

Please send all application materials to apasubmissions@apa.ny.gov.

ADIRONDACK PARK AGENCY Division of Regulatory Programs PO Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Telephone (518) 891-4050 www.apa.ny.gov	 Adirondack Park Agency	APPLICATION FOR VARIANCE FROM SHORELINE RESTRICTIONS
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APPLICATION

Background: The Adirondack Park Agency Act and Agency regulations implementing the NYS Wild, Scenic and Recreational Rivers System Act establish shoreline restrictions on lands associated with lakes, ponds, rivers, and streams. A variance must be obtained from the Agency before undertaking any development activity that does not comply with these restrictions.¹

Instructions: Please complete questions 1 through 12 below. As part of the application, please also complete the appendix (or appendices) specific to the type of variance being requested. **Three** copies of the completed application and applicable appendices must be submitted to the Agency at the address listed above. **All maps, plans, photographs, and other graphics must also be provided in electronic format (Adobe Acrobat or PDF), unless otherwise agreed to by Agency staff.** Note that a permit application is also required for any proposal that involves both a shoreline restriction variance and an Agency permit. To determine which appendices must be included as part of the application, please check which of the following activities apply to the proposal (it may be useful to reference the [Agency's Shoreline Restrictions flyer](#)).²

- ☐ **Appendix A** - Expansion of an existing single family dwelling within the shoreline setback
- ☐ **Appendix B** - Expansion of an existing structure other than a single family dwelling within the shoreline setback
- ☐ **Appendix C** - Construction of a new structure within the shoreline setback (other than a retaining wall or other structure for shoreline stabilization)
- ☐ **Appendix D** - Construction of a retaining wall or other structure for shoreline stabilization
- ☐ **Appendix E** - Construction of a dwelling without the minimum required shoreline lot width
- ☐ **Appendix F** - Construction of a wastewater absorption field within 100 feet of a water body
- ☐ **Appendix G** - Removal of shoreline vegetation in excess of Agency standards

¹ Please note that a variance may not be required if the site is located in a Town that administers an Agency-approved local land use program (ALLUP). The communities with an ALLUP are: Arietta, Bolton, Caroga, Chester, Chesterfield, Colton, Day, Edinburg, Hague, Horicon, Indian Lake, Johnsborg, Lake George, Newcomb, Queensbury, Village of Lake George, Westport and Willsboro.

² Available at: <https://www.apa.ny.gov/Documents/Flyers/ShorelineRestrictions.pdf>

1. Applicant

Name(s): _____

Mailing Address: _____

Telephone (Daytime): _____

Fax/E-mail: _____

2. Current Variance Site³ Landowner(s):
(if different from Applicant)

Name(s): _____

Mailing Address: _____

Telephone (Daytime): _____

Fax/E-mail: _____

3. Applicant's Legal Interest in Variance Site (check the one that applies):

___ owner

___ lessee

___ signed purchase agreement holder

___ option holder

___ other. Specify: _____

If the applicant has an executed contract or agreement to purchase or lease the property, please provide a copy in order to establish the applicant's legal interest in the variance site (purchase price and other confidential information may be redacted).

4. Applicant's Authorized Representative:

By filling in the name and address below and signing this application, the applicant is authorizing the designated representative to act as his/her agent in all matters relating to this variance application before the Adirondack Park Agency. The applicant acknowledges that all contact regarding the application will be through his/her Authorized Representative. Please note that the applicant is ultimately responsible for the accuracy of the information provided in this application.

Name: _____

Mailing Address: _____

Telephone Number (daytime): (____) _____ FAX/E-mail: _____

5. Recorded Deed:

☐ Provide a copy of the current deed, including the recording information, for the variance site. Copies of deeds are available from the County Clerk's Office.

³ The variance site is usually the deeded parcel on which the activity requiring a variance is proposed to occur.

6. Variance Description:

Submit a narrative description of the proposal, including proposed dimensions. Attach additional sheets if necessary.

7. Variance Site Information:

Road/Highway: _____ Water body/River/Stream: _____

Size of the variance site: _____ acres

Town(s): _____ County: _____

Tax Map Designation (from the tax bill for the property):

Section: _____ Block: _____ Parcel: _____

Section: _____ Block: _____ Parcel: _____

Local Zoning District: _____

Local Setbacks (feet): Shoreline: _____ Front: _____ Back: _____ Side: _____

(a) On May 22, 1973 did the owner of the variance site also own any adjoining property?

No _____

Yes _____

Provide the Tax Map Numbers:

Section: _____ Block: _____ Parcel: _____

Section: _____ Block: _____ Parcel: _____

(b) Has any portion of the total contiguous landholding described above been sold, given away or otherwise subdivided since May 22, 1973?

No _____

Yes _____

If yes, please list the lots or parcels conveyed from the original parcel and the size of each in square feet or acres.

Parcel Number from current tax map	Date of Conveyance	Lot Size (sq. ft. or acres)	Conveyed by sale or gift?
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_____	_____	_____	_____
_____	_____	_____	_____

(c) Are there any structure on the variance site?

No _____

Yes _____

Provide the information on the following page; attach additional sheets if necessary.

Application for Variance from Shoreline Restrictions

Date of Construction	Size (sq. ft. of footprint)	Height (feet)	Type/Use (e.g. store, garage)
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____

- (d) Describe any other structures that existed within the shoreline setback area on the variance site on August 1, 1973 that have since been removed or demolished. Include the date that the structure was removed or demolished, and note whether the structure was used for residential, commercial, or accessory purposes. Attach additional sheets if necessary.

- (e) Describe any exterior alterations or expansions (including changes to structure height) made to any structures located within the shoreline setback area since August 1, 1973. Attach additional sheets if necessary.

8. Prior Agency Action:

- (a) Have there been any previous discussions with Agency staff regarding the variance site, or has any Agency staff visited the property?

No _____
Yes _____ Staff person's name: _____
Date of Contact: _____

- (b) Has the variance site been the subject of any past Agency action, such as an Agency permit, variance, jurisdictional determination, enforcement case, or wetland flagging determination?

Unknown _____

No _____

Yes _____ If known, provide the following number and date:

Past Permit or Variance Number: _____	date: _____
Jurisdictional Inquiry Number: _____	date: _____
Enforcement Case Number: _____	date: _____
Wetland Boundary Flagging: _____	date: _____
Site Visit _____	date: _____

9. Nearby Landowners:

☐ A current list of the names, mailing addresses, and tax map references for all landowners with property located within 500 feet of the boundaries of the variance site must be submitted by the applicant prior to the public notice and comment period required for the variance request. Attached is a sheet which may be used to provide the required list of adjoining landowners. Note that this information is typically available from the Real Property Tax Services at County Offices or from the Town/Village assessors.

10. Historic Resources:

Does the variance site have any buildings that are more than 50 years old, or does the variance site or surrounding area contain any structures or districts that are listed or deemed eligible to be listed on the State or National Register of Historic Places? Does the variance site involve any known archeological resources?

No _____

Yes _____ Describe: _____

11. Other Regulatory Permits and Approvals:

The Agency cannot approve a variance for a proposal which has been denied a variance or permit or which is a prohibited use under local zoning requirements and other local laws or ordinances, unless authorized by a use variance or other means. The proposal should be designed to meet the regulatory requirements of other involved municipalities and agencies.

- (a) Local Government Notice Form: Provide a completed copy of the enclosed Local Government Notice Form to the municipality in which your proposal is located. The form should be filled out and signed by an appropriate official (e.g., Zoning Administrator, Planning Board Chairman or Supervisor, if no Zoning Administrator or Planning Board Chairman) and returned with the variance application. Please read the form for further instructions.
- (b) Municipal Approval Documents: If local approval has been obtained for the proposal, then provide documentation (e.g., permit, site plan approval or final subdivision plat) to the Agency which confirms that the proposal has been approved pursuant to all applicable town and county laws including any necessary approvals from the planning and zoning boards. Also, please provide a copy of the relevant minutes of all local meetings at which the proposal has been discussed. Please note that this last request is continuous and information should be provided to the Agency as it becomes available.
- (c) State and Federal Agency Contacts: Complete the following table and indicate whether any of the following agencies have been contacted. Please provide copies of any applications and other correspondence between the applicant and the agencies listed below. To allow a coordinated review, your APA application will remain incomplete until applications have been submitted to all involved agencies.

Agency	No	Yes	Date	Contact Person and Phone Number
NYS Dept. of Health				
NYS Dept. of Transportation				
NYS Dept. of Environmental Conservation				
NYS Office of Parks, Recreation and Historic Preservation				
US Army Corps of Engineers				
Lake George Park Commission				
Other				

(d) State and Federal Permits, Approvals and Determinations: Provide copies of all permits, approvals and determinations received from the above agencies.

12. Required Signatures

I have personally examined and am familiar with the information submitted in this application, including all appendices and attachments, and I believe this information to be true, accurate and complete. I hereby authorized the Adirondack Park Agency and members of its staff to enter on the property described herein for the purposes of conducting such investigations, examinations, tests and site evaluations as it deems necessary, at reasonable times and with advance notice where possible, to verify information contained in or related to this application for a variance.

Landowner(s):

signature print name date

Applicant(s) (if not landowners):

signature print name date

Authorized Representative:

signature print name date

Item 9 of Application

Provide names, mailing addresses, and tax map references (tax map, block and parcels numbers) for all landowners with property located within 500 feet of the boundaries of the variance site.

Example: 155-1-27 Mr. John Doe Main Street Jay, New York 12941		