

 <p>P.O. Box 99 • Ray Brook, New York</p> <p>www.apa.ny.gov</p>	<p>General Permit 2011G-1</p>	Effective Date: August 18, 2011
	In the Matter of the Issuance of a General Permit for: <b>Subdivisions Involving Wetlands</b>	

### **SUMMARY AND AUTHORIZATION**

The Subdivision Involving Wetlands General Permit (“General Permit”) is issued pursuant to Executive Law § 809(13)(e) and 9 NYCRR Part 572. The General Permit authorizes an expedited Adirondack Park Agency (“Agency”) review process for subdivisions involving wetlands that meet the eligibility criteria set forth below. Upon approval of a proposed subdivision pursuant to this General Permit, the subdivision may be undertaken and the lots may be developed in accordance with the terms and conditions of the General Permit, the approved subdivision map/plat, the certification issued for the specific project, and all development requirements established by the Adirondack Park Agency Act, the Freshwater Wetlands Act, the Wild, Scenic, and Recreational Rivers System Act, and Agency regulations.

The General Permit applies throughout the Adirondack Park and shall be effective until revoked or modified by the Agency.

The General Permit shall be recorded by the Agency in the Office of the County Clerk for the counties of Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Oneida, St. Lawrence, Saratoga, Warren, and Washington.

### **ADIRONDACK PARK AGENCY JURISDICTION**

A subdivision involving wetlands is a Class A regional project requiring an Agency permit pursuant to Executive Law §§ 809(2)(a) and 810(1), and a regulated activity requiring an Agency permit pursuant to 9 NYCRR §§ 578.2(a) and 578.3(n)(3).

### **ELIGIBILITY FOR APPLICATION**

Any proposed subdivision involving wetlands that meets the following criteria is eligible for a certification issued pursuant to the General Permit:

- a. The sole basis of Agency jurisdiction on the project site is a subdivision of lands involving wetlands;
- b. The project sponsor submits to the Agency a complete application, including all required attachments; and

- c. Unless designated on the application map/plat as restricted against development, each proposed lot:
- (i) contains sufficient area for construction of an access road or driveway at least 100 feet from all wetlands and on slopes of less than 15% and sufficient area for construction of one principal building at least 100 feet from all wetlands and on slopes of less than 25%, as documented by Agency staff using available maps and data or by submission of surveyed topographic information from the project sponsor, except that agency staff may determine that a setback distance of only 50 feet is necessary from a Class 3 or 4 wetland; and
  - (ii) will not have an adverse impact on registered or eligible property under the New York State Historic Preservation Act of 1980.

### **PROCEDURES**

- (1) To commence Agency review of a proposed subdivision pursuant to this General Permit, a project sponsor must complete the application and submit the application and all required attachments to:

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

- (2) Upon receipt of an application, Agency staff will confirm jurisdiction, review the application for completeness, and determine whether the proposed project meets the eligibility criteria. Agency staff will contact the applicant to arrange a meeting at the project site, if necessary. If the application is incomplete, Agency staff will inform the project sponsor by mail indicating what information is missing.
- (3) Within ten days of receipt of a complete application and a determination by the Agency's Deputy Director, Regulatory Programs, that the proposal is eligible for authorization under General Permit 2011G-1, the Agency will issue a signed certification approving the subdivision.
- (4) The review time periods established in Executive Law § 809 shall not apply to Agency review of an application pursuant to the General Permit, except that if the Agency does not issue a certification within ten days of determining that a proposed subdivision is eligible for authorization under General Permit 2011G-1, the procedures established in Executive Law § 809(6)(a) shall apply.

### **GENERAL CONDITIONS**

- (1) All terms and conditions of a certification issued pursuant to this General Permit shall apply to the project sponsor, all present and future owners of any portion of the project site, and any individual, contractor, municipality, or other entity undertaking work on the

project site. The undertaking of any activity on the project site in non-compliance with the terms and conditions of the approved subdivision map/plat and the certification issued pursuant to this General Permit shall require prior authorization from the Agency in the form of a new or amended certification or letter of compliance.

- (2) A certification issued pursuant to this General Permit must be filed by the project sponsor in the office of the County Clerk for the county in which the project site is located within 60 days of the date of issuance of the certification. Proof of recordation of this certification must be submitted to the Agency by the project sponsor within 30 days of filing.
- (3) The information contained on the proposed subdivision map/plat submitted as part of the application and approved by a certification issued pursuant to this General Permit must be depicted on any preliminary plat as required and any final plat proposed to a town or village for approval, in addition to any information required by the town or village's subdivision or zoning laws or ordinances. In addition, the information contained on the subdivision map/plat submitted as part of the application and approved by a certification issued pursuant to this General Permit must be depicted on a final plat filed in the office of the County Clerk for the county in which the project site is located.
- (4) The project shall not be undertaken until all necessary municipal, state, and federal approvals have been obtained.
- (5) The Agency may conduct such on site investigations, examinations, tests and evaluations as it deems necessary to ensure compliance with the terms and conditions of a certification issued pursuant to the General Permit. Such activities shall take place at reasonable times and upon advance notice where possible.
- (6) The General Permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others, nor does it authorize the impairment of any easement, right, title, or interest in real or personal property held or vested in any person.

### **CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in Executive Law § 809, 9 NYCRR Part 574, Environmental Conservation Law Article 24, and 9 NYCRR Part 578. The Agency hereby finds that all wetland subdivisions authorized by this General Permit and a certification issued pursuant to this General Permit and undertaken as authorized:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the land use area(s) involved;
- c. will be consistent with the overall intensity guidelines for the land use area(s) involved;
- d. will comply with the shoreline restrictions of Executive Law § 806;

