S T A T E O F N E W Y O R K

4149

2009-2010 Regular Sessions

I N A S S E M B L Y

January 30, 2009

Introduced by M. of A. BRODSKY -- Multi-Sponsored by -- M. of A. AUBRY, CLARK, DIAZ, GLICK, GOTTFRIED, HOYT -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the executive law, in relation to land development in the Adirondack park and to amend the environmental conservation law and the executive law, in relation to leasing of forest lands for recreational uses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 802 of the executive law is amended by adding a new subdivision 23-a to read as follows:

23-A. "HUNTING AND FISHING CABIN" AND "PRIVATE CLUB STRUCTURE" MEAN A CABIN, CAMP OR, LEAN-TO OR OTHER SIMILAR STRUCTURE DESIGNED FOR OCCASIONAL OCCUPANCY FOR HUNTING, FISHING, OR SIMILAR PURPOSES AND LACKING FACILITIES THAT WOULD MAKE THE STRUCTURE SUITABLE AS A PERMANENT DWELLING.

S 2. Section 803-a of the executive law, as added by chapter 348 of the laws of 1973, is amended to read as follows:

S 803-a. Adirondack park local government REGIONAL PLANNING AND review board. 1. For the purpose of advising and assisting the Adirondack park agency in carrying out its functions, powers and duties, [there is hereby established] the Adirondack park local government review board IS HEREBY REESTABLISHED, TO BE KNOWN AS THE ADIRONDACK PARK LOCAL GOVERNMENT REGIONAL PLANNING AND REVIEW BOARD. Such board shall consist of twelve members, each of whom shall be a resident of a county wholly or partly within the park. No more than one member shall be a resident of any single county. Each member shall be appointed by or in the manner determined by the legislative body of each such county.

2. The members of the review board shall serve for such terms as shall be determined by their respective appointing authorities. Any member of

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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the board may, if authorized by his OR HER appointing authority, designate an alternate to serve in his OR HER absence.

3. The review board shall elect, for such term as it may determine, a [chairman] CHAIRPERSON from among its membership and such other officers as it deems necessary. SUCH CHAIRPERSON SHALL BECOME AN EX-OFFICIO, NON-VOTING MEMBER OF THE ADIRONDACK PARK AGENCY.

4. The review board shall meet regularly at least four times each year. Special meetings may be called by the [chairman] CHAIRPERSON and shall be called by [him] SUCH CHAIRPERSON at the request of a majority of the review board.

5. No member of the review board shall be disqualified from holding any other office or employment by reason of his OR HER appointment [hereunder] PURSUANT TO THIS SECTION, notwithstanding the provisions of any general, special, or local law.

6. The members of the review board shall receive no compensation for their services, but their respective appointing authorities may provide for payment of their actual and necessary expenses incurred in the performance of their duties [hereunder] PURSUANT TO THIS SECTION.

7. In addition to any other functions or duties specifically required or authorized in this article, the review board shall HAVE THE FOLLOWING POWERS:

A. TO PROVIDE TECHNICAL PLANNING ASSISTANCE TO LOCAL GOVERNMENTS;

B. TO PREPARE ALL OR A PORTION OF LOCAL LAND USE PROGRAMS PURSUANT TO SECTION EIGHT HUNDRED SEVEN OF THIS ARTICLE PURSUANT TO AN AGREEMENT WITH THE LOCAL GOVERNMENT FOR WHICH THE PROGRAM IS BEING PREPARED;

C. TO ADVISE THE ADIRONDACK PARK AGENCY IN THE PROVISION OF GRANTS TO LOCAL GOVERNMENTS FOR PREPARATION AND ADMINISTRATION OF LOCAL LAND USE PROGRAMS; AND

D. TO monitor the administration and enforcement of the Adirondack park land use and development plan and periodically report thereon, and make recommendations in regard thereto, to the governor and the legislature, and to the county legislative body of each of the counties wholly or partly within the park.

S 3. Section 804 of the executive law is amended by adding a new subdivision 9-a to read as follows:

9-A. TO PROMULGATE, BY RULE AND REGULATION, A SCHEDULE OF FEES TO BE COLLECTED PRIOR TO THE REVIEW OF THE FOLLOWING: (I) VARIANCES PURSUANT TO SECTION EIGHT HUNDRED SEVEN OF THIS ARTICLE; (II) REGIONAL PROJECTS PURSUANT TO SECTIONS EIGHT HUNDRED TEN AND EIGHT HUNDRED ELEVEN OF THIS ARTICLE; AND (III) APPLICATIONS PURSUANT TO TITLE II OF ARTICLE ELEVEN OF THE PUBLIC HEALTH LAW. FEES SHALL NOT EXCEED ONE PERCENT OF THE CAPITAL COST OF THE PROJECT, AS ESTIMATED AND DOCUMENTED BY THE APPLICANT. THE AGENCY SHALL PRESCRIBE, BY RULE AND REGULATION, THE DOCUMENTATION REQUIRED BY APPLICANTS TO DEMONSTRATE CAPITAL COSTS PURSUANT TO THIS SUBDIVISION. FEES SHALL BE GRADUATED TO REFLECT THE POTENTIAL IMPACT ON RESOURCES OF THE PARK, THE SIZE OF THE PROJECT, AND THE COMPLEXITY OF THE PERMIT. MONEYS COLLECTED FROM FEES PURSUANT TO THIS SUBDIVISION SHALL BE PAID INTO THE MISCELLANEOUS SPECIAL REVENUE FUND TO THE CREDIT OF THE ADIRONDACK PARK AGENCY ACCOUNT AND SHALL BE USED TO FUND PERMIT REVIEW ACTIVITIES. MINOR PROJECTS SHALL NOT BE SUBJECT TO FEES PURSUANT TO THIS SUBDIVISION. THE AGENCY SHALL CHARGE A FEE TO AN APPLICANT FOR A PERMIT IN ORDER TO RECOVER THE COSTS INCURRED IN REVIEWING AND ACTING UPON AN APPLICATION FOR SUCH PERMIT;

S 4. Paragraphs f and g of subdivision 3 of section 805 of the executive law, as added by chapter 348 of the laws of 1973, are amended and a new subdivision 5 is added to read as follows:

f. Rural use areas. (1) Character description. Rural use areas, delineated in yellow on the plan map, are those areas where natural resource limitations and public considerations necessitate fairly stringent development constraints. These areas are characterized by substantial acreages of one or more of the following: fairly shallow soils, relatively severe slopes, significant ecotones, critical wildlife habitats, proximity to scenic vistas, or key public lands. In addition, these areas are frequently remote from existing hamlet areas or are not readily accessible.

Consequently, these areas are characterized by a low level of development and variety of rural uses that are generally compatible with the protection of the relatively intolerant natural resources and the preservation of open space. These areas and the resource management areas provide the essential open space atmosphere that characterizes the park.

(2) Purposes, policies, and objectives. The basic purpose and objective of rural use areas [is] ARE to provide for and encourage FOREST MANAGEMENT, AGRICULTURAL USES, OPEN SPACE RECREATION, AND those rural land uses that are consistent and compatible with the relatively low tolerance of the areas' natural resources and the preservation of the open spaces that are essential and basic to the unique character of the park. Another objective of rural use areas is to prevent strip development along major travel corridors in order to enhance the aesthetic and economic benefit derived from a park atmosphere along these corridors.

Residential development and related development and uses [should] IN RURAL USE AREAS SHALL occur ONLY on large lots or in relatively small clusters AND ONLY on carefully selected and well designed sites, APPROPRIATELY SET BACK FROM HIGHWAYS AND SHORELINES, AND ONLY WHEN CONSISTENT WITH THE PRESERVATION OF FOREST TRACTS OR WITH AGRICULTURAL USES. This will provide for [further diversity in] residential [and related development opportunities in the park] USE AT A SCALE WHICH PRESERVES CRITICAL OPEN SPACE AND AGRICULTURE AND FORESTRY USES AND PROTECTS WATERSHEDS.

(3) Guideline for overall intensity of development. The overall intensity of development for land located in any rural use area [should] SHALL not exceed approximately [seventy-five] FORTY principal buildings per square mile.

(4) Classification of compatible uses.

Primary uses in rural use areas:

1. Single family dwellings.
2. Individual mobile homes.
3. Open space recreation uses.
4. Agricultural uses.
5. Agricultural use structures.
6. Forestry uses.
7. Forestry use structures.
8. Hunting and fishing cabins and hunting and fishing and other private club structures.
9. Game preserves and private parks.
10. Cemeteries.
11. [Private roads.
12. Private sand and gravel extractions.
13. Public utility uses.
14.] Accessory uses and structures to any use classified as a compatible use.

Secondary uses in rural use areas:

1. Multiple family dwellings.

2. Mobile home courts.
3. Public and semi-public buildings.
4. Municipal roads.
5. Agricultural service uses.
6. Commercial uses.
7. Tourist accommodations.
8. Marinas, boatyards, and boat launching sites.
9. Golf courses.
10. Campgrounds.
11. Group camps.
12. Ski centers.
13. Commercial seaplane bases.
14. Commercial or private airports.
15. Sawmills, chipping mills, pallet mills, and similar wood using facilities.
16. Commercial sand and gravel extractions.
17. Mineral extractions.
18. Mineral extraction structures.
19. Watershed management and flood control projects.
20. Sewage treatment plants.
21. Waste disposal areas.
22. Junkyards.
23. Major public utility uses.
24. Industrial uses.
25. PRIVATE ROADS.
26. PRIVATE AND COMMERCIAL SAND AND GRAVEL EXTRACTIONS.
27. ENVIRONMENTAL EDUCATION FACILITIES.
28. PUBLIC UTILITY USES.

g. Resource management areas. (1) Character description. Resource management areas, delineated in green on the plan map, are those lands where the need to protect, manage, and enhance forest, agricultural, recreational, and open space resources is of paramount importance because of overriding natural resource and public considerations. Open space uses, including forest management, agriculture, and recreational activities, are found throughout these areas.

Many resource management areas are characterized by substantial acreages of one or more of the following: shallow soils, severe slopes, elevations of over twenty-five hundred feet, flood plains, proximity to designated or proposed wild or scenic rivers, wetlands, critical wildlife habitats, or habitats of rare and endangered plant and animal species.

Other resource management areas include extensive tracts under active forest management that are vital to the wood using industry and necessary to [insure] ENSURE its raw material needs.

Important and viable agricultural areas are included in resource management areas, with many farms exhibiting a high level of capital investment for agricultural buildings and equipment. These agricultural areas are of considerable economic importance to segments of the park and provide for a type of open space which is compatible with the park's character.

(2) Purposes, policies, and objectives. The basic purposes and objectives of resource management areas are to protect the delicate physical and biological resources, encourage proper and economic management of forest, agricultural, and recreational resources, and preserve the open spaces that are essential and basic to the unique character of the park. [Another objective of these areas is to prevent strip development along

major travel corridors in order to enhance the aesthetic and economic benefits derived from a park atmosphere along these corridors.

Finally, resource management areas will allow for residential development on substantial acreages or in small clusters on carefully selected and well designed sites.]

(3) [Guidelines for overall intensity of development. The overall intensity of development for land located in any resource management area should not exceed approximately fifteen principal buildings per square mile.

(4)] Classification of compatible uses.

Primary uses in resource management areas:

1. Agricultural uses.

2. Agricultural use structures.

3. Open space recreation uses.

4. Forestry uses.

5. Forestry use structures.

6. Game preserves and private parks.

7. [Private roads.

8. Private sand and gravel extractions.

9. Public utility uses.

10.] Hunting and fishing cabins [and hunting and fishing] and other private club structures involving less than five hundred square feet of floor space.

[11.] 8. Accessory uses and structures to any use classified as a compatible use.

Secondary uses in resource management areas:

1. [Single family dwellings] HOMESTEADS PURSUANT TO PARAGRAPHS B AND C OF SUBDIVISION ONE OF SECTION EIGHT HUNDRED ELEVEN OF THIS ARTICLE.

2. [Individual mobile homes.

3. Hunting and fishing cabins and hunting and fishing and other private club structures involving five hundred square feet or more of floor space.

4.] Campgrounds.

[5.] 3. Group camps.

[6.] 4. Ski centers and related tourist accommodations.

[7.] 5. Agricultural service uses.

[8.] 6. Sawmills, chipping mills, pallet mills, and similar wood using facilities.

[9. Commercial]

7. PRIVATE ROADS.

8. PRIVATE AND COMMERCIAL sand and gravel extractions.

9. ENVIRONMENTAL EDUCATION FACILITIES.

10. Mineral extractions.

11. Mineral extraction structures.

12. Watershed management and flood control projects.

13. Sewage treatment plants.

14. [Major public] PUBLIC utility uses.

15. Municipal roads.

[16. Golf courses.]

5. RESIDENTIAL DEVELOPMENT OF RURAL AND RESOURCE MANAGEMENT LANDS. NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE OTHER THAN SUBDIVISION ELEVEN OF SECTION EIGHT HUNDRED NINE OF THIS ARTICLE, NO PERSON SHALL UNDERTAKE, AND NO AGENCY OR LOCAL GOVERNMENT SHALL APPROVE:

A. ANY RESIDENTIAL SUBDIVISION OF THREE OR MORE LOTS, PARCELS, OR SITES IN A RURAL USE AREA UNLESS IT IS IN A RELATIVELY SMALL CLUSTER OR CLUSTERS WHERE THE CONSTRUCTION OF PRINCIPAL BUILDINGS AND RELATED LAND

USE AND DEVELOPMENT ARE CONFINED TO AND CONCENTRATED IN A LIMITED NUMBER OF AREAS APPROPRIATELY SET BACK FROM HIGHWAYS WHERE, DUE TO TOLERANT NATURAL RESOURCE AND OTHER PERTINENT DEVELOPMENT CONSIDERATIONS, THERE IS MINIMAL POTENTIAL FOR UNDUE ADVERSE IMPACT UPON THE NATURAL, SCENIC, AESTHETIC, ECOLOGICAL, WILDLIFE, HISTORIC, RECREATIONAL, OR OPEN SPACE RESOURCES OF THE PARK. FURTHER, NOT LESS THAN EIGHTY-FIVE PERCENT OF THE LAND INCLUDED WITHIN ANY PROJECT INVOLVING FIVE HUNDRED OR MORE ACRES WITHIN RURAL USE AREAS AND NOT LESS THAN SEVENTY-FIVE PERCENT OF THE LAND INCLUDED WITHIN ANY PROJECT INVOLVING FEWER THAN FIVE HUNDRED ACRES WITHIN RURAL USE AREAS IS TO REMAIN UNDEVELOPED OPEN SPACE WHERE NATURAL FEATURES SUCH AS WETLANDS, WATERCOURSES, WATERBODIES, FLOODPLAINS, SCENIC VIEWS, FOREST RESOURCES, AND OTHER CRITICAL RESOURCES WILL BE PRESERVED; OR

B. ANY SUBDIVISION OR OTHER DEVELOPMENT OF RESIDENTIAL DWELLINGS OR MOBILE HOMES OF ANY SIZE IN RESOURCE MANAGEMENT AREAS, EXCEPTING A HOMESTEAD PURSUANT TO SECTION EIGHT HUNDRED ELEVEN OF THIS ARTICLE.

S 5. Section 806 of the executive law, as added by chapter 348 of the laws of 1973, the opening paragraph and subparagraph 1 of paragraph a of subdivision 1 and subdivision 2 as amended by chapter 899 of the laws of 1976 and subdivision 3 as amended by chapter 428 of the laws of 1979, is amended to read as follows:

S 806. Shoreline restrictions. 1. In order to provide adequate protection of the quality of the lakes, ponds, rivers, and streams of the park and the qualities of their shorelines, no person shall undertake any new land use or development or subdivision of land that involves any shoreline within the park, except in compliance, at a minimum, with the following restrictions. In addition, compliance with these restrictions shall be required, AT A MINIMUM, by the agency in its review of any project under section eight hundred nine OF THIS ARTICLE and, at a minimum, by any local government in the adoption and enforcement of a local land use program. All distances contained in these restrictions shall be measured horizontally. For the purpose of this section AND SECTIONS EIGHT HUNDRED TEN AND EIGHT HUNDRED ELEVEN OF THIS ARTICLE, any lot, parcel, or site that adjoins a shoreline, includes a shoreline, or, in whole or in part, is located at or within the minimum [set back] SETBACK requirement [as] provided in subparagraph two of paragraph a of this subdivision, and any land use or development on such a lot, parcel, or site, shall be deemed to involve that shoreline.

a. In the case of the shorelines of all lakes and ponds and the shorelines of any river designated to be studied [as a] FOR POSSIBLE INCLUSION IN THE wild, scenic [or] , AND recreational [river] RIVERS SYSTEM in accordance with the environmental conservation law or any river or stream navigable by boat, including canoe, the following restrictions shall apply:

(1) The minimum lot width, measured [along] AS A STRAIGHT LINE BETWEEN THE POINTS WHERE THE LOT BOUNDARY INTERSECTS the shoreline, for each [one family residential structure] PRINCIPAL BUILDING shall be fifty feet in hamlet areas, one hundred feet in moderate intensity use areas, AND one hundred twenty-five feet in low intensity use areas[, one hundred fifty feet in rural use areas, and two hundred feet in resource management areas]; provided that the minimum lot width for a lot not adjoining or including shoreline which is deemed to involve shoreline for the purposes of this section may be measured lateral to the shoreline at any point on the lot. [Nothing herein shall be deemed to preclude the application of appropriate shoreline restrictions to new

uses other than one family residential structures subject to project review by the agency or to an approved local land use program.]

(2) The minimum setback FROM THE MEAN HIGH-WATER MARK of all principal buildings and accessory structures in excess of one hundred square feet, WHETHER MEASURED HORIZONTALLY OR VERTICALLY, other than docks or boathouses, [from the mean high-water mark] shall be fifty feet in hamlet areas and moderate intensity use areas, seventy-five feet in low intensity [and rural use] areas, and [one hundred feet in resource management areas] TWO HUNDRED FEET IN RURAL USE AND RESOURCE MANAGEMENT AREAS.

(3) The [removal of vegetation, including trees, shall be permitted on shorefront lots provided the] following MINIMUM standards [are met] APPLY TO THE REMOVAL OF SHOREFRONT VEGETATION IN ALL LAND USE AREAS:

(a) [Within thirty-five] IN HAMLETS, MODERATE INTENSITY USE, AND LOW INTENSITY USE AREAS WITHIN THIRTY-FIVE FEET OF THE MEAN HIGH-WATER MARK, NOT MORE THAN THIRTY PERCENT OF THE TREES IN EXCESS OF SIX INCHES DIAMETER AT BREAST HEIGHT EXISTING AT ANY TIME MAY BE CUT OVER ANY TEN-YEAR PERIOD.

(B) IN HAMLETS, MODERATE INTENSITY USE, AND LOW INTENSITY USE AREAS WITHIN SIX FEET OF THE MEAN HIGH-WATER MARK, NO VEGETATION MAY BE REMOVED, EXCEPT THAT UP TO A MAXIMUM OF THIRTY PERCENT OF THE SHOREFRONT MAY BE CLEARED OF VEGETATION ON ANY INDIVIDUAL LOT. THIS PROVISION SHALL BE ADHERED TO IN ADDITION TO CLAUSE (A) OF THIS SUBPARAGRAPH.

(C) IN RURAL USE AREAS AND RESOURCE MANAGEMENT AREAS WITHIN ONE HUNDRED feet of the mean high-water mark, not more than [thirty] TWENTY percent of the trees in excess of [six] FOUR inches diameter at breast height [existing at any time] may be cut [over any ten-year period].

[(b) Within six] (D) IN RURAL USE AREAS AND RESOURCE MANAGEMENT AREAS WITHIN FIFTEEN feet of the mean high-water mark, no vegetation may be removed, except that [up to a maximum of thirty percent of the shorefront] AN AREA OF THE SHORELINE UP TO TEN FEET WIDE may be cleared of vegetation on any individual lot, PARCEL, OR SITE. [This provision shall be adhered to in addition to (a) above.

(c) The above cutting] (E) THESE standards shall not be deemed to prevent the removal of diseased vegetation or of rotten or damaged trees or of other vegetation that [present] PRESENTS safety or health hazards.

(4) The following minimum shoreline frontages shall be required in all land use areas for deeded or contractual access to all such lakes, ponds, rivers, or streams for five or more lots, parcels, or sites or multiple family dwelling units not having separate and distinct ownership of shore frontage:

(a) Where five to twenty lots or multiple family dwelling units are involved, a total of not less than one hundred feet.

(b) Where more than twenty and not more than one hundred lots or multiple dwelling units are involved, a minimum of three feet for each additional lot or multiple dwelling unit in excess of twenty.

(c) Where more than one hundred and not more than one hundred fifty lots or multiple dwelling units are involved, a minimum of two feet for each additional lot or multiple dwelling unit in excess of one hundred.

(d) Where more than one hundred fifty lots or multiple dwelling units are involved, a minimum of one foot for each additional lot or multiple dwelling unit in excess of one hundred fifty.

b. In the case of all lakes, ponds, rivers, and streams, the minimum setback of any on-site sewage drainage field [or seepage pit] shall be [one] TWO hundred feet from the mean high-water mark in all land use areas. IN NO INSTANCE SHALL ANY SEEPAGE PIT BE ALLOWED, NOR SHALL ANY DRAINAGE FIELD CONSTRUCTED ON OR IN FILL SOIL WHERE THE BOTTOM OF THE

LEACHING TRENCH IS LOCATED AT OR ABOVE NATURAL AND ORIGINAL GROUND ELEVATION, AND COMMONLY KNOWN AS A FILL SYSTEM OR MOUND SYSTEM, BE ALLOWED.

2. THERE SHALL BE NO MINIMUM SIZE OR MINIMUM WIDTH FOR LOTS INVOLVING SHORELINE IN RURAL USE AND RESOURCE MANAGEMENT AREAS. WITHIN ONE-EIGHTH MILE OF THE SHORELINE OF ANY LAKE OR POND, OR RIVER OR STREAM NAVIGABLE BY CANOE IN SUCH AREAS, THE ONLY ALLOWABLE USES ARE FOR FOREST MANAGEMENT, OPEN SPACE RECREATION, AND SINGLE FAMILY DWELLINGS OR MOBILE HOMES ALLOWED PURSUANT TO PARAGRAPH A OF SUBDIVISION ONE OF SECTION EIGHT HUNDRED ELEVEN OF THIS ARTICLE.

[2] 3. In all of the above restrictions, the term "mean high-water mark" shall mean the spillway elevation contour, which is at seven hundred seventy-one feet elevation above mean sea level, whenever the Great Sacandaga Lake is involved.

[3] 4. a. Any person seeking a variance from the strict letter of the shoreline restrictions in connection with any new land use or development or subdivision of land proposed to be located in a land use area governed by an approved local land use program shall make application therefor to the local government as provided in such approved local land use program. If a person is seeking such a variance in a land use area not governed by an approved local land use program, he OR SHE shall make application therefor to the agency whether or not the agency has project review jurisdiction over the new land use or development or subdivision of land involved. Upon such application, and after public hearing thereon, the local government or the agency shall, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the restrictions, have authority to vary or modify the application of such restrictions relating to the use, construction, or alteration of buildings or structures, or the use of land, so that the spirit of such restrictions shall be observed, public safety and welfare secured, and substantial justice done.

b. The local government shall act upon any application to it within the time provided for in its local land use program. The agency shall act upon any application to it which is associated with a project subject to its review jurisdiction within the period provided in section eight hundred nine OF THIS ARTICLE. In the case of any other application, the agency shall schedule a public hearing within fifteen days of receipt of an application in such form and manner as it shall prescribe. The public hearing shall be commenced within thirty days of the date it is scheduled. The agency shall act upon a variance application within forty-five days of the receipt by the agency of a complete record, as that term is defined in paragraphs (a) through (e) of subdivision one of section three hundred two of the state administrative procedure act.

[4] 5. The shoreline restrictions shall not apply to any emergency land use or development which is immediately necessary for the protection of life or property as defined by the agency in its rules and regulations governing its procedures to review projects, as authorized in section eight hundred nine OF THIS ARTICLE.

[5] 6. In order to encourage clustering of buildings and the maintenance of undeveloped shorelines, as an alternative to THE minimum lot widths of the shoreline restriction, shoreline development may take place in the following land use areas upon the following approximate overall intensities of principal buildings (other than boathouses) per linear mile of shoreline or proportionate fraction thereof:

Land Use Areas	Principal Buildings Per Linear Mile

Hamlet.....106
Moderate Intensity USE.....53
Low Intensity USE.....42
[Rural Use.....36
Resource Management.....26]

This alternative method of cluster shoreline development shall only be employed where a single ownership or a group of two or more owners acting in concert is involved. In addition, approval of this method of development must carry with it provisions, whether by deed restriction, restrictive covenant, or other similar appropriate means, to [insure] ENSURE the retention in open space of the undeveloped portions of shoreline developed on a cluster basis. The agency, ACTING within its project review jurisdiction, or a local government, ACTING under an approved local land use program, may apply these optional shoreline clustering provisions. Any person proposing to undertake new land use or development or subdivision of land in a land use area not governed by an approved local land use program and [that is] not subject to the agency's project review jurisdiction[,] may apply to the agency for a permit to employ such alternative method, and the agency shall have authority to grant such a permit if the above required terms and conditions are met. The agency shall act upon such application within thirty days after receipt thereof.

7. NOTHING IN THIS SECTION SHALL BE DEEMED TO PREVENT THE APPLICATION OF MORE RESTRICTIVE SHORELINE RESTRICTIONS IN THE REVIEW OF ANY PROJECT BY THE AGENCY PURSUANT TO SECTION EIGHT HUNDRED NINE OF THIS ARTICLE OR BY A LOCAL GOVERNMENT PURSUANT TO AN APPROVED LOCAL LAND USE PROGRAM, WHERE NECESSARY TO PROTECT THE WATER QUALITY OF THE WATER BODY INVOLVED OR OTHERWISE PREVENT UNDUE ADVERSE IMPACT UPON THE RESOURCES OF THE ADIRONDACK PARK.

8. THE AGENCY SHALL PROMULGATE RULES AND REGULATIONS REQUIRING THE INSPECTION AND CERTIFICATION, AT THE TIME OF ANY TRANSFER OF REAL PROPERTY, OF ANY SEPTIC SYSTEM IN WHOLE OR IN PART WITHIN TWO HUNDRED FEET OF A SHORELINE OF ANY NAVIGABLE STREAM OR RIVER OR ANY LAKE. SUCH INSPECTION SHALL OCCUR UPON APPLICATION FOR A BUILDING PERMIT WITH REGARD TO IMPROVEMENTS ON SUCH PROPERTY IF THE SEPTIC SYSTEM HAS NOT BEEN INSPECTED IN THE PREVIOUS TWENTY-FOUR MONTHS. A FEE OF THIRTY-FIVE DOLLARS FOR EACH SUCH INSPECTION MAY BE COLLECTED. IF SUCH INSPECTION IS PERFORMED BY THE AGENCY, SUCH FEE SHALL BE PAID INTO THE MISCELLANEOUS SPECIAL REVENUE FUND TO THE CREDIT OF THE ADIRONDACK PARK AGENCY ACCOUNT.

S 6. Paragraphs a and c of subdivision 1 of section 811 of the executive law, paragraph a as amended by chapter 900 of the laws of 1976 and paragraph c as added by chapter 348 of the laws of 1973, are amended to read as follows:

a. Single family dwelling on existing vacant lot. One single family dwelling or mobile home shall be allowed to be built on any vacant lot which was on record on the date that this [act shall become] PARAGRAPH BECAME a law regardless of the overall intensity guidelines[,] or the minimum lot width provisions of the shoreline restrictions. IN RURAL USE AND RESOURCE MANAGEMENT AREAS, ONE SINGLE FAMILY DWELLING OR MANUFACTURED HOME SHALL BE ALLOWED TO BE BUILT ON ANY VACANT LOT WHICH WAS ON RECORD ON THE DATE ON WHICH SUBDIVISION FIVE OF SECTION EIGHT HUNDRED FIVE OF THIS ARTICLE SHALL HAVE BECOME LAW, IF SUCH DWELLING OR MANUFACTURED HOME WOULD HAVE BEEN ALLOWED TO BE BUILT PRIOR TO SUCH SUBDIVISION'S HAVING BECOME LAW. For the purposes of this exemption, such a lot must not adjoin other lots in the same ownership[,]; provided,

however, that all such lots in the same ownership may be treated together as one lot. In addition to the foregoing exemption, where the agency has jurisdiction, for a reason other than its location in a critical environmental area, of a single family dwelling or mobile home on a lot described in this paragraph which is owned by an individual who has continually owned such lot since May twenty-second, nineteen hundred seventy-three, it may not disapprove the project on any of the grounds specified in paragraph e of subdivision ten of section eight hundred nine OF THIS ARTICLE, but may impose such reasonable conditions on the type and manner of placement of any individual on-site sewage disposal facilities as are in furtherance of the purposes of this article and in compliance with applicable standards of the department of health.

c. Gifts, devises, and inheritances. (1) The mere division of land resulting from bona fide gift, devise, or inheritance by and from natural persons shall not be subject to review by the agency; PROVIDED, HOWEVER, SUCH DIVISION OF LAND SHALL NOT BE DEEMED TO CONSTITUTE APPROVAL OF ANY NEW LAND USE OR DEVELOPMENT THEREON.

(2) New land use or development on lots, parcels, or sites conveyed by individuals[, who on the date that this act shall become law own such land,] to members of their immediate families by bona fide gift, devise, or inheritance[,] shall be exempt from the overall intensity guidelines [and the minimum lot size criteria specified in the class B regional project lists] PROVIDED IN SECTION EIGHT HUNDRED FIVE OF THIS ARTICLE for the purpose of constructing one single family dwelling or mobile home on any such lot, parcel, or site; PROVIDED, HOWEVER, THAT THE DONOR MUST HAVE OWNED SUCH LAND AND HAVE HAD HIS OR HER PRIMARY RESIDENCE WITHIN THE PARK ON JANUARY FIRST, TWO THOUSAND TEN.

S 7. Section 9-0101 of the environmental conservation law is amended by adding a new subdivision 10 to read as follows:

10. "FOREST PRODUCT COMPANY" MEANS A FOR-PROFIT CORPORATION OR OTHER BUSINESS ENTITY, ENGAGED IN THE COMMERCIAL USE OF FOREST LAND, EMPLOYING MORE THAN THIRTY PEOPLE AND OWNING OR LEASING MORE THAN FIVE HUNDRED ACRES OF FOREST LAND IN THE STATE.

S 8. Article 9 of the environmental conservation law is amended by adding a new title 19 to read as follows:

TITLE 19

LEASING OF FOREST LANDS

SECTION 9-1901. SITING PLANS.

9-1903. ADIRONDACK PARK.

S 9-1901. SITING PLANS.

1. NO FOREST PRODUCT COMPANY SHALL ENTER INTO OR EXTEND AN AGREEMENT TO LEASE FOREST LAND FOR RECREATIONAL USES INCLUDING BUT NOT LIMITED TO HUNTING, FISHING, OR BOATING, OR FOR RESIDENTIAL USES, UNLESS SUCH COMPANY HAS SUBMITTED AND RECEIVED APPROVAL OF A SITING PLAN FOR SUCH FOREST LAND.

2. THE DEPARTMENT SHALL DEVELOP RULES AND REGULATIONS TO REQUIRE THE SUBMISSION OF SITING PLANS BY FOREST PRODUCT COMPANIES. A SITING PLAN SHALL INCLUDE, AT A MINIMUM:

A. A MAP TO A SCALE DEEMED REASONABLE BY THE DEPARTMENT, IDENTIFYING THE LOCATION OF EXISTING OR PLANNED STRUCTURAL DEVELOPMENT AND THE LOCATION OF EXISTING OR PLANNED ROADWAYS, SEASONAL OR PERMANENT; AND

B. A DESCRIPTION OF THE SIZE, NATURE, AND USE OF ALL EXISTING OR PLANNED STRUCTURAL DEVELOPMENT.

3. EACH SITING PLAN OR AMENDMENT TO A SITING PLAN SHALL BE REVIEWED AND APPROVED, DENIED, OR APPROVED WITH CONDITIONS BY THE DEPARTMENT.

MODIFICATIONS MAY BE REQUIRED BY THE DEPARTMENT TO MINIMIZE ADVERSE IMPACTS ON NATURAL RESOURCES.

4. THE DEPARTMENT SHALL NOT APPROVE A SITING PLAN OR AN AMENDMENT TO A SITING PLAN UNLESS ALL STRUCTURAL AND ROADWAY DEVELOPMENT CONTAINED IN THE PLAN ARE SITED TO MINIMIZE ADVERSE IMPACTS ON NATURAL RESOURCES, UTILIZING APPROPRIATE SETBACKS, CLUSTERING, AND DENSITY LIMITS.

5. NO STRUCTURAL OR ROADWAY DEVELOPMENT ASSOCIATED WITH A LEASE FOR RECREATIONAL OR RESIDENTIAL USES SHALL OCCUR ON FOREST LANDS OWNED OR LEASED BY A FOREST PRODUCT COMPANY UNLESS SUCH DEVELOPMENT CONFORMS TO AN APPROVED SITING PLAN AND UTILIZES BEST MANAGEMENT PRACTICES TO MINIMIZE RUNOFF, EROSION, AND CONTAMINATION OF WATERS. FOR PURPOSES OF THIS SECTION, THE EXPANSION OF EXISTING STRUCTURES OR ROADWAYS SHALL BE DEEMED NEW DEVELOPMENT.

S 9-1903. ADIRONDACK PARK.

WHERE ANY FOREST LAND LIES WITHIN THE ADIRONDACK PARK, AS DEFINED IN SECTION EIGHT HUNDRED TWO OF THE EXECUTIVE LAW, THE RESPONSIBILITIES AND DUTIES OF THE DEPARTMENT UNDER THIS TITLE, INCLUDING DEVELOPMENT OF RULES AND REGULATIONS, SHALL BE CARRIED OUT BY THE ADIRONDACK PARK AGENCY.

S 9. Section 804 of the executive law is amended by adding a new subdivision 11 to read as follows:

11. TO IMPLEMENT THE PROVISIONS OF TITLE NINETEEN OF ARTICLE NINE OF THE ENVIRONMENTAL CONSERVATION LAW, INCLUDING THE PROMULGATION OF RULES AND REGULATIONS, TO THE EXTENT THEY APPLY TO FOREST LANDS WITHIN THE PARK.

S 10. This act shall take effect immediately; provided, however, that sections one, two, three, four, five and six of this act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately any rules and regulations necessary for the timely implementation of this act on its effective date may be promulgated on or before such effective date.