Adirondack Park Agency Overview

For Real Estate Professionals
Course Outline

- Background & Basic Regulatory Requirements
- Subdivisions
- Land Use & Development
- Permitting
- Shorelines
- Variances
- Wetlands
- Approved Local Land Use Programs
- Q&A
An Overview of the Adirondack Park Agency
When In Doubt Seek Us Out!

Have questions about subdividing or developing land in the Adirondack Park?

Do I need a permit to build? How much land do I need?
Do I need a permit to subdivide my property?
Do I need a permit to build a house for my child on my property?
Do I need a permit for my new business?
I plan to buy a piece of property... will I be able to build a house on it?

Contact the New York State Adirondack Park Agency
PO BOX 99, RAY BROOK, NY 12977
(518) 891-4050
Ask for the Jurisdictional Inquiry “JIF” Office
www.apa.ny.gov

When in doubt seek us out!

Jurisdictional Inquiry Form
Where to go for APA Information

Website: www.apa.ny.gov

Phone: (518) 891-4050
F. NARRATIVE (Please describe your proposal)


G. CHECK LIST
- Have you answered all of the questions?
- Did you include a copy of the current recorded deed?
- Did you include a sketch map?
- Is the form signed by an authorized person?
- Did you provide the tax map identification number?
- Did you include your return mailing address and phone number?

H. SIGNATURE OF AUTHORIZED PERSON

Note: This form must be signed by a person with a legal interest in the property; only owners, purchasers under an existing contract of sale or their attorneys.

The above information is correct and accurate to the best of my knowledge.

Original Signature Only  Date  Please print or type name
(title if applicable)

If you wish to have another person, such as a contractor, process this inquiry on your behalf, please provide the name and address of that person.

I wish to have _____________________ complete this inquiry on my behalf.

I. RETURN TO:
Adirondack Park Agency
PO Box 99
Ray Brook, NY 12977
Phone: (518) 891-4060

If you are not registered to vote at your current address you may receive a registration form with the Agency’s response to your inquiry. You may receive government services without being registered to vote.
Would you like a New York State Registration form?  □ Yes  □ No
Sources for APA Information

Flyers

Information regarding Agency regulations:

- Agricultural Uses and Structures, Agricultural Service Uses
- Boathouses
- Boat Wash Stations
- Boundary Line Adjustments
- Campgrounds
- Dam Repair/Replacement
- Emergency Projects — Emergency project Frequently Asked Questions
- Forestry Use Involving Wetlands
- Freshwater Wetlands
- Gift Exemption
- Guest Cottage
- Guide to Enforcement Hearings
- Guide to Permit Hearings
- Guide to Permit Modifications, Suspension or Revocation Hearings
- Hand Harvesting of Aquatic Plants
- Hotel, Motel and Tourist Accommodation Expansions
- Hunting and Fishing Cabins
- Preexisting Subdivisions
- River Corridors
- Shoreline Restrictions
- Shoreline Stabilization
- Structure Height

The following documents commonly meet many needs.

- Citizen's Guide — (pdf 370kb)
- Adirondack Park Agency Act
- Rules and Regulations
- Adirondack Park State Land Master Plan — Word Accessible version — PDF version

Other sources of information from New York State include:

- the State Library
- the State Museum
- the State Archives
- the Department of Environmental Conservation

www.apa.ny.gov/Documents/Flyers
Example of APA Flyer

APA
Brian Ford
(518) 891-4050

SHORELINE RESTRICTIONS

This is a supplement to the Citizen's Guide, which provides basic information on APA regulations.

Pursuant to §605 of the Adirondack Park Agency Act, the following restrictions shall be maintained:

- Shoreline setbacks of 50 feet and 75 feet are required for Hamlet and Low Intensity Use respectively.
- Moderate Intensity Use requires a setback of 50 feet.
- Rural Use requires a setback of 150 feet.

Structures that are located within these setbacks shall be measured horizontally from the high water mark.

BUILDING SETBACKS

The building setbacks shall be measured horizontally from the high water mark. The height of buildings shall not exceed the highest point of the lot.

DOCKS AND BOATHOUSES

Any dock or boathouse shall be constructed of wood or concrete, and shall not exceed the height of 8 feet.

MINIMUM LOT WIDTHS

The minimum lot width for a new principal building shall be 50 feet.

SEWAGE SYSTEM SETBACKS

Sewage systems shall be installed at least 100 feet from any water body or setback from the shoreline.
Adirondack Park Agency
APA Background
APA Background

New York State Government

• Three Branches:
  1. Legislative (makes laws)
  2. Executive (administers laws)
  3. Judicial (interprets laws)

• All agencies are in the Executive branch
APA Background

- The Adirondack Park Agency Act (APA Act)
  - Executive Law §§ 801 et seq.
  - Agency regulations: 9 NYCRR Parts 570-576; 579-588

- The Wild, Scenic and Recreational River System Act (Rivers Act)
  - Environmental Conservation Law §§ 15-2701 et seq.
  - Agency regulations: 9 NYCRR Part 577

- The Freshwater Wetlands Act (Wetlands Act)
  - Environmental Conservation Law §§ 24-0101 et seq.
  - Agency regulations: 9 NYCRR Part 578
APA Background:
The ‘Blue Line’
APA Act
Background
APA Act – Basic Purpose

“To insure optimum overall conservation, protection, preservation, development and use of the unique scenic, aesthetic, wildlife, recreational, open space, historic, ecological, and natural resources of the Adirondack Park.”

- APA Act § 801
Creation of Park Plan Map

Land Use Area Determinants
- Existing Land Use
- Fragile Ecosystems
- Biological Considerations
  - Water
  - Topography
  - Soil

Park Plan Map
**Land Use Areas**

<table>
<thead>
<tr>
<th>Land Use Area</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hamlet</td>
<td>n/a</td>
</tr>
<tr>
<td>Moderate Intensity Use</td>
<td>1.3</td>
</tr>
<tr>
<td>Low Intensity Use</td>
<td>3.2</td>
</tr>
<tr>
<td>Rural Use</td>
<td>8.5</td>
</tr>
<tr>
<td>Resource Management</td>
<td>42.7</td>
</tr>
</tbody>
</table>

Existing Population Centers, Public Water and/or Sewer, Soils Suitable for Development

- **Industrial Use**
- **Resource Limitations - Open Space Resources**
- Wetlands, Severe Slopes, Agriculture

**Land Use Areas**

- Hamlet
- Moderate Intensity Use
- Low Intensity Use
- Rural Use
- Resource Management
- Industrial Use
Private Land Use Classifications
(with approximate acreages)

Hamlet
53,200

Moderate Intensity
99,400

Low Intensity
266,200

Rural Use
988,900

Resource Management
1,453,600

Industrial Use
11,800
Basic Regulatory Requirements

Three-Acts
APA Act

1. **Permits** required for certain types of “subdivision” or “new land use or development”

2. **Variances** required for certain activities impacting shorelines
Wild, Scenic & Recreational Rivers Act

1. **Permits** required for certain types of “subdivision” or “new land use or development”

2. **Variances** required for certain activities impacting shorelines
Wetlands

**Permits** required for certain types of “subdivision” or “new land use or development” defined as “regulated activities.”
Subdivisions
Subdivisions - Defined

- Any division of land
- Involving two or more lots, parcels, or sites,
- Whether adjoining or not,
- For the purpose of sale, lease, license, or any form of separate ownership or occupancy.
Subdivisions (Lot History Matters)

A Permit is required for any subdivision where the total number of parcels that have been or are proposed to be created from the property as it existed on **May 22, 1973** is equal to or greater than:

<table>
<thead>
<tr>
<th>Use</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hamlet</td>
<td>100</td>
</tr>
<tr>
<td>Moderate Intensity Use</td>
<td>15</td>
</tr>
<tr>
<td>Low Intensity Use</td>
<td>10</td>
</tr>
<tr>
<td>Rural Use</td>
<td>5</td>
</tr>
<tr>
<td>Resource Management</td>
<td>2</td>
</tr>
</tbody>
</table>
Subdivisions – “Merger Clause”

Adjoining lots owned by one landowner, each acquired prior to 5/22/1973, except lots in a preexisting subdivision or separately-owned preexisting vacant lots of record as described in section 811(1)(a) of the Adirondack Park Agency Act, shall be deemed to have merged into one undivided lot as of that date, even if described in different deeds or acquired at various times…
Permits are *generally* required for Subdivisions located:

- In Resource Management
- In a Study River Area
- In a Wild, Scenic or Recreational River Area
- Within 200 feet of wetlands
- Within 1/8 mile of a Wilderness Area
- Within 150 feet of a State or Federal Highway in Rural Use
- Within 300 feet of a State or Federal Highway in Resource Management

**Critical Environmental Areas**

CEAs
Subdivisions (Location Matters)
Subdivisions (Lot Size Matters)

- Permit required for any subdivision creating a **non-shoreline** lot smaller than:
  - Hamlet: no permit needed
  - Moderate Intensity Use: 0.92 acres
  - Low Intensity Use: 2.75 acres
  - Rural Use: 7.35 acres

- Permit required for any subdivision creating a **shoreline** lot smaller than:
  - Hamlet: no permit needed
  - Moderate Intensity Use: 0.57 acres
  - Low Intensity Use: 1.15 acres
  - Rural Use: 1.84 acres
Land Use/Development
Land Use/Development - Defined

Any construction or other activity which materially changes the use or appearance of land.
Permits for Land Use/Development

Permits are *generally* required for:

- ✓ Any structure over 40 feet in height
- ✓ New Commercial Use*
- ✓ New Tourist Accommodation*

*Except in Hamlet
Measuring Structure Height

- The Agency measures height from the highest point of a structure to the lowest point of original or finished grade or the base of any supporting fill, whichever is lower.

- A structure is comprised of all attached components, including decks, porches, garages, roofs, and chimneys.
Measuring Structure Height

Examples

[Diagram showing measurements for attic, second floor, and basement levels with heights measured in feet.]
Measuring Structure Height
Permits for Land Use/Development

Permits are *generally* required for Land Use/Development:

- In Resource Management
- In a Study River Area
- In a Wild, Scenic or Recreational River Area
- Within 200 feet of Wetlands
- Within 1/8 mile of a Wilderness Area
- Within 150 feet of a State or Federal Highway in Rural Use
- Within 300 feet of a State or Federal Highway in Resource Management
- Elevations $\geq$2500 feet

**Critical Environmental Areas (CEAs)**
Land Use/Development (Location Matters)
Maps & Geographic Information Systems (GIS)

The Adirondack Park Agency (APA) uses GIS to understand and support the natural and cultural resources of the Park.

This page contains a sampling of Agency MAPS, DATA, STATISTICS, and ANALYSES.

Here’s a brief history of GIS at the Adirondack Park Agency.

MAP ROOM

Adirondack Park Land Use and Development Plan Map and State Land Map - March 2018 edition

2018 Facsimile of the official zoning map showing private and state land classifications. Also includes the Adirondack portion of the NYS Wild, Scenic and Recreational Rivers System.

View an interactive map.

View a fullsize PDF map (26 MB)

REST endpoints: Feature Service, Tile Service

Download 2018 Shapefile suitable for use with GIS software. (41 MB LandClass20180627.zip)

View 2017 state and private land class acreage statistics by county and by town or village.
## SUMMARY OF ADIRONDACK PARK AGENCY AUTHORITY OVER LAND USE AND DEVELOPMENT AND SUBDIVISIONS

This chart is intended as a general guide to the requirements of the Adirondack Park Agency Act, Wild, Scenic and Recreational Rivers System Act, and Freshwater Wetlands Act. While it is a general summary of them, it does not include all the provisions of these laws.

Persons contemplating a new land use or development or subdivision, or an expansion of 25% or more of an existing use are urged to contact the agency (P.O. Box 99, Ray Brook, NY 12977 [518-891-4050]) which will promptly issue a formal, binding determination as to whether an agency permit or variance is necessary.

In checking whether APA authority may apply to a proposed activity, each section of the chart should be reviewed.

### REGIONAL PROJECTS

<table>
<thead>
<tr>
<th>Overall Intensity Guideline</th>
<th>Principal Buildings per Square Mile</th>
<th>Moderate Intensity Use</th>
<th>Low Intensity Use</th>
<th>Rural Use</th>
<th>Resource Mgmt.</th>
<th>Industrial Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>No intensity restriction</td>
<td></td>
<td>500</td>
<td>200</td>
<td>75</td>
<td>15</td>
<td>No intensity restriction</td>
</tr>
<tr>
<td>Average Lot Size in Acres</td>
<td>1.3</td>
<td>3.2</td>
<td>8.5</td>
<td>42.7</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Key to Symbols below:**

- "NJ" Non-Jurisdictional project, no APA permit required
- Requires Class A regional project permit
- Requires Class B regional project permit
- Incompatible use in area shown: projects would require demonstration of compatibility; a Class B permit is required

<table>
<thead>
<tr>
<th>NJ</th>
<th>A</th>
<th>B</th>
<th>IC-B</th>
</tr>
</thead>
</table>
PERMIT CHECKLIST

Use this handy checklist to help you determine if a permit is necessary. We're happy to be of help. Give us a call at 518.891.4050.

The three Acts administered by the Agency—the APA Act, the Wild, Scenic and Recreational Rivers System Act and the Freshwater Wetlands Act—all have a bearing on whether your project will require an Agency permit. The following checklist will help you determine whether a permit is needed.

This checklist is for general information only and is not exhaustive. For a binding determination whether your project needs a permit, you must call the Agency and submit a Jurisdictional Inquiry Form. If you check any of the following circles you will need a permit.

LAND USE CLASSIFICATION
You will first need to establish in which land classification your property lies. You can contact the Agency to assist you.

PROJECTS IN CRITICAL ENVIRONMENTAL AREAS
Critical environmental areas include wetlands, high abstractions, areas near certain rivers, highways and State-owned lands. An APA permit is required in all land use areas for most development activities and subdivisions of land in:

- Wetlands (refer to section of this guide regarding wetlands).
- Areas above 2,000 feet.
- Within 1/4 mile of a "study river," including portions of the Oswego River, Grasse, N. Branch Saranac, N. Branch Boquet, the Brant, East St. Mary’s Creek and Pleasant Lake Stream.
- A "study river" is a river being considered for inclusion in the State’s Wild, Scenic and Recreational Rivers System. Many other Adirondack rivers and streams are already classified in this system and are subject to the same regulations.
- Within 1/4 mile of State Forest Preserve lands classified as Wild, Primitive or Canoes areas.
- Within 150 feet of state or federal highway right-of-way (in Rural Use areas only).
- Within 300 feet of state or federal highway right-of-way (in Resource Management areas only).

DESIGNATED WILD, SCENIC AND RECREATIONAL RIVERS
Generally, an APA permit is required for projects within 1/4 mile of a river included in the State’s Wild, Scenic and Recreational Rivers System: Ausable, Black, Big Moose, Boreas, Boquet, Cedar, Cold, Deer, East Canada Creek, Grasse, Hudson, Independence, Indian, Jordan, Neversink, Long Pond Outlet, Marcy, Owasco, Oswego, Otter Brook, Raquette, Rich, Saranac and St. Regis, Salmon, Saranac, Schoharie, West Canada Creek and West St. Mary.

SUBDIVISIONS
An APA permit may be needed for subdivisions. Subdivisions are broadly defined to include any division of land into two or more lots, parcels or building sites (including that portion retained by the owner) for the purpose of sale, lease or any form of separate ownership or occupancy. Construction of a second principal building or dwelling on a parcel is a subdivision.

To determine if a permit is required, several factors must be examined, including:
- the resulting total number of lots, parcels or sites created from the original parcel of land as it existed on May 22, 1973;
- the size of the smallest lot in the proposed subdivision; and
- the smallest shoreline lot width in the subdivision.

An APA permit is needed:

- If the total number of lots, sites or residential units created from the original May 22, 1973 parcel is equal to or greater than:
  - 100 in Hamlet
  - 15 in Moderate Intensity Use areas
  - 5 in Rural Use areas
- For any subdivision in a Resource Management area, Industrial Use areas or within a designated Wild, Scenic, or Recreational Rivers area.
- For the entire subdivision if any non-shoreline lot in the proposed subdivision is less than:
  - 40,000 sq. ft. (0.92 acre) Moderate Intensity Use areas
  - 120,000 sq. ft. (2.75 acre) Low Intensity Use areas
  - 320,000 sq. ft. (7.36 acre) Rural Use areas
- If the project involves any shoreline lot if either the smallest lot or shoreline lot width measurement is less than:
  - Hamlet
  - Moderate Intensity Use areas
  - Low Intensity Use areas
  - Rural Use areas
  - Resource Management areas

  * A shoreline lot includes any lot partly or entirely within the minimum setback distance from the water for the land use area involved. Different shorelines apply if your site is located in a Wild, Scenic, or Recreational Rivers area.

SINGLE FAMILY DWELLINGS
An APA permit is needed for a single family dwelling or mobile home in:

- Resource Management areas
- Industrial Use areas
- Critical Environmental areas
- Designated River areas
- Wetlands (within or near)

In other land classifications, a single family dwelling to be constructed on a lot already having a dwelling or other principal building on it may be subject to Agency review as a subdivision.

OTHER PROJECTS
An APA permit is needed for:

- Structures over 40 ft. high. Note: height is measured from the highest point of a structure to the lowest point of either the natural or finished grade.
- Any new commercial or industrial use in all Hamlet areas.
- Any expansion totaling 25% or more (whether such expansion is undertaken all at once or over an extended time) of an existing use or structure included on the list of regional projects in the APA Act.
- In all Hamlet areas, expansion is measured by size, square footage or capacity.
- Any multiple family dwelling, i.e., a structure containing two or more separate dwelling units. This applies in all land use areas except Hamlet areas.

In areas governed by an Agency-approved local land use program, certain projects normally requiring an Agency permit will need only a local permit.

Shoreline restrictions apply along lakes, ponds, rivers and streams regardless of whether an Agency permit is needed.
When in Doubt Seek Us Out

Have questions about subdividing or developing land in the Adirondack Park?

Do I need a permit to build? How much land do I need?
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Permitting Process
Permitting Process

• All applications for permits follow the same basic process

• Pre-application process

• APA Act *time clocks* for review of applications and permit decisions

• Permits expire within *60 days of issuance* unless recorded in the county clerk’s office

• Permits may not be undertaken or continued unless “in existence” within a specified time from the date of issuance
Permitting Requirements (APA Act)

The APA must determine that a project meets 5 criteria before issuing a permit:

1. The project would be **consistent with the land use and development plan**

2. The project would be **compatible with the character description, purposes, policies, and objectives for the land use area**

3. The project would be **consistent with the overall intensity guidelines** for the land use area.

4. The project would **comply with the shoreline restrictions**

...
Permitting Requirements (APA Act)

…

5. The project would **not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational, or open space resources of the Park** … taking into account the commercial, industrial, residential, recreational, or other benefits that might be derived from the project.

- Must consider 37 Development Considerations.
Development Considerations: Natural Resources

• Water
  – Water quality, sedimentation and siltation, eutrophication, drainage and runoff, flow, water table and recharge rates
    • Stormwater management, wastewater treatment, invasive species management…

• Land
  – Topography, erosion and slippage, floodplains, mineral resources, agricultural soils, forests, open spaces, vegetative cover, potential for outdoor recreation
    • Agricultural uses, forest management, visual impacts…

• Air

• Noise
Development Considerations: Natural Resources

• Critical resource areas
  – Study rivers, rare plant communities, rare/endangered species and key wildlife habitats, alpine/sub-alpine zones, wetlands, elevations above 2,500 feet, other unique features
    • Wetland delineation and impact assessment, habitat fragmentation, conservation subdivision and design…

• Wildlife
  – Fish and wildlife
    • Habitat fragmentation, conservation subdivision and design…

• Aesthetics
  – Scenic vistas, travel corridors
    • Visual impacts…
Development Considerations: Historic

- Historic factors
  - Historic sites and structures
Development Considerations: Site Development

- Natural site factors
  - Geology, slopes, soils, depth to groundwater/other hydrologic factors
    - Stormwater management, wastewater treatment, depth to seasonal high groundwater/bedrock (deep hole test pits), site development assessment...

- Other site factors
  - Adjoining and nearby land uses, adequacy of site facilities
    - Traffic, parking, access, lighting, visual impacts, wastewater, water supply...

[Image of mountainous landscape]
Development Considerations: Governmental

• Governmental service and finance factors
  – Ability of government to provide facilities and services, taxes and user charges
    • Water supply, sewage collection, solid waste, roads, traffic, parking…

• Governmental control factors
  – Conformance with other governmental controls
    • Simultaneous coordinated review with other agencies…
Typical Permit Format

**SUMMARY AND AUTHORIZATION**

This permit authorizes … in an area classified … on the Adirondack Park Land Use and Development Plan Map in the Town, County.

This permit shall expire unless recorded in the County Clerk's Office on or before January 19, 2020, in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recording date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within 10 years from the date the permit is recorded. The Agency will consider the project in existence when …

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project; nor does it authorize the impairment of any support, right, title or interest in real or personal property. Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional, or local.

**PROJECT SITE**

The project site is …

**PROJECT DESCRIPTION**

The project as conditionally approved herein involves …

**AGENCY JURISDICTION**

Pursuant to Section 509(2)(e) of the Adirondack Park Agency Act …

**CONDITIONS**

THE PROJECT IS APPROVED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded …

2. This permit is binding on the permittee, all present and future owners …

3. In addition to complying with all terms and conditions of this permit, the project shall not be undertaken until this permit has been recorded …

**Deeds**

Development Infrastructure

**CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act. The Agency hereby finds that the project authorized as conditioned herein:

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 LUAA land use area;

c. will be consistent with the overall land use guidelines for the LUAA land use area;

d. will comply with the shoreline restrictions of § 509(2) of the Adirondack Park Agency Act and

e. 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 enjoy the facilities and services made necessary by the project;
Shoreline Restrictions
APA Act + Rivers Act
APA Act - Shoreline Restrictions

- The APA Act and the Rivers Act both provide shoreline restrictions that prohibit certain
  - Structures
  - Vegetative Cutting
  - Septic Systems

- These restrictions apply within defined setback areas of lakes, ponds, rivers and other navigable waters.
APA Act - Shoreline Structure Restrictions

New structures greater than 100 square feet in size must be set back from the mean high water mark of lakes, ponds, and navigable rivers and streams a distance of:

- **Hamlet:** 50 feet
- **Moderate Intensity Use:** 50 feet
- **Low Intensity Use:** 75 feet
- **Rural Use:** 75 feet
- **Resource Management:** 100 feet
APA Act - Shoreline Structure Restrictions

Measure horizontally from the mean high water mark of the water body.
APA Act - Shoreline Structure Restrictions

What is subject to the APA Act shoreline structure setback?

- Structures Include:
  - Buildings
  - Stairs
  - Decks
  - Fences

- Except:
  - Boathouses (single story, 1200 square feet, 15 feet height)
  - Docks (8 feet in width)

- Sometimes…
  - Retaining walls
APA Act - Vegetative Cutting Restrictions

Vegetative cutting must comply with the following restrictions:

✓ No more than 30% of trees in excess of 6 inches in diameter at breast height may be removed from within 35 feet of the mean high water mark…

✓ No more than 30% of any type of vegetation may be removed from within 6-feet of the mean high water mark…
APA Act - Septic System Restrictions

All new leaching components of septic systems must be set back 100 feet from the mean high water mark of all waterbodies, regardless of navigability.
Rivers Act - Structure Restrictions

• Wild Rivers
  – No new structures within the entire corridor
    • Exception: Footbridges for non-motorized open space recreation use

• Scenic Rivers
  – No new structures within 250 feet of the mean high water mark
    • Exceptions: Fences, poles, signs of less than two square feet in area, lean-tos, docks, bridges, and stream improvement structures for fishery management purposes

• Recreational Rivers
  – No new structures within 150 feet of the mean high water mark
    • Exceptions: Fences, poles, signs of less than two square feet in area, lean-tos, docks, boathouses, bridges, and stream improvement structures for fishery management purposes
Rivers Act – Vegetative Cutting Restrictions

• Vegetative cutting generally prohibited within 100 feet of mean high water mark of a river except pursuant to a permit or certain minor exceptions

• Vegetative cutting within the river area outside 100 feet of the mean high water mark of the river may occur:
  – Pursuant to a rivers project permit
  – For forestry management purposes pursuant to specific standards and restrictions
Variance Process
Variance Process

• All applications for variances follow the same process

• Pre-application process

• Regulatory *time clocks* for review of applications and variance decisions
Variance Review

• Requires a balancing of the effect of denial on the applicant with the effect on shoreline character and water quality

• Applicant must consider alternatives that would not require a variance and minimize any variance that is sought
When in Doubt Seek Us Out!

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When in doubt seek us out!
Wetlands
Wetlands – Defined

Any land that is annually subject to periodic or continual inundation by water, commonly referred to as a bog, swamp or marsh, and either:

- One acre or more in size,

- Or-

Of any size located adjacent to a body of water, including a permanent stream, with which there is free interchange of water at the surface.
Wetlands - Defined

A football field is about an acre.
Wetland is Determined by:

1. Vegetation
2. Soil
3. Hydrology
Wetlands - Regulated Activities

• Most subdivision & development activities within wetlands require a permit, even in Hamlet areas, including:
  ✓ Draining, dredging, excavating
  ✓ Dumping, filling
  ✓ Constructing structures, roads, obstructions
  ✓ Clearcutting more than 3 acres
  ✓ Septic Systems within 100 feet

• Any action that **substantially impairs** the functions served by or the benefits derived from a wetland is a regulated activity, even if undertaken outside the wetland boundaries.
Wetland Values

APA values wetlands on a scale of “1” through “4” and different permit standards apply based on the value of the wetland:

- Value 1 wetlands have the most stringent standard for permit issuance
- Value 2 wetlands also have a high standard for permit issuance
- Value 3 & 4 wetlands have less stringent standards, but applicants still must avoid and minimize impacts to wetlands
Wetlands – Key Points

There are a lot of regulated wetlands in the Park

Activities in and outside a wetland may require a permit

All wetlands may not be shown on APA’s digital wetland maps

Regulated wetlands can often be identified through a JIF

But some wetlands, notably those beneath waterbodies, may require a site visit

Knowing the APA-determined “value” of the wetland affects how stringent the standard is for obtaining a permit
APA-approved
Local Land Use Programs
ALLUPs
APA-approved
Local Land Use Programs

ARIETTA
BOLTON
CAROGA
CHESTER
CHESTERFIELD
COLTON
DAY
EDINBURG
HAGUE

HORICON
INDIAN LAKE
JOHNSBURG
LAKE GEORGE
NEWCOMB
QUEENSbury
WESTPORT
WILLSBORO

VILLAGE of LAKE GEORGE
Approved Programs … What do they do?

APA-approved Local Land Use Program:

- Local code includes provisions of the APA Act & APA Regulations
- APA transfers Class B permitting and Shoreline Restrictions to Town/Village for administration
  - Local Permit for Class B Projects
  - Local Variance for shoreline restrictions
Reasons/Benefits of an Approved Program

1. Coordinated Permit System
2. Local Authority Over Class B Regional Projects
3. Local Participation in APA Review of Class A Regional Projects
4. Local Authority Over Shoreline Restrictions
5. Refinement of Density Patterns
1. Coordinated Permit System

Applies to Review of Class A Projects in a ALLUP

- Town/Village can choose to review Class A Projects concurrently with APA or only require APA review of Class A Projects.
2. Local Authority Over Class B Regional Projects

Requires only local approval of Class B projects
3. Local Participation in APA Review of Class A Regional Projects

- APA Staff apply Town/Village standards for review of Class A Projects
- APA Staff consult with Town/Village Planning Board for review of Class A Projects
4. Local Authority Over Shoreline Restrictions

• Town/Village Zoning Board of Appeals reviews variances from the shoreline restrictions
  – Note: APA does retain some oversight of locally issued variances
5. Refinement of Density Patterns

ALLUP Allows for *reasonable application* of the Overall Intensity Guidelines

APA Rural Use: 8.5ac

Horicon: R2-3.2ac, R2-5ac, LC-10ac, RRD-10ac, R2-10ac

APA Land Use Areas

Horicon Zoning Map
Key Points on ALLUP’s

🎉 Town/Village has jurisdiction over APA Class B projects
🎉 Town/Village administers APA Shoreline Restrictions
🎉 APA Staff must apply local controls + APA in review of Class A projects

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When In Doubt Seek Us Out!

Have questions about subdividing or developing land in the Adirondack Park?

- Do I need a permit to build?
- How much land do I need?
- Do I need a permit to subdivide my property?
- Do I need a permit to build a house for my child on my property?
- Do I need a permit for my new business?
- I plan to buy a piece of property... will I be able to build a house on it?

Contact the New York State Adirondack Park Agency
PO BOX 99, RAY BROOK, NY 12977
(518) 891-4050
Ask for the Jurisdictional Inquiry “JIF” Office
www.apa.ny.gov

When in doubt seek us out!

Jurisdictional Inquiry Form

It's QUESTION TIME!!