Appendix D
Adirondack Park Agency Jurisdictional Chart

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.

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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

REVIEW AUTHORITY BY TYPE OF LAND USE AND DEVELOPMENT

		APA ACT LAND USE AREAS					
	OVERALL INTENSITY GUIDELINE PRINCIPAL BUILDINGS PER SQUARE MILE (AVERAGE LOT SIZE IN ACRES)	HAMLET NO INTENSITY RESTRICTIONS	MODERATE INTENSITY USE 500 (1.3)	LOW INTENSITY USE 200 (3.2)	RURAL USE 75 (8.5)	RESOURCE MANAGEMENT 15 (42.7)	INDUSTRIAL USE 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						
	WITHIN 1/4 MILE OF NAVIGABLE STUDY RIVER	NJ	A 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 lots 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 Or if any lot, parcel or site does not conform to the shoreline lot width requirements	A 35 or more lots, parcels or sites	A 20 or more lots, parcels or sites		
	4. Mobile Home Court	NJ / A 100 or more units	B / A 75 or more units	B / A 35 or more units	B / A 20 or more units	IC - B	IC - B
	5. Multiple Family Dwelling					IC - B	IC - B
PUBLIC/OPEN SPACE/FORESTRY/AGRICURTURAL	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	IC - B	B
	18. Municipal Road	NJ	B	B	B	B	B
COMMERCIAL/INDUSTRIAL/RECREATIONAL	19. Agricultural Service Use	NJ	B / A 10,000 sq. ft. Or more	B / A 5,000 sq. ft. or more	B / A 2,500 sq. ft. or more	A	B
	20. Commercial Use	NJ				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). 5-20 lots	100 ft.	100	100	100	100	100
21-100 lots	100 feet plus 3 feet for each lot exceeding 20					
101-150 lots	340 feet plus 2 feet for each lot exceeding 100					
over 150 lots	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