

 <p>P.O. Box 99 • Ray Brook, New York www.apa.ny.gov</p>	<p>General Permit 2005G-5R</p>	<p>Effective Date: August 12, 2005</p>
	<p>In the Matter of the Issuance of a General Permit for:</p> <p>Subdivision to Convey Two or More Lots Without Principal Building Rights</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 a project to subdivide a lot to convey two or more lots without principal building rights to adjoining landowners for the purpose of enlarging their adjacent lot(s). No principal buildings are permitted and no principal building privileges are to be conveyed.

This general permit does not apply to parcels already subject to Agency permits or settlement agreements or lots in pre-existing subdivisions or substandard pre-existing lots of record.

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.

PROJECTS AS PROPOSED

The projects involve subdivision and conveyance of two or more non-building lots as described in the narrative and as shown on the site plan required as attachments to the application.

ADIRONDACK PARK AGENCY JURISDICTION

The projects eligible for and subject to this general permit are jurisdictional as Class A or Class B subdivisions as identified in Section 810 of the Adirondack Park Agency Act and/or “rivers subdivisions” identified in 9 NYCRR Part 577.

PROCEDURES

General Permit Application Review Process:

1. To utilize this APA General Permit 2005G-5R, a Project Sponsor must fully complete the application entitled “Application for Subdivision to Convey Two or More Lots Without Principal Building Rights”. The application will not be accepted for review unless it is complete, including all required attachments. The application materials 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 the application. However, within ten work 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, a new 10 work-day review period begins for determining completeness.
3. Within ten business days of the site visit or when the application is deemed complete, whichever is later, the Agency will issue a signed APA General Permit 2005G-5R Certificate approving the project provided it meets all eligibility criteria listed below.
4. 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 activity may be reviewed again upon receipt of a new application for an regular major permit.
5. Approval Criteria:

Upon office and/or field verification, 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 important 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 "Section C. - Conditions" of the Certificate form;
 - g. comply with Section 809(10) and all shoreline requirements of Section 806 of the APA Act;
 - h. will 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. Applicant Certification:

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 activity can be undertaken;
- c. agrees that the time period for review for completeness of any subsequent application for an regular permit will not begin until the Agency has received the regular permit/order application;
- d. agrees that there is no default approval of the 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, but field visits are weather dependent; 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 commercial, residential, recreational 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.

