



**Adirondack  
Park Agency**

# **Adirondack Park Agency Overview** *For Real Estate Professionals*

November 19, 2019


# Course Outline

- Background & Basic Regulatory Requirements
- Subdivisions
- Land Use & Development
- Permitting
- Shorelines
- Variances
- Wetlands
- Approved Local Land Use Programs
- Q&A



**An Overview of the  
Adirondack Park Agency**

# When In Doubt Seek Us Out!



**Adirondack  
Park Agency**

**Have questions about  
subdividing or developing land  
in the Adirondack Park?**

Do I need a permit to build? How much land do I need?  
Do I need a permit to subdivide my property?  
Do I need a permit to build a house for my child on my property?  
Do I need a permit for my new business?  
I plan to buy a piece of property...  
will I be able to build a house on it?

*Contact the New York State*  
**Adirondack Park Agency**  
PO BOX 99, RAY BROOK, NY 12977  
**(518) 891-4050**  
Ask for the Jurisdictional Inquiry "JIF" Office  
**[www.apa.ny.gov](http://www.apa.ny.gov)**

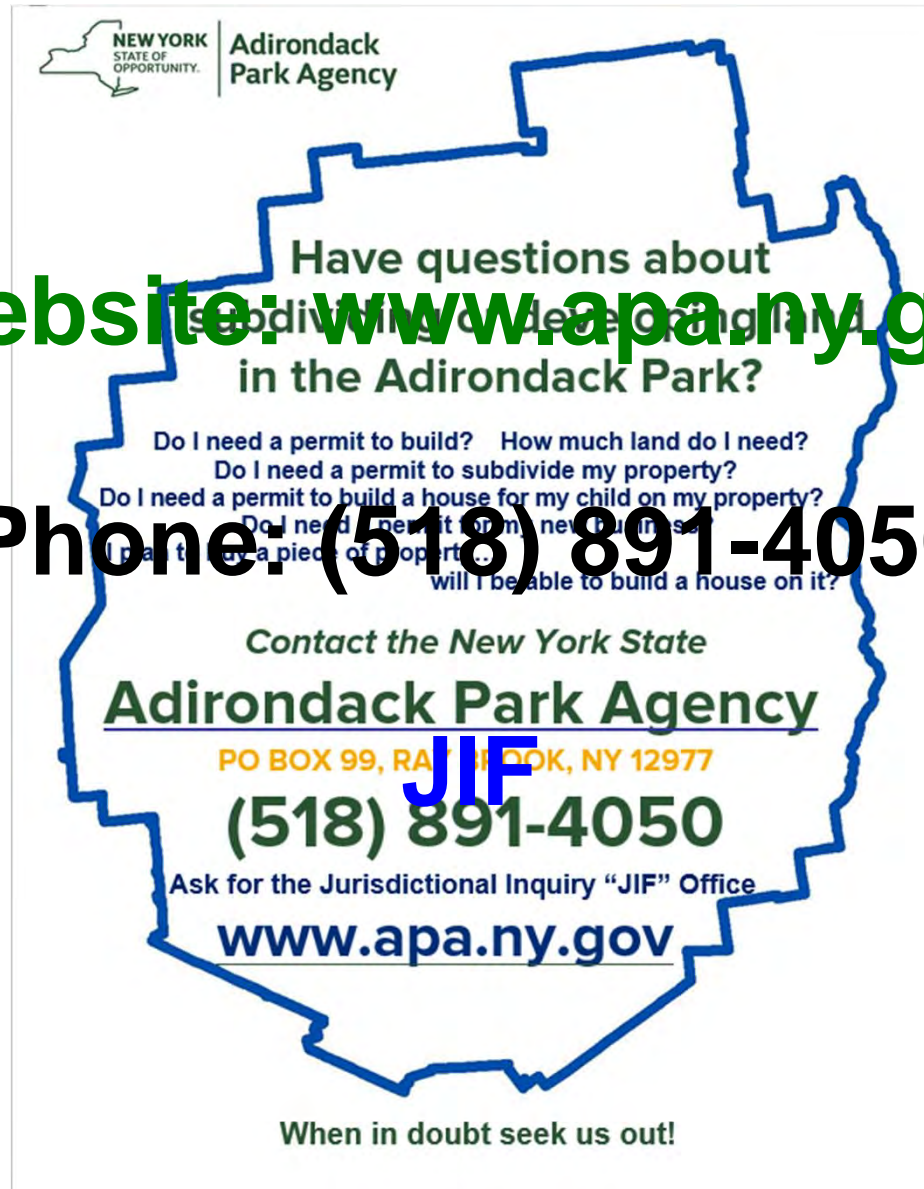
**When in doubt seek us out!**

## Jurisdictional Inquiry Form

# Where to go for APA Information

**Website: [www.apa.ny.gov](http://www.apa.ny.gov)**

**Phone: (518) 891-4050**



The graphic features a blue outline of the Adirondack Park region. In the top left corner, it includes the New York State logo with the text 'NEW YORK STATE OF OPPORTUNITY.' and the Adirondack Park Agency name. The central text asks 'Have questions about subdividing or developing land in the Adirondack Park?' and lists several questions: 'Do I need a permit to build? How much land do I need?', 'Do I need a permit to subdivide my property?', 'Do I need a permit to build a house for my child on my property?', 'Do I need a permit for my new business?', 'Do I need a permit to buy a piece of property?', and 'Will I be able to build a house on it?'. Below these questions, it provides contact information for the New York State Adirondack Park Agency, including the address 'PO BOX 99, RAVERMOUNT, NY 12977', the phone number '(518) 891-4050', and the website 'www.apa.ny.gov'. A blue 'JIF' logo is overlaid on the phone number. At the bottom, it says 'When in doubt seek us out!' and includes the New York State logo and Adirondack Park Agency name again.

NEW YORK STATE OF OPPORTUNITY. Adirondack Park Agency

Have questions about subdividing or developing land in the Adirondack Park?

Do I need a permit to build? How much land do I need?  
Do I need a permit to subdivide my property?  
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When in doubt seek us out!

NEW YORK STATE OF OPPORTUNITY. Adirondack Park Agency

**F. NARRATIVE** (Please describe your proposal)

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**G. CHECK LIST**

- Have you answered all of the questions?  
 Did you include a copy of the current recorded deed?  
 Did you include a sketch map?  
 Is the form signed by an authorized person?  
 Did you provide the tax map identification number?  
 Did you include your return mailing address and phone number?

**H. SIGNATURE OF AUTHORIZED PERSON**

**Note: This form must be signed by a person with a legal interest in the property; only owners, purchasers under an existing contract of sale or their attorneys.**

The above information is correct and accurate to the best of my knowledge.

Original Signature Only	Date	Please print or type name (title if applicable)

If you wish to have another person, such as a contractor, process this inquiry on your behalf, please provide the name and address of that person.

---

I wish to have \_\_\_\_\_ complete this inquiry on my behalf.

**I. RETURN TO:**

**Adirondack Park Agency  
 PO Box 99  
 Ray Brook, NY 12977  
 Phone: (518) 891-4050**

If you are not registered to vote at your current address you may receive a registration form with the Agency's response to your inquiry. You may receive government services without being registered to vote.

Would you like a New York State Registration form?  Yes  No

# Jurisdictional Inquiry Form

# Sources for APA Information



[Services](#)
[News](#)
[Government](#)
[Local](#)

Q Search

Translate

## Adirondack Park Agency

[About](#)

[Property Owners](#)

[Local Government](#)

[State Land](#)

[Business](#)

Home > Documents > Flyers

## Flyers

### Information regarding Agency regulations:

- [Agricultural Uses and Structures, Agricultural Service Uses](#)
- [Boathouses](#)
- [Boat Wash Stations](#)
- [Boundary Line Adjustments](#)
- [Campgrounds](#)
- [Dam Repair/Replacement](#)
- [Emergency Projects -- Emergency project](#) [Frequently Asked Questions](#)
- [Forestry Use Involving Wetlands](#)
- [Freshwater Wetlands](#)
- [Gift Exemption](#)
- [Guest Cottage](#)
- [Guide to Enforcement Hearings](#)
- [Guide to Permit Hearings](#)
- [Guide to Permit Modifications, Suspension or Revocation Hearings](#)
- [Hand Harvesting of Aquatic Plants](#)
- [Hotel, Motel and Tourist Accommodation Expansions](#)
- [Hunting and Fishing Cabins](#)
- [Preexisting Subdivisions](#)
- [River Corridors](#)
- [Shoreline Restrictions](#)
- [Shoreline Stabilization](#)
- [Structure Height](#)

### The following documents commonly meet many needs.

- [Citizen's Guide -- \(pdf 370kb\)](#)
- [Adirondack Park Agency Act](#)
- [Rules and Regulations](#)
- [Adirondack Park State Land Master Plan -- Word Accessible version -- PDF version](#)

### Other sources of information from New York State include:

- [the State Library](#)
- [the State Museum](#)
- [the State Archives](#)
- [the Department of Environmental Conservation](#)

[www.apa.ny.gov/Documents/Flyers](http://www.apa.ny.gov/Documents/Flyers)



Adirondack  
Park Agency

# Example of APA Flyer



## SHORELINE RESTRICTIONS

This is a supplement to the Citizen's Guide, which provides basic information of whether an Agency permit is required for a new land use or development of Park Agency regulations.

Pursuant to §806 of the Adirondack Park Agency Act, the following restrictions of whether an Agency permit is required for a new land use or development of Additional restrictions may also apply to the shoreline of rivers included in the Wild, Scenic, and Recreational River System.

### STRUCTURE SETBACKS

(these setbacks do not apply to docks and boathouses; see

Any new structure<sup>2</sup> exceeding 100 square feet in size must comply with the setback distances from the mean high water mark (the average annual high water lake or pond or any river or stream navigable by boat, including canoe:

<i>Hamlet</i>	<i>50 feet</i>	<i>Rural Use</i>
<i>Moderate Intensity Use</i>	<i>50 feet</i>	<i>Resource Management</i>
<i>Low Intensity Use</i>	<i>75 feet</i>	

Structures that are only partially located within the setback, as well as individual are attached to each other, are measured in their entirety for the purpose of restrictions.<sup>3</sup> The setback is measured horizontally along the shortest line between the structure and any point on the shoreline at the mean high water mark. To locate the mean high water mark upon request of any landowner contemplating

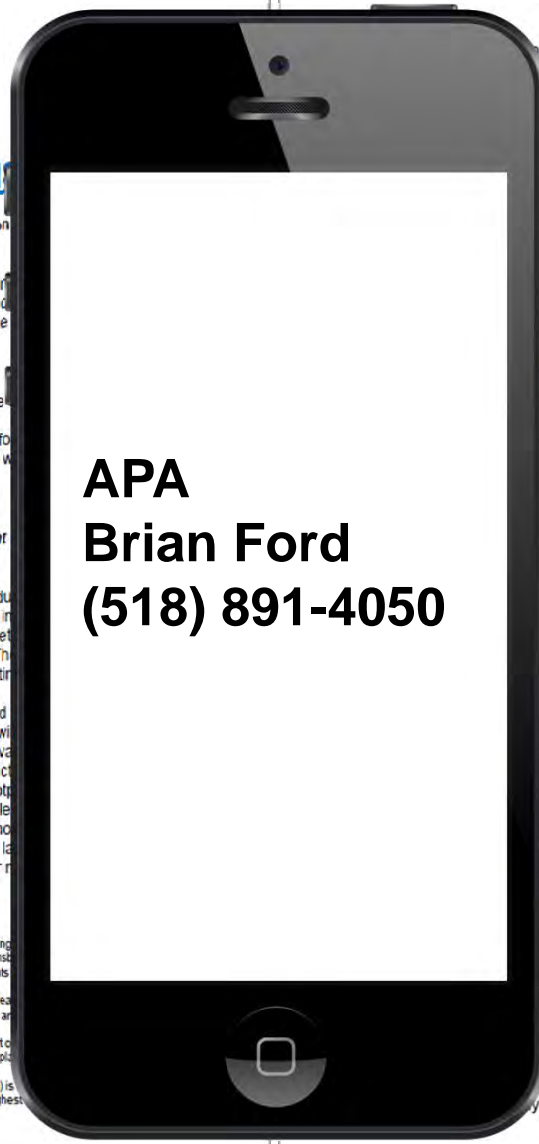
Structures that lawfully exist within a shoreline setback area may be replaced in same location or immediate vicinity. Effective December 31, 2008, the following dimensions of a lawfully existing structure within the setback area require a variance if the changes occur through expansion or replacement: (i) location of the structure from the mean high water mark; (ii) any increase in height; (iii) any increase in footprint or increase in width. However, an increase of up to two feet in height of a single mobile home<sup>4</sup>, an increase of up to 250 square feet of footprint to the rear (not front) of a single family dwelling or mobile home, and/or the addition of a stoop no larger than 100 square feet providing access to the rear or side of a single family dwelling or

<sup>1</sup> The shoreline restrictions of APA Act §806 are incorporated in the Agency-approved local zoning ordinances in Adirondack Park Agency jurisdictions: Adirondack Park, Hamilton, Warren, and Westerlo, and the Town and Village of Lake George. Advice on requirements may be obtained from the local code enforcement officer.

<sup>2</sup> The term structure includes decks, stairways, porches, sheds, fences, picnic shelters, cabins, lean-tos, and trailers that are registered with the DMV, have a current inspection sticker, and are not connected to a sewerage treatment system are generally not considered structures subject to the setback requirements.

<sup>3</sup> Structures may be considered attached for Agency purposes if they are less than ten feet apart. However, stairways, patios, walkways, docks, and boathouses are considered individual structures for regulatory purposes regardless of their attachment to other structures. Please contact the Agency for more information.

<sup>4</sup> For the purpose of implementing § NYCRR 575.5, the height of buildings with roof ridge line(s) is measured at the highest point of the highest roof ridge line. The height of buildings without roof ridge line(s) is measured at the highest



There are minor expansions allowed for other types of lawfully existing structures as well; please contact the Agency for more information.

required for any replacement or expansion undertaken outside the shoreline

### DOCKS AND BOATHOUSES

defines a dock or boathouse pursuant to the definitions referenced below is subject to shoreline setback requirements.

defined under §570.3(j) of Agency regulations. In general, a dock is a floating structure that is no more than eight feet in width, including at its ends, and a boathouse is a structure on a shoreline or boathouse, and could be used for securing and/or launching water craft and/or for swimming or water recreation. A structure that meets this definition is considered a dock below the mean high water mark and a boardwalk, deck, or other structure upland of the mean high water mark. Docks that are hoisted or suspended above water level for storage are subject to additional parameters.

as defined under §570.3(c) of Agency regulations. In general, a boathouse is a covered structure with direct access to a body of water that is used for the storage of boats and associated equipment, does not contain living quarters of any kind, does not exceed a single story in that the roof is supported by the top plate of the first floor wall, and has a footprint of 1200 square feet or less and a height of fifteen feet or less. The footprint of a boathouse is measured at the exterior walls, or at the perimeter of the roof if there are no exterior walls. The height of a boathouse is measured from the face of the floor serving the boat berths to the highest point of the structure within the Lake George Park may be a boathouse even if it does not meet this definition, provided the structure is in compliance with a permit issued by the Lake George Park Commission.

### MINIMUM LOT WIDTHS

When creating a new parcel on which a new principal building will be constructed must meet minimum lot widths, as measured along the shoreline at the mean high water mark. These minimum lot widths apply even when no Agency permit is required for the subdivision.

	<i>50 feet</i>	<i>Rural Use</i>	<i>150 feet</i>
<i>Intensity Use</i>	<i>100 feet</i>	<i>Resource Management</i>	<i>200 feet</i>
<i>Use</i>	<i>125 feet</i>		

Minimum lot width may be required for (i) providing deeded or contractual access to a parcel for the creation of lots in designated Scenic and Recreational River areas.

### SEWAGE SYSTEM SETBACKS

Structures (including a seepage pit, drainage field, outhouse, or pit privy) receiving household effluent must be set back at least 100 feet from any water body, including a stream, lake, or pond, with a defined bed and bank. The setback is measured horizontally along the shoreline from the mean high water mark to the closest point of the leaching facility. The Department of Health standards also require that the absorption field (leaching area) for an on-site sewage disposal system be installed at least 100 feet from the source of the wastewater system.



# Adirondack Park Agency APA Background

# APA Background

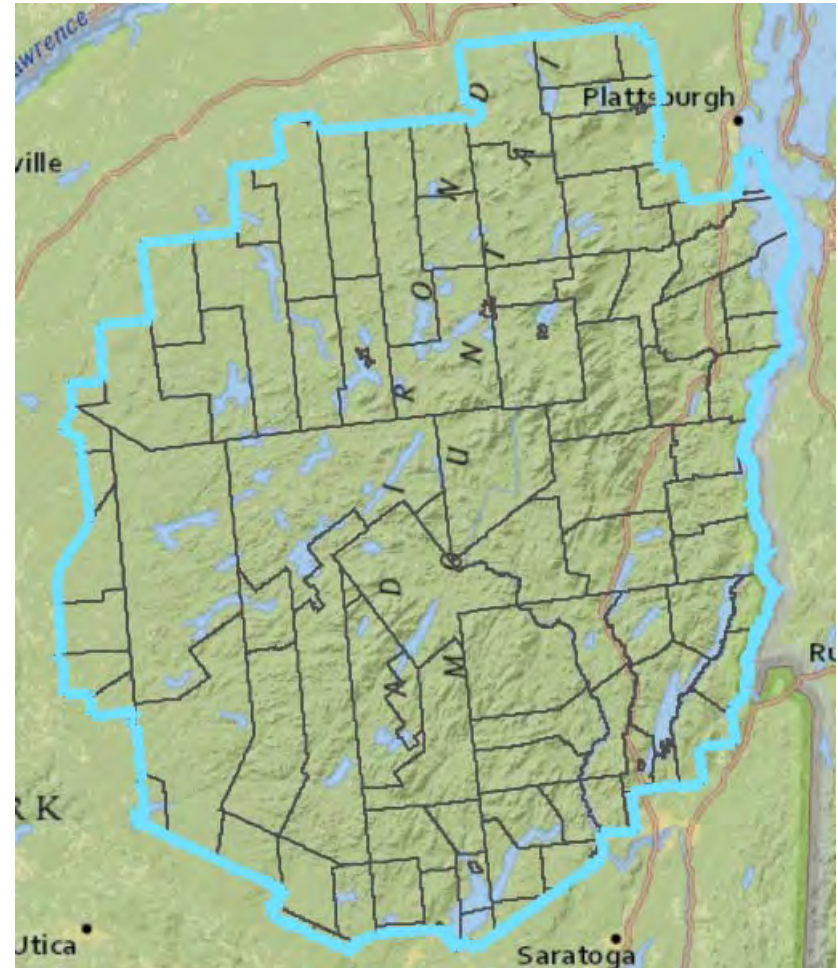
## New York State Government

- Three Branches:
  1. Legislative (makes laws)
  2. Executive (administers laws)
  3. Judicial (interprets laws)
- All agencies are in the Executive branch

# APA Background

- The Adirondack Park Agency Act ([APA Act](#))
  - Executive Law §§ 801 et seq.
  - Agency regulations: 9 NYCRR Parts 570-576; 579-588
- The Wild, Scenic and Recreational River System Act ([Rivers Act](#))
  - Environmental Conservation Law §§ 15-2701 et seq.
  - Agency regulations: 9 NYCRR Part 577
- The Freshwater Wetlands Act ([Wetlands Act](#))
  - Environmental Conservation Law §§ 24-0101 et seq.
  - Agency regulations: 9 NYCRR Part 578

# APA Background: The 'Blue Line'



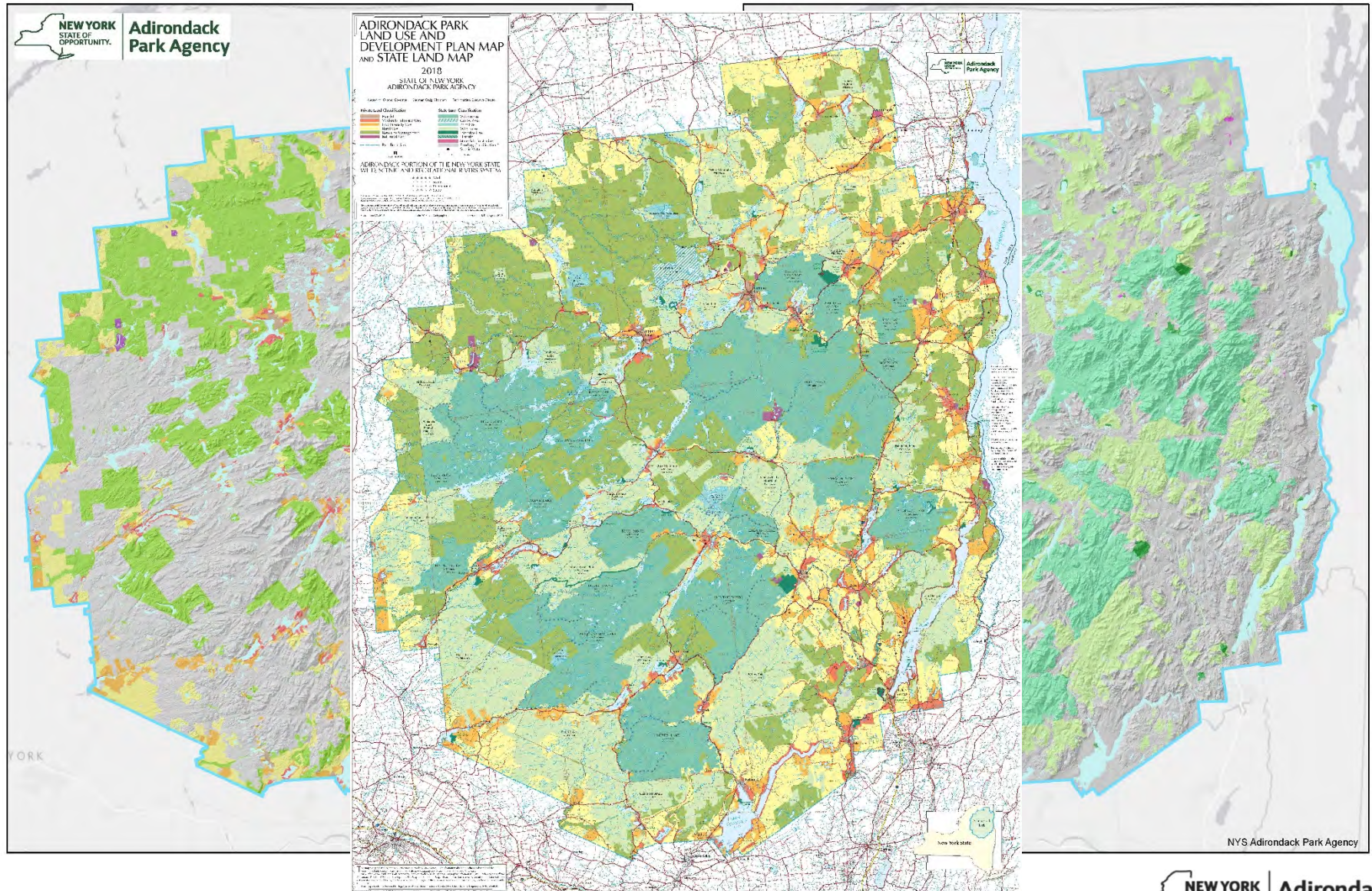
# APA Act Background

## APA Act – Basic Purpose

“To insure optimum overall conservation, protection, preservation, development and use of the unique scenic, aesthetic, wildlife, recreational, open space, historic, ecological, and natural resources of the Adirondack Park.”

- APA Act § 801

# Private and State Lands



# Creation of Park Plan Map

## Land Use Area Determinants

Existing Land Use

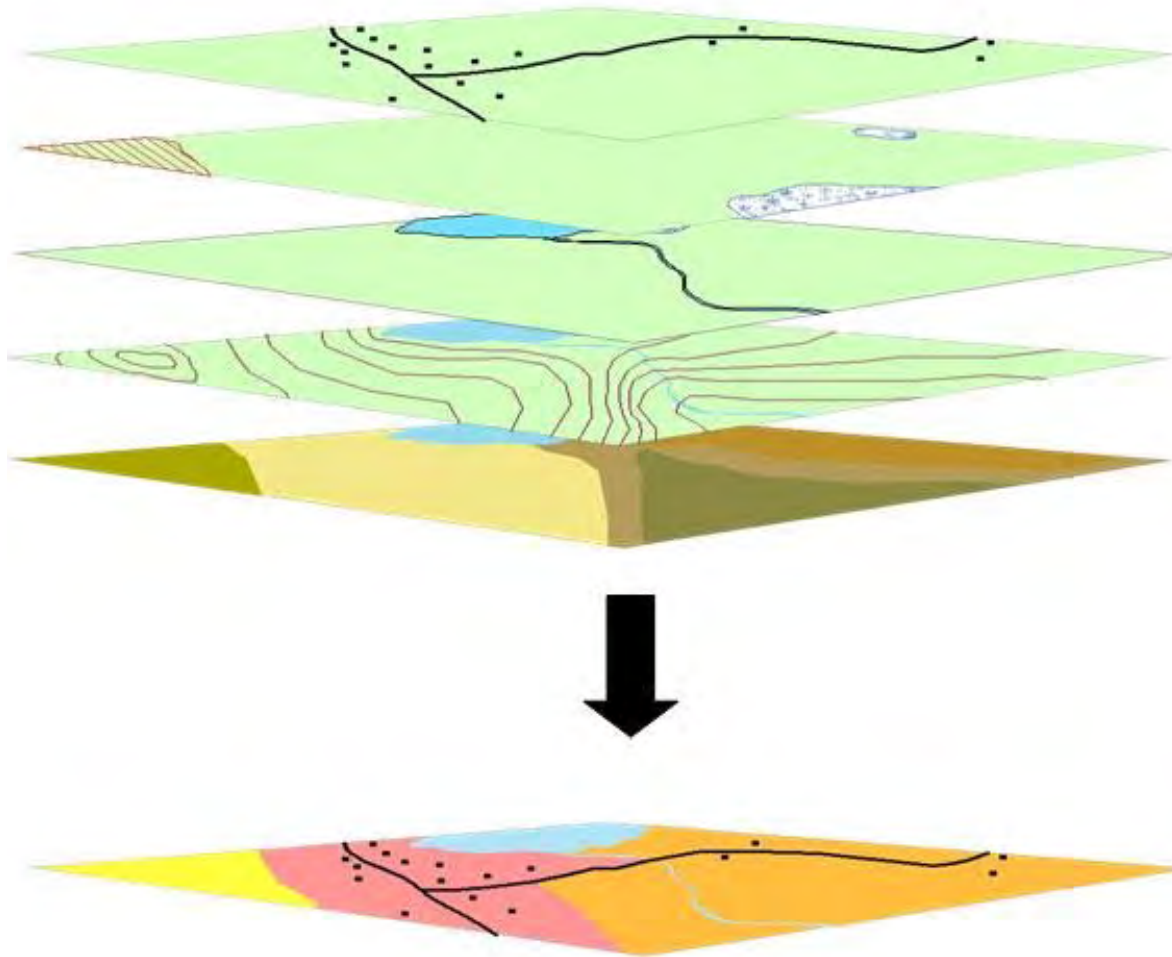
Fragile Ecosystems

Biological Considerations

Water

Topography

Soil



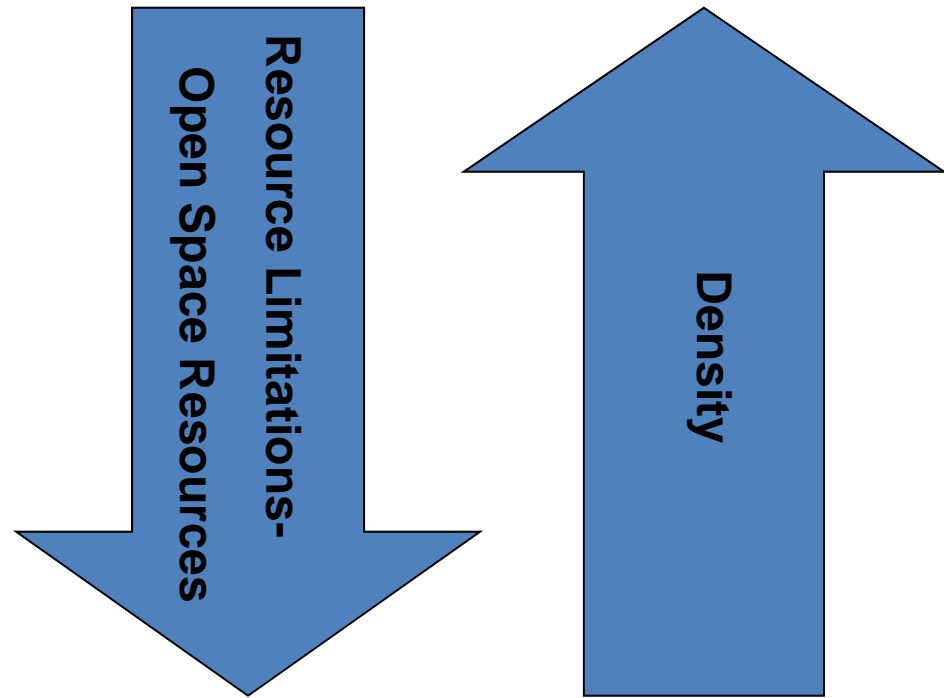
## **Park Plan Map**



# Land Use Areas

Hamlet	n/a
Moderate Intensity Use	1.3
Low Intensity Use	3.2
Rural Use	8.5
Resource Management	42.7
Industrial Use	

Existing Population Centers,  
Public Water and/or Sewer,  
Soils Suitable for Development



Wetlands, Severe Slopes,  
Agriculture

# Private Land Use Classifications

*(with approximate acreages)*

**Hamlet**  
**53,200**

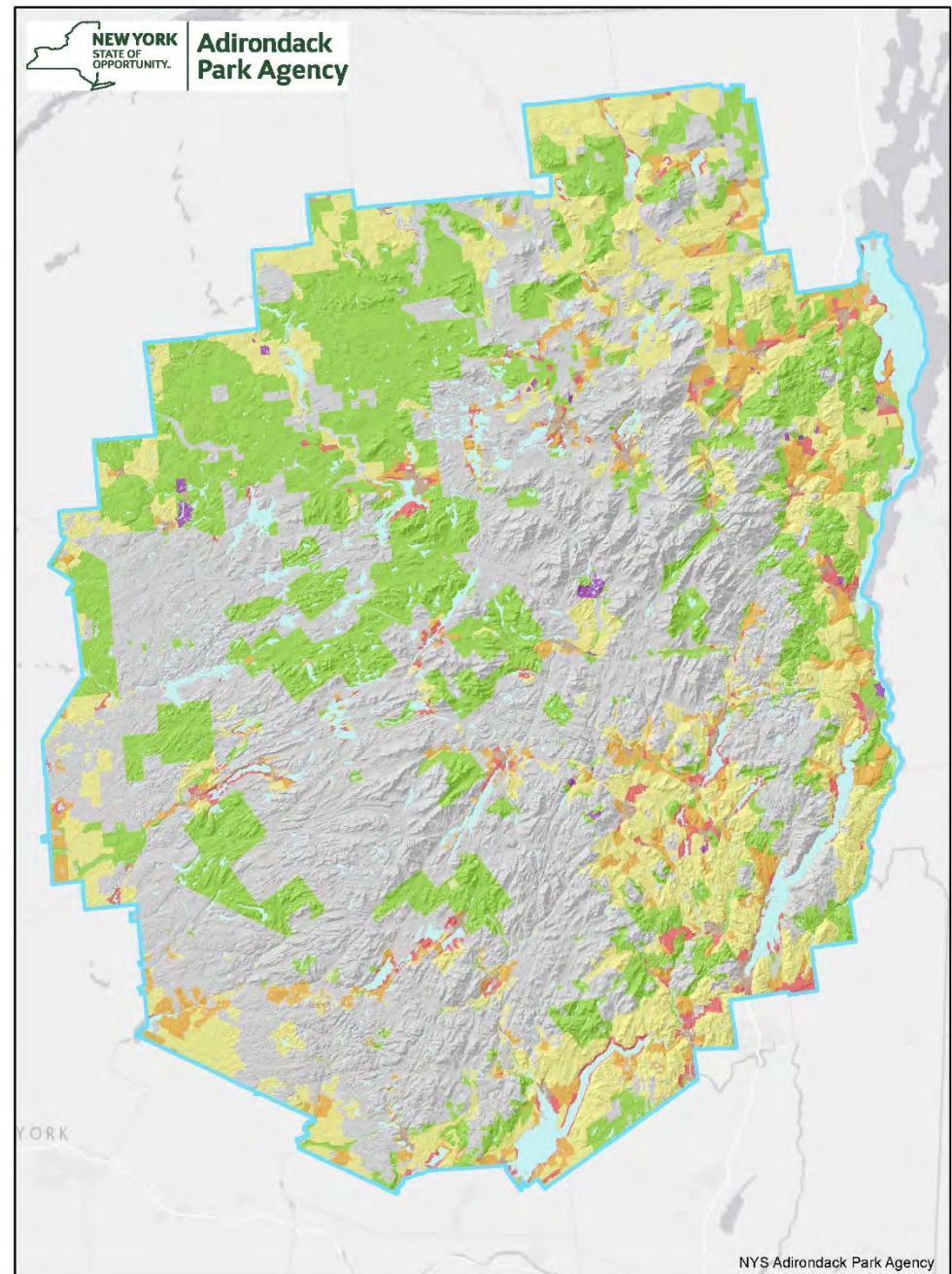
**Moderate Intensity**  
**99,400**

**Low Intensity**  
**266,200**

**Rural Use**  
**988,900**

**Resource Management**  
**1,453,600**

**Industrial Use**  
**11,800**



# Basic Regulatory Requirements Three-Acts

# APA Act

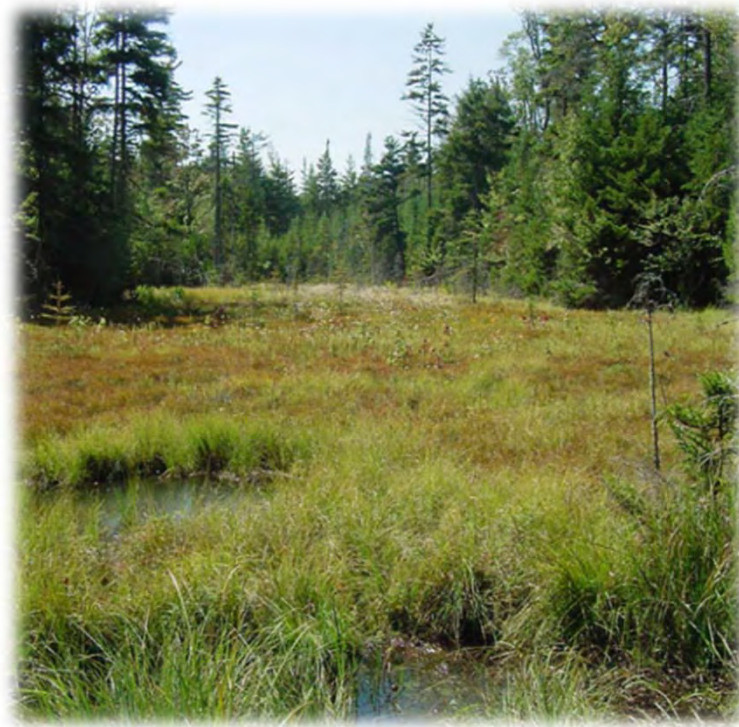
1. **Permits** required for certain types of “**subdivision**” or “**new land use or development**”
2. **Variances** required for certain activities impacting **shorelines**

# Wild, Scenic & Recreational Rivers Act

1. **Permits** required for certain types of “subdivision” or “new land use or development”
2. **Variations** required for certain activities impacting shorelines

# Wetlands

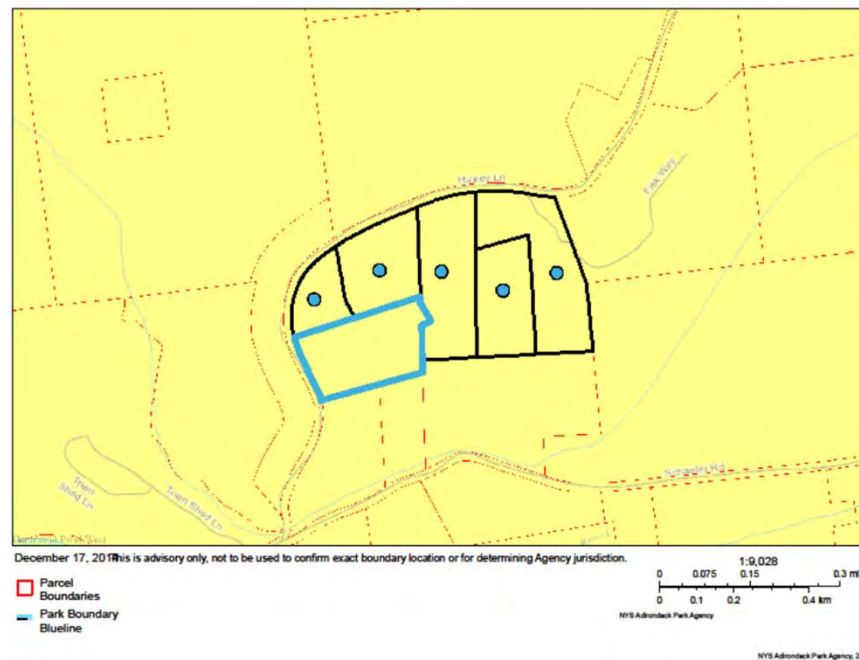
**Permits** required for certain types of “subdivision” or “new land use or development” defined as “regulated activities.”



# Subdivisions

# Subdivisions - Defined

- Any division of land
- Involving two or more lots, parcels, or sites,
- Whether adjoining or not,
- For the purpose of sale, lease, license, or any form of separate ownership or occupancy.





## Subdivisions (Lot History Matters)

A Permit is required for any subdivision where the total number of parcels that have been or are proposed to be created from the property as it existed on **May 22, 1973** is equal to or greater than:

Hamlet	100
--------	-----

Moderate Intensity Use	15
------------------------	----

Low Intensity Use	10
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Rural Use	5
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Resource Management	2
---------------------	---

## Subdivisions – “Merger Clause”

Adjoining lots owned by one landowner, each acquired prior to 5/22/1973, except lots in a preexisting subdivision or separately-owned preexisting vacant lots of record as described in section 811(1)(a) of the Adirondack Park Agency Act, shall be deemed to have merged into one undivided lot as of that date, even if described in different deeds or acquired at various times...



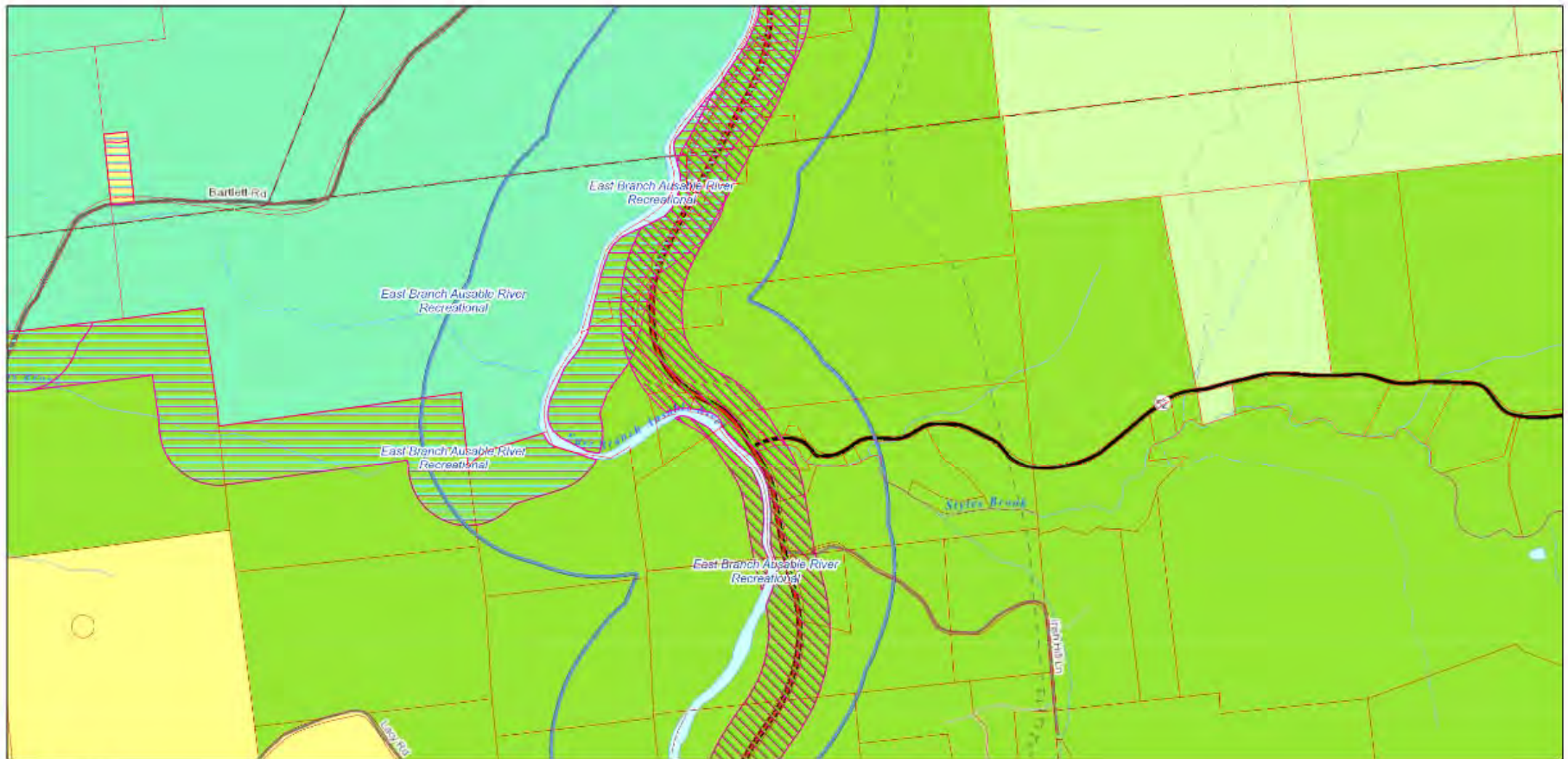
## Subdivisions (Location Matters)

Permits are *generally* required for Subdivisions located:

- ✓ In Resource Management
- ✓ In a Study River Area
- ✓ In a Wild, Scenic or Recreational River Area
- ✓ Within 200 feet of wetlands
- ✓ Within 1/8 mile of a Wilderness Area
- ✓ Within 150 feet of a State or Federal Highway in Rural Use
- ✓ Within 300 feet of a State or Federal Highway in Resource Management

**Critical Environmental Areas**  
**CEAs**

# Subdivisions (Location Matters)



July 25, 2019

- |                           |  |
|---------------------------|--|
| Parcels 2016, 2017        | CEA 300 ft Resource Mgmt. Setback from St. or Fed. Roads |
| <b>River Buffer Areas</b> | CEA 150 ft Rural Use Setback from St. or Fed Roads       |
| Wild                      | CEA 8th mile from Wilderness, Primitive, or Canoe Areas  |
| Scenic                    | CEA 2500 ft Elevation Areas                              |
| Recreational              | Park Boundary Blueline                                   |
| Study                     |  |

NYS Adirondack Park Agency  
New York State Adirondack Park Agency

## Subdivisions (Lot Size Matters)

- Permit required for any subdivision creating a **non-shoreline** lot smaller than:

Hamlet	no permit needed
Moderate Intensity Use	0.92 acres
Low Intensity Use	2.75 acres
Rural Use	7.35 acres

- Permit required for any subdivision creating a **shoreline** lot smaller than:

Hamlet	no permit needed
Moderate Intensity Use	0.57 acres
Low Intensity Use	1.15 acres
Rural Use	1.84 acres

# Land Use/ Development

# Land Use/Development - Defined

Any construction or other activity which materially changes the use or appearance of land.



# Permits for Land Use/Development

Permits are *generally* required for:

- ✓ Any structure over 40 feet in height
- ✓ New Commercial Use\*
- ✓ New Tourist Accommodation\*

\*Except in Hamlet



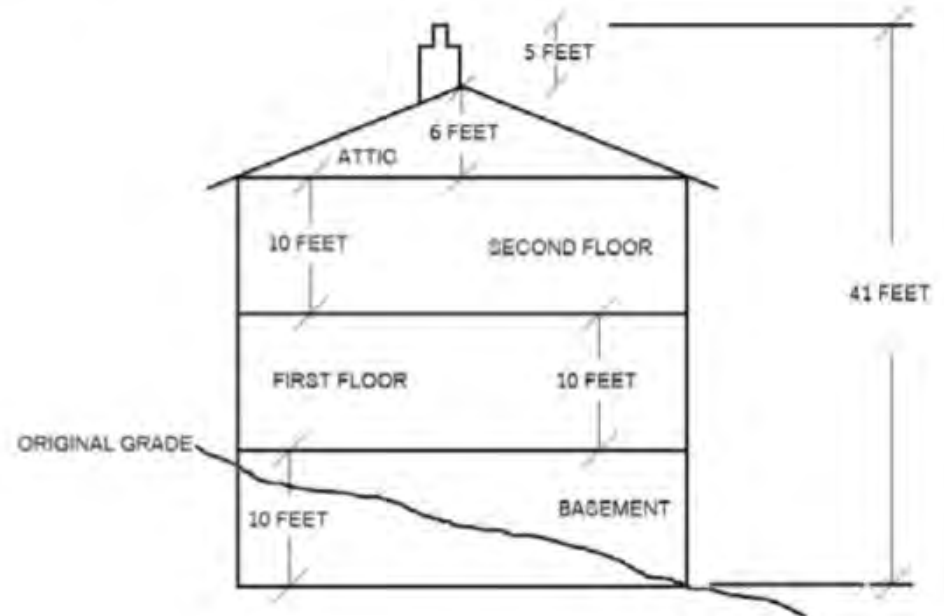
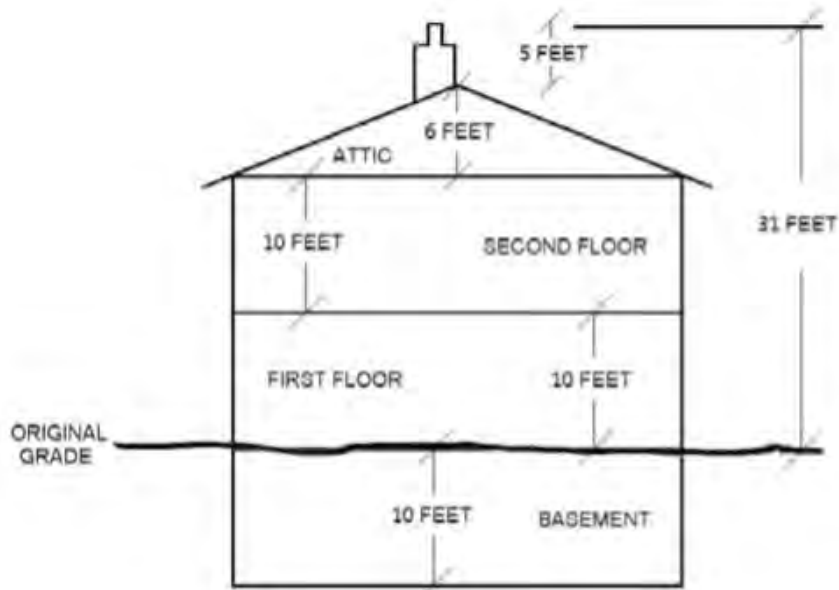
# Measuring Structure Height

- The Agency measures height from the highest point of a structure to the lowest point of original or finished grade or the base of any supporting fill, whichever is lower.
- A structure is comprised of all attached components, including decks, porches, garages, roofs, and chimneys.



# Measuring Structure Height

## Examples



# Measuring Structure Height



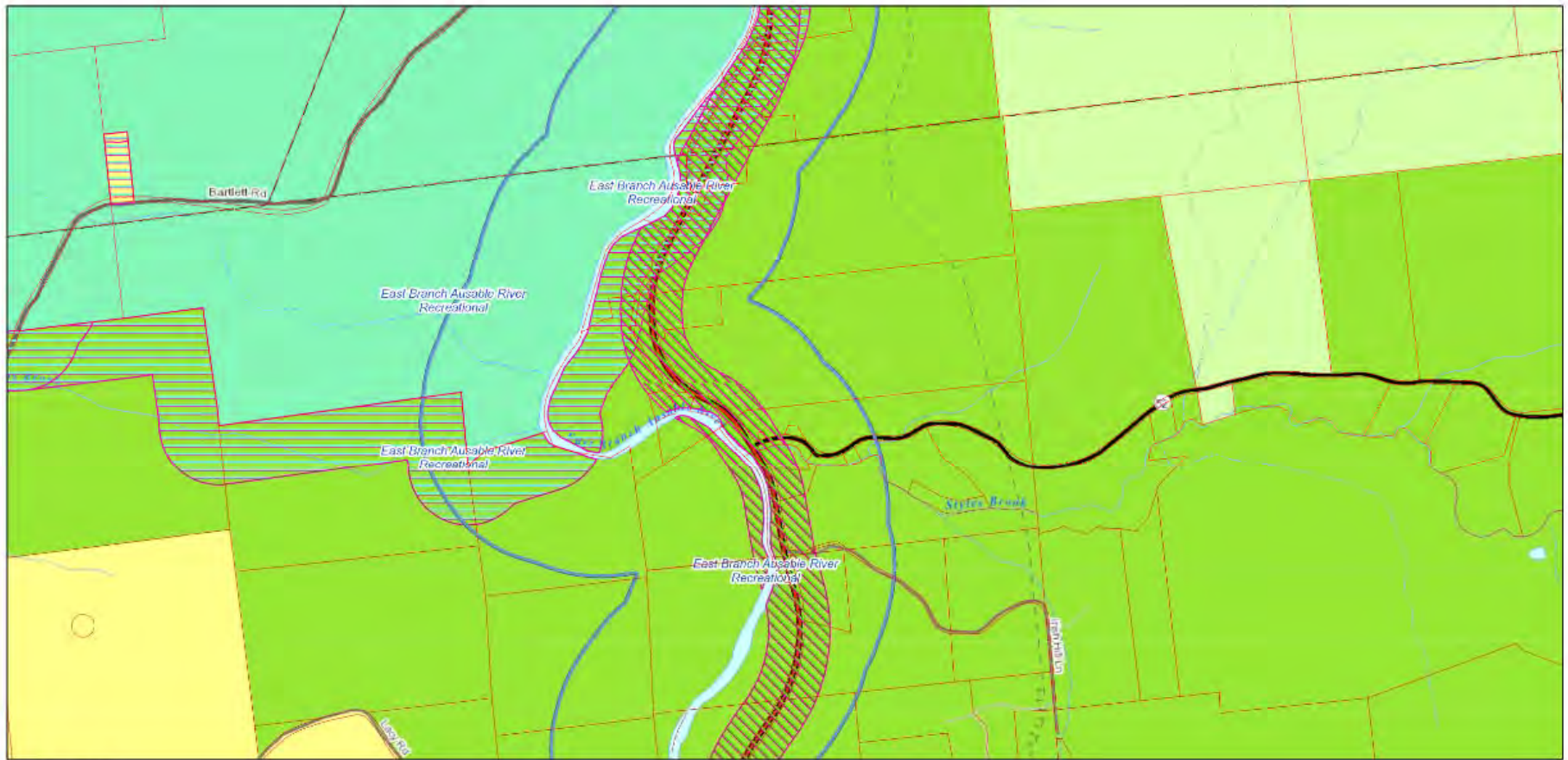
# Permits for Land Use/Development

Permits are *generally* required for Land Use/Development:

- ✓ In Resource Management
- ✓ In a Study River Area
- ✓ In a Wild, Scenic or Recreational River Area
- ✓ Within 200 feet of Wetlands
- ✓ Within 1/8 mile of a Wilderness Area
- ✓ Within 150 feet of a State or Federal Highway in Rural Use
- ✓ Within 300 feet of a State or Federal Highway in Resource Management
- ✓ Elevations  $\geq 2500$  feet

**Critical Environmental Areas**  
**CEAs**

# Land Use/Development (Location Matters)



July 25, 2019

- Parcels 2016, 2017
- CEA 300 ft Resource Mgmt. Setback from St. or Fed. Roads
- River Buffer Areas**
- Wild
- CEA 150 ft Rural Use Setback from St. or Fed Roads
- Scenic
- CEA 8th mile from Wilderness, Primitive, or Canoe Areas
- Recreational
- CEA 2500 ft. Elevation Areas
- Study
- Park Boundary Blueline

NYS Adirondack Park Agency  
New York State Adirondack Park Agency

<https://www.apa.ny.gov/gis/index.html>

## Maps & Geographic Information Systems (GIS)

The Adirondack Park Agency (APA) uses GIS to understand and support the natural and cultural resources of the Park.

This page contains a sampling of Agency [MAPS](#), [DATA](#), [STATISTICS](#), and [ANALYSES](#).

Here's a brief history of [GIS at the Adirondack Park Agency](#).

### MAP ROOM

#### Adirondack Park Land Use and Development Plan Map and State Land Map - March 2018 edition

2018 Facsimile of the official zoning map showing private and state land classifications. Also includes the Adirondack portion of the NYS Wild, Scenic and Recreational Rivers System.

View an [interactive map](#).

View a fullsize [PDF map](#) (26 MB)

REST endpoints: [Feature Service](#), [Tile Service](#)

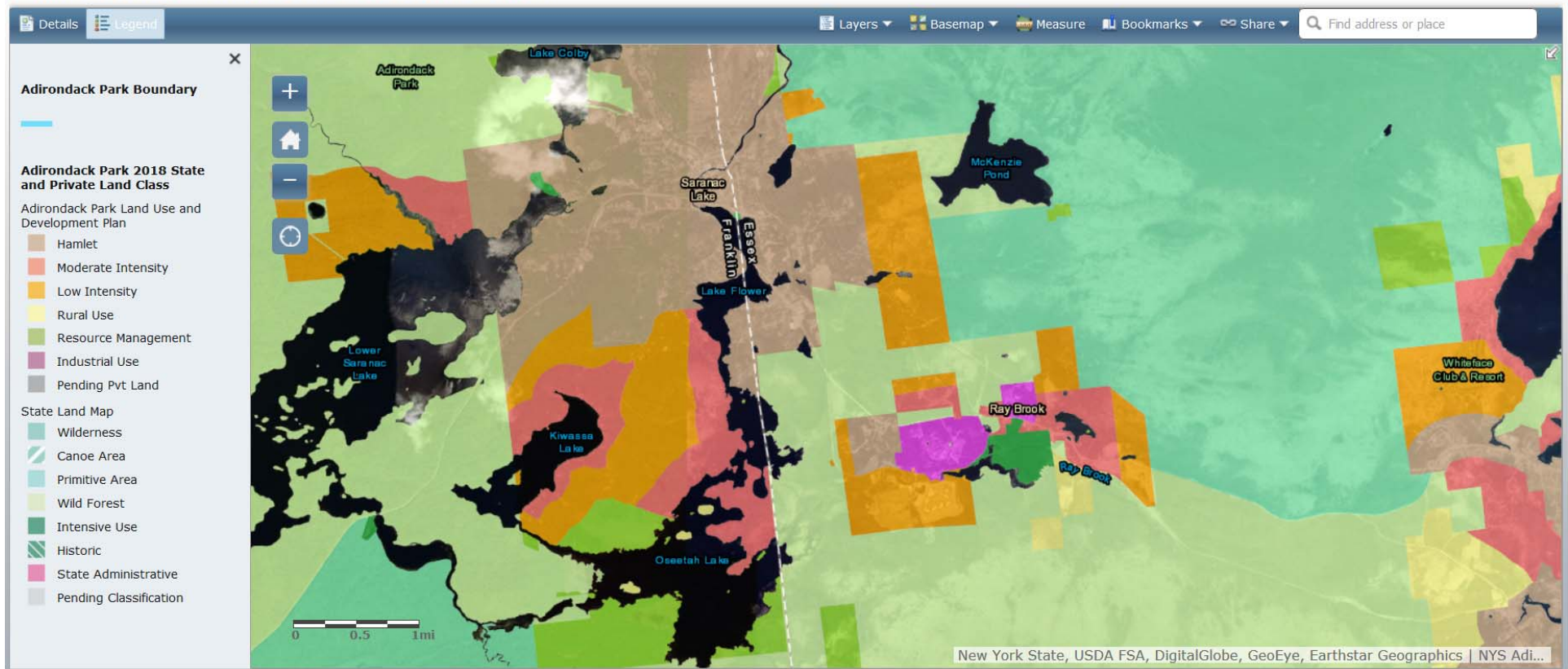
Download 2018 [Shapefile](#) suitable for use with GIS software. (41 MB LandClass20180627.zip)

View 2017 state and private land class acreage statistics [by county](#) and [by town or village](#).



<http://adirondack.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=625564b0f5b249f2ba29a931f23891ad>

## Adirondack Park Land Classification



[https://www.apa.ny.gov/Documents/Laws\\_Regs/HotalingTable.htm](https://www.apa.ny.gov/Documents/Laws_Regs/HotalingTable.htm)

**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 ADIRONDACK PARK AGENCY ACT, WILD, SCENIC AND RECREATIONAL RIVERS SYSTEM ACT, AND FRESHWATER WETLANDS ACT. WHILE IT IS A GENERAL SUMMARY OF THEM, IT DOES NOT INCLUDE ALL THE PROVISIONS OF THESE LAWS.

PERSONS CONTEMPLATING A NEW LAND USE OR DEVELOPMENT OR SUBDIVISION, OR AN EXPANSION OF 25% OR MORE OF AN EXISTING USE ARE URGED TO CONTACT THE AGENCY (P.O. BOX 99, RAY BROOK, NY 12977 [518-891-4050]) WHICH WILL PROMPTLY ISSUE A FORMAL, BINDING DETERMINATION AS TO WHETHER AN AGENCY PERMIT OR VARIANCE IS NECESSARY.

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

**REGIONAL PROJECTS**

		APA ACT LAND USE AREAS					INDUSTRIAL USE
		HAMLET	MODERATE INTENSITY USE	LOW INTENSITY USE	RURAL USE	RESOURCE MGMT.	
Overall Intensity Guideline	Principal Buildings per Square Mile	No intensity restriction	500	200	75	15	No intensity restriction
	Average Lot Size in Acres		1.3	3.2	8.5	42.7	
Key to Symbols below:		"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 show: projects would require demonstration of compatibility; a Class B permit is required		
		NJ	A	B	IC-B		





The three Acts administered by the Agency—the APA Act, the Wild, Scenic and Recreational Rivers System Act and the Freshwater Wetlands Act—all have a bearing on whether your project will require an Agency permit. The following checklist will help you determine whether a permit is needed.

**This checklist is for general information only and is not exhaustive.**

For a binding determination whether your project needs a permit, you must call the Agency and submit a Jurisdictional Inquiry Form. **If you check any of the following circles you will need a permit.**

LAND USE CLASSIFICATION	You will first need to establish in which land classification your property lies. YOU CAN CONTACT THE AGENCY TO ASSIST YOU.
PROJECTS IN CRITICAL ENVIRONMENTAL AREAS	<p>Critical environmental areas include wetlands, high elevations, and areas near certain rivers, highways and State-owned lands. An APA permit is required in all land use areas for most development activities and subdivisions of land in:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Wetlands (refer to section of this guide regarding wetlands).</li> <li><input type="checkbox"/> At elevations over 2,500 feet.</li> <li><input type="checkbox"/> Within 1/4 mile of a "study river," including portions of the Oswegatchie, Osgood, Grasse, N. Branch Saranac, N. Branch Boquet, The Branch, East Stony Creek and Pleasant Lake Stream. (A "study river" is a river being considered for inclusion in the State's Wild, Scenic and Recreational Rivers System. Many other Adirondack rivers and streams are already classified in the system and are subject to its special regulations.)</li> <li><input type="checkbox"/> Within 1/8 mile of State Forest Preserve lands classified as Wilderness, Primitive or Canoe areas.</li> <li><input type="checkbox"/> Within 150 feet of state or federal highway right-of-way (in Rural Use areas only).</li> <li><input type="checkbox"/> Within 300 feet of state or federal highway right-of-way (in Resource Management areas only).</li> </ul>
DESIGNATED WILD, SCENIC AND RECREATIONAL RIVERS	<ul style="list-style-type: none"> <li><input type="checkbox"/> Generally an APA permit is needed for projects within 1/4 mile of a river included in the State's Wild, Scenic and Recreational Rivers System: Ausable, Black, Blue Mt. Stream, Bog, Boreas, Boquet, Cedar, Cold, Door, East Canada Creek, Grasse, Hudson, Independence, Indian, Jordan, Kurjiamuk, Long Pond Outlet, Marion, Moose, Oswegatchie, Otter Brook, Raquette, Rock, Sacandaga, St. Regis, Salmon, Saranac, Schroon, West Canada Creek and West Stony Creek.</li> </ul>
SUBDIVISIONS	<p>An APA permit may be needed for subdivisions. Subdivisions are broadly defined to include any division of land into two or more lots, parcels or building sites (including that portion retained by the owner) for the purpose of sale, lease or any form of separate ownership or occupancy. Construction of a second principal building or dwelling or a two-unit dwelling on a parcel is a subdivision.</p> <p>To determine if a permit is required, several factors must be examined, including:</p> <ul style="list-style-type: none"> <li>• the resulting total number of lots, parcels or sites created from the original parcel of land as it existed on May 22, 1973;</li> <li>• the size of the smallest lot in the proposed subdivision; and</li> <li>• the smallest shoreline lot width in the subdivision.</li> </ul>

	<p>An APA permit is needed:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> If the total number of lots, sites or residential units created from the original May 22, 1973 parcel is equal to or greater than:             <table style="margin-left: 20px;"> <tr> <td>100 in Hamlet</td> <td>10 in Low Intensity Use areas</td> </tr> <tr> <td>15 in Moderate Intensity Use areas</td> <td>5 in Rural Use areas</td> </tr> </table> </li> <li><input type="checkbox"/> For any subdivision in a Resource Management area, Industrial Use area or within a designated Wild, Scenic, or Recreational Rivers area.</li> <li><input type="checkbox"/> For the entire subdivision if any non-shoreline lot in the proposed subdivision is less than:             <table style="margin-left: 20px;"> <tr> <td>40,000 sq. ft. (0.92 acres)</td> <td>Moderate Intensity Use areas</td> </tr> <tr> <td>120,000 sq. ft. (2.75 acres)</td> <td>Low Intensity Use areas</td> </tr> <tr> <td>320,000 sq. ft. (7.35 acres)</td> <td>Rural Use areas</td> </tr> </table> </li> <li><input type="checkbox"/> If the project involves any shoreline* lots if either the smallest lot area or shoreline lot width measurement is less than:             <table style="margin-left: 20px;"> <tr> <td>Hamlet</td> <td>n/a</td> <td>50 ft.</td> </tr> <tr> <td>Moderate Intensity Use areas</td> <td>25,000 sq. ft. (0.57 acres)</td> <td>100 ft.</td> </tr> <tr> <td>Low Intensity Use areas</td> <td>50,000 sq. ft. (1.14 acres)</td> <td>125 ft.</td> </tr> <tr> <td>Rural Use areas</td> <td>80,000 sq. ft. (1.83 acres)</td> <td>150 ft.</td> </tr> <tr> <td>Resource Management areas</td> <td>42.7 acres</td> <td>200 ft.</td> </tr> </table> </li> </ul> <p>* A shoreline lot includes any lot partly or entirely within the minimum setback distance from the water for the land use area involved. Different shoreline widths apply if your site is located in a Wild, Scenic, or Recreational River area.</p>	100 in Hamlet	10 in Low Intensity Use areas	15 in Moderate Intensity Use areas	5 in Rural Use areas	40,000 sq. ft. (0.92 acres)	Moderate Intensity Use areas	120,000 sq. ft. (2.75 acres)	Low Intensity Use areas	320,000 sq. ft. (7.35 acres)	Rural Use areas	Hamlet	n/a	50 ft.	Moderate Intensity Use areas	25,000 sq. ft. (0.57 acres)	100 ft.	Low Intensity Use areas	50,000 sq. ft. (1.14 acres)	125 ft.	Rural Use areas	80,000 sq. ft. (1.83 acres)	150 ft.	Resource Management areas	42.7 acres	200 ft.
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SINGLE FAMILY DWELLINGS	<p>An APA permit is needed for a single family dwelling or mobile home in:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Resource Management areas</li> <li><input type="checkbox"/> Industrial Use areas</li> <li><input type="checkbox"/> Critical Environmental areas</li> <li><input type="checkbox"/> Designated River areas</li> <li><input type="checkbox"/> Wetlands (within or near)</li> </ul> <p>In other land classifications, a single family dwelling to be constructed on a lot already having a dwelling or other principal building on it may be subject to Agency review as a subdivision.</p>																									
OTHER PROJECTS	<p>An APA permit is needed for:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Structures over 40' high. Note: height is measured from the highest point of a structure to the lowest point of either the natural or finished grade.</li> <li><input type="checkbox"/> Any new commercial or industrial use in all but Hamlet areas.</li> <li><input type="checkbox"/> An expansion totaling 25% or more (whether such expansion is undertaken all at once or over an extended time) of an existing use or structure included on the list of regional projects in the APA Act. In all but Hamlet areas, expansion is measured by size, square footage or capacity.</li> <li><input type="checkbox"/> Any multiple family dwelling, i.e., a structure containing two or more separate dwelling units. This applies in all land use areas except Hamlet areas.</li> </ul> <p>In areas governed by an Agency-approved local land use program, certain projects normally requiring an Agency permit will need only a local permit.</p> <p>Shoreline restrictions apply along lakes, ponds, rivers and streams regardless of whether an Agency permit is needed.</p>																									

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## Jurisdictional Inquiry Form

# Permitting Process

# Permitting Process

- All applications for permits follow the same basic process
- Pre-application process
- APA Act **time clocks** for review of applications and permit decisions
- Permits expire within **60 days of issuance** unless recorded in the county clerk's office
- Permits may not be undertaken or continued unless “**in existence**” within a specified time from the date of issuance



# Permitting Requirements (APA Act)

The APA must determine that a project meets 5 criteria before issuing a permit:

1. The project would be **consistent with the land use and development plan**
2. The project would be **compatible with the character description, purposes, policies, and objectives for the land use area**
3. The project would be **consistent with the overall intensity guidelines** for the land use area.
4. The project would **comply with the shoreline restrictions**

...

# Permitting Requirements (APA Act)

...

5. The project would **not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational, or open space resources of the Park** ... taking into account the commercial, industrial, residential, recreational, or other benefits that might be derived from the project.
  - Must consider 37 Development Considerations.

# Development Considerations: Natural Resources

- Water
  - Water quality, sedimentation and siltation, eutrophication, drainage and runoff, flow, water table and recharge rates
    - Stormwater management, wastewater treatment, invasive species management...
- Land
  - Topography, erosion and slippage, floodplains, mineral resources, agricultural soils, forests, open spaces, vegetative cover, potential for outdoor recreation
    - Agricultural uses, forest management, visual impacts...
- Air
- Noise

# Development Considerations: Natural Resources

- Critical resource areas
  - Study rivers, rare plant communities, rare/endangered species and key wildlife habitats, alpine/sub-alpine zones, wetlands, elevations above 2,500 feet, other unique features
    - Wetland delineation and impact assessment, habitat fragmentation, conservation subdivision and design...
- Wildlife
  - Fish and wildlife
    - Habitat fragmentation, conservation subdivision and design...
- Aesthetics
  - Scenic vistas, travel corridors
    - Visual impacts...



# Development Considerations: Historic

- Historic factors
  - Historic sites and structures



# Development Considerations: Site Development

- Natural site factors
  - Geology, slopes, soils, depth to groundwater/other hydrologic factors
    - Stormwater management, wastewater treatment, depth to seasonal high groundwater/bedrock (deep hole test pits), site development assessment...
- Other site factors
  - Adjoining and nearby land uses, adequacy of site facilities
    - Traffic, parking, access, lighting, visual impacts, wastewater, water supply...




# Development Considerations: Governmental

- Governmental service and finance factors
  - Ability of government to provide facilities and services, taxes and user charges
    - Water supply, sewage collection, solid waste, roads, traffic, parking...
- Governmental control factors
  - Conformance with other governmental controls
    - Simultaneous coordinated review with other agencies...

# Typical Permit Format

THIS IS A TWO-SIDED DOCUMENT

Agency Permit 2019-0000

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY</p> <p><b>Adirondack Park Agency</b></p> <p>P.O. Box 99, 1133 NYS Route 89 Ray Brook, New York 12977 Tel: (518) 891-4050 Fax: (518) 891-3989 www.apa.ny.gov</p>	<p>APA Permit 2019-0000</p>
<p>In the Matter of the Application of <b>JOHN Q PUBLIC</b> Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577 and 9 NYCRR Part 578</p>	<p>Date Issued: November 19, 2019</p> <p>To the County Clerk: This permit must be recorded on or before January 19, 2020. Please index this permit in the grantor index under the following names: <b>1. John Q. Public</b></p>

## SUMMARY AND AUTHORIZATION

This permit authorizes ... in an area classified ... on the Adirondack Park Land Use and Development Plan Map in the Town, County.

This permit shall expire unless recorded in the County Clerk's Office on or before January 19, 2020, in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within # years from the date the permit is recorded. The Agency will consider the project in existence when ...

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property. Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

## PROJECT SITE

The project site is ...

## PROJECT DESCRIPTION

The project as conditionally approved herein involves ...

## AGENCY JURISDICTION

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act ...

## CONDITIONS

### THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded ...
2. This permit is binding on the permittee, all present and future owners ...
3. In addition to complying with all terms and conditions of this permit,

## Deeds

## Development

## Infrastructure

## CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act... The Agency hereby finds that the project authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the LUA land use area;
- c. will be consistent with the overall intensity guidelines for the LUA land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act, and
- e. 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;

# Shoreline Restrictions

## APA Act + Rivers Act

## APA Act - Shoreline Restrictions

- The APA Act and the Rivers Act both provide shoreline restrictions that prohibit certain
  - Structures
  - Vegetative Cutting
  - Septic Systems
- These restrictions apply within defined setback areas of lakes, ponds, rivers and other navigable waters.



# APA Act - Shoreline Structure Restrictions

New structures greater than 100 square feet in size must be set back from the mean high water mark of lakes, ponds, and navigable rivers and streams a distance of:

<b>Hamlet:</b>	<b>50 feet</b>
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<b>Moderate Intensity Use:</b>	<b>50 feet</b>
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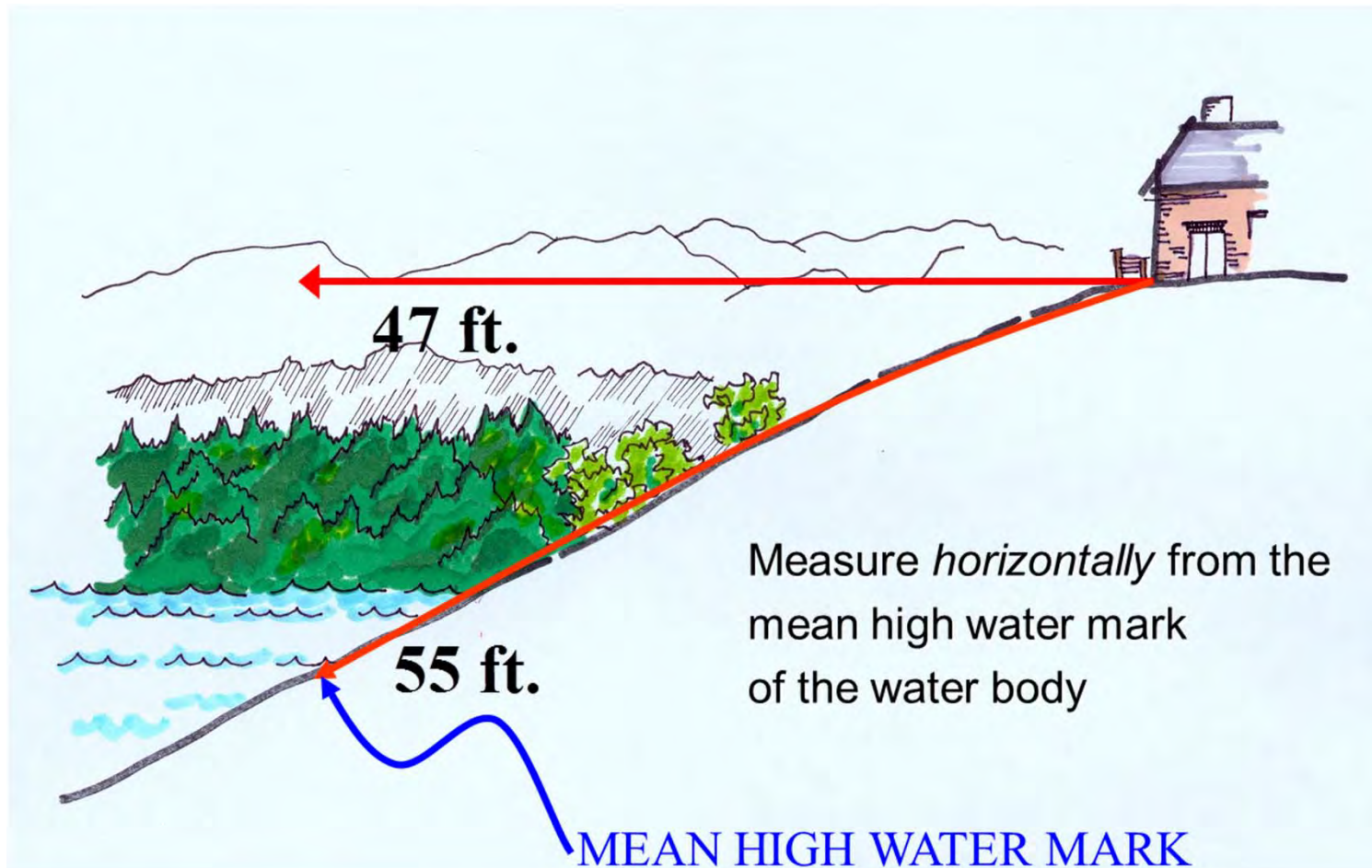
<b>Low Intensity Use:</b>	<b>75 feet</b>
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<b>Rural Use:</b>	<b>75 feet</b>
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<b>Resource Management:</b>	<b>100 feet</b>
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# APA Act - Shoreline Structure Restrictions





# APA Act - Shoreline Structure Restrictions

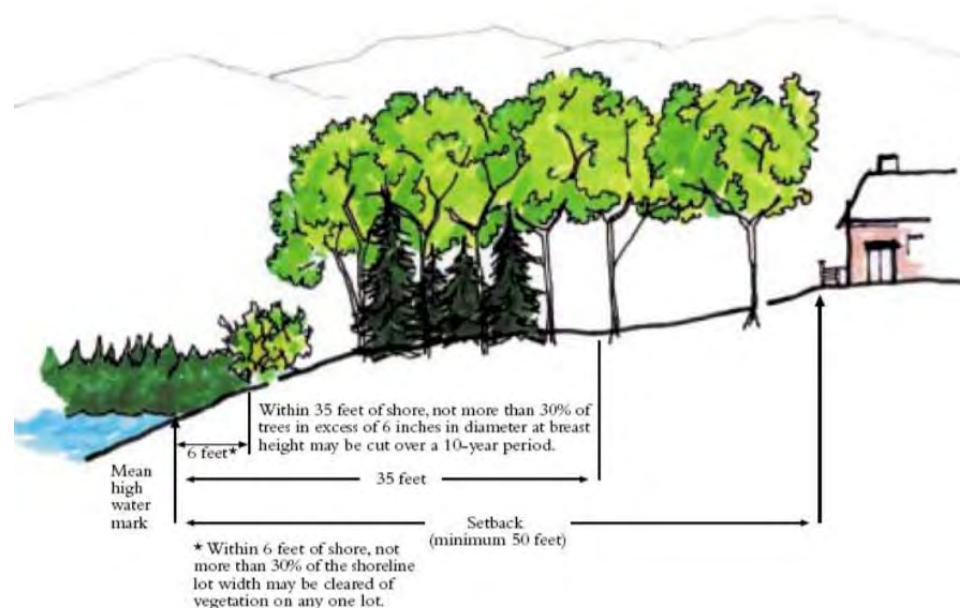
What is subject to the APA Act shoreline structure setback?

- Structures Include:
  - Buildings
  - Stairs
  - Decks
  - Fences
- Except:
  - Boathouses (single story, 1200 square feet, 15 feet height)
  - Docks (8 feet in width)
- *Sometimes...*
  - Retaining walls

# APA Act - Vegetative Cutting Restrictions

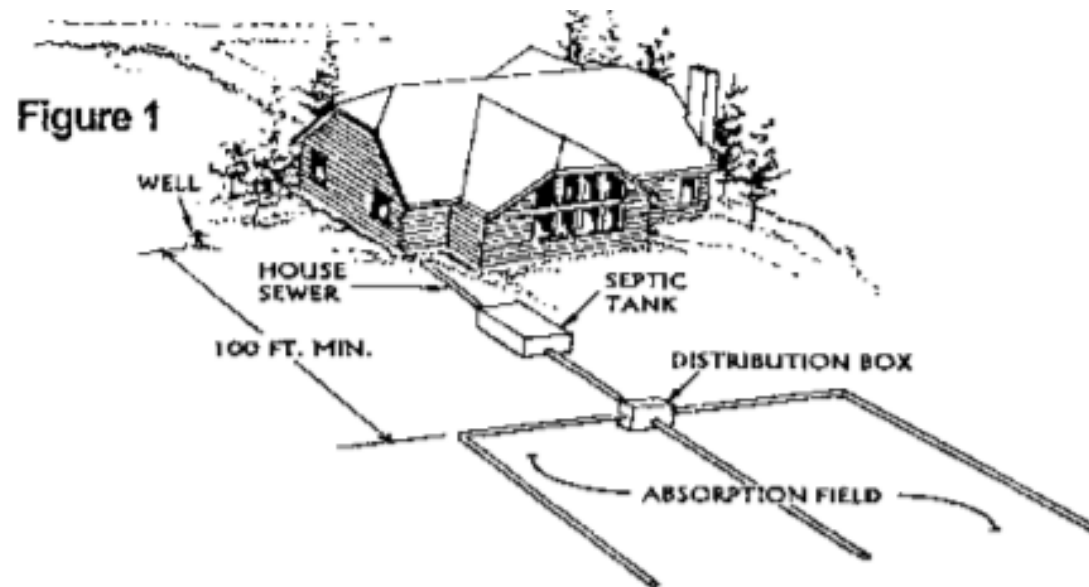
Vegetative cutting must comply with the following restrictions:

- ✓ No more than 30% of trees in excess of 6 inches in diameter at breast height may be removed from within 35 feet of the mean high water mark...
- ✓ No more than 30% of any type of vegetation may be removed from within 6-feet of the mean high water mark...



# APA Act - Septic System Restrictions

All new leaching components of septic systems must be set back 100 feet from the mean high water mark of all waterbodies, regardless of navigability



# Rivers Act - Structure Restrictions

- Wild Rivers
  - No new structures within the **entire corridor**
    - Exception: Footbridges for non-motorized open space recreation use
- Scenic Rivers
  - No new structures within **250 feet** of the mean high water mark
    - Exceptions: Fences, poles, signs of less than two square feet in area, lean-tos, docks, bridges, and stream improvement structures for fishery management purposes
- Recreational Rivers
  - No new structures within **150 feet** of the mean high water mark
    - Exceptions: Fences, poles, signs of less than two square feet in area, lean-tos, docks, boathouses, bridges, and stream improvement structures for fishery management purposes

# Rivers Act – Vegetative Cutting Restrictions

- Vegetative cutting generally prohibited within **100 feet** of mean high water mark of a river except pursuant to a permit or certain minor exceptions
- Vegetative cutting within the river area outside **100 feet** of the mean high water mark of the river may occur:
  - Pursuant to a rivers project permit
  - For forestry management purposes pursuant to specific standards and restrictions



# Variance Process

# Variance Process

- All applications for variances follow the same process
- Pre-application process
- Regulatory **time clocks** for review of applications and variance decisions

## Variance Review


- Requires a balancing of the effect of denial on the applicant with the effect on shoreline character and water quality
- Applicant must consider alternatives that would not require a variance and minimize any variance that is sought







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## Jurisdictional Inquiry Form

# Wetlands

## Wetlands – Defined

Any land that is annually subject to periodic or continual inundation by water, commonly referred to as a bog, swamp or marsh, and either:



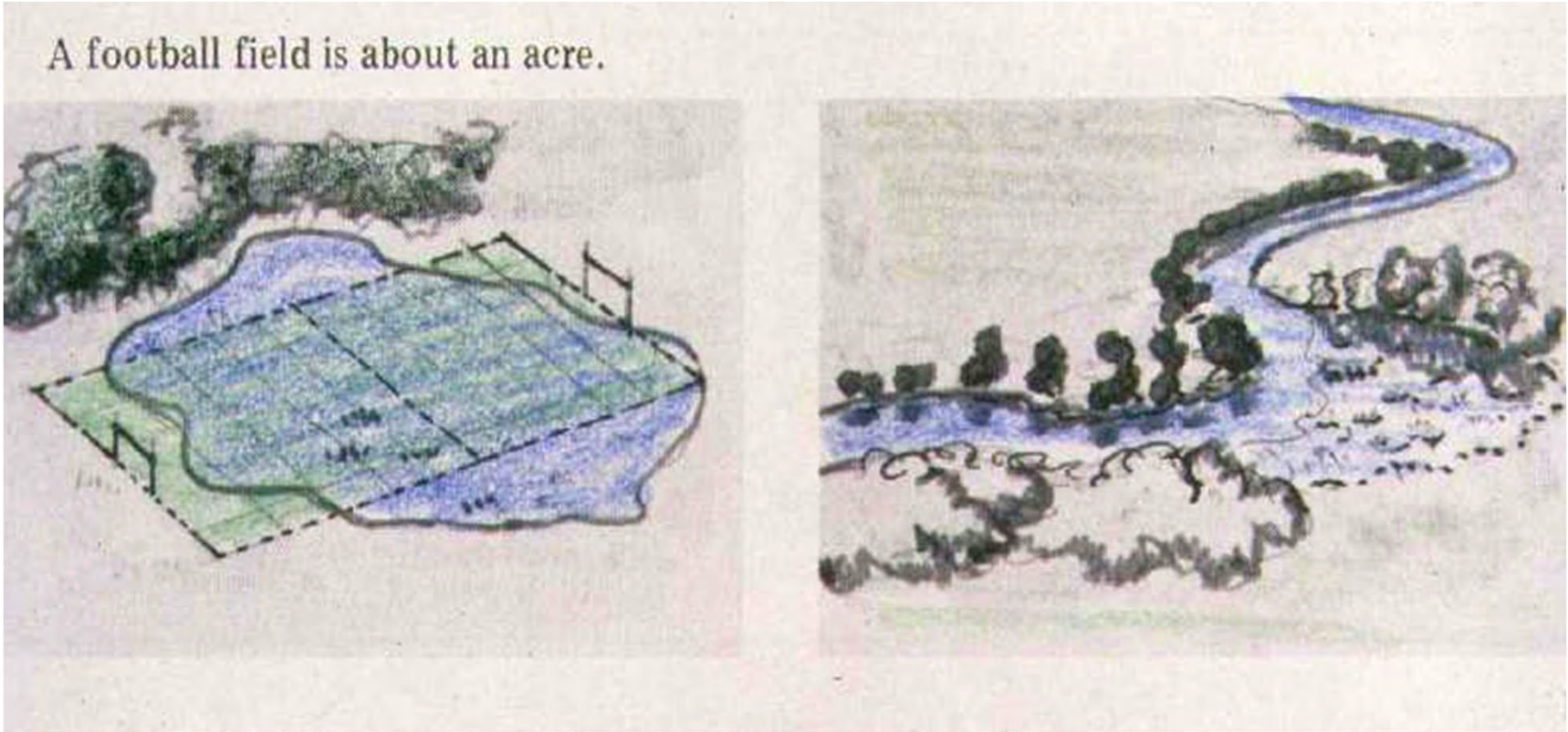
**One acre or more** in size,

*-Or-*

Of **any size** located **adjacent to a body of water**, including a permanent stream, with which there is free interchange of water at the surface.

# Wetlands - Defined

A football field is about an acre.



November 19, 2019

## **Wetland is Determined by:**

- 1. Vegetation**
- 2. Soil**
- 3. Hydrology**



# Wetlands - Regulated Activities

- Most subdivision & development activities within wetlands require a permit, even in Hamlet areas, including:
    - ✓ Draining, dredging, excavating
    - ✓ Dumping, filling
    - ✓ Constructing structures, roads, obstructions
    - ✓ Clearcutting more than 3 acres
    - ✓ Septic Systems within 100 feet
- +
- Any action that **substantially impairs** the functions served by or the benefits derived from a wetland is a regulated activity, even if undertaken outside the wetland boundaries.







# Wetland Values



APA values wetlands on a scale of “1” through “4” and different permit standards apply based on the value of the wetland:

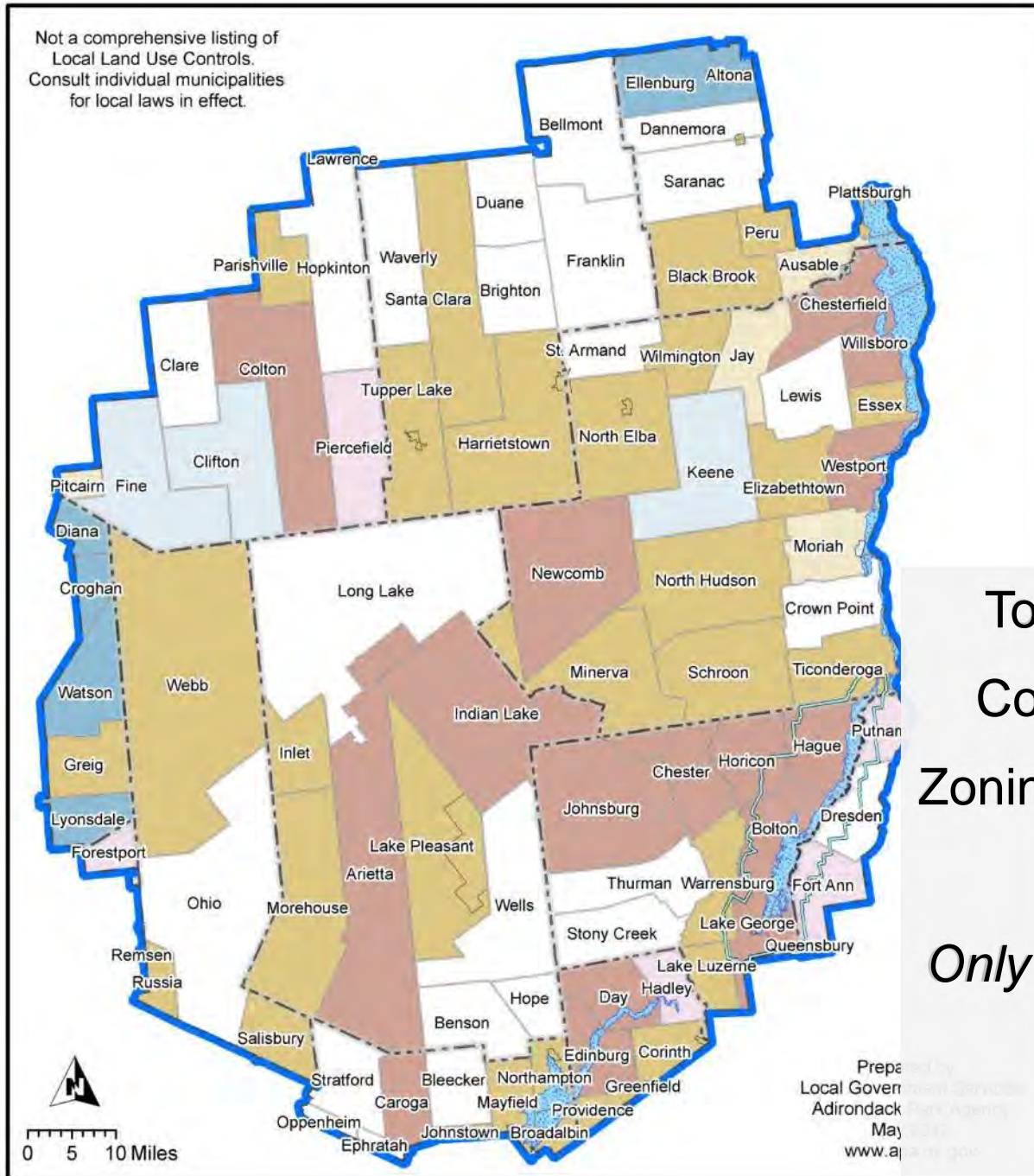
- Value 1 wetlands have the most stringent standard for permit issuance
- Value 2 wetlands also have a high standard for permit issuance
- Value 3 & 4 wetlands have less stringent standards, but applicants still must avoid and minimize impacts to wetlands

## Wetlands – Key Points

- 🔑 There are a lot of regulated wetlands in the Park
- 🔑 Activities in and outside a wetland may require a permit
- 🔑 All wetlands may not be shown on APA's digital wetland maps
- 🔑 Regulated wetlands can often be identified through a JIF **But** some wetlands, notably those beneath waterbodies, may require a site visit
- 🔑 Knowing the APA-determined “value” of the wetland affects how stringent the standard is for obtaining a permit

# APA-approved Local Land Use Programs ALLUPs

Not a comprehensive listing of Local Land Use Controls. Consult individual municipalities for local laws in effect.



## Local Land Use Controls in the Adirondack Park

- Lake George Park Commission Boundary
  - Park Blueline
  - State Boundary
  - County Boundary
  - Town Boundary
  - Village Boundary
- Land Use Controls**
- No ALLUP, SD, SPR, or Zoning\*
  - Site Plan Review
  - Subdivision Regulations
  - Subdivision & Site Plan Review
  - Zoning
  - Zoning & Subdivision Regulations

Towns & Villages with...

Comprehensive Plan: **66**

Zoning *and/or* Subdivision: **64**

**ALLUP: 18**

Only Site Plan Review *and/or* Subdivision: **14**

No Controls: **25**

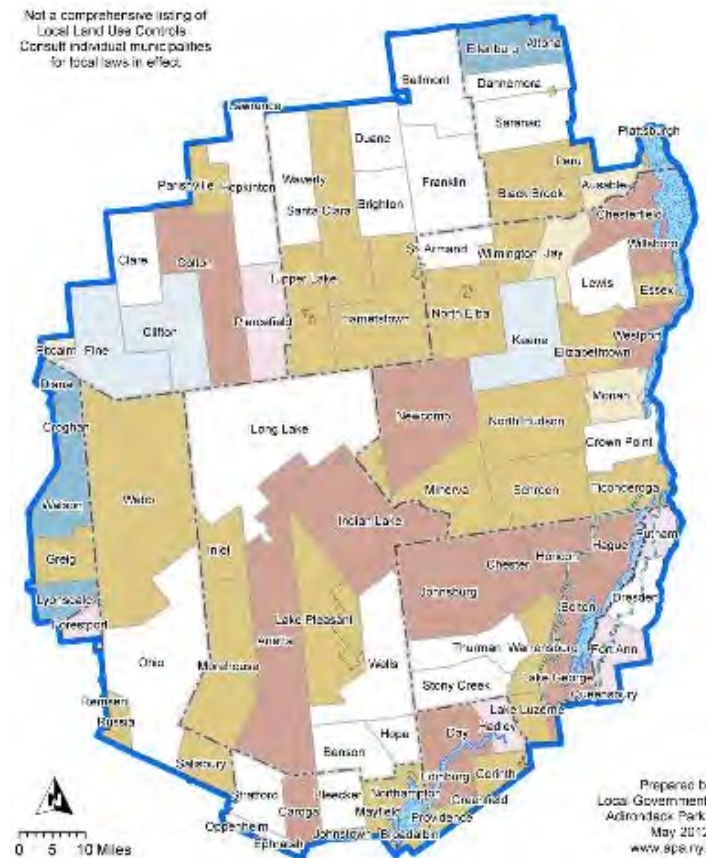
Prepared by  
Local Government  
Adirondack Park Agency  
May 2014  
www.apa.gov

# APA-approved Local Land Use Programs

ARIETTA  
BOLTON  
CAROGA  
CHESTER  
CHESTERFIELD  
COLTON  
DAY  
EDINBURG  
HAGUE  
VILLAGE of LAKE GEORGE

HORICON  
INDIAN LAKE  
JOHNSBURG  
LAKE GEORGE  
NEWCOMB  
QUEENSBURY  
WESTPORT  
WILLSBORO

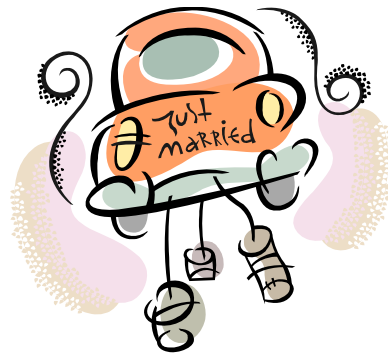
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Local Land Use Controls  
Consult individual municipalities  
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# Approved Programs ... What do they do?

## APA-approved Local Land Use Program:

- Local code includes provisions of the APA Act & APA Regulations
- APA transfers Class B permitting and Shoreline Restrictions to Town/Village for administration
  - Local Permit for Class B Projects
  - Local Variance for shoreline restrictions



# Reasons/Benefits of an Approved Program

1. Coordinated Permit System
2. Local Authority Over Class B Regional Projects
3. Local Participation in APA Review of Class A Regional Projects
4. Local Authority Over Shoreline Restrictions
5. Refinement of Density Patterns

# 1. Coordinated Permit System

Applies to Review of Class A Projects in a ALLUP

- Town/Village can choose to review Class A Projects concurrently with APA or only require APA review of Class A Projects.



And/Or





## 2. Local Authority Over Class B Regional Projects

Requires only local approval of Class B projects

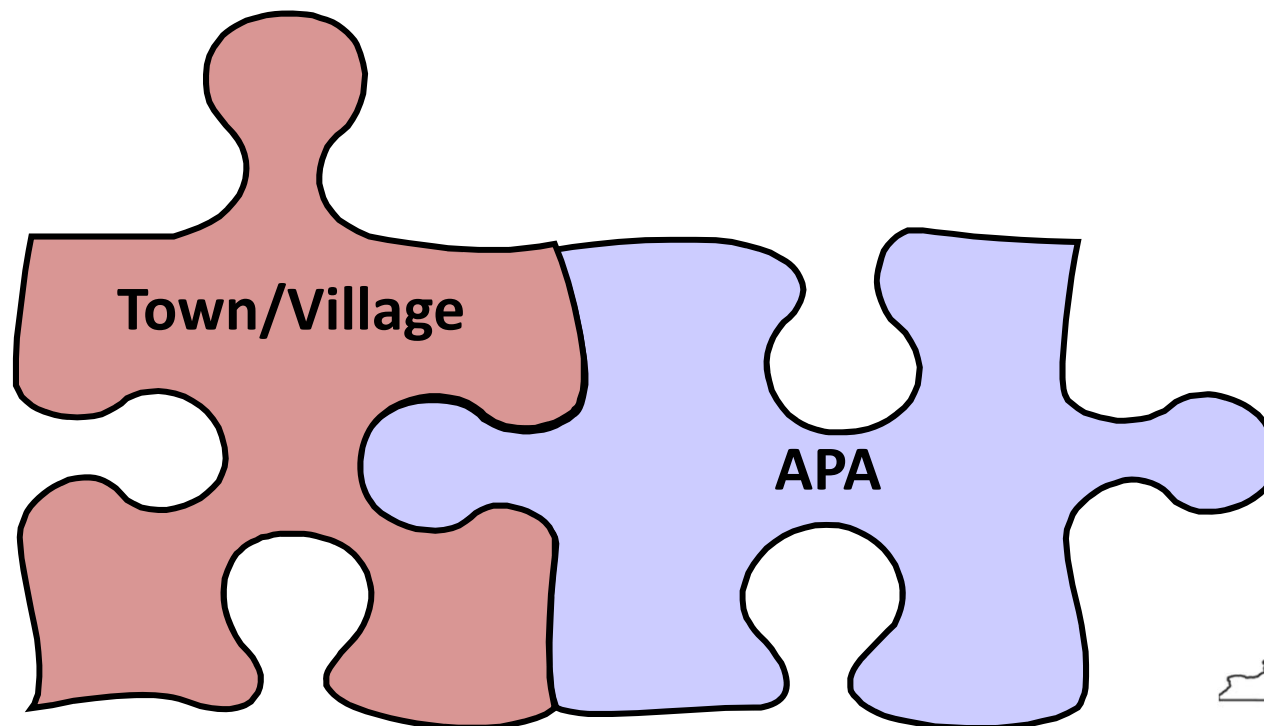


Only  
Local



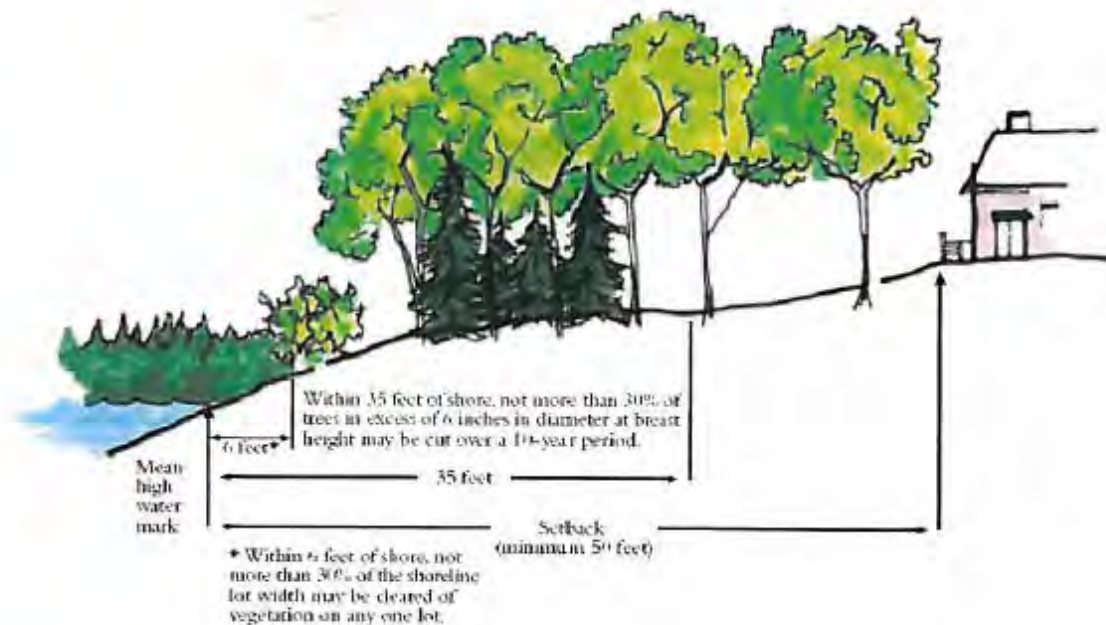
### 3. Local Participation in APA Review of Class A Regional Projects

- APA Staff apply Town/Village standards for review of Class A Projects
- APA Staff consult with Town/Village Planning Board for review of Class A Projects



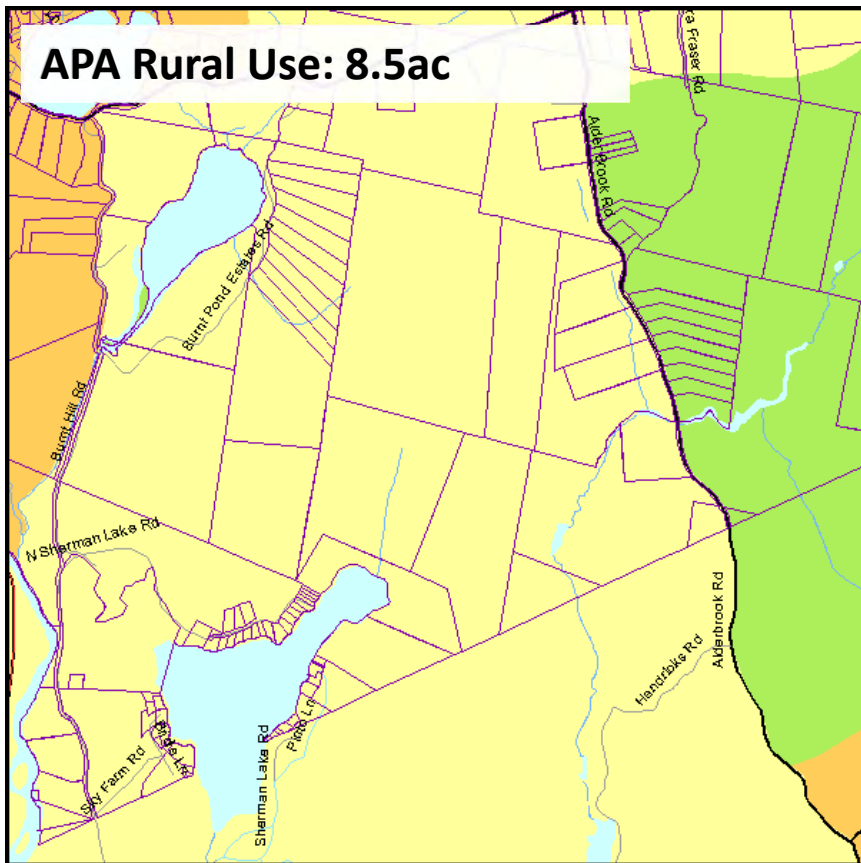
## 4. Local Authority Over Shoreline Restrictions

- Town/Village Zoning Board of Appeals reviews variances from the shoreline restrictions
  - Note: APA does retain some oversight of locally issued variances

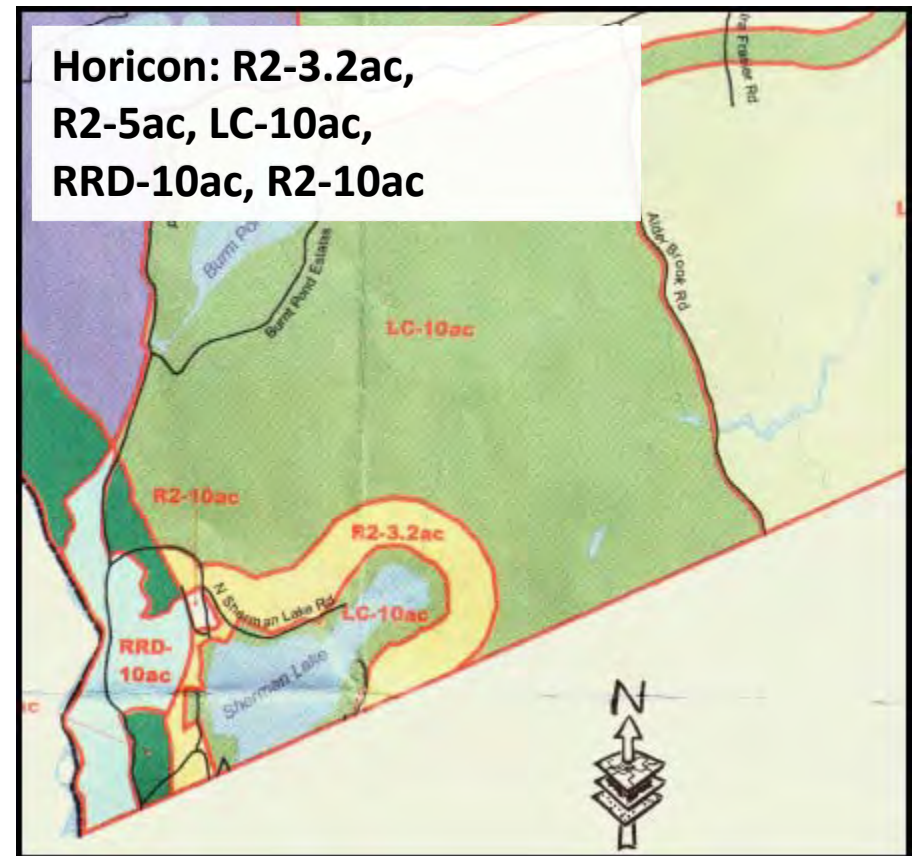


# 5. Refinement of Density Patterns

ALLUP Allows for *reasonable application* of the Overall Intensity Guidelines



APA Land Use Areas



Horicon Zoning Map

## Key Points on ALLUP's

- 🔑 Town/Village has jurisdiction over APA Class B projects
- 🔑 Town/Village administers APA Shoreline Restrictions
- 🔑 APA Staff must apply local controls + APA in review of Class A projects

ARIETTA  
BOLTON  
CAROGA  
CHESTER  
CHESTERFIELD  
COLTON  
DAY  
EDINBURG  
HAGUE

HORICON  
INDIAN LAKE  
JOHNSBURG  
LAKE GEORGE  
NEWCOMB  
QUEENSBURY  
WESTPORT  
WILLSBORO  
VILLAGE OF LAKE GEORGE

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