

CITIZEN'S GUIDE

Adirondack Park Agency Land Use Regulations



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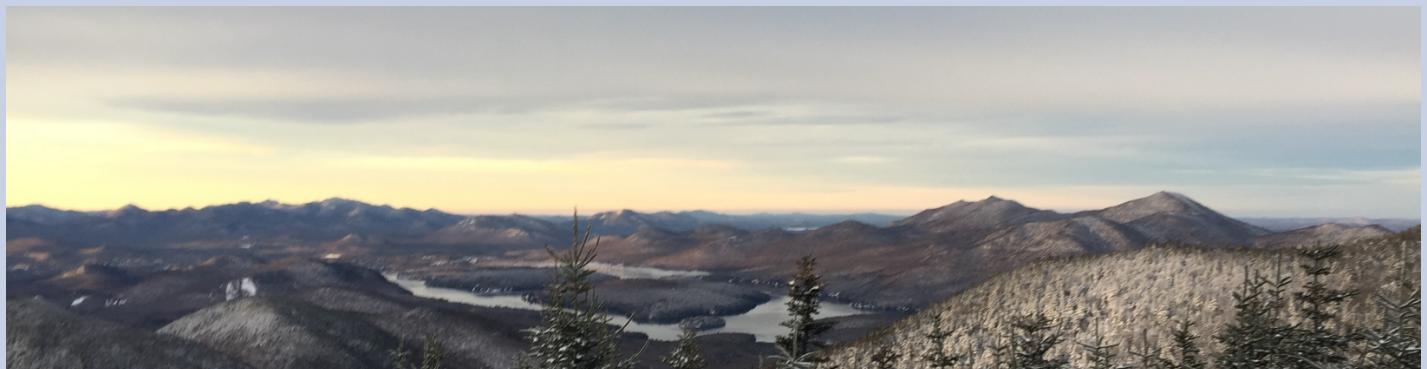
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THE BIG PICTURE

The Adirondack Park is a natural sanctuary within a day's driving distance of over 100 million residents of the United States and Canada.



About the Adirondack Park

The Adirondack Park ("Park") was created in 1892 by the State of New York amid concerns for the water and timber resources of the region. Today, the Park is the largest publicly protected area in the contiguous United States, greater in size than Yellowstone, Everglades, Glacier, and Grand Canyon National Parks combined, and comparable in size to the entire state of Vermont.

The boundary of the Park encompasses approximately 6 million acres, 44.6 percent of which belongs to all the people of New York State as constitutionally protected "forever wild" forest preserve.

The private lands within the 101 towns and villages include residential neighborhoods, commercial centers, farms, working forests, and camps comprise 49.4 percent, and the remaining 6 percent is water bodies.

About the Adirondack Park Agency

The Adirondack Park Agency ("APA") was created in 1971 by the New York State Legislature to develop long-range land use plans for both public and private lands within the boundary of the Park, commonly referred to as the "Blue Line."

The Agency prepared the State Land Master Plan, which was signed into law in 1972, followed by the Adirondack Park Land Use and Development Plan ("APLUDP") in 1973.

The Agency strives to conserve the Park's natural resources and ensure that development is well-planned through administration of the Adirondack Park Agency Act (which includes the APLUDP), the New York State Freshwater Wetlands Act, and the New York State Wild, Scenic and Recreational Rivers System Act.

The APA is an agency in New York State government with a staff of less than 60 and an 11-member board. Eight of the Agency's board members are appointed by the Governor and confirmed by the Senate. The other three members are the Secretary of State, Commissioner of Environmental Conservation, and Commissioner of Empire State Development.

The Agency Board takes formal action on Park policy issues including permit applications, during Agency meetings. Board Meetings are held monthly and are open to the public.

WHERE IT ALL BEGINS



Land Use Area Classification

The process of determining how the Agency's regulations apply to development on private lands begins with an examination of how the land is classified.

What does classification mean?

In the Adirondack Park Land Use and Development Plan all private lands in the Park are classified into six categories, identified by color on the Park Plan map: hamlet, moderate intensity use, low intensity use, rural use, resource management, and industrial use.

The classification of a particular area (originally established when the Plan was developed) depends on such factors as:

- existing land use and population growth patterns;
- physical limitations related to soils, slopes, and elevations;
- unique features such as gorges and waterfalls;
- biological considerations such as wildlife habitat, rare or endangered plants or animals, wetlands, and fragile ecosystems;
- public considerations such as historic sites, proximity to critical state lands, and the need to preserve the open space character of the Park.

The following are the six land use area classifications and their general descriptions:

HAMLET

These are the growth and service centers of the Park, where the Agency encourages development. Intentionally, the Agency has very limited permit requirements in hamlet areas.

MODERATE INTENSITY USE

Most uses require a permit; relatively concentrated residential development is most appropriate.

LOW INTENSITY USE

Most uses require a permit; residential development at a lower intensity than hamlet or moderate intensity is appropriate.

RURAL USE

Most uses require a permit; residential uses and reduced intensity development that preserves rural character are most suitable.

RESOURCE MANAGEMENT

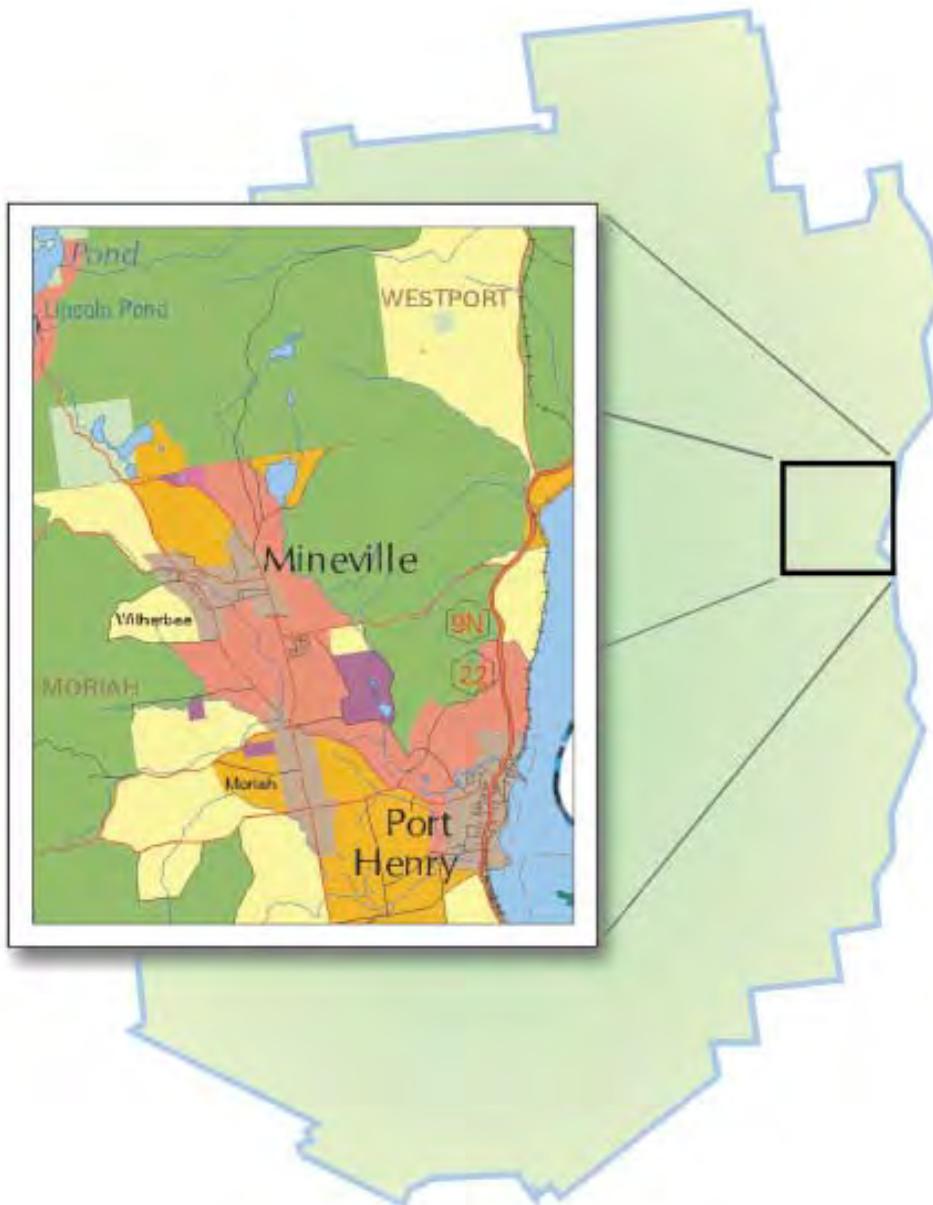
Most uses require a permit; compatible uses include residential uses, agriculture, and forestry. Special care is taken to protect the natural open space character of these lands.

INDUSTRIAL USE

This is where industrial uses exist or have existed, and areas that may be suitable for future industrial development. Industrial and commercial uses are also allowed in other land use area classifications.

Table 1 — Overall Intensity Guidelines

Land Use Area	Color on Map	Avg. Lot Size (acres)
Hamlet	Brown	None
Moderate Intensity Use	Red	1.3
Low Intensity Use	Orange	3.2
Rural Use	Yellow	8.5
Resource Management	Green	42.7
Industrial Use	Purple	None



Can the Classification be Changed?

Provisions are made in the APA Act for amendments to the Land Use and Development Plan Map under certain circumstances. These changes often occur through the preparation and adoption of a local government's zoning and land use program or at the request of a municipality.

Approved Local Land Use Programs

The Adirondack Park Agency Act allows any local government within the Park to develop its own local land use programs which, if approved by the Agency, may transfer some permitting authority from the Agency to local government.

Agency Approved Local Land Use Programs

Essex County: Chesterfield, Newcomb, Westport, Willsboro

Fulton County: Caroga

Hamilton County: Arietta, Indian Lake

St. Lawrence County: Colton

Saratoga County: Day, Edinburg

Warren County: Bolton, Chester, Lake George, Lake George Village, Hague, Horicon, Johnsburg, Queensbury

APA PERMITTING



Permitting Review in General

Within the Park, certain activities require a permit from the Agency under: the Adirondack Park Agency Act; the Wild, Scenic and Recreational Rivers System Act; and the Freshwater Wetlands Act.

For each of these laws, the permitting review criteria involves an analysis of potential impacts from the proposed activity on the natural, scenic, aesthetic, ecological, wildlife, historic, recreational, open space, and other resources of the Park, in addition to other standards.

Adirondack Park Agency Act

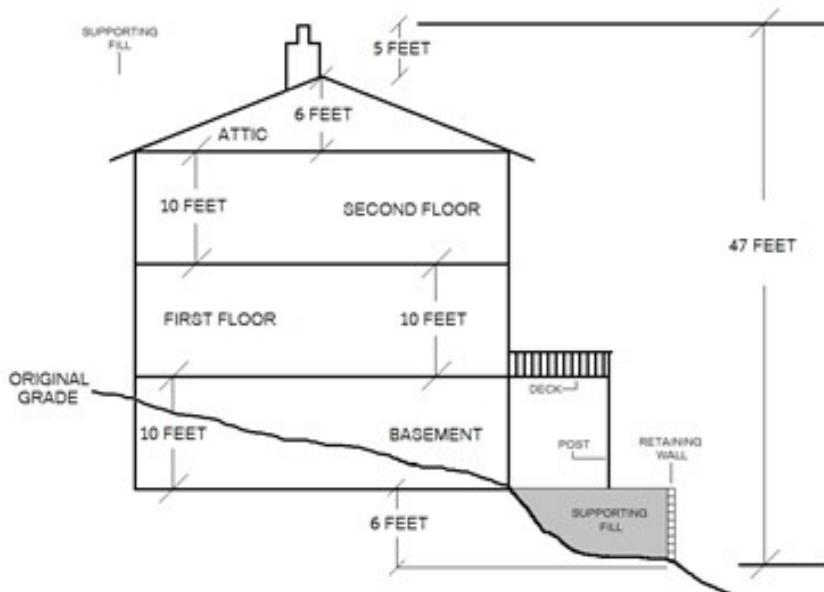
The APA Act requires landowners to obtain permits for certain new development and subdivision activities, referred to as "regional projects."

Regional projects include:

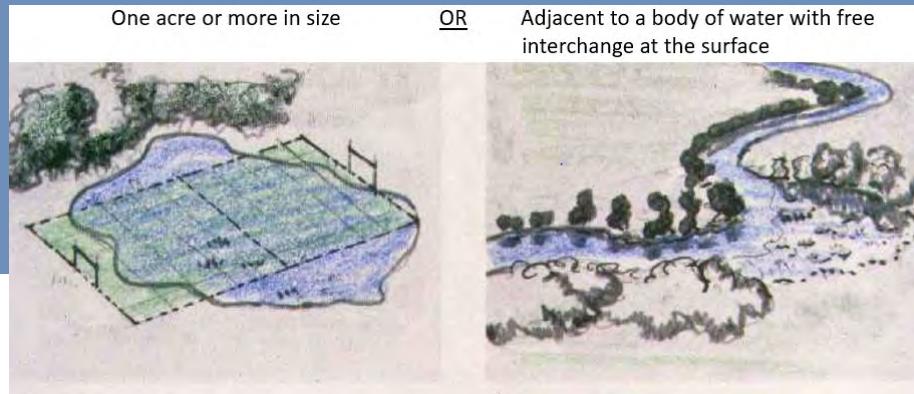
- Businesses providing goods, services, activities, etc. for a fee (except in Hamlet areas).
- The construction of any structure over 40 feet in height, as measured from the highest point of the structure to the lower of either original or finished grade (except in Industrial Use areas).

- A timber harvest involving the cutting of trees over six inches in diameter at breast height where the remaining average residual basal area is less than 30 square feet per acre, with certain exceptions (except in Hamlet and Industrial Use areas).

- Any subdivision in a Resource Management land use area.
- Any other subdivision creating a lot smaller than the designated minimum lot size for the land use area (except in Hamlet and Industrial Use areas).
- Any land use or development or subdivision:
 - At an elevation of 2,500 feet or more (except in Hamlet and Industrial Use areas).
 - Within 1/8 mile of a New York State wilderness, primitive, or canoe area (except in Hamlet and Industrial Use areas).
 - Within 150 feet (in Rural Use areas) or 300 feet (in Resource Management areas) of a state or federal highway.
 - Within 1/4 mile of a river under study for inclusion in the Wild, Scenic, and Recreational Rivers System (except in Hamlet and Industrial Use areas).



APA PERMITTING



Freshwater Wetlands Act (and APA Act)

Wetlands play a critical role in modulating the flow of water in watersheds, reducing flooding and erosion. Wetlands also filter pollutants, purify water, and provide critical habitat for many species of plants and animals.

Wetlands within the Park are “any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh which are either (a) one acre or more in size or (b) located adjacent to a body of water, including a permanent stream, with which there is free interchange of water at the surface, in which case there is no size limitation.”

An Agency permit is required for the following activities:

1. Draining, dredging, or excavating a wetland with limited exceptions;
2. Placing fill, including soil, stone, sand, gravel, mud, trash, structures, pilings, roads, and most other substances, into a wetland;
3. Clearcutting more than three acres in a wetland;
4. Releasing any form of pollution into a wetland, including pesticides and sewage effluent or other liquid waste;
5. Installing the leaching component of any on-site wastewater treatment system in or within 100 feet of a wetland;
6. Undertaking any other activity within or outside of a wetland that substantially impairs the functions served by or the benefits derived from the wetland, including the placement of structures over wetlands; or
7. Creating by subdivision any lot that contains wetlands and any lot adjoining a lot that contains wetlands, unless the new lot boundaries will be located at least 200 feet from all wetlands and other specific criteria are met.

When a regulated activity is proposed, a wetland biologist will delineate and determine the value rating for the wetland.

The standards for approval of activities involving wetlands depend on the value rating, with stricter standards for activities in high value wetlands. Development is generally prohibited in wetlands with a value rating of “1.”

Wild, Scenic and Recreational Rivers System Act

The Rivers Act establishes special protections for certain river corridors within the Park; the corridor usually comprises the land within 1/4 mile of a designated river.

In general, a permit is required for any new land use and development or subdivision within one of these river corridors on Low Intensity Use, Rural Use, or Resource Management lands.

Certain vegetative cutting and forestry use activities within designated river corridors also require Agency review.

APA SHORELINES



Adirondack Shorelines

The Adirondack Park Agency Act provides protection to the water quality and aesthetics of the shorelines of the Park by establishing structure setbacks and other limitations.

Structure Setbacks

Any new structure greater than 100 square feet in size (other than docks and boathouses) must comply with minimum setback distances from the mean high water mark of most water bodies in the Park.

These setbacks are measured horizontally along the shortest line between the structure and the shoreline, and are established by land use area:

Hamlet	50 feet
Moderate Intensity Use	50 feet
Low Intensity Use	75 feet
Rural Use	75 feet
Resource Management	100 feet

Structures that lawfully exist within a shoreline setback area may be replaced or rebuilt in the immediate vicinity. However, except to allow for specific minor expansions, the dimensions of any lawfully existing structure within the setback area may not be expanded in any direction.

Docks and boathouses, as defined by the Agency, are not subject to the setback requirement.

In general, docks are uncovered structures no more than eight feet in width, including at their attachment to the shoreline.

Boathouses are generally single story, covered structures with direct access to a body of water, no sanitary plumbing, and a footprint of 1,200 square feet or less and a height of 15 feet or less.

Shoreline Stabilization

Erosion is usually caused by the removal of shoreline and riparian vegetation, and hardened shorelines provide only a temporary fix. The character of the natural shoreline and riparian zones should be retained or restored whenever possible.

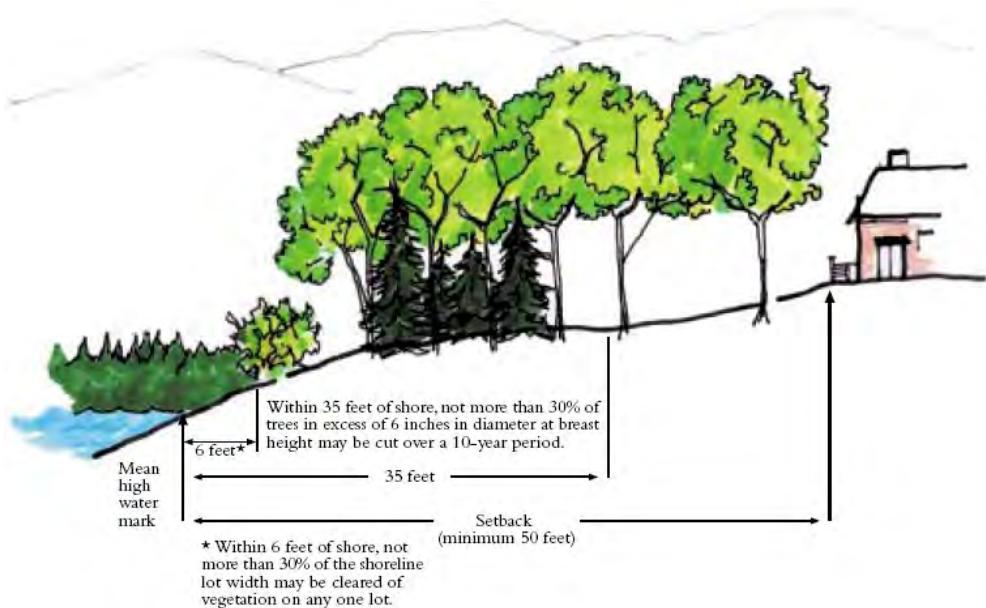
For shoreline stabilization activities, the Agency always encourages landowners to employ the least structural or "softest" approach available.

On-site Wastewater Treatment System Setbacks

Any new leaching facility from an on-site wastewater treatment system must be set back at least 100 feet from all water bodies, including intermittent streams.

Shoreline Cutting

The cutting of trees and other vegetation along shorelines is also limited. See diagram below:



PERMITTING PROCESS

Jurisdictional Inquiry

The easiest way to find out if a proposed activity will require Agency review is by submitting a Jurisdictional Inquiry Form.

Agency staff review these submissions and respond by letter stating any permitting or other needs.

The Permitting Process

If a permit is required, staff will include the appropriate permit application when responding to a Jurisdictional Inquiry Form. Applications are also available on the Agency's website.

When an application is received by the Agency, it is assigned to a team of staff experts for analysis. Staff will contact the applicant to request any additional information needed to complete the application. In addition, one or more staff members will often travel to the site to review conditions on the ground and meet with the landowner and any consultants or other representatives.

For minor projects, which consist of single family dwellings and/or two-lot subdivisions, there is no formal public comment period, and permitting decisions must be made within 45 days from the day the application is determined complete.

For all other projects, a public comment period must be noticed in the Environmental Notice Bulletin, with the final permitting decision made within 90 days of completion. In either instance, an adjudicatory hearing is required before a project can be denied; additional time frames apply if the Agency determines that a hearing will be required.

Activities for which a permit is needed may not be undertaken in any way, including through the commencement of road construction, grading, excavation, or landscaping, clearing of building sites, installation of utilities, or conveyance of any subdivision lot, until a permit has been issued.

Enforcement

The APA has an enforcement program to ensure compliance with the law. Please contact the Agency to discuss any specific matter.



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