

SUMMARY OF ADIRONDACK PARK AGENCY AUTHORITY OVER LAND USE AND DEVELOPMENT AND SUBDIVISIONS



THIS CHART IS INTENDED AS A GENERAL GUIDE TO THE REQUIREMENTS OF THE NEW YORK STATE ADIRONDACK PARK AGENCY ACT, THE WILD, SCENIC AND RECREATIONAL RIVER SYSTEM ACT, AND THE FRESHWATER WETLANDS ACT. IT IS A GENERAL SUMMARY ONLY AND DOES NOT INCLUDE ALL THE PROVISIONS OF THESE LAWS.

PERSONS CONTEMPLATING NEW LAND USE OR DEVELOPMENT OR SUBDIVISION, OR AN EXPANSION BY 25% OR MORE OF AN EXISTING USE ARE URGED TO CONTACT THE ADIRONDACK PARK AGENCY (APA) TO OBTAIN A FORMAL, BINDING DETERMINATION AS TO WHETHER AN AGENCY PERMIT OR VARIANCE IS NECESSARY. (P.O. BOX 99, RAY BROOK, NEW YORK 12977 OR PHONE 518.891.4050)

IN CHECKING WHETHER AGENCY AUTHORITY MAY APPLY TO A PROPOSED ACTIVITY, EACH SECTION OF THE CHART SHOULD BE REVIEWED.

REGIONAL PROJECTS

OVERALL INTENSITY GUIDELINE		APA ACT LAND USE AREAS					INDUSTRIAL USE	
		HAMLET	MODERATE INTENSITY USE	LOW INTENSITY USE	RURAL USE	RESOURCE MANAGEMENT		
PRINCIPAL BUILDINGS PER SQUARE MILE (AVERAGE LOT SIZE IN ACRES)		NO INTENSITY RESTRICTIONS	500 (1.3)	200 (3.2)	75 (8.5)	15 (42.7)	NO INTENSITY RESTRICTIONS	
KEY TO SYMBOLS		NJ "Non-Jurisdictional" project: no APA permit required		A Requires Class A regional project permit	B Requires Class B regional project permit	IC-B Incompatible use in area shown: projects would require demonstration of compatibility: a Class B permit is required.		
STATUTORY CRITICAL ENVIRONMENTAL AREAS	WETLANDS		A					
	WITHIN 1/4 MILE OF NAVIGABLE STUDY RIVER	NJ	Any new land use or subdivision within a Critical Environmental Area is a Class A Regional Project, except for agricultural uses, public utilities, non-clearcut forestry uses, open space recreation uses and except that a single family dwelling is a Class B Regional Project if located within one-eighth mile of a Wilderness, Primitive or Canoe Area, within 150 feet of the right-of-way of a Federal or State Highway in a Rural Use Area or within 300 feet of the right-of-way of a Federal or State Highway in a Resource Management Area.					NJ
	ELEVATIONS OF 2500' OR HIGHER	NJ						NJ
	WITHIN 1/8 MILE OF WILDERNESS, PRIMITIVE OR CANOE AREA	NJ						NJ
	WITHIN 150 FEET OF R.O.W. OF STATE OR FEDERAL HIGHWAY	NJ	NJ	NJ				NJ
WITHIN 300 FEET OF R.O.W. OF STATE OR FEDERAL HIGHWAY	NJ	NJ	NJ	NJ			NJ	
RESIDENTIAL USES & SUBDIVISIONS	1. Single Family Dwelling	NJ	NJ	NJ	NJ	B	IC - B	
	2. Individual Mobile Home	NJ	NJ	NJ	NJ	B	IC - B	
	3. Residential Subdivision (Note: Class B regional projects include not only the subdivision of land, but also "all land use and development related thereto")	NJ 2 to 99 lots, parcels or sites	NJ 2-14 lots, parcels or sites B 15-75 lots, parcels or sites or 2-14 lots, parcels or sites if any shoreline lot is less than 25,000 sq. ft. or inland lot is less than 40,000 sq. ft.	NJ 2-9 lots, parcels or sites B 10-34 lots, parcels or sites or 2-9 lots, parcels or sites if any shoreline lot is less than 50,000 sq. ft. or inland lot is less than 120,000 sq. Ft.	NJ 2-4 lots, parcels or sites B 5-19 lots, parcels or sites or 2-4 lots, parcels or sites if any shoreline lot is less than 80,000 sq. ft. or inland lot is less than 320,000 sq. ft.	A All subdivisions		IC - B
		A 100 or more lots, parcels or sites	A 75 or more lots, parcels or sites	A 35 or more lots, parcels or sites	A 20 or more lots, parcels or sites			
	4. Mobile Home Court	NJ	A	B	A	B	A	IC - B
5. Multiple Family Dwelling		100 or more units	75 or more units	35 or more units	20 or more units		IC - B	
PUBLIC/OPEN SPACE/FORESTRY/AGRICULTURAL	6. Open Space Recreation	NJ	NJ	NJ	NJ	NJ	NJ	
	7. Agricultural Use	NJ	NJ	NJ	NJ	NJ	NJ	
	8. Agricultural Use Structure	NJ	NJ	NJ	NJ	NJ	NJ	
	9. Forestry Use	NJ	NJ / A if clearcut	NJ / A if clearcut	NJ / A if clearcut	NJ / A if clearcut	NJ	
	10. Forestry Use Structure	NJ	NJ	NJ	NJ	B	NJ	
	11. Hunting-Fishing Cabin/Private Club Structure	NJ	NJ	NJ	NJ	NJ / B 500 square feet or more	NJ	
	12. Game Preserve, Private Park	NJ	NJ	NJ	NJ	NJ	IC - B	
	13. Private Road	NJ	NJ	NJ	NJ	NJ	NJ	
	14. Cemetery	NJ	NJ	NJ	NJ	IC - B	IC - B	
	15. Private Sand/Gravel Extraction	NJ	NJ	NJ	NJ	NJ	NJ	
	16. Public Utility Use	NJ	NJ	NJ	NJ	NJ	NJ	
	17. Public/Semi-Public Building	NJ	B	B	B	B	IC - B	
	18. Municipal Road	NJ	B	B	B	B	B	
COMMERCIAL/INDUSTRIAL/RECREATIONAL	19. Agricultural Service Use	NJ	B / 10,000 sq. ft. Or more	B / 5,000 sq. ft. or more	B / 2,500 sq. ft. or more	A	B	
	20. Commercial Use	NJ	A	A	A	IC - B	B	
	21. Tourist Accommodation	NJ / A if 100 or more units	B	B	A	IC - B / A if Ski Center	IC - B	
	22. Tourist Attraction	NJ	A	A	IC - B	IC - B	IC - B	
	23. Marina, Boat Launch Site	NJ	B	B	B	IC - B	IC - B	
	24. Golf Course	NJ	B	B	B	B	IC - B	
	25. Campground	NJ	B	B	B	B / A 50 sites or more	IC - B	
	26. Group Camp	NJ	B	B	B	A	IC - B	
	27. Ski Center	NJ	A	A	A	A	IC - B	
	28. Commercial Seaplane Base	NJ	B	B	A	IC - B	IC - B	
	29. Commercial or Private Airport	A	A	A	A	IC - B	IC - B	
	30. Sawmill/Wood Using Facility	NJ	A	A	A	A	B	
31. Commercial Sand/Gravel Extraction	NJ	B	B	B	A	A		
32. Mineral Extraction	NJ	A	A	A	A	A		
33. Mineral Extraction Structure	NJ	A	A	A	A	A		
34. Watershed Management/Flood Control	A	A	A	A	A	IC - B		
35. Sewage Treatment Plant	NJ	A	A	A	A	A		
36. Waste Disposal Area	NJ	IC - B	A	A	IC - B	A		
37. Junkyard	NJ	IC - B	A	A	IC - B	A		
38. Major Public Utility Use	NJ	A	A	A	A	A		
39. Industrial Use/Structure	NJ	A	A	A	IC - B	B		
40. Accessory Uses/Structures	NJ	NJ	NJ	NJ	NJ	NJ		
EXPANSION BY 25% OR MORE (other than a single family dwelling)		Expansions by 25% or more of any project listed above, whether or not the project being expanded is pre-existing and whether the expansion is done at one time or in stages, requires a permit if the project being expanded, if new, would require one.						
HEIGHT OF STRUCTURE		All projects or structures over 40 feet in height are Class A Regional projects, except agricultural use structures and residential radio and TV antennas.						
ADDITIONAL AGENCY PERMIT		An additional Agency permit will be required in those instances where a prior Agency permit so states.						

SHORELINE RESTRICTIONS

THESE RESTRICTIONS APPLY TO ALL POST-AUGUST 1, 1973 LAND USE AND DEVELOPMENT AND SUBDIVISION ON SHORELINES, WHETHER OR NOT A PERMIT IS NECESSARY. THE AGENCY IS AUTHORIZED TO ISSUE VARIANCES UPON A SHOWING OF "PRACTICAL DIFFICULTIES" OR "UNNECESSARY HARDSHIPS".

	APA ACT LAND USE AREAS					
	HAMLET	MODERATE INTENSITY USE	LOW INTENSITY USE	RURAL USE	RESOURCE MANAGEMENT	INDUSTRIAL USE
Minimum Setback from mean high water mark (m.h.w.m.)						
Structure (for navigable waterways)	50 ft.	50	75	75	100	None
Septic System (for navigable & non-navigable waterways)	100 ft.	100	100	100	100	100
Minimum lot width (in feet)	50 ft.	100	125	150	200	None
Minimum frontage (in feet) required for deeded or contractual access for back lots (in addition to the shoreline width required for any new or existing principal building on the shoreline lot).	100 ft.	100	100	100	100	100
			100 feet plus 3 feet for each lot exceeding 20			
			340 feet plus 2 feet for each lot exceeding 100			
			440 feet plus 1 feet for each lot exceeding 150			

Vegetative Cutting Restrictions

Within 35 feet of m.h.w.m., not more than 30% of the trees over 6" diameter at breast height (DBH) during any 10 year period.
 Within 6 feet of m.h.w.m., up to 30% of the shorefront may be clear of vegetation on any lot.

Diseased vegetation, and rotten or damaged trees or other vegetation presenting safety or health hazards may always be removed.

FRESHWATER WETLANDS PROJECTS

PERMITS ARE REQUIRED FOR A WIDE VARIETY OF ACTIVITIES IN FRESHWATER WETLANDS. WETLANDS INCLUDE ANY LAND ANNUALLY SUBJECT TO PERIODIC OR CONTINUED INUNDATION AND COMMONLY CALLED BOGS, SWAMPS OR MARSHES, AS WELL AS OPEN WATERS IMMEDIATELY ADJACENT THERETO OR SURROUNDED THEREBY, IF ESSENTIAL TO THEIR PRESERVATION. THEY ALSO INCLUDE SOME OTHER TYPES OF LAND THAT MOST PEOPLE WOULD NOT CONSIDER WETLANDS, SUCH AS SPRUCE SWAMPS AND ARTIFICIAL MUDFLATS EXPOSED BY RESERVOIR DRAWDOWNS. WETLANDS ARE REGULATED IF THEY EXCEED ONE ACRE IN SIZE OR, REGARDLESS OF SIZE, IF THEY ARE ADJACENT TO AND HAVE A FREE INTERCHANGE OF SURFACE WATER WITH A LAKE, POND, RIVER OR STREAM. THE AGENCY WILL, UPON REQUEST OF ANY PERSON CONTEMPLATING LAND USE, DEVELOPMENT, SUBDIVISION OR OTHER ACTIVITY WHICH MIGHT INVOLVE A WETLAND, DETERMINE WHETHER WETLANDS ARE PRESENT AND THE EXACT LOCATION OF THEIR BOUNDARIES.

PERMITS ARE NEEDED FOR THE FOLLOWING IF OCCURRING WITHIN A WETLAND:

1. LAND USE AND DEVELOPMENT OR SUBDIVISION
2. DRAINING, DREDGING, EXCAVATION, REMOVING SOIL, PEAT, MUD, SAND, SHELLS OR GRAVEL.
3. DUMPING OR FILLING SOIL, STONES, SAND, GRAVEL, MUD, RUBBISH FILL OF ANY KIND.
4. ERECTING STRUCTURES, BUILDING ROADS, DRIVING PILINGS OR PLACING ANY OTHER OBSTRUCTIONS;
5. CLEARCUTTING MORE THAN THREE ACRES.

PERMITS ARE NEEDED FOR THE FOLLOWING WHETHER OR NOT THEY OCCUR WITHIN A WETLAND:

1. ANY FORM OF POLLUTION, INCLUDING INSTALLATION OF SEPTIC TANKS AND SEWER OUTFALLS, DISCHARGING OF SEWAGE TREATMENT EFFLUENT OR OTHER LIQUID WASTE INTO OR SO AS TO DRAIN INTO THE WETLAND;
2. ANY OTHER ACTIVITY WHICH HARMS THE WETLAND, INCLUDING DIVERSION OF SURFACE OR SUBSURFACE DRAINAGE THAT ADVERSELY AFFECTS THE NATURAL HYDROLOGICAL REGIME OF, OR SUBSTANTIALLY INCREASES EROSION OF OR SILTATION OR SEDIMENTATION INTO THE WETLAND.

PROVIDED THERE IS NO FILLING OR OTHER MATERIAL DISTURBANCE, PERMITS ARE NOT NEEDED FOR:

1. FISHING, HUNTING, TRAPPING, RICING, BERRYING, SHELL-FISHING, AQUACULTURE;
2. GRAZING OR WATERING LIVESTOCK;
3. MAKING REASONABLE USE OF WATER RESOURCES;
4. HARVESTING NATURAL PRODUCTS;
5. SELECTIVELY CUTTING TIMBER AND CONSTRUCTING SKID TRAILS WITHOUT USING FILL;
6. DRAINING FOR GROWING AGRICULTURAL PRODUCTS.

PROJECTS WITHIN ONE-QUARTER MILE OF WILD, SCENIC OR RECREATIONAL RIVERS

SPECIAL PERMIT REQUIREMENTS AND OTHER REGULATIONS APPLY, OUTSIDE OF HAMLET AND MODERATE INTENSITY USE AREAS. WITHIN ONE-QUARTER MILE OF THE FOLLOWING RIVERS. PLEASE CONTACT THE AGENCY IF YOU ARE PLANNING LAND USE, DEVELOPMENT OR SUBDIVISION IN THESE AREAS.

Ampersand Brook
 Ausable River (East Branch)
 Ausable River (Main Branch)
 Ausable River (West Branch)
 Black River
 Blue Mountain Stream
 Bog River
 Bouquet River
 Boreas River
 Cedar River
 Cold River
 Deer River
 East Canada Creek
 Grasse River (Middle Branch)
 Grasse River (North Branch)
 Grasse River (South Branch)

Hudson River
 Independence River
 Indian River
 Jordan River
 Kunjamuk Creek
 Long Pond Outlet
 Marian River
 Moose River (Middle, North,
 South and Main Branch)
 Opalescent River
 Oswegatchie River (Main Branch)
 Oswegatchie River (Middle Branch)
 Oswegatchie River (West Branch)
 Otter Brook
 Piseco Lake Outlet
 Raquette River

Red River
 Rock River
 Round Lake Outlet
 Sacandaga River (East Branch)
 Sacandaga River (Main Branch)
 Sacandaga River West Branch)
 St. Regis River (East Branch)
 St. Regis River (Main Branch)
 St. Regis River (West Branch)
 Salmon River
 Saranac River (Main Branch)
 Schroon River
 West Canada Creek
 West Canada Creek (South Branch)
 West Stony Creek