

ADIRONDACK PARK AGENCY

July 15, 2009

RURAL AREA FLEXIBILITY ANALYSIS
2009 Rulemaking
GORR #0905080

The proposed regulations, applicable throughout the Adirondack Park, have the same effect whether the area is considered rural or not, and will create no additional burden for rural areas. (Arguably, the whole of the Park is a rural area.) The proposed regulations impose no reporting, record keeping or other compliance requirements on anyone.¹ Therefore, the Adirondack Park Agency has determined that the proposed regulatory amendments will also not impose any reporting, record keeping or other compliance requirements on small businesses, rural areas, or on public or private entities in rural areas, and a Rural Area Flexibility Analysis is not required pursuant to SAPA Section 202-bb(4).

The proposed regulations provide revised requirements for the construction of new boathouses and docks in the Adirondack Park. As discussed in the RIS, people with shoreline property will continue to build boathouses and docks unabated, even as they comply with the new requirements. The professional services required today to build a boathouse or dock will continue to be needed under the new requirements, but not to any greater degree. The only exception is the potential need for legal counsel if a landowner elects to pursue a request for a variance, but that is an elective choice, and not imposed by the regulation. There are no initial, capital or annual costs imposed by these proposed rules. As discussed in the RIS, the proposed amendments will not have any impact on job opportunities.

¹ Those who wish to replace a lawfully non-conforming structure will have to document the lawful existence of such structure, but that has always been the case since the inception of the Adirondack Park Agency Act in 1973, and has no relationship to the design requirements for new construction, addressed by the proposed regulations.

The new rules are designed to address regulatory problems that were not solved in the past by outcome or performance standards; it has become necessary to create specific design standards to accomplish the purposes of the shoreline requirements of the Adirondack Park Agency Act.