

ADIRONDACK PARK AGENCY

July 15, 2009

STATEMENT IN LIEU OF JOB IMPACT
2009 Rulemaking
GORR #0905080

A formal job impact analysis is not submitted for these proposed regulatory amendments to the APA regulations because these amendments are not expected to create any substantial adverse impact upon jobs and employment opportunities in the Park. These amendments do not make significant changes to the existing regulations, and will not impact employment opportunities in the Park, as explained below.

The first proposal changes the definition of “boathouse” by adding a specific height requirement instead of limiting the structure to a “single story.” In addition, the regulation imposes a maximum square footage for the structure, and a minimum roof pitch. While the existing definition does not impose a square footage requirement, other regulations limiting shoreline cutting in effect pose a limitation on boathouse size. This regulation does not preclude the replacement “in kind” of lawfully existing boathouses, and it allows larger structures via the granting of a variance. The size requirement is in line with the size of the vast majority of boathouses constructed, with potential for housing 2-3 motor boats. The regulation is permissive in nature, not prohibitory in that it does not require a landowner to do anything, but rather provides requirements should a landowner choose to pursue a particular development project.

Section 201-a of SAPA defines job impact as a “change in the number of jobs and employment opportunities” attributable to the adoption of the rule. A “substantial adverse impact on jobs” is defined as “a decrease of more than 100 full-time annual jobs and employment opportunities.”

Clearly, there will be no change in employment opportunities of a scale that meets the “substantial adverse impact” test. The changes to the boathouse definition do not preclude the construction of boathouses, but rather only affect their design parameters. Because of the high value of shoreline properties, the demand for

boathouse structures will continue unaffected by and in compliance with the regulation, and employment for such construction will continue unabated. The need for architectural and engineering expertise will also remain unaffected, since these experts have generally been necessary for these special structures built to withstand the forces of flowing water and ice, and they will remain necessary. To the extent variances are required for a particular structure, that may increase the employment opportunities for legal counsel.

The change to the definition of “dock” is similar. It does not preclude the construction of docks, but rather affects the method of storage of such structures in the winter. Docks will continue to be built. Replacements “in kind” of lawfully existing structures will continue. Hoisted docking structures will still be allowed, provided the structure does not exceed 100 square feet in size. If there is no other alternative for a particular location, a variance can be granted for a larger hoisted structure.