

 <p>NEW YORK STATE <b>Adirondack</b> parkagency P.O. Box 99 • Ray Brook, New York</p>	<p><b>General Permit</b> <b>2005G-2R</b></p>	<p>Effective Date: <b>August 12, 2005</b></p>
	<p>In the Matter of the Issuance of a General Permit for:</p> <p style="text-align: center;"><b>Minor Projects Not In or Impacting Wetlands</b></p> <p>for a permit pursuant to §809(13)(e) of the Adirondack Park Agency Act</p>	

### SUMMARY AND AUTHORIZATION

This general permit is issued pursuant to §809(13) of the Adirondack Park Agency Act (Executive Law Article 27) authorizing an expedited Agency review process for certain limited types of Class A or Class B regional projects subject to Adirondack Park Agency review. These projects involve construction of a single family dwelling, installation of a mobile home or undertaking a two-lot subdivision. The purpose of the two-lot subdivisions must be limited to creation of: i) residential lots containing existing single family dwellings or mobile homes, ii) lots to be developed by new single family dwellings or mobile homes, iii) non-building lots that are deed restricted, or iv) temporary two-lot subdivision into sites.

The proposed projects must meet all of the following eligibility criteria:

- A. The project site must be lawful, and if a subdivision, the project must comply with the overall intensity guideline requirements of the Adirondack Park Agency Act.
- B. Proposed Site Development
  - Any land disturbances or other development activity must be greater than 100 feet away from any jurisdictional wetland. All non-wetland areas of each lot must be able to be reached by an access road which does not require a wetland crossing and which will not cause adverse wetland impacts, unless such non-wetland areas are designated by deed covenant to be non-development areas;
  - All new structures greater than 100 square feet in size, except docks and boathouses, must comply with the Section 806 shoreline structure setback restrictions.
  - Any cutting within the shoreline setback area is limited to that for a footpath no wider than 6 feet in width.
  - Slopes in the area of any proposed on-site wastewater treatment system are less than 8%.
  - Proposed homesite and driveway development will be on slopes less than 12%.
  - No proposed structure is greater than 32-feet in overall height. Building height is measured from the highest point on the structure to the lowest point of existing grade or finished grade, whichever is greater.
  - A no-cut vegetative buffer is maintained between the proposed development area and any public road that adjoins the project site.

C. Professionally Prepared Plans

- Scaled project site plans must be prepared by an appropriately qualified professional to so act in the State (i.e., licensed surveyor, professional engineer, licensed architect, registered landscape architect).
- Wastewater treatment plans for any new on-site wastewater treatment system must be prepared by a professional engineer licensed in the State of New York or written certification is submitted by the professional engineer assuring that any existing wastewater treatment system on the project site meets current Agency and New York State Department of Health standards for the number of bedrooms proposed for any new dwelling or mobile home.

The Agency's Deputy Director (Regulatory Programs), shall determine whether the project as proposed adequately conforms to the eligibility and approval criteria contained herein. Only if it is determined that the project is in conformance with the criteria will use of the general permit be allowed. Otherwise, a regular permit application will be required.

The projects authorized by this General Permit shall be undertaken and completed only as shown on approved project site plans prepared by appropriately qualified professionals and in accordance with the terms and conditions of a separate General Permit Certificate to be obtained for each project from the Agency.

This general permit is in effect from the date of reissuance unless otherwise modified or revoked by the Agency.

### **PROJECT AS PROPOSED**

The projects authorized by this General Permit meet the Agency's regulatory definition for a "Minor Project" and the above criteria.

### **ADIRONDACK PARK AGENCY JURISDICTION**

The projects eligible for and subject to this general permit are certain jurisdictional Class A or Class B projects as identified in Section 810 of the Adirondack Park Agency Act and/or "rivers projects" identified in 9 NYCRR Part 577 which also qualify as "minor projects."

### **PROCEDURES**

General Permit Application Review Process:

1. To utilize this APA General Permit 2005G-2R, a Project Sponsor must fill out completely and certify to an application entitled "Application for Certain Minor Projects Not In or Impacting Wetlands." The application will not be accepted for review unless it is complete, including all required attachments. The application must be submitted to:

Adirondack Park Agency  
Deputy Director, Regulatory Programs Division  
Route 86, P.O. Box 99  
Ray Brook, New York 12977

2. By signing the Application, the applicant agrees that the review clocks of §809 of the Adirondack Park Agency Act do not apply to this application. However, within ten business days of receipt of the application, the Agency will review it for completeness, confirm Agency jurisdiction, determine whether the proposed activity meets the eligibility criteria described herein and contact the applicant to arrange a meeting at the project site. The meeting does not have to take place within the ten day period, but will be scheduled at the earliest mutually agreeable time. If the application is incomplete, the Agency will inform the applicant by mail indicating what specific information is missing. Upon receiving all missing information from the applicant, a new 10 business-day review period begins for determining completeness.
3. Within ten business days after (i) the site visit or (ii) the determination that the application is complete, whichever is later, the Agency will issue a signed APA General Permit 2005G-2R Certificate approving the project provided it meets all eligibility criteria listed below.
4. At any point during the review process where an application has been determined to be ineligible for treatment under this General Permit, the Agency will send a letter explaining why the project is ineligible and stating that the project review will be initiated upon receipt of a new application for an individual minor or major permit application.
5. Approval Criteria:

To be approvable, following office and field verification in addition to the statutory criteria, the proposed project must be determined by APA Deputy Director (Regulatory Programs) to:

- a. be consistent with the information contained in the application;
- b. not have been undertaken;
- c. not require additional detailed engineering or environmental studies to more fully demonstrate no undue adverse impacts on resources of the Park;
- d. not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the economic and social benefits that might be derived therefrom;
- e. not adversely affect historic or archeological resources or rare, threatened or endangered species;
- f. be capable of meeting the conditions contained within this General Permit and as stated in "Conditions" of the Certificate;
- g. comply with all minimum shoreline requirements of Section 806 of the APA Act and any specific shoreline conditions imposed herein;

- h. not have adverse impacts to any wetland; and
  - i. comply with the requirements of the New York State Wild, Scenic and Recreational Rivers System Act.
6. By signing the application, a Project Sponsor:
- a. confirms that the information contained in the application is true, accurate and complete;
  - b. agrees that if a jurisdictional project has been determined to be ineligible for approval under the APA General Permit Program, the determination may not be appealed and the appropriate regular permit application must be submitted to the Agency and a permit issued before that project can be undertaken;
  - c. agrees that the time period for review for completeness of any subsequent application for a regular permit will not begin until the Agency has received the individual permit/order application;
  - d. agrees that there is no default approval of the application for an Agency General Permit if the time periods specified herein are not complied with by the Agency. The Agency will make every effort to provide timely review; and
  - e. agrees to undertake and complete the project in full compliance with the terms and conditions of a General Permit Certificate issued by the Agency.

#### **FINDINGS OF FACT**

The projects subject to this general permit will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project, taking into account the residential or other benefits that might be derived therefrom.

The projects subject to this general permit will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR 426.2 for the purposes of implementing §14.09 of the New York State Historic Preservation Act of 1980.

#### **CONCLUSIONS OF LAW**

The Agency has considered all the statutory and regulatory criteria for project approval as set forth in Section 809(10) of the Adirondack Park Agency Act (Executive Law, Article 27) and 9 NYCRR Parts 574 and 577. The Agency hereby finds that those certain minor projects as described herein are approvable provided they are undertaken in compliance with the approved application/ certificate and required attachments and the terms and conditions therein.

