

Adirondack Park Agency

TEN YEAR REVIEW OF RULES ADOPTED BY THE ADIRONDACK PARK AGENCY IN 2000 AND REQUIRED TO BE REVIEWED IN CALENDAR YEAR 2011.

As required by section 207 of the State Administrative Procedure Act (SAPA), the following is a list of rules which were adopted by the Adirondack Park Agency in calendar year 2000 which must be reviewed in calendar year 2011. Public comment on the continuation or modification of these rules is invited and will be accepted until February 21, 2011. Comments may be directed to: Paul Van Cott, Associate Attorney, Legal Division, Adirondack Park Agency, P.O. Box 99, NYS Route 86, Ray Brook, New York 12977.

RULES ADOPTED IN 2000 AND EFFECTIVE ON JANUARY 3, 2001

Legal basis for these rules: Adirondack Park Agency Act, Executive Law, article 27; Wild, Scenic and Recreational Rivers System Act (ECL section 15-2709); Freshwater Wetlands Act (ECL section 24-0801)

(1) Amended 9 NYCRR section 572.1 to authorize agreements with other state agencies to enhance the exchange of information and to establish coordinated pre-application, application and review procedures.

Analysis of the need for the rule: This rule was intended to contribute to the more efficient use of resources by the applicant and involved state agencies, and to help provide for more unified, efficient and timely joint review and processing of applications.

(2) Amended 9 NYCRR section 572.3 to provide a more defined process for providing conceptual review of large-scale projects. .

Analysis of the need for the rule: To allow the Agency to provide preliminary review, comment and guidance on large-scale projects before significant expenditures of time and money are made by the project applicant.

(3) Amended 9 NYCRR section 572.4 to require submission of a survey or deed plot and a site plan map for subdivisions.

Analysis of the need for the rule: This rule was intended to contribute to more timely and accurate permit review; reduced need for additional information requests; improved enforcement; improved public records and understanding of an approved project.

(4) Amended 9 NYCRR section 572.20 to eliminate the requirement that projects must be in existence within two years of recording of the permit unless the permit is renewed, allowing for use of the longer period of four years now used in Agency permits.

Analysis of the need for a rule: This rule enables the project sponsor a longer period of time in which to undertake a project without having to expend time and resources to obtain a permit renewal and to pay the additional recordation costs involved.

(5) Added 9 NYCRR subsection 571.1(d) to codify practice for determining when a project is “in existence”.

Analysis of the need for the rule: Intended to eliminate confusion by providing specific criteria for determining when a project is considered by the Agency to be “in existence”.

(6) Amends 9 NYCRR section 572.22 to reduce the vote requirement from eight to six for determination of whether reconsideration should be granted, while retaining the eight-vote threshold for action on the request for reconsideration.

Analysis of the need for the rule: Intended to lower the threshold for a project sponsor or variance applicant to obtain reconsideration of a prior Agency action.

(7) Added 9 NYCRR section 572.23 to establish a generic process to authorize a general permit for jurisdictional activities which otherwise require an individual Agency permit.

Analysis of the need for the rule: Reduce unnecessary expense and delay to the public from the need to obtain an individual Agency permit.

(8) Amended 9 NYCRR subsection 573.4(c) to count otherwise adjoining parts of a single parcel which are separated by roads and right-of-ways owned in fee as individual lots.

Analysis of the need for the rule: This rule codified existing Agency practice.

(9) Amended 9 NYCRR subsection 573.4(g) to clarify Agency requirements and jurisdiction over gifts of land.

Analysis of the need for the rule: This rule codified existing Agency practice.

(10) Amended 9 NYCRR subsection 573.4(h) concerning the criteria and standards applicable to a determination of “preexisting subdivision” under the APA Act.

Analysis of the need for the rule: This rule consolidated the statutory standards for determination of “preexisting subdivision” under the APA Act.

(11) Added 9 NYCRR section 588.9 to authorize the Agency to enter into and carry out written agreements with the federal government and/or with other state agencies.

Analysis of the need for the rule: This rule allows for written inter-agency agreements to facilitate cooperation and joint action to be taken under any statute administered by the Agency.