



New York State
Adirondack
Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

MEMORANDUM

TO: Barbara Rice

FROM: Robyn Burgess, Principal Adk Park Local Planning Assistance Specialist

DATE: February 2, 2023

RE: Town of Lake George Local Land Use Program Amendment

The Town of Lake George (Town) has administered an Agency-approved Local Land Use Program (ALLUP) since 1978.

The Town now seeks Agency review and approval to amend its Local Land Use Program. Specifically, the Town is seeking to amend portions of the Town of Lake George Zoning Ordinance and re-zone areas of its zoning map.

Proposed Changes

The Town proposes to amend its Zoning Ordinance, Sections 175-7: Defined Terms, 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, and 175-97: Penalties or Offenses; Complaint.

In addition, the Town proposes to re-zone seven areas on its zoning map.

A copy of the proposed amendments in track changes and the proposed map are attached for reference.

By Resolution 38-2023 dated January 9, 2023, the Town has requested the Adirondack Park Agency consider the proposed amendments to its Zoning Ordinance and Zoning Map for approval.

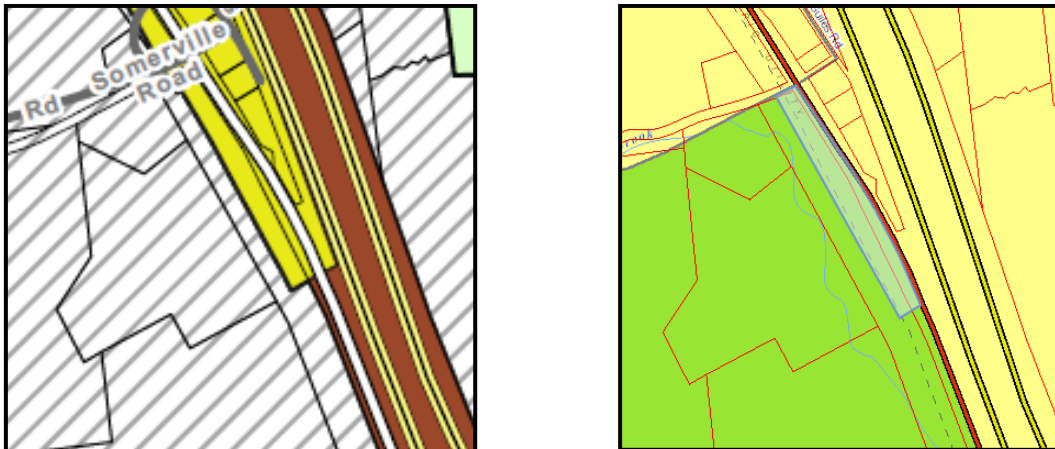
Staff Review and Comment

In review of the proposed amendments, Agency staff worked with the Town to ensure that the proposed amendments comply with the requirements of the Act.

The Town has added a new “General Commercial” Term to its Use List and Definitions to differentiate commercial uses that are not considered “Retail” by Town definition or listed individually on the Town’s Use Table. All of the districts where the new “General Commercial” use will be allowed have previously been approved for “Retail Use”, which falls under the Agency’s definition of Commercial Use. However, one of the Town

districts where the new “General Commercial” use will be allowed pursuant to Site Plan Review, (RCM-1 District), overlaps a 3.18±-acre portion of parcel 224.4-1-23, owned by National Grid, located in a Resource Management land use area. Commercial Uses are not listed on the APA’s Compatible Use lists for Resource Management and are therefore considered ‘Incompatible-B’ projects under §810(2)(d)(6). Towns with Approved Local Land Use Programs are given the authority to review these projects as Class B’s following the Development Considerations from §805(4) which are embedded in their local code. In accordance with §582.5(a)(2) of Agency Regulations, additions to the permitted use lists outside of Hamlet areas which would allow in any land use area on the official map a use not designated a primary or secondary compatible use for that area shall be subject to Agency review pursuant to Section 807 of the Act prior to enactment by the local government.

The Town’s code already permits some types of individually listed commercial uses in the RCM-1 District. Given the ownership of the parcel, its configuration, and current use as a major public utility, it is unlikely to see a change in use with the newly allowable “General Commercial” term. This area is also within the Agency’s Highway CEA for its proximity to both Route 9 and the Northway. As such, most uses, including commercial, would be considered Class A and therefore require an Agency permit.



Language is proposed to be added to Section 175-14: Planned Unit Developments, in order to further explain the purpose of these developments for public benefit, to require the mix of residential and commercial uses and to clarify the types of residential housing allowed in a Planned Unit Development (PUD). The Town’s regulations on PUD’s were added to their code in 2021 and only apply to areas classified as Hamlet.

Section 175-29: Yards, will be amended to allow the Town Zoning Officer, rather than the landowner, to make the decision as to which side of a lot will be considered the required side yard and rear yard when the owner is applying for a land use and development permit on a corner lot. APA considers yard and roadway setbacks the purview of the Town.

The raising of “Domestic” Chickens will be added to Section 175-30: Detached Accessory Uses and Structures, with provisions outlining which districts they will be allowed in, how

they will be kept, and authorizing private egg production only. The Agency does not regulate the keeping of domestic chickens and any structures related thereto would likely be non-jurisdictional as accessory or agricultural uses. The Town's defined terms for Agricultural Activity and Agricultural Use in Section 175-7 will be amended to specify that the ownership of domestic chickens is *not* included in these definitions.

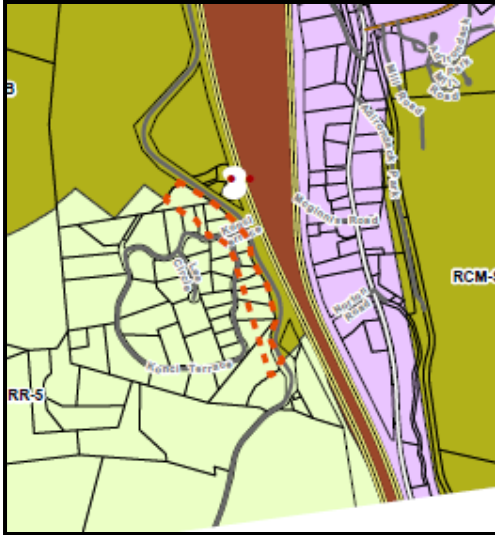
The standards in Section 175-47: Multiple-Family Dwellings, will be updated to tighten the requirement for minimum lot area per unit in certain districts, prohibit the use of multi-family dwellings as "short-term residential rentals" and require some level of public benefit from the use of double density provisions. The increased density provisions for multiple-family dwellings only applies within the Town's Hamlet land use areas and they are eliminating one of the districts in which it is allowed.

Section 175-52: Tourist Accommodations and Residential Rentals, will be amended to clarify permit procedures and fees, update septic system requirements, tighten provisions for grandfathering of preexisting, nonconforming short-term residential rentals, and include additional provisions for enforcement of violations regarding the use of short-term rentals. The Town first added provisions regarding short-term rentals to their code in 2019 and had enacted a moratorium in 2022 to revise these provisions. The Agency generally does not differentiate between single-family dwellings and short-term rentals.

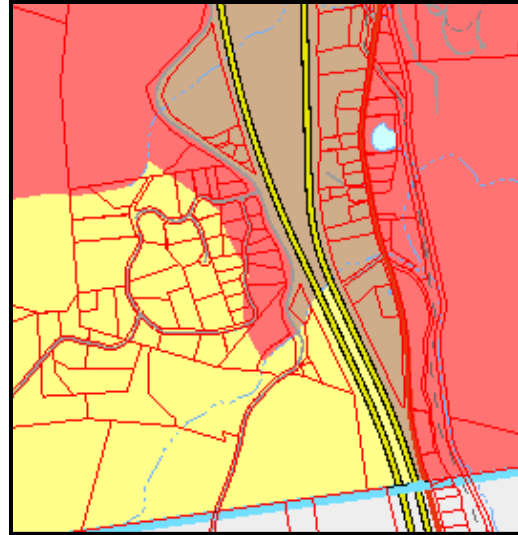
Section 175-97: Penalties for Offenses; Complaint, will be amended to increase fines for violations and hold contractors accountable with strict penalties. Additional wording has been included for stop-work orders to include the option to impose a civil penalty on the violator in the form of a "consent order" while lifting a stop-work order. Since ALLUP criteria requires that the Town provide for authority and provisions for administration and enforcement of its code, the changes to this section are primarily up to the Town.

Six of the proposed areas to be re-zoned on the Town map are in APA Hamlet land use areas and not subject to review by the Agency. The seventh area to be rezoned from RCM-S2B to RR-5 overlays a portion of lands classified as Moderate Intensity Use. The proposed re-zoning would increase the required acreage per principal building in this area from 2 to 5 acres and would therefore be more restrictive than the Agency. The list of allowable uses in the RR-5 zone would still be consistent with those listed on the primary or secondary compatible use lists for APA Moderate Intensity Use.

Town of Lake George Zoning



APA Map



Conclusion

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. Agency staff have worked with the Town and reviewed the proposed amendment to the Town's Approved Program for compliance with the requirements of the program.

Based on its review of the proposed amendment, Agency staff believe that the proposal complies with the standards for approval of an amendment to a local land use program set forth in APA Act §807(2) and NYCRR §582.2(d). Accordingly, Agency staff recommends approval of the proposed amendment.