STATE OF NEW YORK

8005

IN SENATE

March 19, 2018

Introduced by Sen. LITTLE -- (at request of the Adirondack Park Agency) -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to applications for minor and major projects before the Adirondack Park Agency

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph a of subdivision 1 of section 810 of the executive law, as added by chapter 348 of the laws of 1973, the paragraph heading and subparagraph 1 as amended by chapter 679 of the laws of 1974, subparagraph 4 as amended by chapter 899 of the laws of 1976, is amended to read as follows:

a. Hamlet areas. (1) All land uses and development and all subdivisions of land involving wetlands except for forestry uses (other than timber harvesting that includes a proposed clearcutting of any single unit of land of more than twenty-five acres), agricultural uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.

(2) Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.

(3) [~~All land uses and development and all subdivisions of land involving one hundred or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.~~

~~(4)~~] All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.

[~~(5)~~] **(4)** Commercial or private airports.

[~~(6)~~] **(5)** Watershed management and flood control projects.

[~~(7)~~] **(6)** Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more

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

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of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

§ 2. Paragraph b of subdivision 1 of section 810 of the executive law, as added by chapter 348 of the laws of 1973, the paragraph heading and subparagraph 1 as amended by chapter 679 of the laws of 1974, subparagraph 5 as amended by chapter 899 of the laws of 1976, subparagraph 17 as added and subparagraph 18 as renumbered by chapter 135 of the laws of 2011, is amended to read as follows:

b. Moderate intensity use areas. (1) All land uses and development and all subdivisions of land located in the following critical environmental areas: (a) within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation; (b) involving wetlands; (c) at elevations of twenty-five hundred feet or more; (d) within one-eighth mile of tracks of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in [~~number nine below~~] **subparagraph eight of this paragraph**), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.

(2) Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.

(3) [~~All land uses and development and all subdivisions of land involving seventy-five or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.~~

~~(4)~~] Commercial or agricultural service uses involving ten thousand or more square feet of floor space.

[~~(5)~~] **(4)** All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.

[~~(6)~~] **(5)** Tourist attractions.

[~~(7)~~] **(6)** Ski centers.

[~~(8)~~] **(7)** Commercial or private airports.

[~~(9)~~] **(8)** Timber harvesting that includes a proposed clearcutting of any single unit of land of more than twenty-five acres.

[~~(10)~~] **(9)** Sawmills, chipping mills, pallet mills and similar wood using facilities.

[~~(11)~~] **(10)** Mineral extractions.

[~~(12)~~] **(11)** Mineral extraction structures.

[~~(13)~~] **(12)** Watershed management and flood control projects.

[~~(14)~~] **(13)** Sewage treatment plants.

[~~(15)~~] **(14)** Major public utility uses.

[~~(16)~~] **(15)** Industrial uses.

[~~(17)~~] **(16)** Community housing as defined in subdivision seventeen-a of section eight hundred two of this article.

[~~(18)~~] **(17)** Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more

of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

§ 3. Paragraph c of subdivision 1 of section 810 of the executive law, as added by chapter 348 of the laws of 1973, the paragraph heading and subparagraph 1 as amended by chapter 679 of the laws of 1974, subparagraph 5 as amended by chapter 899 of the laws of 1976, subparagraph 19 as added and subparagraph 20 as renumbered by chapter 135 of the laws of 2011, is amended to read as follows:

c. Low intensity use areas. (1) All land uses and development and all subdivisions of land located in the following critical environmental areas: (a) within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation; (b) involving wetlands; (c) at elevations of twenty-five hundred feet or more; (d) within one-eighth mile of tracts of forest preserve land now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in [~~number nine below~~] **subparagraph eight of this paragraph**), agricultural uses, open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such use or to any pre-existing use.

(2) Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.

(3) [~~All land uses and development and all subdivisions of land involving thirty-five or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.~~

~~(4)~~] Commercial or agricultural service uses involving five thousand or more square feet of floor space.

[~~(5)~~] **(4)** All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.

[~~(6)~~] **(5)** Tourist attractions.

[~~(7)~~] **(6)** Ski centers.

[~~(8)~~] **(7)** Commercial or private airports.

[~~(9)~~] **(8)** Timber harvesting that includes a proposed clearcutting of any single unit of land of more than twenty-five acres.

[~~(10)~~] **(9)** Sawmills, chipping mills, pallet mills and similar wood using facilities.

[~~(11)~~] **(10)** Mineral extractions.

[~~(12)~~] **(11)** Mineral extraction structures.

[~~(13)~~] **(12)** Watershed management and flood control projects.

[~~(14)~~] **(13)** Sewage treatment plants.

[~~(15)~~] **(14)** Waste disposal areas.

[~~(16)~~] **(15)** Junkyards.

[~~(17)~~] **(16)** Major public utility uses.

[~~(18)~~] **(17)** Industrial uses.

[~~(19)~~] **(18)** Community housing as defined in subdivision seventeen-a of section eight hundred two of this article.

[~~(20)~~] **(19)** Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

§ 4. Paragraph d of subdivision 1 of section 810 of the executive law, as added by chapter 348 of the laws of 1973, the paragraph heading and subparagraph 1 as amended by chapter 679 of the laws of 1974, subparagraph 5 as amended by chapter 899 of the laws of 1976, is amended to read as follows:

d. Rural use areas. (1) All land uses and development and all subdivisions of land located in the following critical environmental areas: (a) within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law during the period of such designation; (b) involving wetlands; (c) at elevations of twenty-five hundred feet or more; (d) within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands, except for an individual single family dwelling and accessory uses or structures thereto; (e) within one hundred fifty feet of the edge of the right of way of federal or state highways, except for an individual single family dwelling and accessory uses or structures thereto; (f) within one hundred fifty feet of the edge of the right of way of county highways designated by rule or regulation of the agency adopted pursuant to subdivision fourteen of section eight hundred nine **of this article** or in an approved local land use program, as major travel corridors by the agency or local government, except for an individual single family dwelling and accessory uses or structures thereto. Provided, however, that the above shall not include forestry uses (other than clear-cutting as specified in [~~number ten below~~] **subparagraph nine of this paragraph** and sand and gravel pits associated with such uses located within one hundred fifty feet of the edge of the right of way of the above described travel corridors), agricultural uses (other than sand and gravel pits associated with such uses located within one hundred fifty feet of the edge of the right of way of the above described travel corridors), open space recreation uses, public utility uses, and accessory uses or structures (other than signs) to any such uses or to any pre-existing use.

(2) Any class of land use or development or subdivision of land that by agreement between a local government and the agency, either prior to or at the time a local land use program is approved by the agency, is to be reviewed by the agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.

(3) [~~All land uses and development and all subdivisions of land involving twenty or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.~~

~~(4)~~] Commercial and agricultural service uses involving twenty-five hundred or more square feet of floor space.

[~~(5)~~] **(4)** All structures in excess of forty feet in height, except agricultural use structures and residential radio and television antennas.

[~~(6)~~] **(5)** Tourist accommodations.

[~~(7)~~] **(6)** Ski centers.

[~~(8)~~] **(7)** Commercial seaplane bases.

[~~(9)~~] **(8)** Commercial or private airports.

[~~(10)~~] (9) Timber harvesting that includes a proposed clearcutting of any single unit of land of more than twenty-five acres.

[~~(11)~~] (10) Sawmills, chipping mills, pallet mills and similar wood using facilities.

[~~(12)~~] (11) Mineral extractions.

[~~(13)~~] (12) Mineral extraction structures.

[~~(14)~~] (13) Watershed management and flood control projects.

[~~(15)~~] (14) Sewage treatment plants.

[~~(16)~~] (15) Waste disposal areas.

[~~(17)~~] (16) Junkyards.

[~~(18)~~] (17) Major public utility uses.

[~~(19)~~] (18) Industrial use.

[~~(20)~~] (19) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

§ 5. Paragraph a of subdivision 2 of section 810 of the executive law, as added by chapter 348 of the laws of 1973, subparagraph 19 as amended by chapter 899 of the laws of 1976, is amended to read as follows:

a. Moderate intensity use areas. (1) Subdivisions of land (and all land uses and development related thereto) involving fifteen or more [~~but less than seventy-five lots, parcels or sites, other than subdivisions of land involving mobile homes~~] acres of land.

(2) Subdivisions of land (and all land uses and development related thereto) involving less than fifteen [~~lots, parcels or sites, other than subdivisions of land involving mobile homes,~~] acres of land which do not meet the following criteria: (a) In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least twenty-five thousand square feet in size [~~and~~], complies with all of the provisions of the shoreline restrictions, and the leaching components of all pre-existing on-site wastewater treatment systems are located at least one hundred feet from all shorelines.

(b) In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least forty thousand square feet in size.

[~~Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a class B regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds fourteen.~~]

(3) Multiple family dwellings.

[~~(4) Mobile home courts.~~

~~(5) Subdivisions of land involving mobile homes (and all land uses and development related thereto) and involving two or more lots, parcels or sites.~~

~~(6)~~] (4) Public and semi-public buildings.

[~~(7)~~] (5) Municipal roads.

[~~(8)~~] (6) Commercial or agricultural service uses involving less than ten thousand square feet of floor space.

[~~(9)~~] (7) Tourist accommodations.

[~~(10)~~] (8) Marinas, boatyards and boat launching sites.

[~~(11)~~] (9) Golf courses.

[~~(12)~~] (10) Campgrounds.

[~~(13)~~] (11) Group camps.

[~~(14)~~] (12) Commercial seaplane bases.

[~~(15)~~] (13) Commercial sand and gravel extractions.

[~~(16)~~] **(14)** Land use or development or subdivisions of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.

[~~(17)~~] **(15)** Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for moderate intensity use areas.

[~~(18)~~] **(16)** An individual single family dwelling within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness primitive or canoe in the master plan for management of state lands.

[~~(19)~~] **(17)** All land uses and development and all subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.

[~~(20)~~] **(18)** Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

§ 6. Paragraph b of subdivision 2 of section 810 of the executive law, as added by chapter 348 of the laws of 1973, subparagraph 19 as amended by chapter 899 of the laws of 1976, is amended to read as follows:

b. Low intensity use areas. (1) Subdivisions of land (and all land uses and development related thereto) involving [~~ten or more but less than thirty-five lots, parcels or sites, other than subdivisions of land involving mobile homes~~] **fifteen or more acres of land**.

(2) Subdivisions of land (and all land uses and development related thereto) involving less than [~~ten lots, parcels or sites~~] **fifteen acres of land** which do not meet the following criteria: (a) In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least fifty thousand square feet in size [~~and~~]**,** complies with all of the provisions of the shoreline restrictions**, and the leaching components of all pre-existing on-site wastewater treatment systems are located at least one hundred feet from all shorelines**.

(b) In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least one hundred twenty thousand square feet in size.

[~~Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a class B regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds nine.~~]

(3) Multiple family dwellings.

(4) [~~Mobile home courts.~~

~~(5) Mobile home subdivisions (and all land uses and development related thereto) involving two or more lots, parcels or sites.~~

~~(6)~~] Public and semi-public buildings.

[~~(7)~~] **(5)** Municipal roads.

[~~(8)~~] **(6)** Commercial or agricultural service uses involving less than five thousand square feet of floor space.

[~~(9)~~] **(7)** Tourist accommodations.

[~~(10)~~] **(8)** Marinas, boatyards and boat launching sites.

[~~(11)~~] **(9)** Golf courses.

[~~(12)~~] **(10)** Campgrounds.

[~~(13)~~] **(11)** Group camps.

[~~(14)~~] (12) Commercial seaplane bases.
[~~(15)~~] (13) Commercial sand and gravel extractions.
[~~(16)~~] (14) Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
[~~(17)~~] (15) Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for low intensity use areas.
[~~(18)~~] (16) An individual single family dwelling within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands.
[~~(19)~~] (17) All land uses and development and all subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.
[~~(20)~~] (18) Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

§ 7. Paragraph c of subdivision 2 of section 810 of the executive law, as added by chapter 348 of the laws of 1973, subparagraph 14 as amended by chapter 899 of the laws of 1976, is amended to read as follows:

c. Rural use areas. (1) [~~Subdivisions~~] All subdivisions of land (and all land uses and development related thereto) involving [~~five~~] two or more [~~but less than twenty~~] lots, parcels or sites[~~, other than subdivisions of land involving mobile homes~~].

(2) [~~Subdivisions of land (and all land uses and development related thereto) involving less than five lots, parcels or sites which do not meet the following criteria: (a) In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least eighty thousand square feet in size and complies with all of the provisions of the shoreline restrictions of the plan.~~

~~(b) In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least three hundred twenty thousand square feet in size.~~

~~Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a class B regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds four.~~

~~(3)~~] Multiple family dwellings.
[~~(4) Mobile home courts.~~
~~(5) Mobile home subdivisions (and all land uses and development related thereto) involving two or more lots, parcels or sites.~~
~~(6)~~] (3) Public and semi-public buildings.
[~~(7)~~] (4) Municipal roads.
[~~(8)~~] (5) Marinas, boatyards and boat launching sites.
[~~(9)~~] (6) Golf courses.
[~~(10)~~] (7) Campgrounds.
[~~(11)~~] (8) Group camps.
[~~(12)~~] (9) Commercial sand and gravel extractions.
[~~(13)~~] (10) Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a

specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.

[~~(14)~~] **(11)** All land uses and development and all subdivisions of land within one quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the environmental conservation law, other than those navigable by boat, during the period of such designation.

[~~(15)~~] **(12)** Any land use or development not now or hereafter included on either the list of primary uses or the list of secondary uses for rural use areas.

[~~(16)~~] **(13)** Commercial and agricultural service uses involving less than twenty-five hundred square feet.

[~~(17)~~] **(14)** An individual single family dwelling within one-eighth mile of tracts of forest preserve land or water described in item (d) of clause (1) of paragraph d of subdivision one or within one hundred fifty feet of a travel corridor described in such paragraph.

[~~(18)~~] **(15)** Any material increase or expansion of an existing land use or structure included on this list that is twenty-five percent or more of the original size of such existing use or twenty-five percent or more of the original square footage of such structure.

§ 8. This act shall take effect immediately.