NEW YORK STATE | Adirondack Park Agency

Agency-Approved Local Land Use Programs and Variances

ALLUP Variance Referrals & APA Review

October 22, 2026

Local Government Services Staff

- **Robyn Burgess**
  Adirondack Park Local Planning Assistance Specialist

- **Kate-Lyn Knight**
  Environmental Program Specialist

  - Work with the 18 Agency-Approved Local Land Use Programs
  - Adirondack Planning Forum Logistics & Registration
  - Maintain Local Government Address Database
  - Provide outreach/training to all 101 Towns/Village in the Park

Outline of Presentation

- Agency-approved Local Land Use Programs (ALLUPs)
- Town/Village Area & Use Variances
- ALLUP Variance Referral Process
- APA Variance Referral Review Process
- Questions?

Abbreviations Used

- APA: Adirondack Park Agency
- ALLUP: Agency-Approved Local Land Use Program
- CEO: Code Enforcement Officer
- JIF: Jurisdictional Inquiry Form
- OIG: Overall Intensity Guidelines
- ZBA: Zoning Board of Appeals

AGENCY-APPROVED LOCAL LAND USE PROGRAMS »ALLUPs«

Agency-approved Local Land Use Programs (ALLUPs)



https://apa.ny.gov/files/planning/local-government/ALLUPFlyer.pdf

Legal References - ALLUPs

APA Act

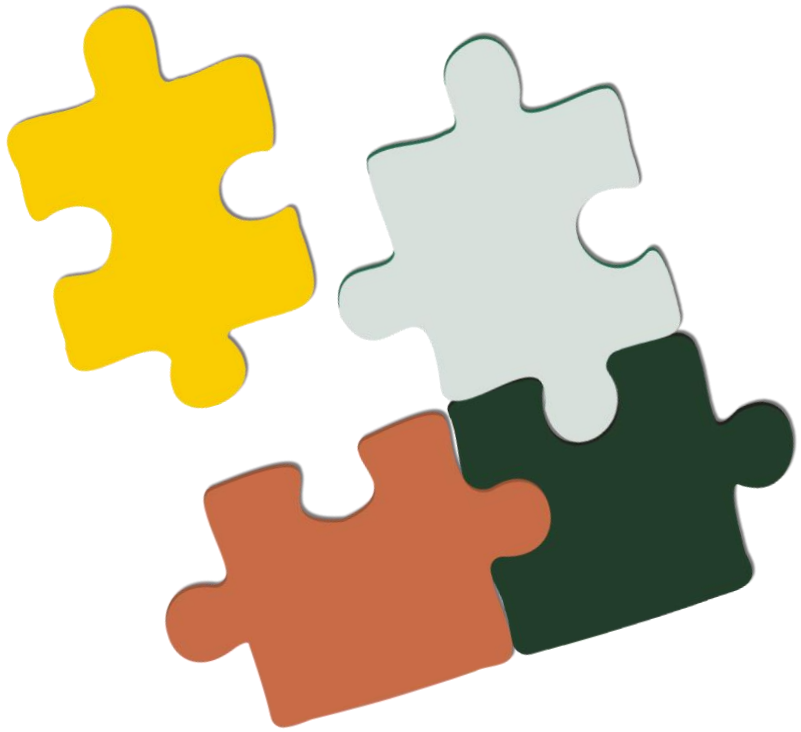
- **Section 807** – Authorizes the creation of Local Land Use Programs
- **Section 808** – Administration and Enforcement of Approved Local Land Use Programs

Agency Regulations

- **Part 582** – Local Land Use Programs

Components of an ALLUP

- **Comprehensive Plan**
  - Resources inventory, analysis, goals and objectives…
- **Zoning Regulations and Zoning Map**
  - Includes regulation of uses, OIGs, shorelines, signs, junk, etc.
- **Subdivision Regulations**
- **Sanitary Code**



Criteria for ALLUP Approval

ALLUPs Must:

- Be in furtherance and supportive of the land use and development plan
- Be compatible with the plan map
- Reasonably apply the Overall Intensity Guidelines (OIGs)
- Reasonably apply the compatible uses
- Incorporate shoreline restrictions
- Review Class B regional projects
- Contain adequate authority, administration and enforcement

What Does An Approved Program Do?

- **Transfers Class B jurisdiction to the Municipality**
  - Requires local review/permit authority for Class B Projects
- **Transfers shoreline jurisdiction to the Municipality**
  - Reviews local variances from shoreline restrictions
- **Local responsibility for Overall Intensity Guidelines (OIGs)**
  - AKA **Density**

Summary of APA Authority

Class A Projects

Agency retains review authority

Town/Village may also review

Class B Projects

Agency receives notification

Town has review authority

Incompatible Class B "IC-B" Projects

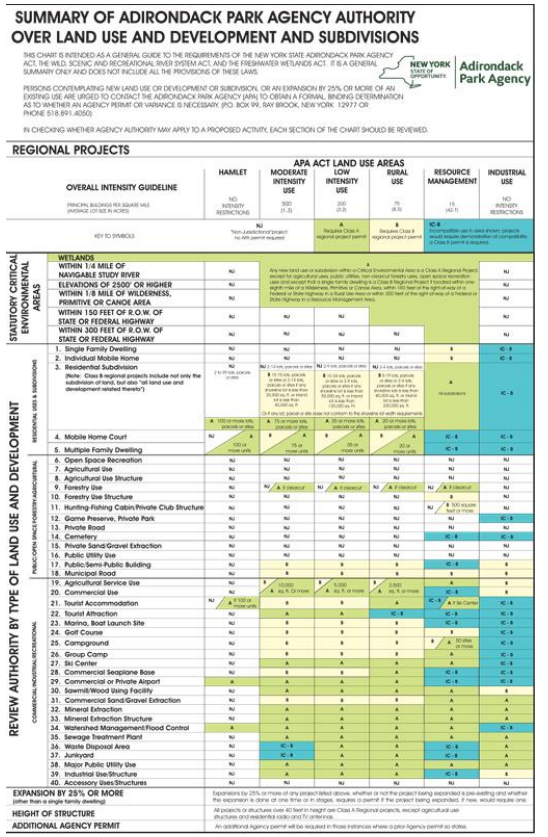
Agency receives notification*

Town has review authority

Non-Jurisdictional "NJ" Projects

Agency has **no** review authority**

Town/Village **may have** review authority


SUMMARY OF ADIRONDACK PARK AGENCY AUTHORITY
OVER LAND USE AND DEVELOPMENT AND SUBDIVISIONS

Adirondack Park Agency

REGIONAL PROJECTS

APA ACT LAND USE AREAS

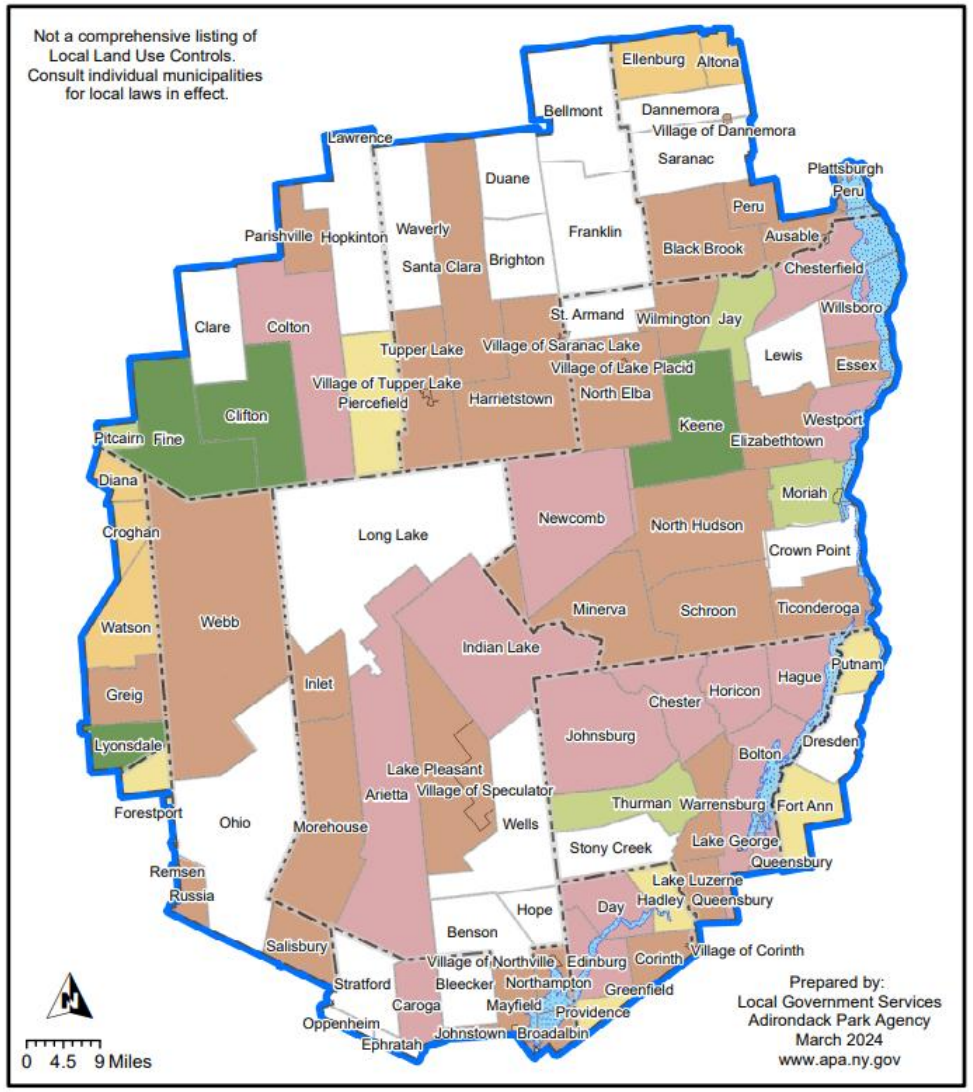
OVERALL INTENSITY GUIDELINE	HAMLET	MODERATE INTENSITY USE	LOW INTENSITY USE	RURAL USE	RESOURCE MANAGEMENT	INDUSTRIAL USE
	NO INTENSITY RESTRICTIONS	500 (1.3)	200 (3.2)	75 (8.5)	15 (42.7)	NO INTENSITY RESTRICTIONS
KEY TO SYMBOLS	NJ "Non-Jurisdictional" project - no APA permit required	A Requires Class A regional project permit	B Requires Class B regional project permit		IC-B Incompatible use in class shown; projects may be reviewed for compatibility as Class B permit is requested	
STATUTORY CRITICAL ENVIRONMENTAL AREAS: WETLANDS		A				
STATUTORY CRITICAL ENVIRONMENTAL AREAS: WITHIN 1/4 MILE OF NAVIGABLE STUDY RIVER	NJ	Any new land use or subdivision within a Critical Environmental Area is a Class A Regional Project except for agricultural uses, public utilities, non-clearcut forestry uses, open space recreation uses and except that a single family dwelling is a Class B Regional Project if located within one-eighth mile of a Wilderness, Primitive or Canoe Area, within 150 feet of the right-of-way of a Federal or State highway in a Rural Use Area or within 300 feet of the right-of-way of a Federal or State highway in a Resource Management Area.				NJ
STATUTORY CRITICAL ENVIRONMENTAL AREAS: ELEVATIONS OF 2500' OR HIGHER	NJ					NJ
STATUTORY CRITICAL ENVIRONMENTAL AREAS: WITHIN 1/8 MILE OF WILDERNESS, PRIMITIVE OR CANOE AREA	NJ					NJ
STATUTORY CRITICAL ENVIRONMENTAL AREAS: WITHIN 150 FEET OF R.O.W. OF STATE OR FEDERAL HIGHWAY	NJ	NJ	NJ			NJ
STATUTORY CRITICAL ENVIRONMENTAL AREAS: WITHIN 300 FEET OF R.O.W. OF STATE OR FEDERAL HIGHWAY	NJ	NJ	NJ	NJ		NJ
REVIEW AUTHORITY BY TYPE OF LAND USE AND DEVELOPMENT: RESIDENTIAL USES & SUBDIVISIONS: 1. Single Family Dwelling	NJ	NJ	NJ	NJ	B	IC - B
2. Individual Mobile Home	NJ	NJ	NJ	NJ	B	IC - B
3. Residential Subdivision (Note: Class B regional projects include not only the subdivision of land, but also "all land use and development related thereto")	NJ (2 Lots, parcels or sites)	B (5-15 lots, parcels or sites or 7.5 lots, parcels or sites if any lot, parcel or site is greater than 25,000 sq. ft. or mean lot size less than 43,560 sq. ft.)	B (5-50 lots, parcels or sites or 7.5 lots, parcels or sites if any lot, parcel or site is greater than 15,000 sq. ft. or mean lot size less than 43,560 sq. ft.)	NJ (2-4 lots, parcels or sites) B (5-15 lots, parcels or sites or 7.5 lots, parcels or sites if any lot, parcel or site is greater than 40,000 sq. ft. or mean lot size less than 130,680 sq. ft.)	A Modifications	IC - B
	A 100 or more lots, parcels or sites	A 15 or more lots, parcels or sites	A 20 or more lots, parcels or sites	A 20 or more lots, parcels or sites		
4. Mobile Home Court	NJ 100 or more units	A 75 or more units	A 50 or more units	A 20 or more units	IC - B	IC - B
5. Multiple Family Dwelling		A	A	A	IC - B	IC - B
PUBLIC/SEMI-PUBLIC/INSTITUTIONAL: 6. Open Space Recreation	NJ	NJ	NJ	NJ	NJ	NJ
7. Agricultural Use	NJ	NJ	NJ	NJ	NJ	NJ
8. Agricultural Use Structure	NJ	NJ	NJ	NJ	NJ	NJ
9. Forestry Use	NJ	NJ A if clearcut	NJ A if clearcut	NJ A if clearcut	NJ A if clearcut	NJ
10. Forestry Use Structure	NJ	NJ	NJ	NJ	B	NJ
11. Hunting-Fishing Cabin/Private Club Structure	NJ	NJ	NJ	NJ	NJ B 900 square feet or more	NJ
12. Game Preserve, Private Park	NJ	NJ	NJ	NJ	NJ	IC - B
13. Private Road	NJ	NJ	NJ	NJ	NJ	NJ
14. Cemetery	NJ	NJ	NJ	NJ	IC - B	IC - B
15. Private Sand/Gravel Extraction	NJ	NJ	NJ	NJ	NJ	NJ
16. Public Utility Use	NJ	NJ	NJ	NJ	NJ	NJ
17. Public/Semi-Public Building	NJ	B	B	B	IC - B	B
18. Municipal Road	NJ	B	B	B	B	B
COMMERCIAL/INDUSTRIAL/RECREATIONAL: 19. Agricultural Service Use	NJ	A 10,000 sq. ft. or more	A 5,000 sq. ft. or more	A 2,500 sq. ft. or more	A	B
20. Commercial Use	NJ A 100 or more units	A	B	A	IC - B	IC - B
21. Tourist Accommodation		B	B	A	IC - B A for Center	IC - B
22. Tourist Attraction	NJ	A	A	IC - B	IC - B	IC - B
23. Marina, Boat Launch Site	NJ	B	B	B	IC - B	IC - B
24. Golf Course	NJ	B	B	B	B	IC - B
25. Campground	NJ	B	B	B	A 50 sites or more	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	A
31. Commercial Sand/Gravel Extraction	NJ	A	A	A	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	A	A	A	A	IC - B
35. Sewage Treatment 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	A	A	A	A
39. Industrial Use/Structure	NJ	A	A	A	IC - B	B
40. Accessory Uses/Structures	NJ	NJ	NJ	NJ	NJ	NJ
EXPANSION BY 25% OR MORE (other than a single family dwelling)	Expansions by 25% or more of any project listed above, 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.					
HEIGHT OF STRUCTURE	All projects or structures over 40 feet in height are Class A Regional projects, except agricultural use structures and residential radio and TV antennas.					
ADDITIONAL AGENCY PERMIT	An additional Agency permit will be required in those instances where a prior Agency permit so states.					

https://apa.ny.gov/files/permits/guidelines/APAJurisdictionalChart.pdf

**Agency retains review authority over Use Variances*

***ALLUP may designate projects as Class A*

Local Land Use Controls in the Adirondack Park



Local Land Use Controls in the Adirondack Park

- Park Blueline
- State Boundary
- County Boundary
- Town Boundary
- Village Boundary

Local Land Use Controls

- NO ALLUP, SD, SPR or Zoning
- Site Plan Review
- Subdivision Regulations
- Subdivision & Site Plan Review
- Zoning
- Zoning & Subdivision
- APA-Approved Local Land Use Program

Villages*

Corinth: Z & SD
Dannemora: Z & SD
Lake George: ALLUP
Lake Placid: Z & SD
Mayfield: Z
Northville: Z & SD
Saranac Lake: Z & SD
Speculator: Z & SD
Tupper Lake: Z & SD

Summary

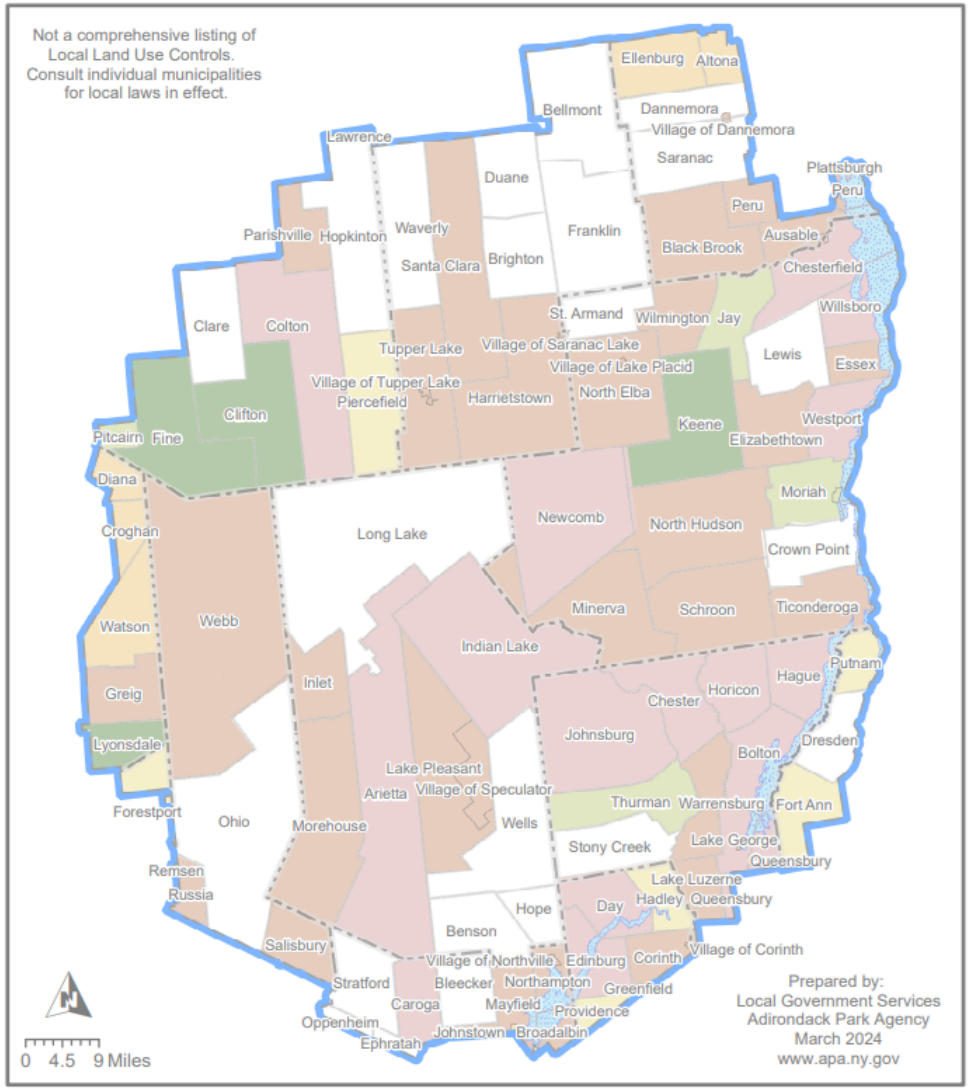
101 Towns/Villages in the Park
62 have Zoning (Z, Z & SD or ALLUP)
18 with ALLUP
24 without Zoning, Subdivision, Site Plan Review or an ALLUP

*ALLUP= APA-Approved Local Land Use Program; SD= Subdivision Regulations; SPR= Site Plan Review Only; Z= Zoning

18 ALLUPs

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

Local Land Use Controls in the Adirondack Park



Local Land Use Controls in the Adirondack Park

- Park Blueline
- State Boundary
- County Boundary
- Town Boundary
- Village Boundary

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- NO ALLUP, SD, SPR or Zoning
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Villages*

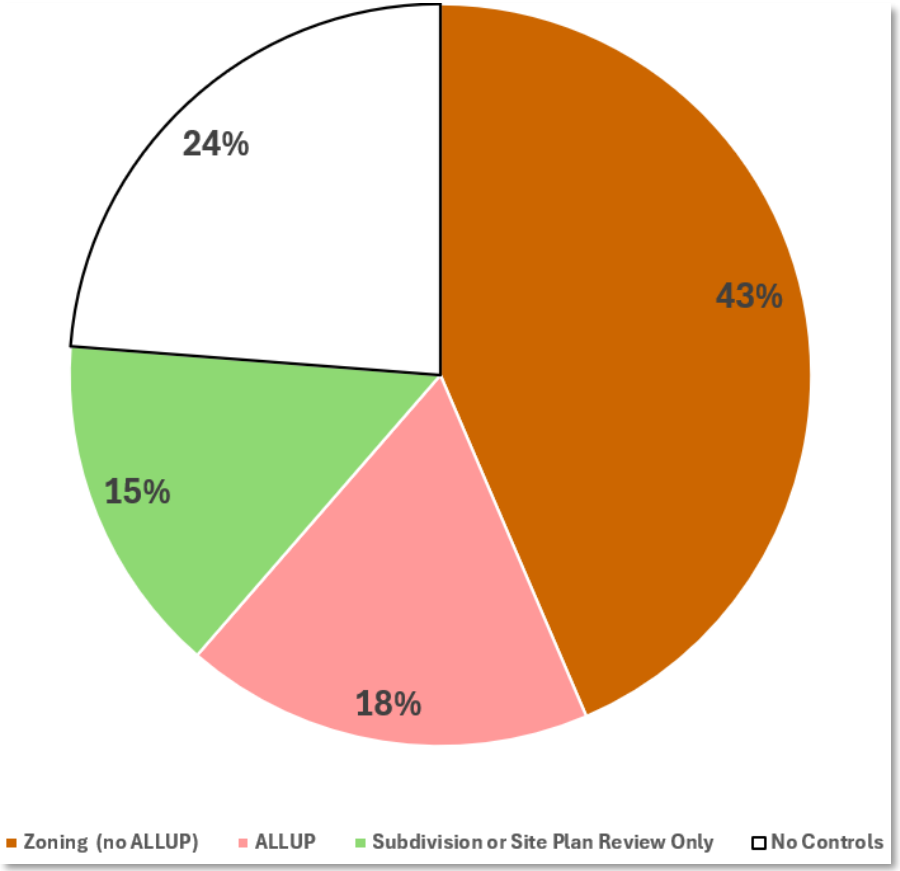
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Summary

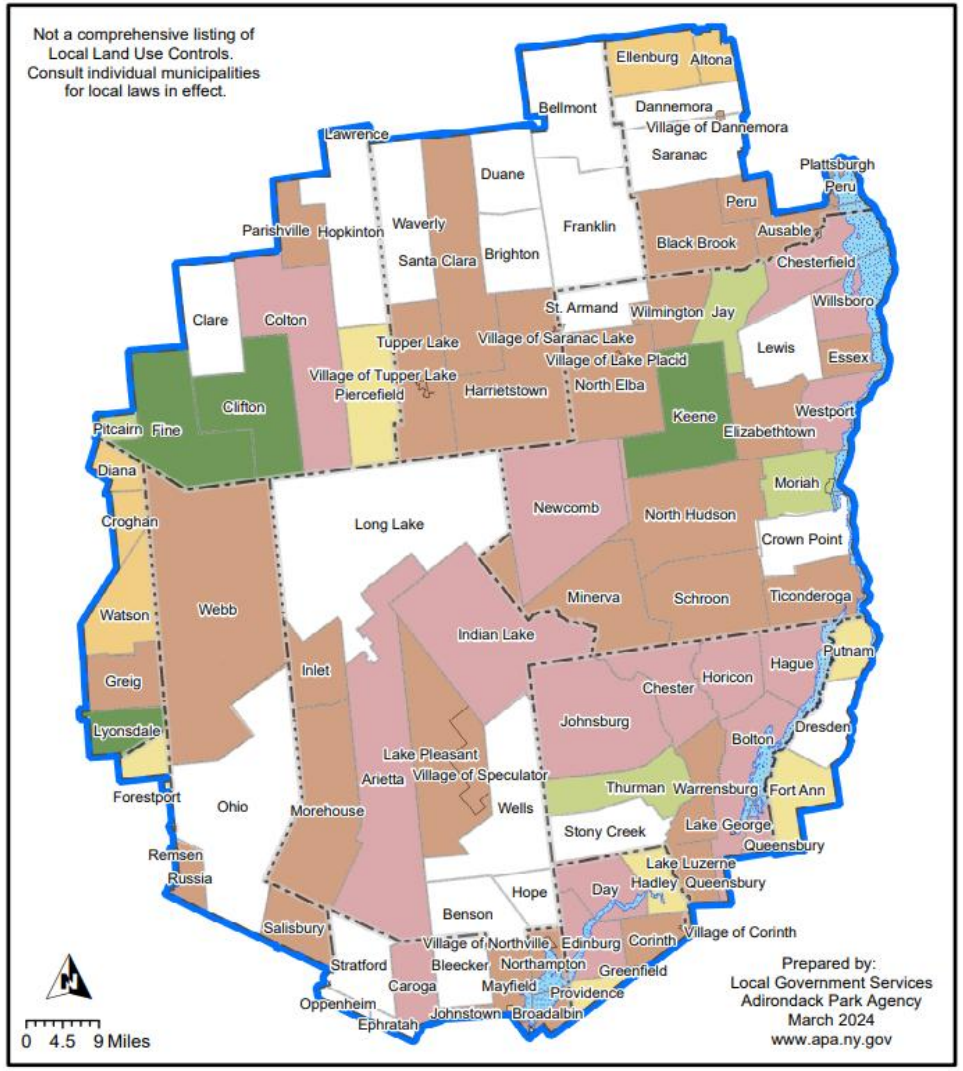
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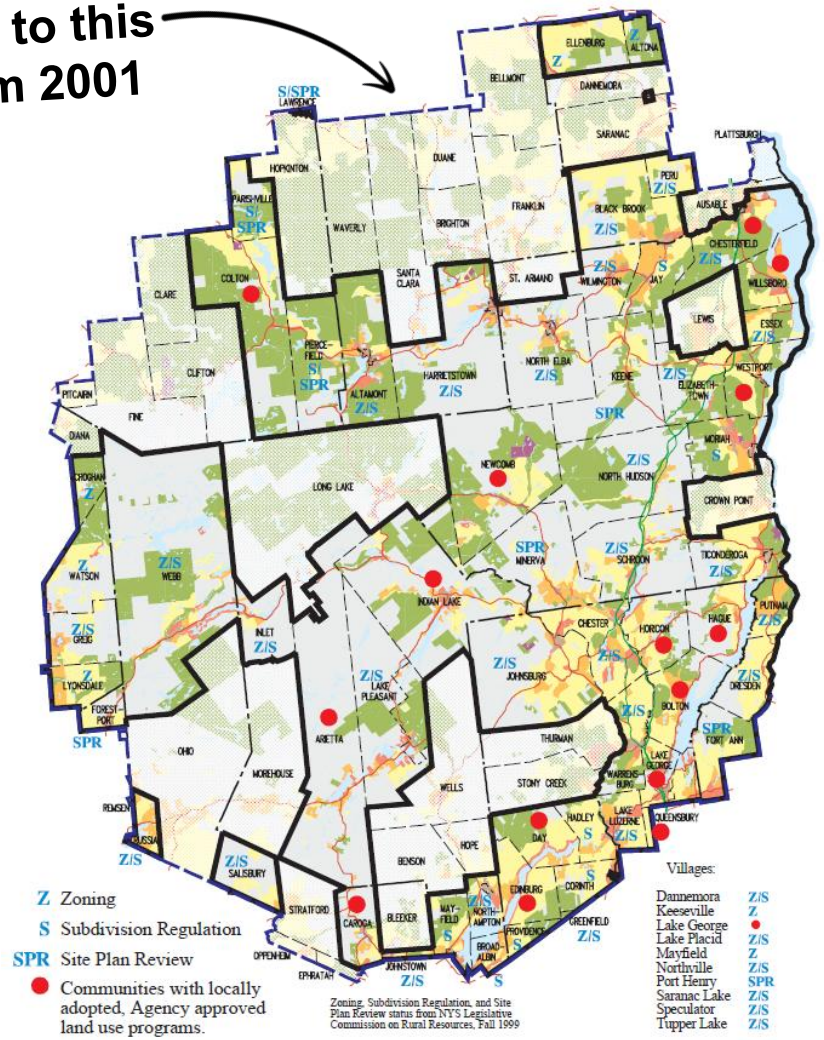
Percent of Adirondack Municipalities with Local Land Use Controls



Local Land Use Controls in the Adirondack Park



Compare to this map from 2001



TOWN & VILLAGE VARIANCES

Town & Village Variances

Exception to the Zoning Code based on specific circumstances of the property

USE VARIANCE



AREA VARIANCE

Under NYS Law

Use Variance Criteria – All Must Be Met

- ✓ Cannot realize a reasonable return (financial evidence)
- ✓ Alleged hardship is unique
- ✓ Will not alter the essential character of the neighborhood
- ✓ Alleged hardship is not self-created

Area Variance Criteria

- Will there be an undesirable change in the character of the neighborhood?
- Can the benefit sought be achieved by some other method?
- Is the area variance substantial?
- Will it have an adverse effect or impact on the physical or environmental conditions in the neighborhood?
- Is the alleged difficulty self-created?

Updated: 10/21/2026 12:41 PM

Area Variance Criteria



Varied Standards*

APA Standards

- Shoreline
  - Setbacks
  - Lot Widths
  - Vegetative Cutting
- OIGs/Density

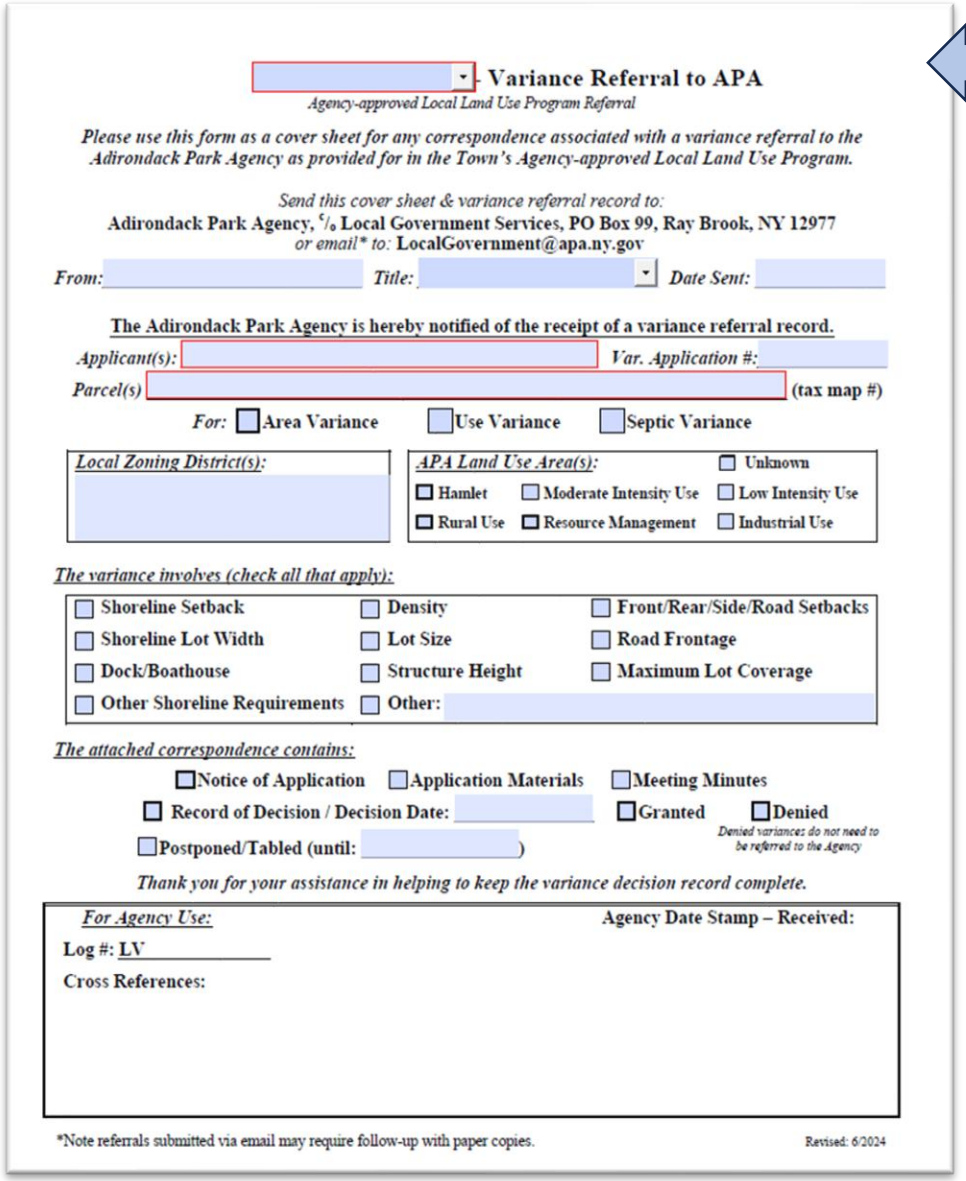
Town/Village Standards

- Shoreline
  - Setbacks
  - Lot Widths
  - Vegetative Cutting
- OIGs/Density
- Lot Size
- Road Frontage
- Yard Setbacks
- Building Height
- Etc.

*Not an exhaustive list

ALLUP VARIANCE REFERRAL PROCESS

ALLUP Variance Referral Process



[ ] Variance Referral to APA

Agency-approved Local Land Use Program Referral

Please use this form as a cover sheet for any correspondence associated with a variance referral to the Adirondack Park Agency as provided for in the Town's Agency-approved Local Land Use Program.

Send this cover sheet & variance referral record to:
Adirondack Park Agency, c/o Local Government Services, PO Box 99, Ray Brook, NY 12977
or email to:* LocalGovernment@apa.ny.gov

From: _____ *Title:* _____ *Date Sent:* _____

The Adirondack Park Agency is hereby notified of the receipt of a variance referral record.

Applicant(s): _____ *Var. Application #:* _____

Parcel(s) _____ (tax map #)

For: ☐ Area Variance ☐ Use Variance ☐ Septic Variance

Local Zoning District(s):	*APA Land Use Area(s):*		
	☐ Hamlet	☐ Moderate Intensity Use	☐ Low Intensity Use
	☐ Rural Use	☐ Resource Management	☐ Industrial Use
	☐ Unknown		

The variance involves (check all that apply):

☐ Shoreline Setback	☐ Density	☐ Front/Rear/Side/Road Setbacks
☐ Shoreline Lot Width	☐ Lot Size	☐ Road Frontage
☐ Dock/Boathouse	☐ Structure Height	☐ Maximum Lot Coverage
☐ Other Shoreline Requirements	☐ Other:	

The attached correspondence contains:

☐ Notice of Application ☐ Application Materials ☐ Meeting Minutes

☐ Record of Decision / Decision Date: _____ ☐ Granted ☐ Denied

Denied variances do not need to be referred to the Agency

☐ Postponed/Tabled (until: _____)

Thank you for your assistance in helping to keep the variance decision record complete.

For Agency Use: Agency Date Stamp – Received:

Log #: LV

Cross References:

*Note referrals submitted via email may require follow-up with paper copies.

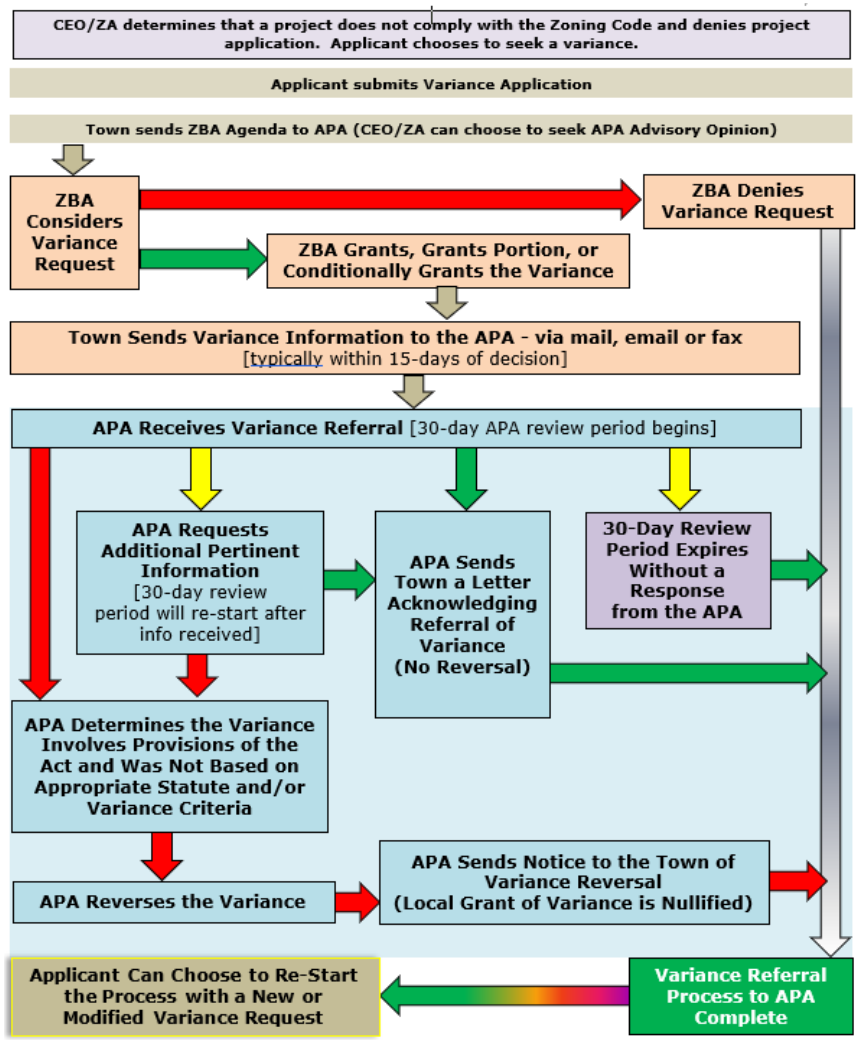
Revised: 6/2024

- APA Variance Referral Cover Sheet (Optional)
- Town Variance Application
  - Site Plans
  - Pictures
  - Deeds
- ZBA Minutes
  - All minutes related to variance discussion
  - Public comment
  - ZBA resolution of decision

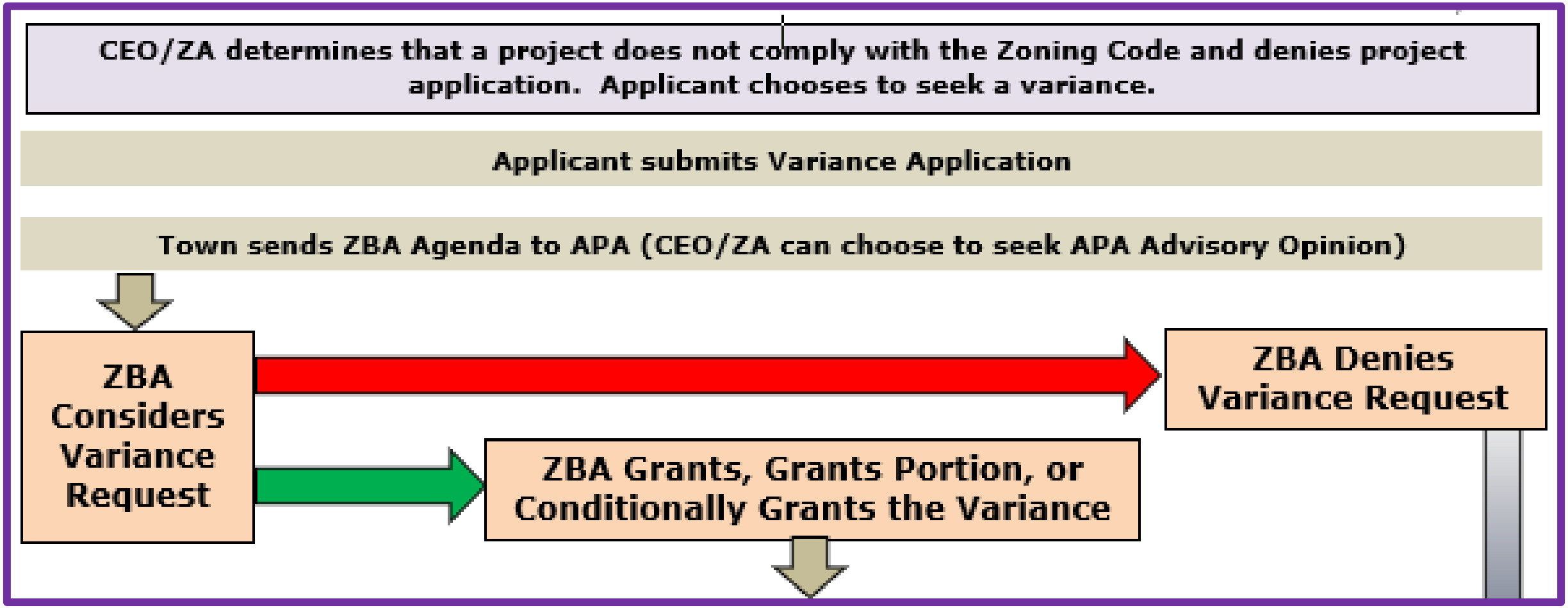
ALLUP Variance Referral Process

Referral Required for Variances, outside of Hamlet, that involve:

- Shoreline Restrictions
- Intensity of Development
- Certain Uses
- Other provisions of the APA Act



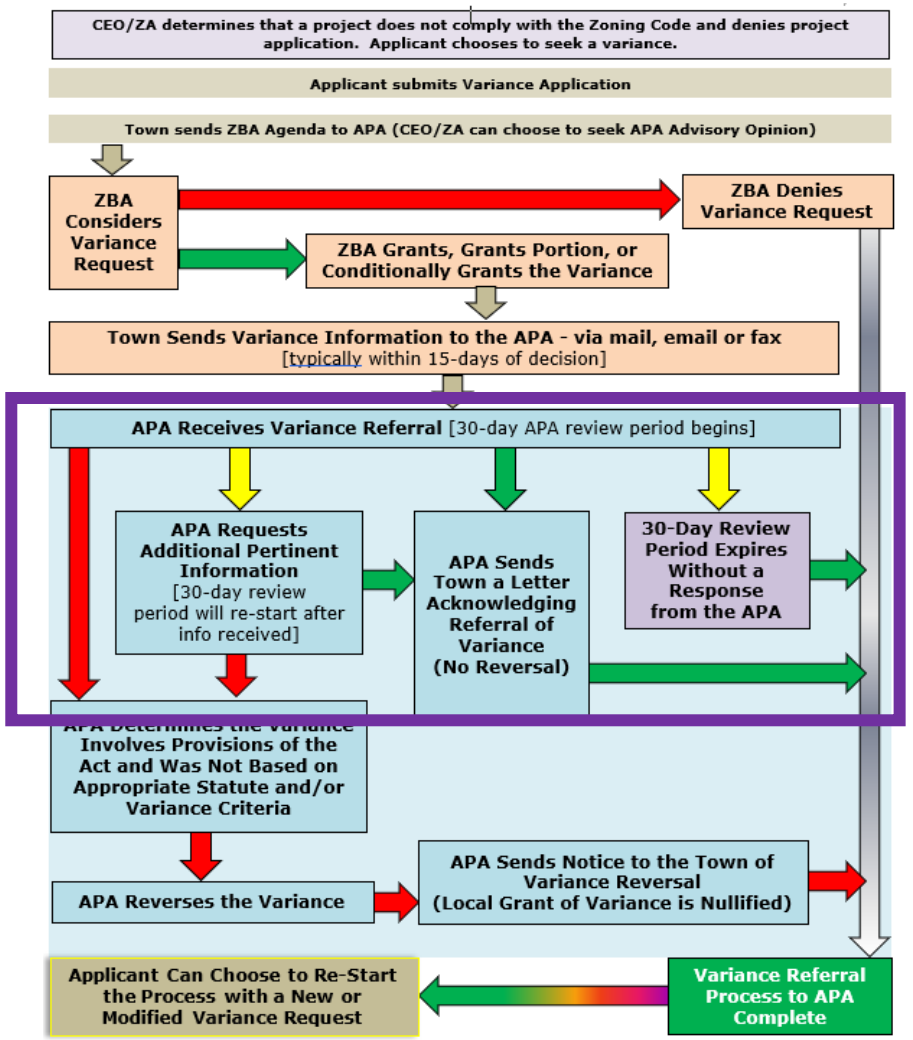
ALLUP Variance Referral Process



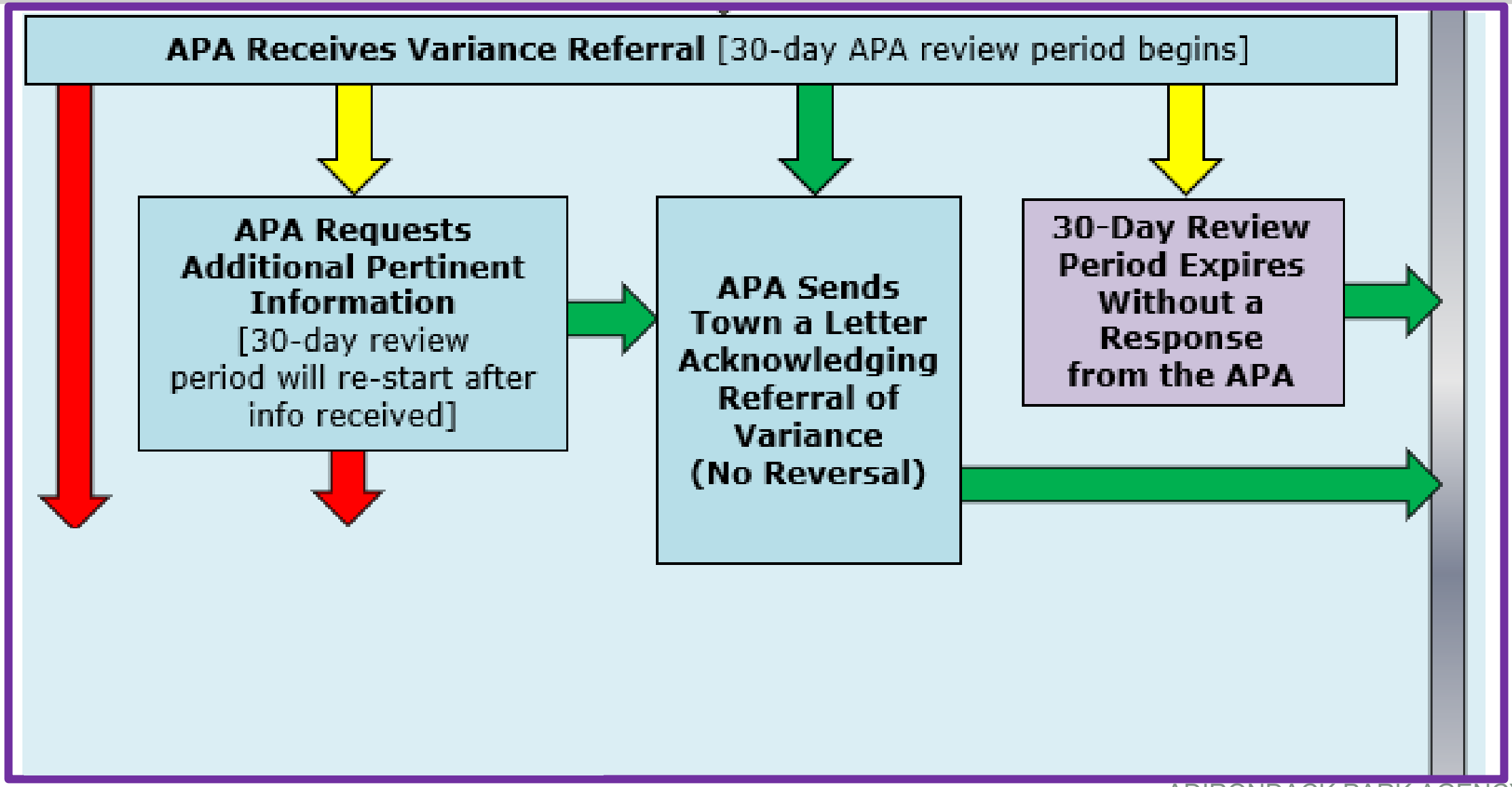
APA
VARIANCE REFERRAL
REVIEW PROCESS

APA Variance Referral Review Process

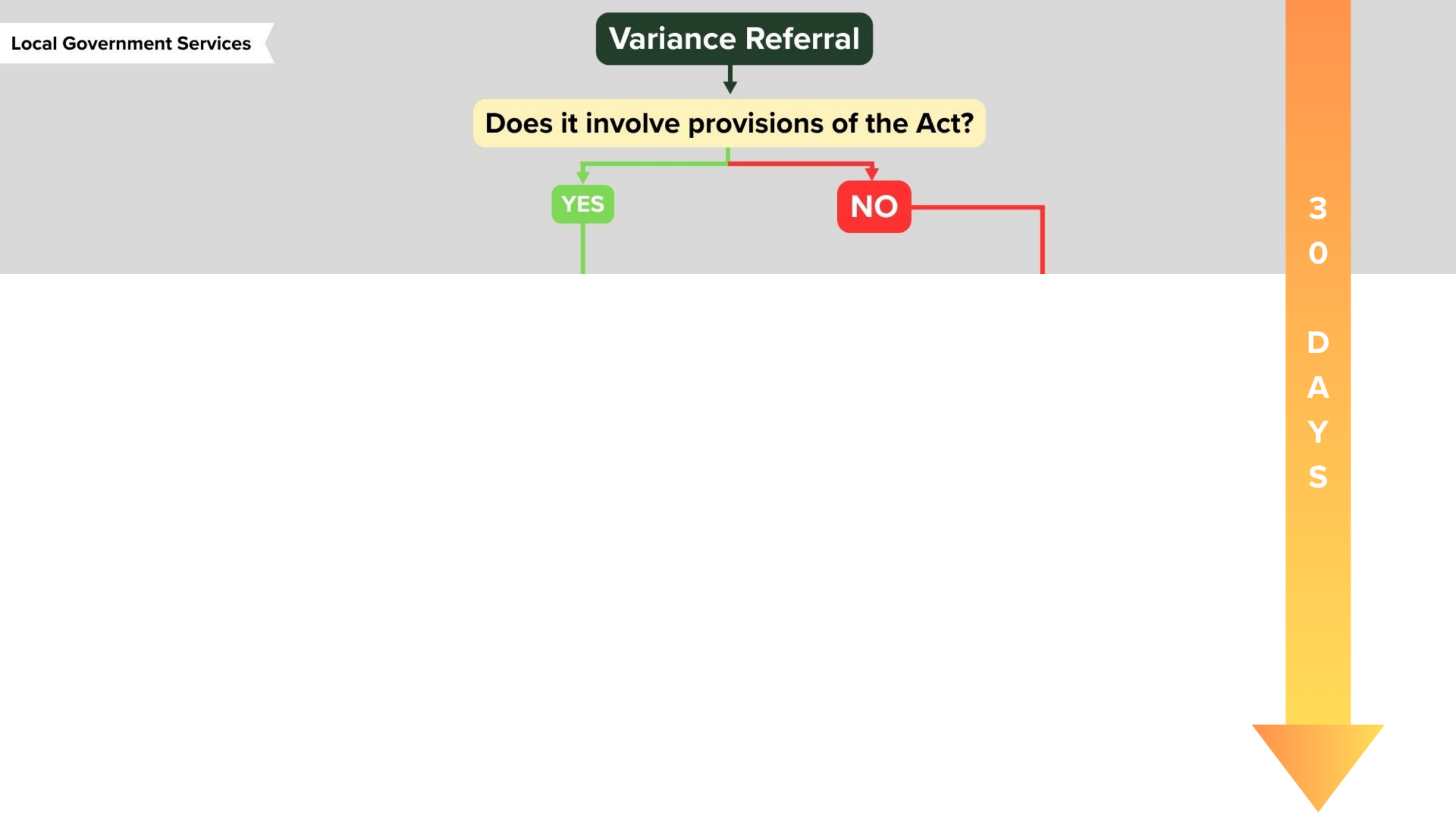


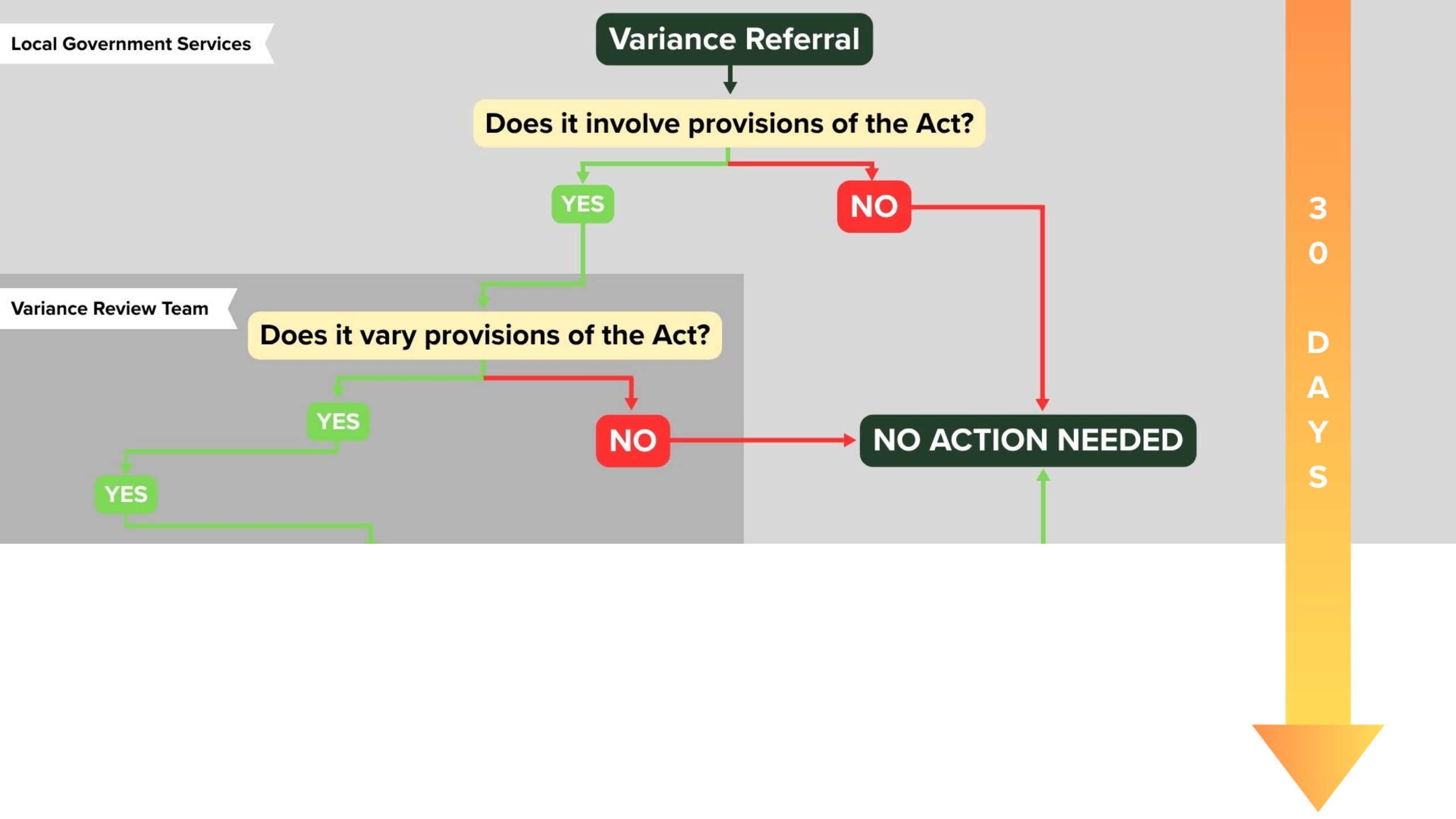


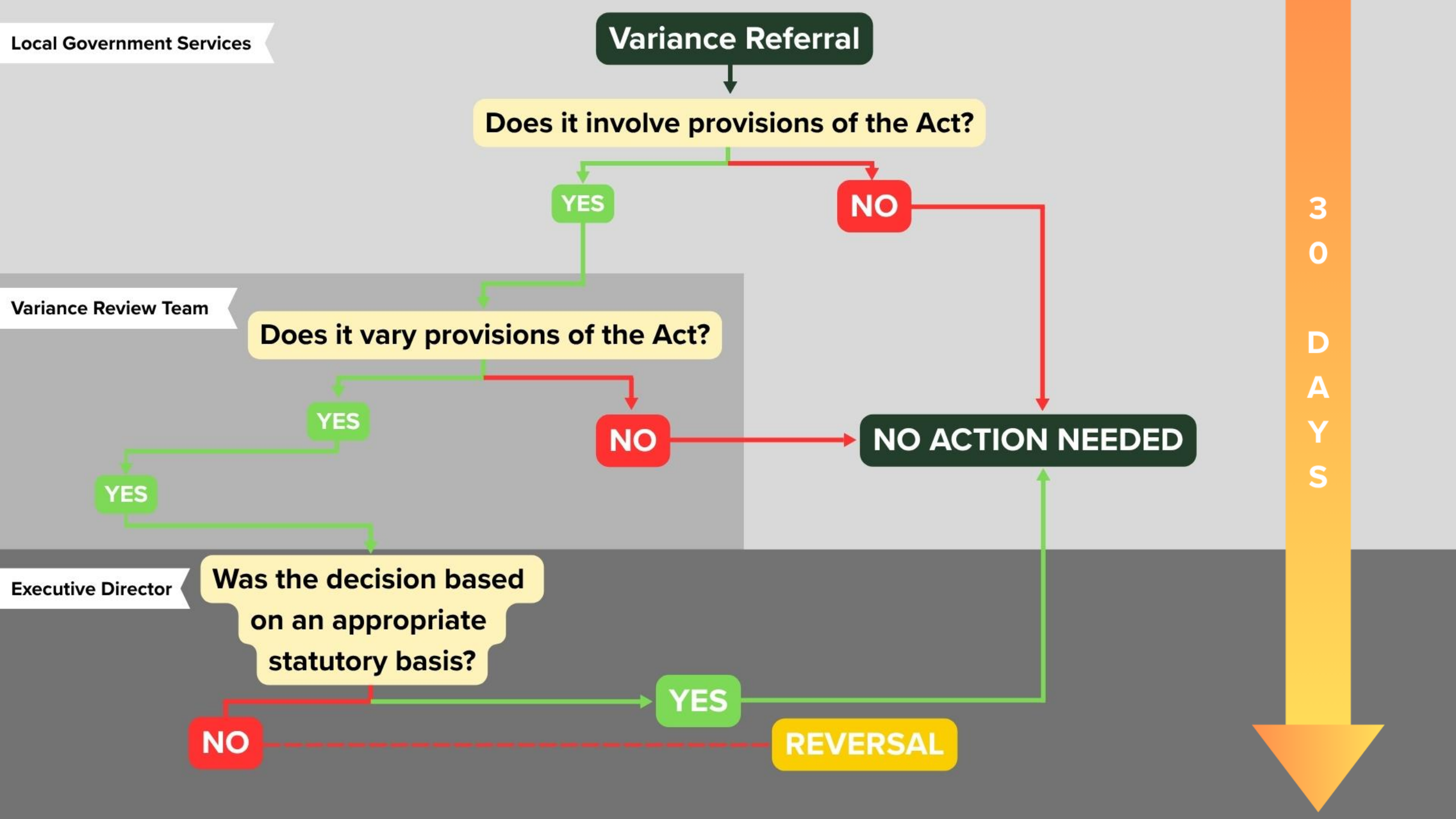
APA Variance Referral Review Process



Local Government Services

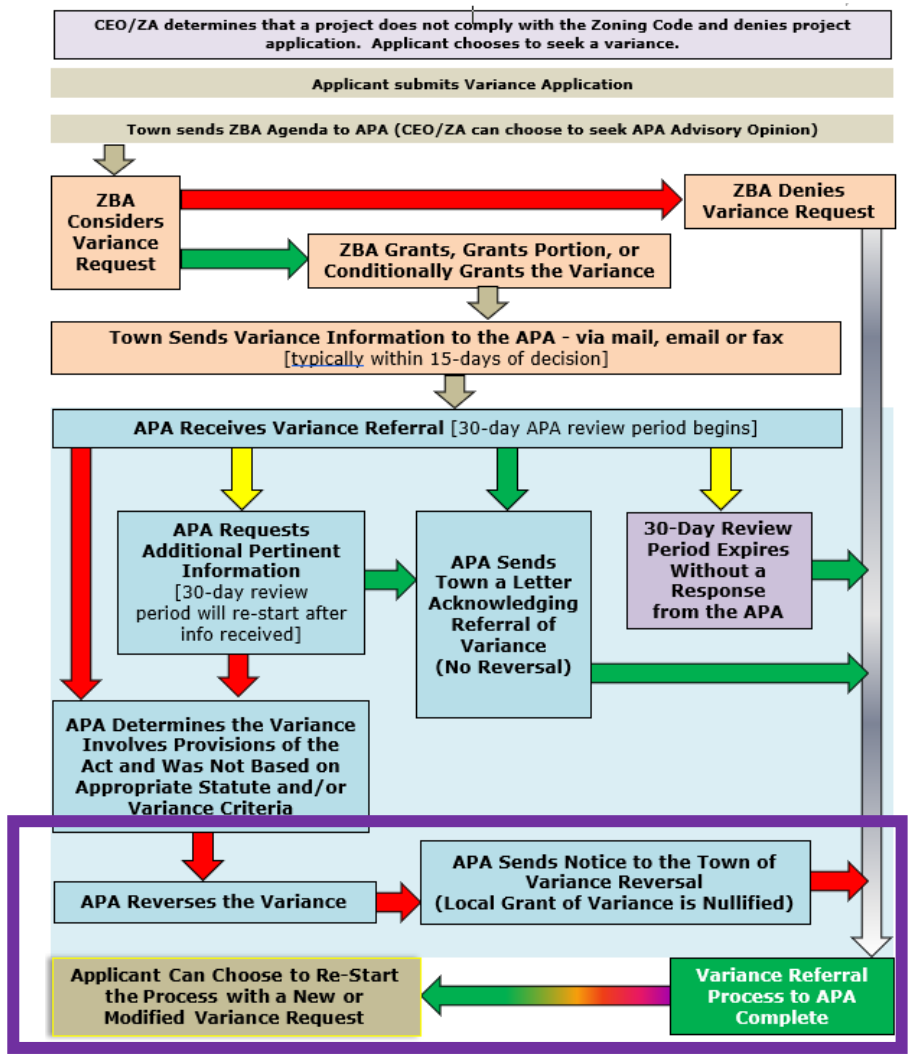



Local Government Services
Variance Referral
Does it involve provisions of the Act?
YES
NO
Variance Review Team
Does it vary provisions of the Act?
YES
NO
YES
NO ACTION NEEDED
30 DAYS

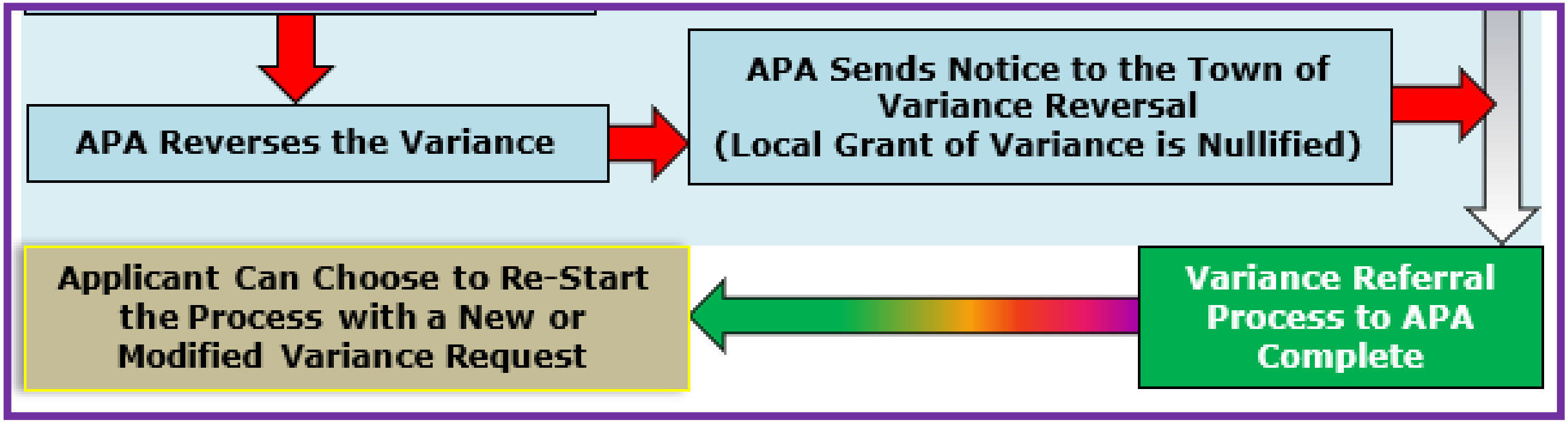

Local Government Services
Variance Referral
Does it involve provisions of the Act?
YES
NO
Variance Review Team
Does it vary provisions of the Act?
YES
NO
YES
NO ACTION NEEDED
Executive Director
Was the decision based on an appropriate statutory basis?
YES
NO
REVERSAL
30 DAYS

APA Variance Referral Review Process



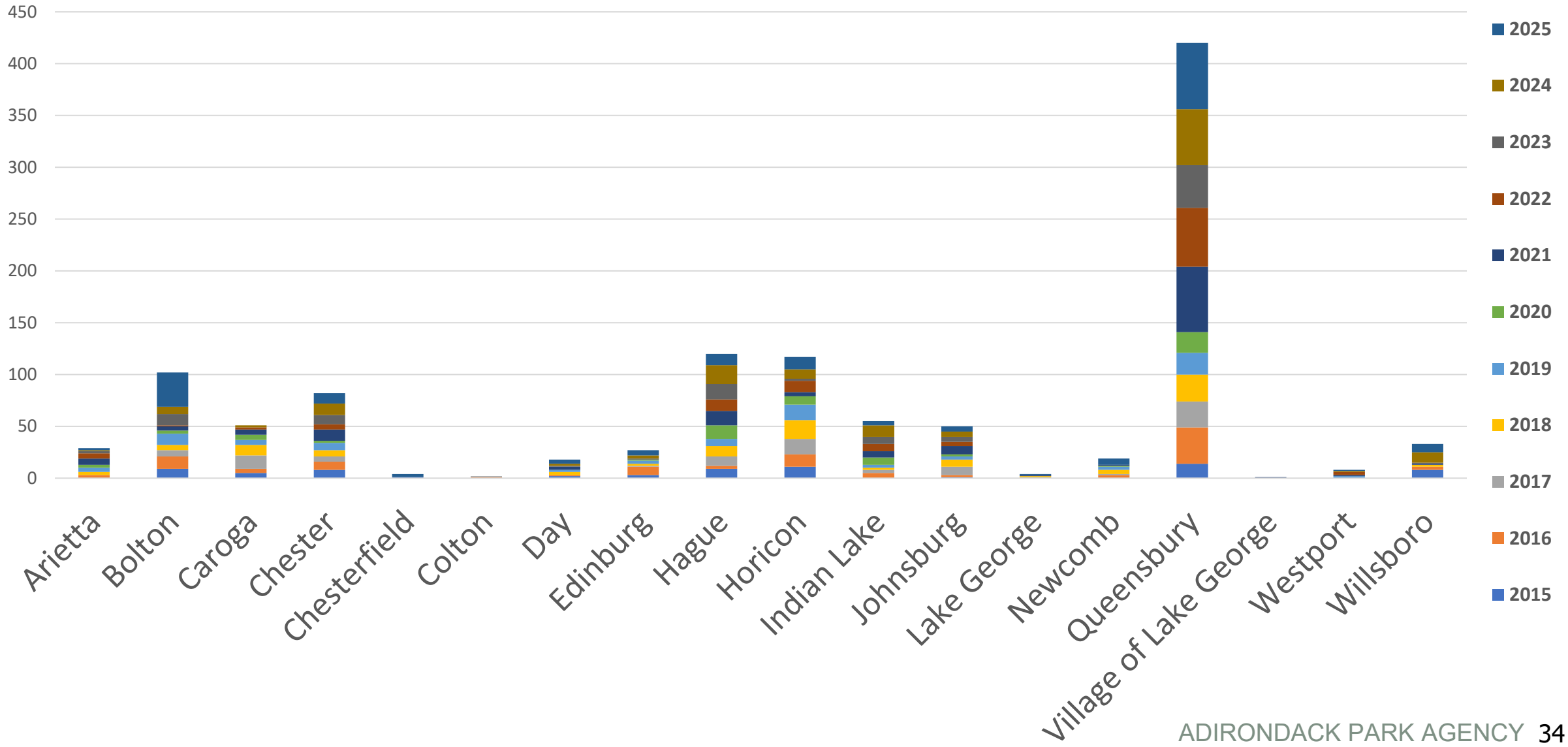


APA Variance Referral Review Process



APA VARIANCE REFERRAL STATS

Variances Referred by ALLUPs (2015-2025)



ALLUP Variances – General Categories:

‘Involving’ Shoreline

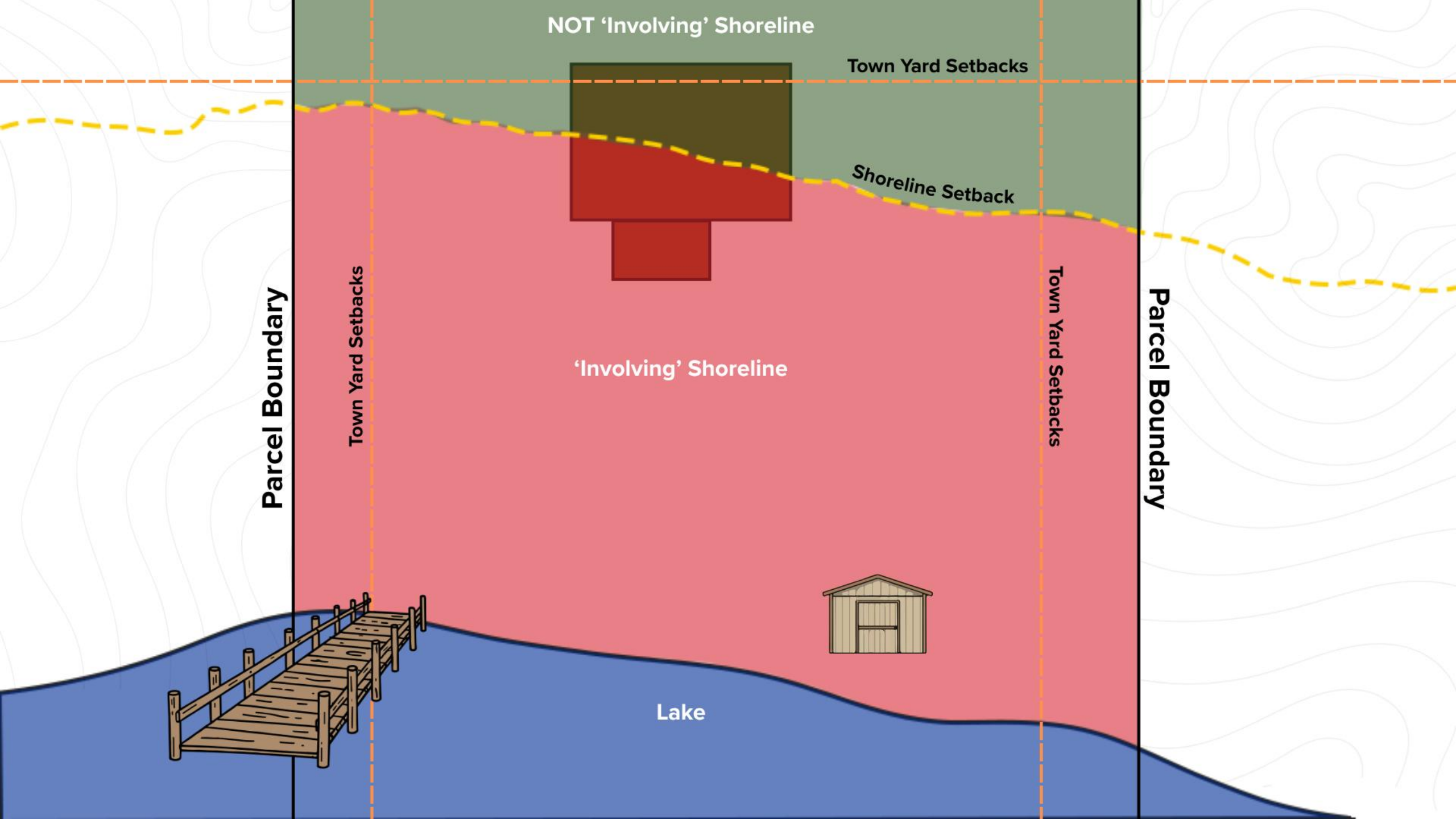
Activity within the shoreline setback:

- Docks
- Boathouses
- Shoreline Lot Width
- Retaining Walls
- Stormwater Controls
- Septic
- Shoreline Structure Setbacks

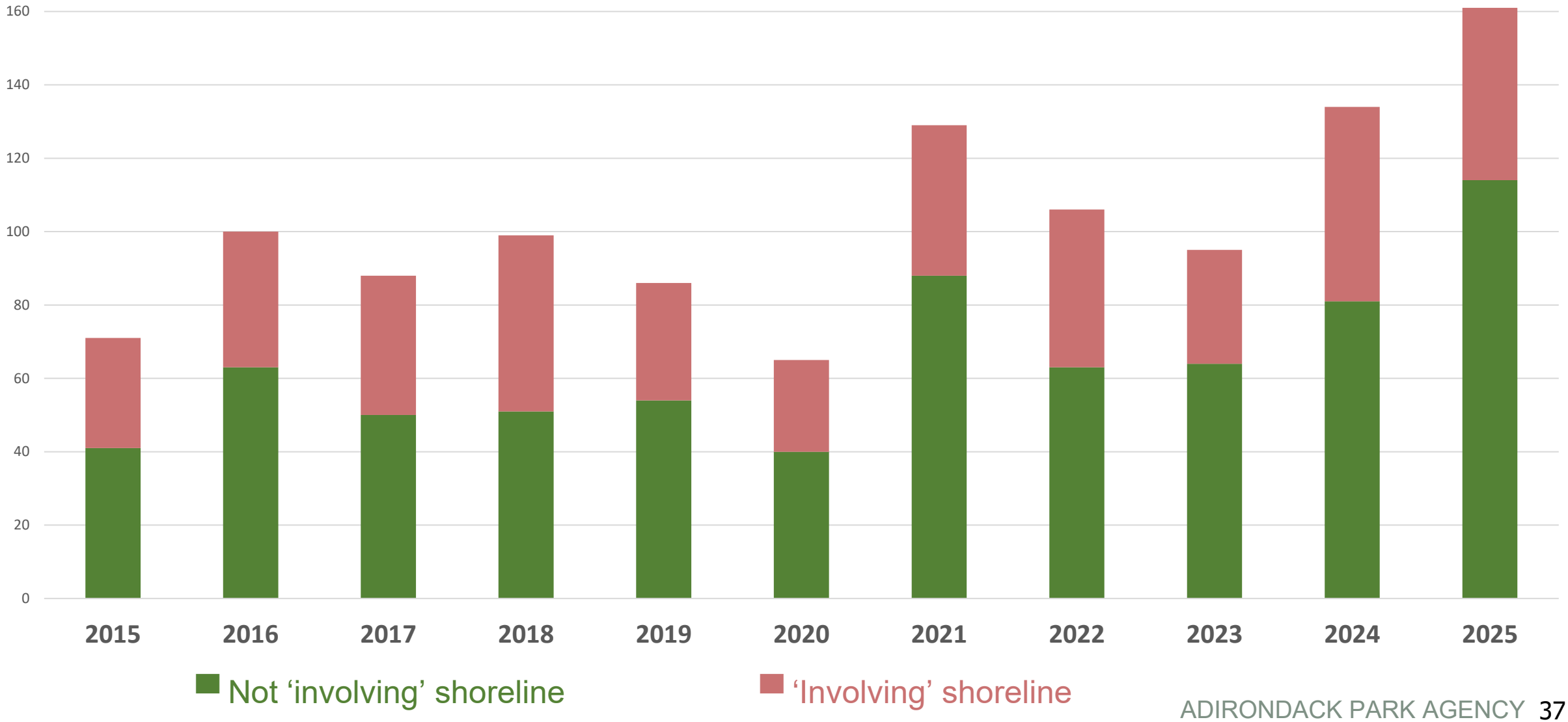
Not ‘Involving’ Shoreline

Activity outside the shoreline setback:

- Yard Setbacks
- Accessory Structures
  - Size, quantity, etc.
- Use
- Lot Width
- Maximum Lot Coverage
- Road Frontage
- Density
- Etc.

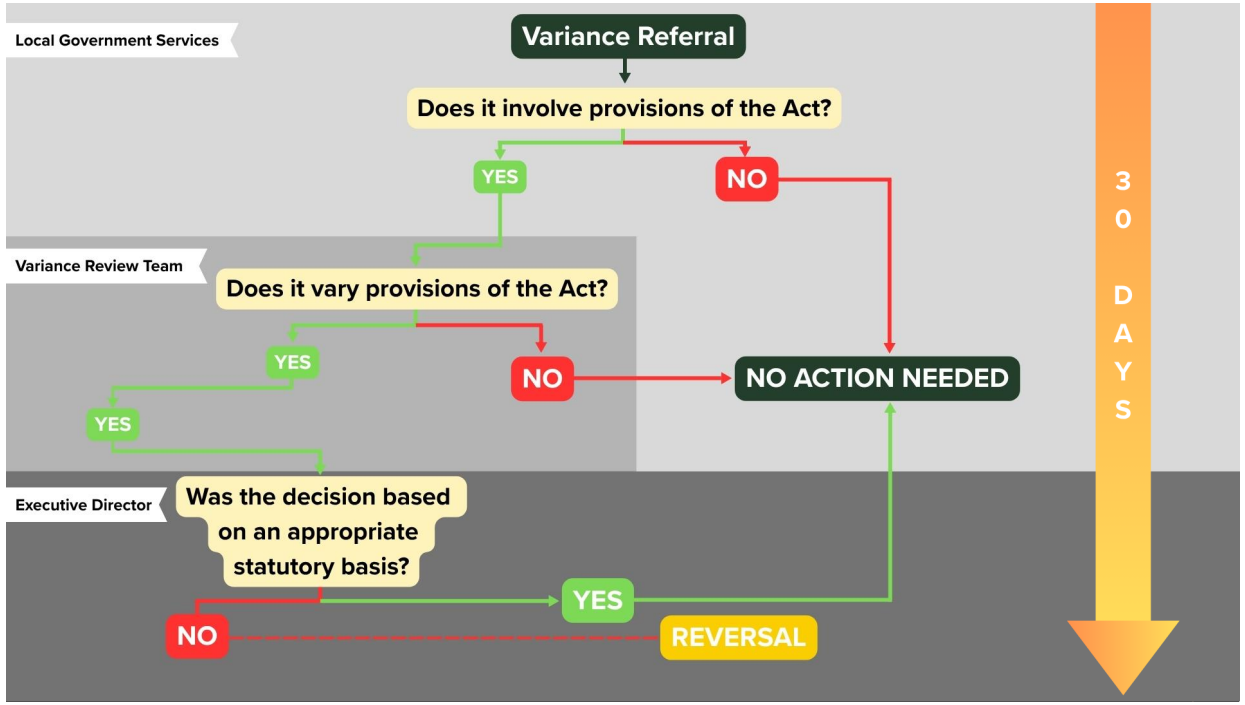

NOT 'Involving' Shoreline
Town Yard Setbacks
Shoreline Setback
Parcel Boundary
Town Yard Setbacks
'Involving' Shoreline
Town Yard Setbacks
Parcel Boundary
Lake

‘Shoreline’ Variances Referred by ALLUPs 2015-2025

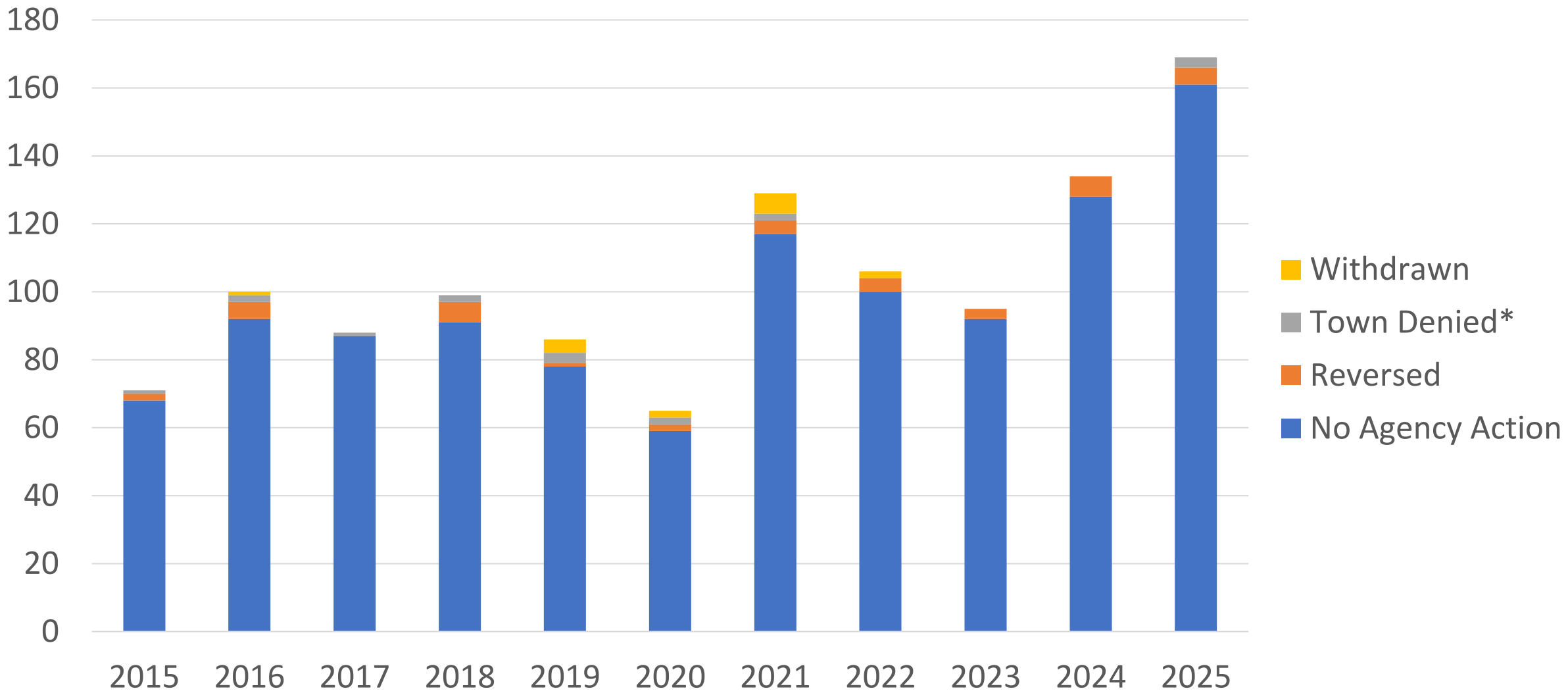


Recall…

- Within 30-days: The Agency has <u>1 option</u> delegated to the Executive Director
  - Reverse
  - Not Reverse
    - Does not involve statutory requirements
    - Does not vary statutory requirements
    - Concur with Town Decision to grant variance
    - Take no action (time-out)



APA Variance Referral 'Action' By Year (2015-2025)



*Denials are not required to be referred

QUESTIONS?



Adirondack Park Agency