



February 15, 2006

Application Instructions for Major Project Permits

Instructions: A General Information Request (GIR) and the appropriate Supplemental Information Request (SIR) must be completed for every application for a Major Project Permit. Three copies of the application forms and all attachments must be submitted. A Major Project is any project other than a two-lot subdivision or construction of a single family dwelling or installation of a mobile home on an existing lot which are defined in the Adirondack Park Agency Act as Minor Projects. Other simplified applications are available for Minor Projects.

One or more of the following Supplemental Information Requests are required for Major Project Permit Applications depending upon the types of activities being proposed:

- Commercial Uses
- Industrial Uses
- Public Uses
- 3 to 15 Lot Subdivisions
- 16 to 49 Lot Subdivisions
- 50 or More Lot Subdivisions
- Mining (Including Sand and Gravel and Mineral Extractions)
- Public Transportation Projects
- Community Infrastructure
- Marinas
- Junkyards
- Communication Towers
- Wetlands
- On-site Wastewater Treatment System Within 100 feet of Wetlands
- Group Camps
- Stormwater Sedimentation Control Projects
- Bio-Control of Eurasian Watermilfoil Using Aquatic Insects
- Aquatic Vegetation Control - Mechanical Control
- Aquatic Vegetation Control - Sterile Grass Carp
- Right-of-Way Vegetation Control
- Water Level Fluctuation Projects
- Use of Fertilizers and Pesticides on Golf Course

Please answer all of the questions in each numbered section and complete all required plans, reports and other attachments. It is suggested you read the entire application before you complete it and that you keep a copy of the completed form and supporting documents.

If a question is not applicable, answer “no” or “n/a.” Type or print clearly in ink. If you need assistance answering the questions, please call the Agency at (518) 891-4050.

You must provide three (3) copies each of the GIR and SIR and all required plans and attachments for all Major Project permit applications.

Mail your completed application and required attachments to the Agency at the following address:

DIRECTOR OF REGULATORY PROGRAMS
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977
(518) 891-4050

A site visit by Agency staff is required. The Adirondack Park Agency Act provides that the time period for the review of this project will not begin to run until the Agency determines that basic components on the checklist are received and the application is complete.

The proposed project may not be undertaken until a permit has been issued by the Agency. “Undertaken” includes any material disturbance such as the clearing of vegetation, grading of the site, or road and driveway construction. Soil tests, surveying and other information gathering needed to prepare this application is allowable in advance of the permit.

If the project site has development constraints difficult to avoid, or there will be adverse impacts or there are questions, you can request a pre-application meeting or consult “Development in the Adirondack Park: Objectives and Guidelines for Planning and Review.”

Background on the Adirondack Park, the Agency and Governing Statutes

A. The Adirondack Park

The Adirondack Park was created by the Legislature in 1892 in response to public concerns about the State’s water supply and the over-harvesting of timber. Today, the Park includes all or parts of 12 counties and is 6 million acres in size. State-owned lands, approximately 2.3 million acres (38%), are constitutionally-protected Adirondack Forest Preserve lands. The remaining 3.7 million acres (62%) are private lands used for residential and commercial development, forestry, agriculture, and open space recreation.

B. The Adirondack Park Agency

The Adirondack Park Agency Act was passed by the New York State Legislature in 1971 and created the Adirondack Park Agency to function as an independent, bi-partisan state agency. It is charged with developing long-range land use plans for both the public and private lands within the Adirondack Park. The Adirondack Park State Land Master Plan was adopted by the Agency and signed by the Governor in 1972. In 1973, the Adirondack Park Land Use and Development Plan pertaining to the Park’s private lands was adopted into law by the Legislature.

The ultimate purpose of the Agency is to protect and preserve the important natural and man-made resources of the Park while assuring well planned development.

C. Statutes Administered by the Agency

The Agency administers three state statutes within the Park: the Adirondack Park Agency Act (1971), the Wild, Scenic and Recreational Rivers Act (1972), and the Freshwater Wetlands Act (1975).

Under the **Adirondack Park Agency Act** (Executive Law Article 27), among other requirements, a permit is required for certain new land use and development and subdivisions of land that occur within certain designated "land use areas" as shown on the Adirondack Park Land Use and Development Plan Map. Private lands are in six categories: Hamlet, Low Intensity Use, Moderate Intensity Use, Rural Use, Resource Management, and Industrial Use.

A permit is also required for subdivisions and development in designated "critical environmental areas," including sites that have wetlands, are at elevations of 2,500 feet or more, or are within 1/8 mile of certain Forest Preserve lands or adjacent to State or Federal highways in Rural Use and Resource Management land use areas.

Minimum shoreline building setbacks, minimum lot widths and vegetative cutting restrictions apply to all lakes and ponds and navigable rivers and streams. The shoreline restrictions apply whether or not an Agency permit is required for new land uses and development or new subdivisions. On-site wastewater treatment (septic) systems must be 100 feet from all lakes, ponds, rivers and streams, including intermittent streams.

Under the **Freshwater Wetlands Act** (Environmental Conservation Law, Article 24), permits are required for certain regulated activities on private and State lands within freshwater wetlands and their 100 foot adjacent areas. Those activities include dredging, filling or draining wetlands; erecting structures; building roads; clearcutting vegetation on more than 3 acres; and new land use and development or subdivision. Permits are also required for installing on-site wastewater treatment systems in a wetland or within 100 feet of one.

Under the **Wild, Scenic, and Recreational Rivers System Act** (Environmental Conservation Law Article 15, Title 27), a permit is required for certain new land use and development or subdivision of land on private lands generally within one-quarter mile of designated wild, scenic and recreational river areas located within the Adirondack Park and outside of areas classified as Hamlet and Moderate Intensity Use.

In its review of applications, the Agency works closely with other regulating agencies such as the New York State Department of Environmental Conservation, the Office of Parks, Recreation and Historic Preservation, the United States Army Corps of Engineers and local governments.

D. Resources Available To Applicants

Copies of the following documents are available at the Agency headquarters on Route 86 in Ray Brook at no charge:

- Adirondack Park Agency Act
- Adirondack Park Agency Rules and Regulations
- Adirondack Park State Land Master Plan
- Adirondack Park Land Use and Development Plan Map and State Land Map
- A Citizen's Guide to Adirondack Park Agency Land Use Regulations

Electronic copies of the Adirondack Park Agency Act and the Agency's Rules and Regulations may also be found at the Agency's website at www.apa.state.ny.us. Electronic copies of some application materials are also available on the website.

Copies of floodplains maps are usually available for review at town and village halls and official wetlands maps are available at county offices.

Frequently Asked Questions About the Major Project Permit

1. How do I know if my project requires an Agency permit?

You can call, write or visit the Agency's Jurisdictional Inquiry Office at the Agency in Ray Brook, New York. The staff can give general advice regarding a project and specific information regarding Agency regulations. However, the only determination binding upon the Agency is one made in writing based upon a specific written project proposal from you. To obtain a written binding jurisdictional determination, complete and return a Jurisdictional Inquiry Form. If the Agency's written determination states that the proposed activities are jurisdictional and require an Agency permit, a permit application will be sent to you. Only landowners or other persons with a legal interest in the property may submit a Jurisdictional Inquiry Form.

2. Where can I obtain a Jurisdictional Inquiry Form (JIF) or permit application?

JIFs and permit applications can be obtained at the Adirondack Park Agency offices, at Route 86, Ray Brook, New York. You can pick up the application in person weekdays between 8:30 and 5:00 or you can call the Agency at (518) 891-4050 and ask that the JIF or application be mailed to you. These forms may also be obtained in some municipal offices. In the future, these will be available on the Agency's website.

3. How long does it take to obtain a Major Project Permit?

The Agency tries to make a decision on an application as quickly as it can. However, by statute, the Agency has up to 90 calendar days from the time an application is determined to be “complete” to review the permit application and reach a decision.

When the initial application is received at Agency offices, it is date-stamped, beginning a maximum 15 calendar-day review period for staff to determine if the application is “complete.” An application is determined to be complete when all the application questions have been fully and accurately answered and all the required attachments have been completed and submitted and any requests for additional information have been fulfilled.

If approvable, the Agency will issue a permit within the 90 days of the application being deemed complete unless a public hearing is warranted. The need for a public hearing depends on such factors as the level of expressed public concern, whether the project is not approvable or only approvable if major changes are made to the project and whether the project involves a variance to the Adirondack Park Agency Act Section 806 Shoreline Restrictions. The Agency cannot disapprove a permit application unless it first holds a public hearing.

A public hearing must commence within 90 days of the date an application is deemed complete. A determination to hold a public hearing must be made by the Agency within 60 days of an application being deemed complete. The need for a public hearing extends the deadline for a final Agency decision on the application.

The review process can take longer if an application is deemed “incomplete.” Within 15 calendar days of receiving an application, the Agency must notify the applicant by certified mail if it is “incomplete”. The “Notice of Incomplete Permit Application” includes a concise statement of the information required to complete the application. If the Agency fails to mail such notice within such 15-day period, the application is automatically deemed “complete” as of the day of receipt.

The day the Agency receives the requested information from the applicant begins a new 15 calendar-day period for Agency review of the additional information to determine completeness. If all of the additional information is not provided or if the information does not fully answer the questions, a letter will be sent within the new 15-day period. If the additional information received is determined by the Agency to “complete” the application, the maximum 90-day decision review period begins the day the application is determined to be complete.

4. Why do the General Information Request and the Supplemental Information Request application forms ask so many questions?

The determination of Agency jurisdiction and the conditions under which a permit can legally be issued must be assessed under all three statutes administered by the Agency. These statutes require the Agency to conduct a comprehensive review of many different development considerations.

For development or subdivisions which require an Agency permit under Section 809 of the Adirondack Park Agency Act, the Agency must first determine that the project would:

- a) be consistent with the Adirondack Park Land Use and Development Plan;
- b) be compatible with the character description and purposes, policies and objectives of the land use area where the project would be located;
- c) be consistent with the overall intensity guidelines (building densities) for the land use areas involved;
- d) comply with the shoreline restrictions if applicable; and
- e) not have an adverse impact upon the natural scenic, aesthetic, ecological, wildlife, historic, recreational, or open space resources of the Park.

In order to make these necessary findings, the Agency will evaluate project applications in light of a range of development considerations as set forth in Section 805 of the Agency Act. These are summarized as follows:

Natural Resource Considerations

Surface Waters

- A. Water Quality
- B. Surface Drainage
- C. Flood Plains
- D. Wetlands

Topography

Vegetation

Open Space Resources

Forest Resources

Mineral Resources

Air Quality

Wildlife

Aesthetics/Scenic Vistas

Historic Sites and Structures

Site Development Considerations

Soil Depth and Type

Slopes

Noise

Adjoining Land Uses

Adequacy of Site Facilities

Solid Waste Disposal

Streets and Roads

Utilities

Water Supply

Sewage Disposal

Shoreline Development

Signs

Government Considerations

Fiscal Impacts; Public Service Costs and Revenues

Economic Impacts

Requirements of other Governmental Agencies

Section 809 also allows the Agency to impose reasonable conditions and requirements to ensure that a project, when undertaken, will be completed, managed and maintained in accordance with the terms of the permit. The project sponsor may be required to furnish appropriate guarantees, such as a surety bond, or otherwise demonstrate the financial capacity to complete, manage and maintain the project or to provide final or renewal plans prior to starting the project.

5. Can the Agency ask for more information than the application requests?

Yes. The Agency has authority to request additional information from the applicant beyond that requested in the application with regard to any relevant matter related to the proposed project. Additional information is often requested for Major Project applications when the scope of the project is unclear, the project site has difficult conditions or sensitive resources, or the history of the site is unclear.

6. What does the Agency do when it receives an application?

When an application is received at the Agency office, it is date-stamped and an Agency environmental program specialist in the Regulatory Programs Division is assigned to review the project application. You will receive a Project Notice Form verifying the received date and the person assigned.

The project review specialist will coordinate with the Agency's legal staff to clarify any legal issues and with Agency Resource Analysis and Scientific Services staff to assess natural resource and engineering considerations, such as shoreline restrictions, wetlands, soils, protected plant and animal species, and on-site wastewater treatment system designs. The project review specialist may call the applicant to clarify information contained in the application. If the application is incomplete, the project review specialist will send a certified letter listing the information required to complete the application.

Once the project review specialist determines that the application is complete, a maximum 90-day review period begins during which the Agency must approve the project and issue a permit or direct it to public hearing.

The project review specialist will schedule an on-site visit with the applicant to review conditions on the site of the proposed land use and development or subdivision. The project review specialist may suggest ways in which the applicant can modify the project so that it meets minimum standards and guidelines, is more compatible with the land use area it is within and avoids undue adverse impacts on the natural, scenic, ecological, wildlife and other resources of the park.

If approvable, the project review specialist will develop a permit that:

- explains Agency jurisdiction,
- makes findings of fact about the project history, site conditions, the proposed land use and development,
- analyzes potential adverse impacts, and, if necessary,
- contains specific conditions that will help assure that the completed project is consistent with the Adirondack Park Land Use and Development Plan and all applicable rules and regulations.

7. What can an applicant do to help assure a timely decision on their application?

An applicant should fill out the application form completely and accurately by following the application instructions. **The applicant should submit three copies of the application forms and all attachments.** An applicant can also promptly provide any requested additional information that helps to clarify the proposed project. The more thorough and accurate the information submitted, the quicker the Agency can reach a decision. If you obtain professional help to conduct any required site analyses and tests (e.g., wetland boundary flagging, soils and slopes tests for wastewater treatment systems) and can provide the necessary detailed site information, the review period will be shorter. If you need site analysis help from Agency staff, you must be prepared to wait to complete your application until that field work can be scheduled.

At any time during the application review process, the Agency may require that supplemental information be submitted. If during this process, an applicant substantially changes the project from that described in the original application, the Agency may deem the revision a new application and a new review period will commence.

8. What can applicants do to design approvable projects?

Applicants can use available resources such as “A Citizen’s Guide to Adirondack Park Agency Land Use Regulations” and the Adirondack Park Rules and Regulations or seek professional assistance to design projects that meet the approval criteria. Above all, applicants should be careful to select areas on their properties that are most suitable for the proposed use or development.

In general, residential building sites that are relatively flat, are not located in or near wetlands or floodplains, have well-drained deep soils, have easy access to private or public roads, and have existing vegetation that can be preserved to screen the proposed development will more likely be approved and with fewer permit conditions.

In contrast, projects with difficult site conditions may not be approvable or, if approved, will result in permits with many conditions and, possibly, require modification. Difficult sites are also usually more expensive to develop.