



NEW YORK STATE  
**Adirondack**  
parkagency

# RULES & REGULATIONS

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*Governor*

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## NOTICE

This is an unofficial compilation of the regulations of the Adirondack Park Agency and includes the latest revisions as of September 25, 2013. These regulations are presented as a quick reference tool. While they are believed to be accurate, they are not certified copies of the regulations and therefore should not be relied upon for legal interpretation. For an official copy of these regulations, please refer to Title 9, Subtitle Q (Part 570 et seq.), of the *Official Compilation of Codes, Rules and Regulations of the State of New York* (NYCRR), prepared by the Department of State and published by Thomson Reuters/West or available through Westlaw.

(2) For the purpose of this definition, *camp trailers, travel trailers, motor homes or similar facility designed for temporary shelter* shall not include any single vehicle exceeding eight feet in width or 35 feet in length or vehicles, including a trailer or semi trailer or any combination exceeding eight feet in width or a total of 55 feet in length, nor shall any campground permit structural additions to or removal of wheels from vehicles admitted or furnish all weather water supply or sewage disposal connections at individual sites.

(e) *Chief elected officer* means a town supervisor or a village mayor.

(f) *Clearcutting* means:

(1) any cutting of trees over six inches in diameter at breast height over any 10-year cutting cycle where the average residual basal area of such trees after such cutting is less than 30 square feet per acre, measured within the area harvested.

(2) Where regeneration is assured by stand conditions such that after such cutting the average residual basal area of trees at least one inch in diameter at breast height is at least 30 square feet per acre, measured within the area harvested, clearcutting will not be deemed to have taken place unless the average residual basal area of trees over six inches in diameter at breast height is less than 10 square feet per acre, similarly measured.

(g) *Critical environmental area* means:

(1) in a hamlet area, wetlands;

(2) in moderate intensity use, low intensity use, rural use and resource management areas:

(i) wetlands; (ii) lands at elevations of 2,500 feet or more; (iii) lands within 1/8 mile of State lands classified wilderness, primitive or canoe by the State Land Master Plan; and (iv) lands within 1/4 mile of rivers navigable by canoe designated by section 15-2715 of the Environmental Conservation Law to be studied for inclusion in the wild, scenic and recreational rivers system. The rivers to be studied are listed in Appendix Q-6 of this Title; and

(3) in rural use areas, lands within 150 feet of, and in resource management areas, lands within 300 feet of, the edge of the rights of way of State or Federal highways, or such county highways as may be designated as major travel corridors by rule or regulation of the agency or in an approved local land use program.

(h) *Customarily incidental* means, for purposes of the definitions of accessory use and accessory structure, a structure or use which commonly accompanies or is associated with the type of principal land use that is located on the same property.

(i) *Development considerations* means the list of factors relating to the potential for undue adverse impact upon the resources of the Adirondack Park contained in section 805(4) of the Adirondack Park Agency Act and section 574.5 of this Title and considered by the agency in reviewing a class A or class B regional project. Certain of the development considerations are further defined for this purpose in section 574.5 of this Title.

**PART 574**  
**STANDARDS FOR THE REVIEW OF PROJECTS PURSUANT**  
**TO THE ADIRONDACK PARK AGENCY ACT**

(Statutory authority: Environmental Conservation Law §§15-2709[1], 24-0805, 24-0903[5]; Executive Law, §§804[9], 809[14]; art. 27)

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**§ 574.1 General rule.**

Class A and class B regional projects subject to agency review shall be reviewed according to the standards set forth in section 809 of the Adirondack Park Agency Act and this Part. Projects which are also rivers projects or wetlands projects shall be subject, as applicable, to the additional standards in Parts 577 and 578 of this Title.

**§ 574.2 Consultations with agency technical staff.**

Consultations with the agency's technical staff and reference to the development considerations set forth in section 574.5 of this Part will assist in designing a project which avoids undue adverse impact upon the resources of the Adirondack Park and will facilitate its approval. The agency has also developed an advisory publication, *Development in the Adirondack Park: Objectives and Guidelines for Planning and Review*, to assist the project sponsor.

**§ 574.3 Sign standards.**

Signs associated with projects subject to agency review shall comply with the sign standards set forth as Appendix Q-3 of this Title.

**§ 574.4 Wastewater Treatment System Standards.**

Unless otherwise provided in an agency permit, individual wastewater treatment systems associated with a project which are designed to treat less than 1,000 gallons of wastewater per day shall be designed, installed and maintained in accordance with the standards set forth in "*Wastewater Treatment Standards – Residential Onsite Systems*", Appendix 75-A, Title 10, of the *Official Compilation of Codes, Rules and Regulations of the State of New York*, and with the additional standards set forth in Appendix Q-4 of this Title.

**§ 574.5 Further definitions of the development considerations.**

Those development considerations of section 805(4) of the Adirondack Park Agency Act which are pertinent will be considered by the agency in its review of projects. A list of the development considerations, containing certain further definitions is set forth below:

(a) *Natural resource considerations.* (1) Water.

(i) Existing water quality.

(ii) Natural sedimentation or siltation.

(iii) *Eutrophication*, as considered by the agency in its review of projects, means accelerated increases in the content of plant nutrients in a water body, caused by excess phosphorus and nitrogen, which typically result in murky water and nuisance algae blooms. If unchecked, this cultural enrichment will severely limit usage of surface waters for drinking, swimming and fishing, and will lead to the decline or disappearance of aquatic organisms and ultimately the death of the water body.

(iv) Existing drainage and runoff patterns.

(v) Existing flow characteristics.

(vi) *Existing water table and rates of recharge* means the seasonal high groundwater table and the aquifer recharge rate.

(a) The *seasonal high groundwater table* is the highest surface of a zone of saturated soil which is at least six inches thick and which persists during the average year for more than a week when the ground is free of frost.

(b) An *aquifer* is a permeable geologic formation which will yield significant quantities of potable water for supply by such means as drilled or artesian wells, springs and stream recharge.

(c) An *aquifer recharge area* is a region of land surface supplying water to an aquifer, and is characterized by gently sloping (less than 8%) soils with a rapid permeability rate (generally greater than 6.3 inches per minute) or with moderate to highly fractured bedrock at or near the surface.

(2) Land. (i) Existing topography.

(ii) Erosion and slippage.

(iii) *Floodplain and flood hazard* includes floodplains, floodways and floodway fringes as determined by the highest level of flood that, on the average, is likely to be equalled or exceeded once every 100 years.

(a) A *floodplain* is a normally dry land area, adjoining rivers, streams, ponds, lakes or wetlands, which is susceptible to partial or complete inundation due to:

- (1) overflow of inland waters;
- (2) unusual or rapid accumulation or runoff of surface waters from any source, including spring snowmelt, severe rainfall, and/or oversaturation of the soil; or
- (3) mudslides or mudflows proximately caused or precipitated by accumulations of water on or under the ground.

(b) *Floodways* are the part of the floodplain that must remain unrestricted in order to discharge the 100 year flood without cumulatively increasing the water surface elevation more than one foot at any point. They comprise the stream channel and immediately adjacent lands which are frequently flooded and which help carry the major portion of floodwaters during extreme floods.

(c) *Floodway fringes* are the parts of the floodplain extending from the outer edge of the floodway to the outer limit of the 100 year floodplain. Water in floodway fringes is often shallow and slow moving, even during a major flood.

(iv) Mineral resources.

(v) *Viable agricultural soils* means those soils suited for commercial agricultural production. See Feuer and Maine, *Soil Groups for Agriculture: A Report of Soils Occurring Primarily on Private Land Within the Blue Line of the Adirondack Park* (New York State College of Agriculture and Life Science at Cornell University, 1972).

(vi) Forest resources.

(vii) Open space resources.

(viii) Vegetative cover.

(ix) The quality and availability of land for outdoor recreational purposes.

(3) Air. (i) Air quality.

(4) Noise. (i) Noise levels.

(5) Critical resource areas.

(i) Rivers and corridors of rivers designated to be studied as wild, scenic or recreational in accordance with section 15 2715 of the Environmental Conservation Law.

(ii) *Rare plant communities* means communities of native terrestrial plant species that occur at less than 30 recorded locations in New York State, as shown on the Listing of Rare and *Endangered Plants* prepared by the agency or as may be located on the Unique Natural and Cultural Feature Maps maintained by the agency.

(iii) Habitats of rare and endangered species and key wildlife habitats.

(a) *Habitats of rare and endangered species* means habitats and likely habitats of rare plant communities and of terrestrial wildlife listed in *Rare and Endangered Wildlife within the Adirondack Park*, Appendix D of the agency publication *Development in the Adirondack Park*.

(b) *Key wildlife habitats* means habitats required for the survival of wildlife species which are characteristic of the northern hardwood and coniferous forests of the Adirondack Park, many of which are unique, within New York, to the Adirondacks or rare or endangered within the State. Key wildlife habitats include:

(1) *deer wintering yards*, which means areas having a distinctive combination of vegetation, topography and hydrological characteristics that offer protection and food for deer forced to seek shelter due to deep snow or severe weather conditions;

(2) *waterfowl nesting, resting and feeding areas*, which means areas vitally important to the maintenance of breeding and migrating waterfowl populations, especially shallow and deep water marshes contiguous to open water;

(3) *ecotones*, which means areas of major vegetation transition zones providing valuable food, shelter, water and rearing areas for a variety of wildlife species, some of which live primarily within the ecotone, and some of which depend on it during certain periods of their life cycle. Ecotones include borders of lakes, ponds, rivers and streams, borders between coniferous and hardwood vegetation, and the edges of open areas such as fields and plains which abut forested lands.

(iv) Alpine and subalpine life zones.

(v) Wetlands.

(vi) Unique features, including gorges, waterfalls, and geologic formations.

(6) Wildlife. (i) Fish and wildlife.

(7) *Aesthetics* means harmonizing land use or development with the natural environment.

(i) *Scenic vistas* include distant views through or along an opening, especially views which frame or focus attention upon a scene of distinctive character and natural beauty such as a prominent landmark, mountain, river valley, plain, or historical monument. Scenic vistas include those designated on the official Adirondack Park land use and development plan map, and those locally designated.

(ii) *Natural and man-made travel corridors* include the land or water visible from natural and man-made transportation routes such as interstate, State, county and town highways, boating and canoe routes, and hiking and horse trails.

- (b) *Historic site considerations.* (1) Historic factors:
  - (i) historic sites or structures.
- (c) *Site development considerations.* (1) Natural site factors.
  - (i) Geology.
  - (ii) Slopes.
  - (iii) Soil characteristics.
  - (iv) Depth to groundwater and other hydrological factors.
 (2) Other site factors. (i) Adjoining and nearby land uses.
  - (ii) Adequacy of site facilities.
- (d) *Governmental considerations.* (1) Governmental service and finance factors.
  - (i) *Ability of government to provide facilities and services* means the effect of a land use or development or subdivision of land upon the fiscal affairs of all local governments under a duty to provide services and facilities such as education, recreation, police and fire protection, public health, public sewer and water, sanitary landfills and transportation, assuming the current tax structure and tax rates are to be maintained.
  - (ii) Municipal, school or special district taxes or special district user charges.
- (e) *Governmental review considerations.* (1) Governmental control factors. *Conformance with other governmental controls* includes conformance with local land use controls in accordance with section 574.6 of this Part.

**§ 574.6 Conformance with local land use controls.**

The agency will not approve a project which has been denied a permit or which is a prohibited use under local zoning requirements and other local laws or ordinances. The agency will also recognize community goals expressed in a formally adopted master plan.

**§ 574.7 Application of the overall intensity guidelines.**

In addition to the provisions of section 809(10)(c) of the Adirondack Park Agency Act and the applicable exemptions of section 811 of the Act, the following rules shall apply:

- (a) The number of new principal buildings associated with a project shall be the net increase in principal buildings on a project site. A project that does not result in such a net increase (such as tearing down an existing principal building and constructing a new principal building elsewhere on the project site) will not be considered to involve a new principal building for the purpose of applying the overall intensity guidelines.

(b) Where a purely mathematical application of the overall intensity guidelines to a given project site results in a fractional number of permissible principal buildings, that number shall be rounded to the nearest whole number, which shall be the arithmetically permissible number of principal buildings.

(c) As many as 10 percent greater number of principal buildings than are arithmetically permissible may be permitted where justified by natural resource and public considerations, such as where a common sewerage system is provided or where the project would be substantially invisible from travel corridors.

(d) The overall intensity guidelines shall apply to all principal buildings which are part of a project, except single family dwellings or mobile homes which are proposed to be located on (1) a preexisting vacant lot of record as described in section 811(1)(a) of the Adirondack Park Agency Act, (2) a lot located in a preexisting subdivision which has received New York State Department of Health approval, or (3) a lot created by bona fide gift, devise or inheritance where the donor or decedent continuously owned the property since prior to May 22, 1973 and the recipient was a member of his immediate family.

#### **§ 574.8 Conversion of resort hotels, rental cottages and group camps.**

(a) For purposes of applying the conversion provision of section 811(1)(b) of the Adirondack Park Agency Act, structures associated with resort hotels, rental cottages and group camps shall only include a single, or multiple family dwelling, dormitory, hotel, main lodge, cabin, cottage, bungalow, bunkhouse or other structure which is permanently affixed to the land and is suitable for conversion to single family residential use, taking into account its existing character, condition and facilities, and general site considerations.

(b) In the review of conversions pursuant to section 811(1)(b) of the Adirondack Park Agency Act, the agency will apply the following criteria:

(1) A structure shall be converted only at its existing location unless the agency determines that the purposes and policies of the Adirondack Park Agency Act would be better served by the removal of the structure to, or the replacement of the structure at, a different location on the project site.

(2) A single structure containing over 1,250 square feet of net interior floor space as of May 22, 1973 may be converted to more than one single family residential unit at the approximate rate of one unit for each 1,250 square feet of floor space in the structure prior to conversion; however, there shall be no fixed square footage requirement for the resulting units.

(3) For the purpose of determining whether any additional principal buildings may be constructed on the project site, each single family residential unit resulting from the conversion shall be considered a new principal building, and the overall intensity guidelines will be applied pursuant to the Adirondack Park Agency Act and section 574.7 of this Part.

All contiguous or adjacent lands associated with the prior use or in the same ownership shall be included in the area upon which the overall intensity guidelines will be applied.



(c) The agency will, upon request and after an application is complete, advise whether a conversion proposal meets the criteria of this section.

## G. DETERMINANT: PARK CHARACTER

### 1. Characteristic: Vistas.

Description: Area viewed from the 40 Adirondack Park vistas identified in the State Land Master Plan.

Land use implications: The intensity of development should vary with the distance from the vista with the purpose of protecting the open-space character of the scene. Development within one-quarter mile of the vista will have a substantial visual impact on this character and should be avoided. Between one-quarter mile and five miles, a low intensity of development will not damage the open-space appearance, whereas intense development would. Relatively intense development beyond five miles will not damage the scene so long as it does not consist of large clusters of buildings or industrial uses.

### 2. Characteristic: Travel corridors.

Description: Presently undeveloped areas adjacent to and within sight of public highways.

Land use implications: Travel corridors play an important role in establishing the park image to the majority of park users. Unscreened development within these areas would be detrimental to the open-space character of the park. The allowable intensity of development should not be allowed to substantially alter the present character of these travel corridors.

### 3. Characteristic: Proximity to State land.

(a) (1) Description: Areas within sight and sound of, but not more than one-half mile from, intensively used portions of wilderness, primitive and canoe areas.

(2) Land use implications: Intense development of these areas would threaten the public interest in and the integrity and basic purposes of wilderness, primitive and canoe area designation. Consequently, these lands should be developed at only a very low level of intensity.

(b) (1) Description: Inholding surrounded by wilderness, primitive or canoe areas.

(2) Land use implications: Development at more than a very minimal level of intensity should not be allowed. The development of such parcels would compromise the integrity of the most fragile classifications of land under the Adirondack Park State Land Master Plan.

(c) (1) Description: Inholdings of less than 1,000 acres surrounded by wild forest lands and inaccessible by two-wheel-drive vehicles.

(2) Land use implications: These areas should not be developed at more than a very low level of intensity. Intense development of these areas would constitute a hazard to the quality of the surrounding wild forest lands.

### 4. Characteristic: Proximity to services.

(a) (1) Description: Areas that are remote from existing communities and services.

(2) Land use implications: Intense development of these areas would be detrimental to open-space character of the park. Development of such remote areas is also generally costly in terms of services provided by local government. Consequently, a low level of development should be permitted.

(b) (1) Description: Areas that are readily accessible to existing communities.

(2) Land use implications: These areas can sustain a high level of development intensity. Local government services can be efficiently and economically provided in such areas. Development here will generally be of positive economic value to a community.

5. Characteristic: Historic sites.

Description: Sites of historic significance from a local, park or national standpoint.

Land use implications: Any development of the site itself or its immediate environs, except restoration, would destroy the site's historical and educational values.

#### H. DETERMINANT: PUBLIC FACILITY

1. Characteristic: Public sewer systems.

Description: Areas served by a public sewer system.

Land use implications: Development may occur in these areas in spite of certain resource limitations that have been overcome by public sewer systems. Consequently, these areas can often be used for highly intensive development.

2. Characteristic: Proposed public sewer systems.

Description: Areas identified in a county comprehensive sewerage study where public sewer systems are considered feasible.

Land use implications: Encouraging relatively intense development in these areas will often provide the necessary impetus to establish the proposed systems. These systems will overcome certain health hazards and associated environmental problems that would otherwise be considered limiting.

#### I. DETERMINANT: EXISTING LAND USE

1. Characteristic: Urbanized.

(a) (1) Description: A large, varied and concentrated community with a diversity of housing and services.

(2) Land use implications: Generally, these areas have the facilities and potential to develop as major growth and service centers.

(b) (1) Description: A small, concentrated community.

(2) Land use implications: Generally, these areas have the potential to develop as growth centers.

2. Characteristic: Residential.

Description: Areas of primarily residential development.

Land use implications: The primary use of these areas should continue to be residential in nature.

3. Characteristic: Forest management.

Description: Large tracts, primarily of northern hardwood or spruce-fir forests, under active forest management.

Land use implications: These areas should be developed at only a minimal level of intensity. They constitute a unique natural resource. The supply of these species of trees, which are uncommon in such quantities elsewhere in the State, is important to insure a continuing supply of saw-logs and fiber for the economically vital wood-using industry of the region.