

 <p>P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050</p>	<p><b>General Permit 2010G-3</b></p>	<p>Effective Date: September 17, 2010</p>
	<p>In the Matter of the Issuance of a General Permit for:</p> <p><b>Change in Use of an Existing Commercial, Public/Semi-Public, or Industrial Building</b></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 change from a lawful use in an existing commercial, public/semi public, or industrial use building to a different use which results in no material change to the exterior of the building and its intensity of use, and no material change to the project site other than installation of new signage in full conformance with 9 NYCRR Appendix Q-3. Such change in use could include, but is not limited to, commercial retail to commercial office, commercial office to municipal office or not-for-profit organization office, industrial to office, public/semi building to commercial office, or public/semi public building to light industrial or artisan scale production. (The anticipated change in use will be limited to a commercial, public/semi-public or light /artisan industrial activity). Any project which potentially involves a material increase in noise or light pollution, requires air emission permits, or significantly increases traffic, parking, water usage or wastewater generation will not be eligible for this general permit.

Changes in use for buildings located in the applicable setback distances set forth in §806 of the Act are not eligible for this permit. Changes from commercial use to public/semi-public or industrial use or visa versa in a designated river area as defined in 9NYCRR Part 577 are not eligible for this permit.

The Agency’s Deputy Director of Regulatory Programs shall determine whether the project as proposed adequately conforms to the above criteria and Section 809(10) of the Adirondack Park Agency Act. Only if it is determined that the project is in conformance with the above criteria will use of the general permit be allowed. Otherwise, an individual permit application will be required.

The projects authorized by this General Permit shall be undertaken and completed only as shown on approved project plans 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 shall be effective from the date of issuance unless otherwise revoked or modified by the Agency.

## **PROJECTS AS PROPOSED**

The project involves a change in use of a commercial, public/semi-public or industrial building that meets the above criteria and is 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 projects as identified in Section 810 of the Adirondack Park Agency Act.

## **PROCEDURES**

General Permit Application Review Process:

1. To utilize General Permit 2010G-3, a Project Sponsor must fully complete the application entitled "Application for Change in Use of an Existing Commercial, Public/Semi-Public, or Industrial Building". 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 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, 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 2010G-3 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 an individual permit application for a major project.

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 that the project will not result in 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 commercial, industrial, residential, recreational or other benefits that might be derived therefrom;
- e. not adversely affect historic or archeological resources or rare, threatened or endangered species; and,
- f. be capable of meeting the conditions contained within this General Permit and as stated in "Section C. - Conditions" of the Certificate form.

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 project has been determined to be ineligible for approval under the APA General Permit, 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 individual permit will not begin until the Agency has received the individual permit 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.

**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 Part 574. The Agency hereby finds that those certain regulated project activities as described herein are approvable provided they are undertaken in compliance with the approved permit certificate and required attachments and the terms and conditions therein.

**GENERAL PERMIT GP 2010G-3 for “Change in Use of an Existing Commercial, Public/Semi-Public, or Industrial Building”**

issued this       day of                , 2010

ADIRONDACK PARK AGENCY

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Richard E. Weber, III  
Deputy Director, Regulatory Programs

STATE OF NEW YORK)  
  ) ss.:  
COUNTY OF ESSEX    )

On the       day of                in the year 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard E. Weber, III personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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Notary Public

REW:HEK:SME: mlr  
September 2010