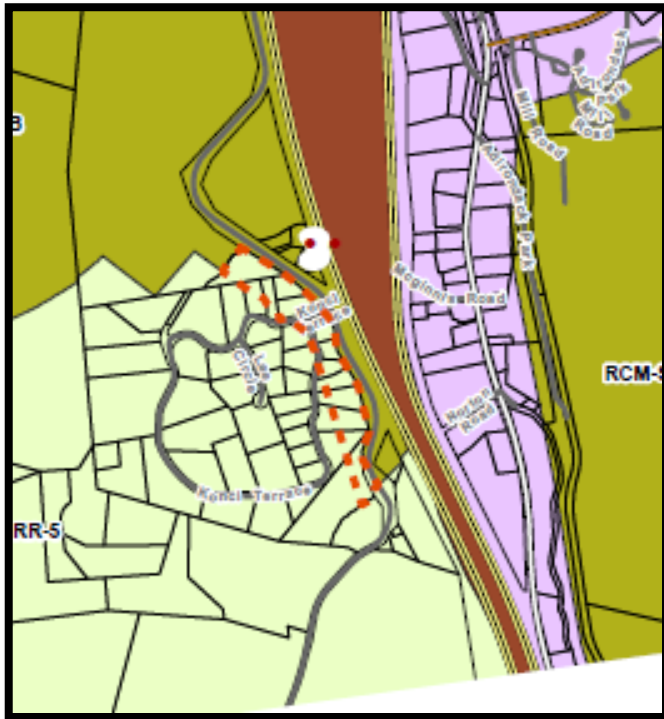


Legend

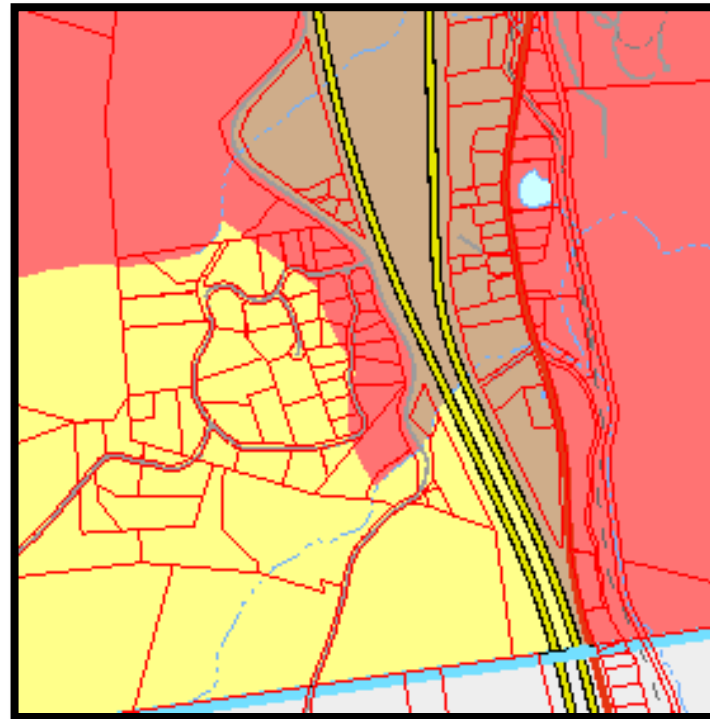
- LC-8.5, Land Conservation - 8.5
- LC-25, Land Conservation - 25
- LC-50, Land Conservation - 50
- RCH, Residential Commercial High Density
- RCH-LS, Residential Commercial High Density - Lakeshore
- RCM-1, Residential Commercial Medium Density - 1
- RCM-S2A, Residential Commercial Medium Density - S2A
- RCM-S2B, Residential Commercial Medium Density - S2B
- RM-1, Residential Medium - 1
- RM-2, Residential Medium - 2
- RH, Residential High Density
- RR-5, Residential Rural Density - 5
- RR-7, Residential Rural Density - 7
- RR-8.5, Residential Rural Density - 8.5
- RR-10, Residential Rural Density - 10
- RS-1, Residential Special - 1
- RSH, Residential Special High Density
- STATE LAND, State Land
- TC-A, Tourist Commercial - A
- TC-B, Tourist Commercial - B
- Proposed Zoning Amendments
 - 1 RCH to RH
 - 2 RCH to RH
 - 3 RCM-S2B to RR-5
 - 4 RCH-LS to RM1
 - 5 RCH to RM2
 - 6 RCH to RH
 - 7 RCH-LS to RM1

Town of Lake George - Zoning Map-District Changes

Town Zoning Map



Land Use and Development Plan Map



ALLUP Amendments §807(1)

Amendments that relate to the criteria in §807(2) for initial authorization of an approved local land use program require approval by the Agency.

But...

Amendments that do not relate or pertain to the criteria for approval of a local land use program set forth in §807(2) are not subject to approval by the Agency.

Delegation Resolution - "Del Res"

Resolution of the Adirondack Park Agency on Delegating Certain Powers and Responsibilities:

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.

Addition of “General Commercial Use”

Town of Lake George - Defined Terms & Uses

COMMERCIAL USE

Any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee. The term shall include but not be limited to the following: drive-in restaurant; filling station; restaurant; **retail use**; retail stand; riding academy; tavern, convenience store and marina.

RETAIL USE

The offering, for a fee, of goods and merchandise, excluding restaurants, to the general public and where the providing of services is clearly incidental to the sale of such goods or merchandise.

APA Act: “Commercial use” means any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee other than any such uses specifically listed on any of the classification of compatible uses lists.

Town of Lake George - Use Table

ZONING

Schedule I Use Controls - Town of Lake George

Use ¹	Land Conservation LC-50 LC-25 LC-8.5	Residential Rural RR-10 RR-8.5 RR-7 RR-5	Residential Medium & High RM-1 RM-2 RH	Residential Special RS-1 RSH	Residential Commercial Medium RCM - 1	Residential Commercial Medium RCM-S2 A RCM - S2 B	Residential Commercial High RCH
Accessory Apartment		SPR	SPR		SPR	SPR	SPR
Accessory Structure	PAU	PAU	PAU	PAU	PAU	PAU	PAU
Agricultural Uses	SPR	SPR					
Auto Body Repair Shop						SPR	SPR
Bank							SPR
Bed and Breakfast		SPR					
Boathouse, Private			SPR	SPR			
Boat Repair Shop				SPR		SPR	
Boat Storage, Private	PAU	PAU	PAU	PAU	PAU	PAU	PAU
Boat Storage, Commercial						SPR	
Boardinghouse 1	SPR	PU	PU	PU	PU	PU	PU
Boardinghouse 2				SPR			SPR
Bowling Alley							
Campground	SPR	SPR					
Car Wash							
Cemetery		PU	SPR				
Club, Membership		SPR					SPR
Convenience Store					SPR	SPR	SPR
Convention and Exhibit Center							SPR
Day Care Center		SPR	SPR	SPR	SPR	SPR	SPR
Distillery / Brewery					SPR	SPR	SPR
Dock, Private				SPR			
Drive-in Restaurant							

PU Permitted Use
 PAU Permitted Accessory Use
 SPR Permitted by Site Plan Review

“General Commercial” - Defined Term & Use

GENERAL COMMERCIAL

Any general commercial use or places of general business or other business where activities carried out on the property are developed for commerce or trade, which is not considered as a retail use, professional office, restaurant or any other specific commercial use already defined in the use table.

Use ¹	Land Conservation LC-50 LC-25 LC-8.5	Residential Rural RR-10 RR-8.5 RR-7 RR-5	Residential Medium & High RM-1 RM-2 RH	Residential Special RS-1 RSH	Residential Commercial Medium RCM-1	Residential Commercial Medium RCM-S2 A RCM-S2 B	Residential Commercial High RCH	Residential Commercial High RCH-LS	Tourist Commercial A TCA	Tourist Commercial B TCB
Forestry Use	SPR	SPR								
Funeral Home							SPR		SPR	SPR
Game Preserve		SPR								
Garage, Private	PAU	PAU	PAU	PAU	PAU	PAU	PAU	PAU	PAU	PAU
General Commercial					SPR	SPR	SPR	SPR	SPR	SPR
Golf Course	SPR	SPR								
Group Camp		SPR			SPR	SPR				
Health Related Facility			SPR		SPR	SPR	SPR		SPR	SPR
Home Occupation, Type I	PAU	PAU	PAU	PAU	PAU	PAU	PAU	PAU	PAU	PAU
Home Occupation, Type II					SPR	SPR	SPR	SPR	SPR	SPR

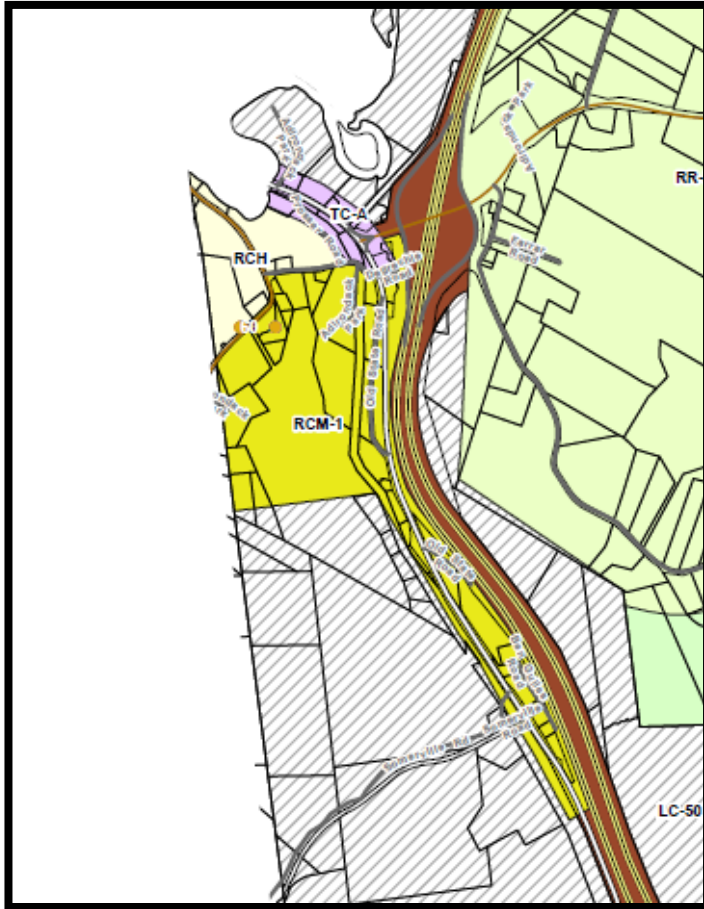
“General Commercial” - Defined Term & Use

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General Commercial					SPR	SPR	SPR	SPR	SPR	SPR
Golf Course	SPR	SPR								
Group Camp		SPR			SPR	SPR				
Health Related Facility			SPR		SPR	SPR	SPR		SPR	SPR
Home Occupation, Type I	PAU	PAU	PAU	PAU	PAU	PAU	PAU	PAU	PAU	PAU
Home Occupation, Type II					SPR	SPR	SPR	SPR	SPR	SPR
Retail Stand								SPR	SPR	SPR
Retail Use					SPR	SPR	SPR	SPR	SPR	SPR
Riding Academy		SPR			SPR	SPR				
Sand, Gravel or Topsoil Extraction, Commercial		SPR in RR 8.5 ONLY								
Sand, Gravel or Topsoil Extraction, Private	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR

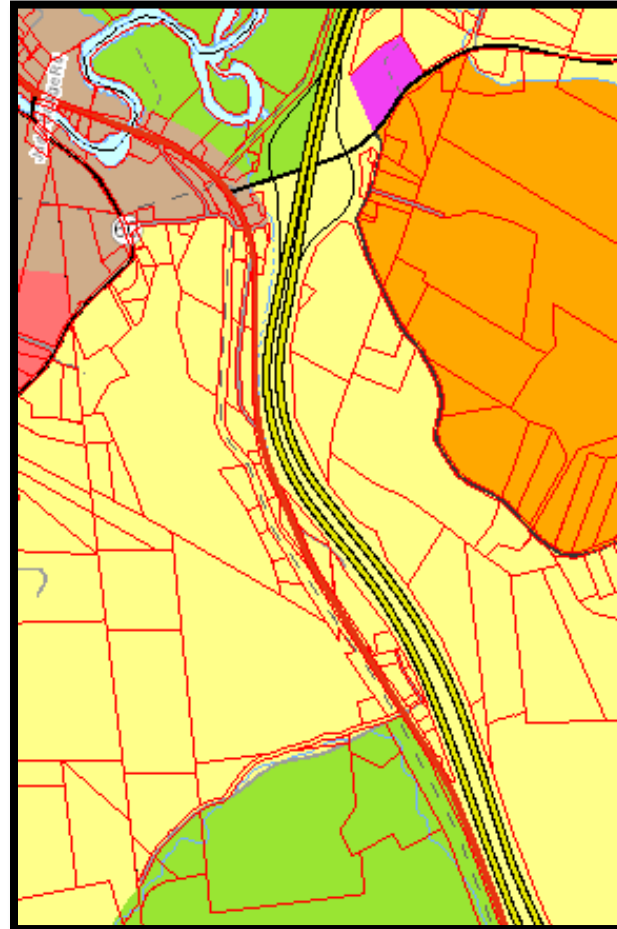
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“General Commercial” - Defined Term & Use

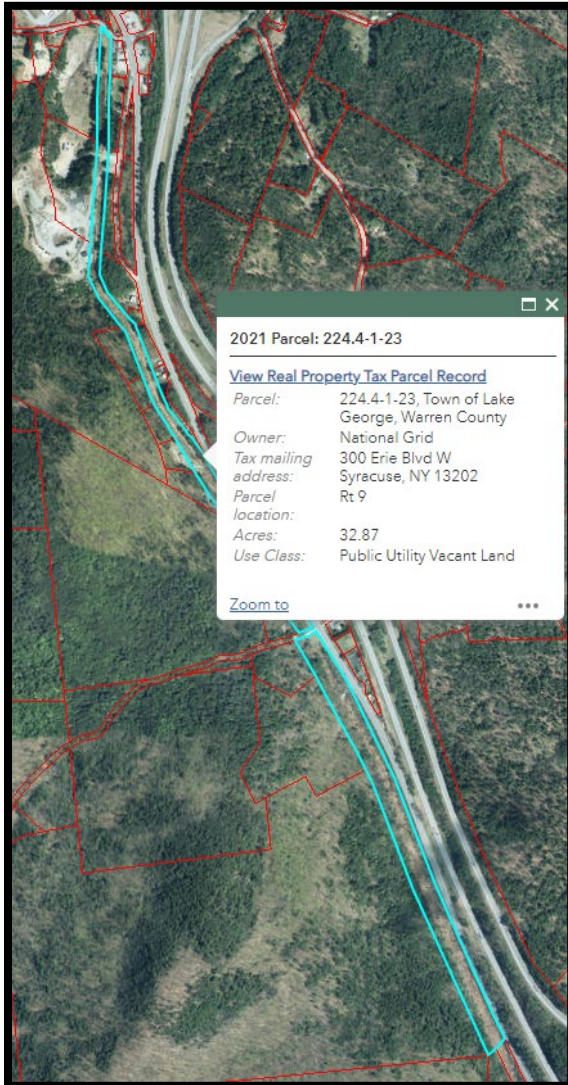
**Town
Zoning Map**



**Land Use & Development
Plan Map**



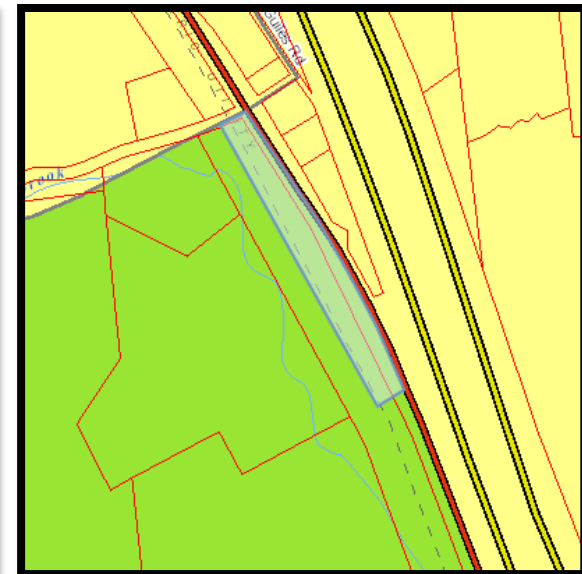
“General Commercial” - Defined Term & Use



Town Zoning Map



Land Use & Dev Plan Map



Incompatible B's - "ICB's"

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
20	Commercial Use	NJ	B: < 10,000 sqft A: ≥ 10,000 sqft	B: < 5,000 sqft A: ≥ 5,000 sqft	B: < 2,500 sqft A: ≥ 2,500 sqft	IC-B	B
21	Tourist Accommodation	NJ: < 100 units A: ≥ 100 units	B	B	A	IC-B	IC-B
22	Tourist Attraction	NJ	A	A	IC-B	IC-B	IC-B
23	Marinas, Boatyards & Boat Launching Sites	NJ	B	B	B	IC-B	IC-B
24	Golf Course	NJ	B	B	B	B	IC-B
25	Campground	NJ	B	B	B	B: < 50 sites A: ≥ 50 sites	IC-B
26	Group Camp	NJ	B	B	B	A	IC-B
27	Ski Center	NJ	A	A	A	A	IC-B
28	Commercial Seaplane Base	NJ	B	B	A	IC-B	IC-B
29	Commercial or Private Airport	A	A	A	A	IC-B	IC-B
30	Sawmill/Wood Using Facility	NJ	A	A	A	A	B
31	Commercial Sand & Gravel Extraction	NJ	B	B	B	A	A
32	Mineral Extraction	NJ	A	A	A	A	A
33	Mineral Extraction Structure	NJ	A	A	A	A	A
34	Watershed Management-Flood Control	A NJ: if DEC permit	A NJ: if DEC permit	A NJ: if DEC permit	A NJ: if DEC permit	A NJ: if DEC permit	A NJ: if DEC permit IC-B
35	Sewage Plant	NJ	A	A	A	A	A
36	Waste Disposal Area	NJ	IC-B	A	A	IC-B	A
37	Junkyard	NJ	IC-B	A	A	IC-B	A
38	Major Public Utility Use	NJ	A NJ: if subject to Article 7 or 8 of Public Service Law or otherwise approved by Public Service Commission	A	A	A	A
39	Industrial Use/Structure	NJ	A	A	A	IC-B	B
40	Accessory Use/Structure	NJ	NJ	NJ	NJ	NJ	NJ
≥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.						
>40ft	Structures over 40 feet: All structures over 40 feet in height* are Class A Regional Projects, except agricultural use structures and residential radio or TV antennas. *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.						NJ

582.5 Amendments to ALLUPS

(a) The following classes of amendments to approved local land use programs, including local land use programs relative to a geographic portion of a local government, shall be subject to agency review pursuant to section 807 of the Adirondack Park Agency Act prior to enactment by the local government:

- (1) creation of a new land use district or amendments to existing boundary lines of such districts outside hamlet areas on the official map;
- (2) additions to the permitted use lists outside hamlet areas which would allow in any land use area on the official map a use not a primary or secondary compatible use for that area;
- (3) amendments to the shoreline restrictions which would fall below the minimums established in section 806 of the Adirondack Park Agency Act;
- (4) amendments to the substantive or procedural provisions relating to review of class B regional projects;
- (5) amendments to provisions relating to administration and enforcement of the land use program;
- (6) amendments to sign or automobile junkyard regulations;
- (7) amendments to the sanitary code or sanitary control provisions;
- (8) amendments to the subdivision regulations;
- (9) amendments to controls governing intensity of development outside hamlet areas, such as minimum lot areas;
- (10) amendments which would repeal any provisions referred to in paragraphs (1) through (9) of this subdivision; and
- (11) any other amendments which involve the provisions of the land use and development plan.

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

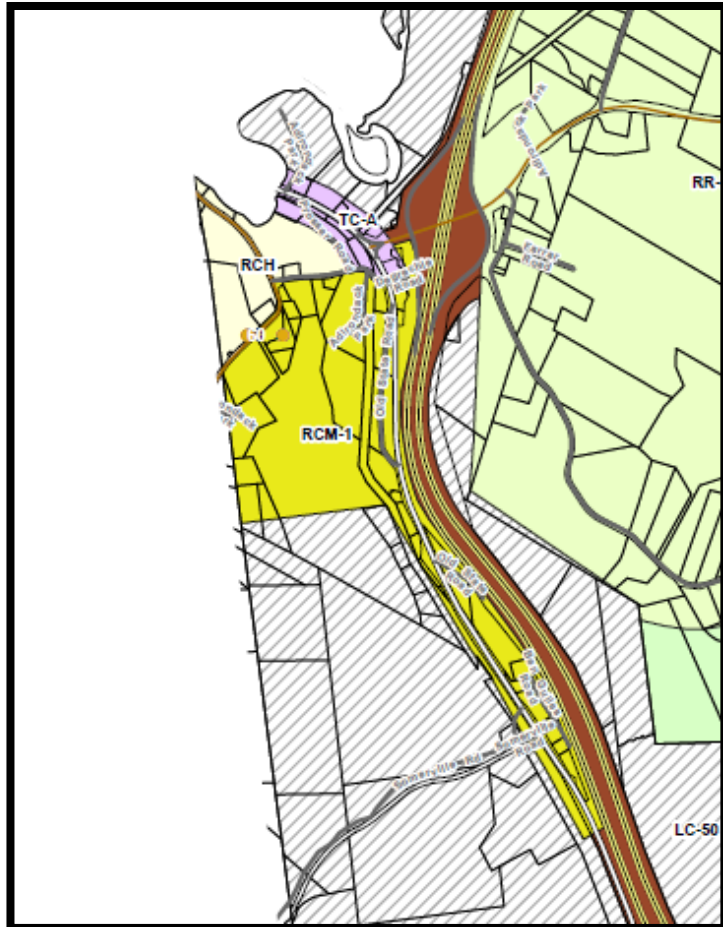
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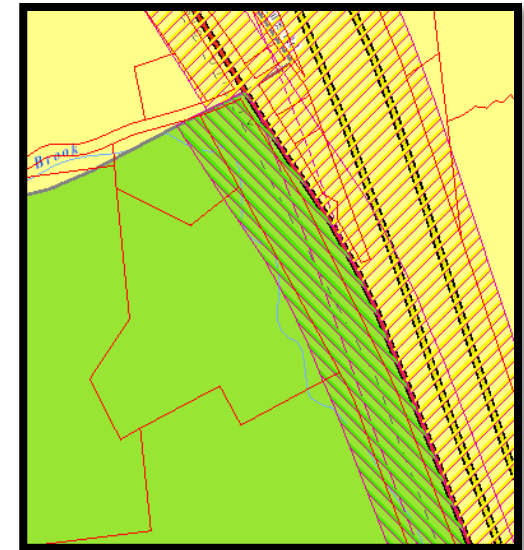
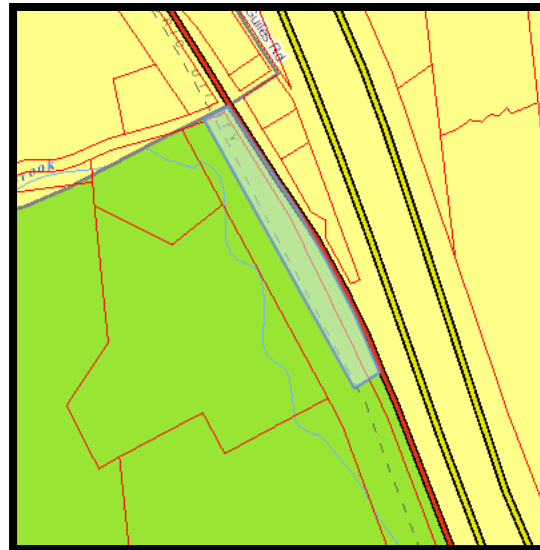
*(2) additions to the permitted use lists outside hamlet areas which would allow in any land use area on the official map a use not a primary or secondary compatible use for that area;

“General Commercial” - Defined Term & Use

Town Zoning Map



Land Use and Development Plan Map



Summary

- The Town issued a negative declaration on January 9, 2023.
- The Town requested formal review on January 13, 2023.
- A revision to the General Commercial definition was received by the Agency on January 30, 2023.
- Agency staff conclude that the proposed Town of Lake George's Zoning Ordinance and Map changes are in accordance with the standards for an Agency-approved Local Land Use Program.
- The amendment to the Town of Lake George's Agency-approved Local Land Use Program is on the LGS Committee Agenda for action.
- Agency staff recommend approval of the amendments.

Staff Draft Resolution

**RESOLUTION
AMENDMENTS TO THE TOWN OF LAKE GEORGE
LOCAL LAND USE PROGRAM
(Amendments to Chapter 175 and the Town Zoning Map)**

February 9, 2023

WHEREAS, the Town of Lake George (Town) 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 November 10, 1978; and

WHEREAS, the Town submitted proposed amendments to the Agency for review and approval on January 13, 2023; and

WHEREAS, a revision to §175-7, General Commercial definition, was received on January 30, 2023; and

WHEREAS, the Town's proposed amendments will strengthen and clarify sections of the Town Zoning Ordinance, specifically amendments to Chapter 175 §175-7 (Terms Defined), §175-14 (Planned Unit Developments), §175-29 (Yards), §175-30 (Detached Accessory Uses and Structures), §175-47 (Multiple-family Dwellings), §175-52 (Tourist Accommodations and Residential Rentals), §179-97 (Penalties for Offenses; Complaint) and revisions to portions of zoning districts as set forth on the "Zoning Map of the Town of Lake George"; and

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

WHEREAS, on January 9, 2023, the Town Board, as lead agency, issued a negative declaration pursuant to the State Environmental Quality Review Act finding that the proposed amendments would not have a significant impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the amendments to the Town 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 Town 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 Town's local laws; and



Local Government Services Staff

Robyn Burgess

Adirondack Park Local Planning Assistance Specialist

Kate-Lyn Knight

Environmental Program Specialist 1

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LocalGovernment@apa.ny.gov
www.apa.ny.gov/Local_Government

Addressing the Needs of Local Government

There are 101 communities in the Adirondack Park consisting of 92 Towns and 9 Villages located within 12 Counties (updated 2017).

The Adirondack Park Agency (APA) recognizes and applauds the efforts of the hundreds of local board members, officials and other citizens who have built the strong local planning programs we see in the Adirondacks today. This body of work and experience represents a testimony to the hard work of Adirondack citizens in building local planning programs which reflect long term economic development as well as conservation of the natural character of our communities.

Local Land Use References

- [Creating the Community You Want: Municipal Options for Land Use Control](#) (340kb)
- [Map of Towns and Villages in the Adirondack Park with Local Land Use Controls](#) (438kb)
- [Map of 18 Municipalities with Agency-approved Local Land Use Programs](#) (880kb)
- [Sample Motions From Mark Schachner's Presentation at 2014 LGD Conference](#) (Courtesy of Mark Schachner of Miller, Mannix, Schachner & Hafner, LLC)
 - [Area Variance - Approval, Denial](#)
 - [Use Variance - Approval, Denial](#)
 - [Site Plan Approval](#)
- [Hamlets 3 - Planning for Smart Growth and Expansions of Hamlets in the Adirondack Park](#)

Solar - The Adirondack Park Agency has resources to help your community plan for solar.

- [APA Solar Resources Flyer](#)
- [NYSERDA Solar Guidebook](#) - Tools for local governments to manage solar development

Local Planning Library - We have a resource library of what other communities have done, which may help you start your community's plan. The New York State Department of State also has a [search tool for local laws](#) available on their Local Government Services webpage.

Mapping - We have the capacity to provide a base map, APA map and others for your planning program. Think you know your Adirondack Towns & Villages? Try your hand at filling them in [Blank Park Map](#)

Regional Project "History" - We can provide a review of what development we have reviewed in your community which may be useful in selection and development of land use planning tools.

Training for Local Officials

Save the Date for the 2023 Adirondack Planning Forum

The Adirondack Park Agency will host a conference to discuss and learn about current Adirondack issues, ideas, and funding potential and for Planning and Zoning Board members to acquire annual credit hours.

Date: Wednesday & Thursday, April 26 & 27, 2023

Where: Hotel Saranac, Saranac Lake, NY

More information is available [here](#).

NYS Department of State [Article on Training for Planning Board & ZBA Members](#)

NYS DOS Training Courses

Online NYS DOS Training

NYS Tug Hill Commission ([click on "Training" Tab](#))

2021 Black River Watershed (virtual) Conference

Find More Information...

NYS Department of State - Division of Local Government Services

[Visit the LGS Division website.](#)

Local Government Review Board

[Visit the Review Board's website...](#)

Land Use Planning Consultants

[List of Land Use Planning Consultants Who Have Practiced in The Adirondacks](#) (pdf 58kb; revised 5/3/2019)

