§ 802. Definitions. As used in this article, unless the context otherwise requires, the following words and terms shall have the meaning ascribed to them.

1. "Adirondack park" or "park" means land lying within the area described in subdivision one of section 9-0101 of the environmental conservation law including any future amendments thereto.

2. "Adirondack park local government review board" or "review board" means the board established in section eight hundred three-a.

3. "Agency" means the Adirondack park agency created by section eight hundred three of this article.

4. "Accessory use" means any use of a structure, lot or portion thereof that is customarily incidental and subordinate to and does not change the character of a principal land use or development, including in the case of residential structures, professional, commercial and artisan activities carried on by the residents of such structures.

5. "Accessory structure" means any structure or a portion of a main structure customarily incidental and subordinate to a principal land use or development and that customarily accompanies or is associated with such principal land use or development, including a guest cottage not for rent or hire that is incidental and subordinate to and associated with a single family dwelling.

6. "Agricultural service use" means any milk processing plant, feed storage supply facility, farm machinery or equipment sales and service facility; storage and processing facility for fruits, vegetables and other agricultural products or similar use directly and customarily related to the supply and service of an agricultural use.

7. "Agricultural use" means any management of any land for agriculture; raising of cows, horses, pigs, poultry and other livestock; horticulture or orchards; including the sale of products grown or raised directly on such land, and including the construction, alteration or

maintenance of fences, agricultural roads, agricultural drainage systems and farm ponds.

8. "Agricultural use structure" means any barn, stable, shed, silo, garage, fruit and vegetable stand or other building or structure directly and customarily associated with agricultural use.

9. "Approved local land use program" means any local land use program approved by the agency under section eight hundred seven.

10. "Campground" means any area designed for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes or similar facility designed for temporary shelter.

11. "Character description, policies, purposes and objectives of a land use area" means those land use are character descriptions, policies, purposes and objectives of the land use and development plan contained in subdivision three of section eight hundred five.

12. "Chief elected officer" means in the case of a city, the mayor thereof; in the case of a town, the supervisor thereof; and in the case of a village, the mayor thereof.

13. "Class A regional project" and "class B regional project" means the land use and development and subdivisions of land listed and so characterized in section eight hundred ten.

14. "Classification of compatible uses lists" means the land use and development plan's lists of primary uses and secondary uses for the land use area contained in subdivision three of section eight hundred five.

15. "Clearcutting" means any cutting of all or substantially all trees over six inches in diameter at breast height over any ten-year cutting cycle.

16. "Commercial sand and gravel extraction" means any extraction from the land of more than fifty cubic yards in any two year period of sand,

gravel or topsoil (1) for the purpose of sale or use by persons other than the owner of the land or (2) for the purpose of use by any municipality.

17. "Commercial use" means any use involving the sale or rental or distribution of goods, services or commodities, either retail or wholesale, or the provision of recreation facilities or activities for a fee other than any such uses specifically listed on any of the classification of compatible uses lists.

17-a. "Community housing" means a dwelling unit (i) not exceeding one thousand five hundred square feet of floor space each (excluding the first floor of a garage), (ii) located on one contiguous parcel, (iii) located within a moderate intensity use or low intensity use land use area, (iv) located within three miles of a hamlet land use area and not closer than one-tenth mile of a shoreline of a lake, pond or navigable river or stream, or located within one mile of the location of the following post offices on the enactment date of this subdivision and not closer than one-tenth mile of a shoreline of a lake, pond or navigable river or stream: Athol, NY 12810; Brantingham, NY 13312; Gabriels, NY 12939; Hoffmeister, NY 13353; Hulett's Landing, NY 12841; Kattskill Bay, NY 12844; Paul Smiths, NY 12970; Piseco, NY 12139; Sabael, NY 12864; Wanakena, NY 13695; White Lake, NY 12786; and (v) limited in perpetuity by deed or other legal instrument enforceable by a third party and the state of New York to primary single family dwellings for persons with one hundred twenty per centum or less of the area median income, adjusted for family size, as defined by the United States department of housing and urban development for the county in which such project is located; provided however, that each dwelling unit shall constitute a separate lot, parcel or site for purposes of agency jurisdiction pursuant to subparagraph one of paragraph (b) and subparagraph one of paragraph (a) of subdivision two of section eight hundred ten of this article.

18. "Development considerations" means the development considerations of the land use and development plan contained in subdivision four of section eight hundred five.

19. "Existing land use or development" or "existing use" means any land use or development in existence at any given time.

20. "Existing subdivision of land" or "existing subdivision" means any subdivision in existence at any given time.

21. "Forestry use" means any management, including logging, of a forest, woodland or plantation and related research and educational activities, including the construction, alteration or maintenance of woodroads, skidways, landings, fences and forest drainage systems.

22. "Forestry use structure" means any barn, shed, garage, research, educational or administrative building or cabin directly and customarily associated with forestry use.

23. "Group camp" means any land or facility for seasonal housing and recreational, educational or business related use by private groups or semi-public groups, such as a boy scout camp, fraternal lodge or university or college conference center.

24. "Industrial use" means any manufacturing, production or assembly of goods or material, including any on site waste disposal area directly associated with an industrial use. This term does not include mineral extractions, private and commercial sand and gravel extractions, sawmills, chipping mills, pallet mills and similar wood using facilities.

25. "In existence" means (a) with respect to any land use or development, including any structure, that such use or development has been substantially commenced or completed, and (b) with respect to any subdivision or portion of a subdivision, that such subdivision or portion has been substantially commenced and that substantial expenditures have been made for structures or improvements directly related thereto.

26. "Junkyard" means any open lot or area for the dismantling, storage

or sale, as parts, scrap or salvage, of used or wrecked motor vehicles, machinery, scrap metals, waste papers, rags, used or salvaged building materials or other discarded material.

27. "Land" means the earth, on or below the surface of the ground, including water and air above, the flora and fauna.

28. "Land use or development" or "use" means any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of the use of land or a structure. Land use and development shall not include any landscaping or grading which is not intended to be used in connection with another land use, or ordinary repairs or maintenance or interior alterations to existing structures or uses.

29. "Land use and development plan" or "plan" means the Adirondack park land use and development plan prepared by the Adirondack park agency as directed by law, approved by the agency on March three, nineteen hundred seventy-three, adopted in subdivision one of section eight hundred five, including the plan map, and any amendments thereto, the provisions of the plan as contained in subdivisions three and four of section eight hundred five and sometimes referred to as the "provisions of the plan", and any amendments thereto, and the shoreline restrictions contained in section eight hundred six, and any amendments thereto.

30. "Land use areas" means the six types of land use areas of the land use and development plan delineated on the plan map and provided for in subdivision three of section eight hundred five.

31. "Local government" means any city, town or village whose boundaries lie wholly or partly within the Adirondack park, except that such term shall not include in the case of a town that portion thereof within any incorporated village.

32. "Local land use program" means any comprehensive land use and development planning and control program undertaken by a local

government that includes local land use controls, such as zoning and subdivision regulations and a sanitary code, and governs land use and development and subdivision of land within the entire jurisdiction of the local government.

33. "Major public utility use" means any electric power transmission or distribution line and associated equipment of a rating of more than fifteen kilovolts which is one mile or more in length; any telephone inter-exchange or trunk cable or feeder cable which is one mile or more in length; any telephone distribution facility containing twenty-five or more pairs of wire and designed to provide initial telephone service for new structures; any television, cable television, radio, telephone or other communication transmission tower; any pipe or conduit or other appurtenance used for the transmission of gas, oil or other fuel which is one mile or more in length; any electric substation, generating facility or maintenance building and any water or sewage pipes or conduits, including any water storage tanks, designed to service fifty or more principal buildings. Any use which is subject to the jurisdiction of the public service commission pursuant to article seven or article eight of the public service law or other prior approval by the public service commission under the provisions of the public service law is not a major public utility use or a use for the purposes of this article except for the shoreline restrictions in which case the bodies having jurisdiction over such uses under such article or other provisions shall have the authority of the agency or a local government under this article.

34. "Master plan for management of state lands" means the master plan for management of state lands referred to in section eight hundred sixteen.

35. "Mineral extraction" means any extraction, other than specimens or samples, from the land of stone, coal, salt, ore, talc, granite, petroleum products or other materials, except for commercial sand, gravel or topsoil extractions; including the construction, alteration or maintenance of mine roads, mine tailing piles or dumps and mine drainage.

36. "Mineral extraction structure" means any mine hoist; ore reduction, concentrating, sintering or similar facilities and equipment; administrative buildings; garages or other main buildings or structures.

37. "Mobile home" means any self-contained dwelling unit that is designed to be transported on its own wheels or those of another vehicle, may contain the same water supply, sewage disposal and electric system as immobile housing and is used for either permanent or seasonal occupancy. A dwelling unit that is constructed in sections and transported to and assembled on the site is not considered a mobile home.

37-a. "Mean high water mark" means the average annual high water level.

38. "Mobile home court" means a parcel of land under single ownership which is designed and improved for the placement of two or more mobile homes upon units thereof.

39. "Multiple family dwelling" means any apartment, town house, condominium or similar building, including the conversion of an existing single family dwelling, designed for occupancy in separate dwelling units therein by more than one family.

40. "Municipality" means any municipal corporation, district corporation or public benefit corporation as such terms are defined in section three of the general corporation law, and any agency or instrumentality of the foregoing, except that the term public benefit corporation shall not include any such corporation any member of which is appointed by the governor.

41. "New land use or development" or "new land use" means any land use or development that is not a preexisting use.

42. "New subdivision of land" or "new subdivision" means any subdivision of land that is not a preexisting subdivision.

43. "Official Adirondack park land use and development plan map" or "plan map" means the map portion of the land use and development plan on file at the headquarters of the Adirondack park agency as required in subdivision one of section eight hundred five.

44. "Open space recreation use" means any recreation use particularly oriented to and utilizing the outdoor character of an area; including a snowmobile, trail bike, jeep or all-terrain vehicle trail; cross-country ski trail; hiking and backpacking trail; bicycle trail; horse trail; playground, picnic area, public park, public beach or similar use.

45. "Optional shoreline clustering provisions" means those provisions set forth as an alternative to the shoreline restrictions in section eight hundred six.

46. "Overall intensity guidelines" means the overall intensity guidelines for development for the various land use areas of the land use and development plan as contained in subdivision three of section eight hundred five.

47. "Person" means any individual, corporation, partnership, association, trustee, municipality or other legal entity, but shall not include the state or any state agency.

48. "Preexisting land use or development" or "preexisting use" means any land use or development, including any structure, lawfully in existence prior to August one, nineteen hundred seventy-three, provided, however, that with respect to any land use or development exempt from the agency's interim project review powers under subdivision thirteen of section eight hundred fifteen until June one, nineteen hundred seventy-three, such date shall be substituted herein for August one, nineteen hundred seventy-three. For the purposes hereof, "lawfully" means in full compliance with all applicable laws, rules and regulations, including, without limitation, possession of and compliance with any permit or other approval required under the public health law, the environmental conservation law, any local or other governmental

regulation.

49. "Preexisting subdivision of land" or "preexisting subdivision" means any subdivision or portion of a subdivision lawfully in existence prior to August one, nineteen hundred seventy-three, provided, however, that with respect to any subdivision or portion of a subdivision exempt from the agency's interim project review powers under subdivision thirteen of section eight hundred fifteen until June one, nineteen hundred seventy-three, such date shall be substituted herein for August one, nineteen hundred seventy-three. For the purposes hereof, "lawfully" means in full compliance with all applicable laws, rules and regulations, including, without limitation, possession of and compliance with any permit or other approval required under the public health law, the environmental conservation law, any local or other governmental regulation.

50. "Principal building" means any one of the following:

a. a single family dwelling constitutes one principal building;

b. a mobile home constitutes one principal building;

c. a tourist cabin or similar structure for rent or hire involving three hundred square feet or more of floor space constitutes one principal building;

d. each dwelling unit of a multiple family dwelling constitutes one principal building;

e. each motel unit, hotel unit or similar tourist accommodation unit which is attached to a similar unit by a party wall, each accommodation unit of a tourist home or similar structure, and each tourist cabin or similar structure for rent or hire involving less than three hundred feet of floor space, constitutes one-tenth of a principal building;

f. each commercial use structure and each industrial use structure in excess of three hundred square feet constitutes one principal building,

except that for a commercial use structure which involves the retail sale or rental or distribution of goods, services or commodities, each eleven thousand square feet of floor space, or portion thereof, of such commercial use structures constitutes one principal building;

g. all agricultural use structures and single family dwellings or mobile homes occupied by a farmer of land in agricultural use, his employees engaged in such use and members of their respective immediate families, will together constitute and count as a single principal building;

h. up to four community housing dwelling units which qualify pursuant to subdivision seventeen-a of this section and are located on a contiguous parcel meeting the overall intensity guidelines constitute one principal building;

i. any other structure which exceeds twelve hundred fifty feet of floor space constitutes one principal building;

j. a structure containing a commercial use which is also used as a single family dwelling constitutes one principal building.

An accessory structure does not constitute a principal building.

51. "Private sand, gravel or topsoil extraction" means any extraction from the land of sand, gravel or topsoil for the purpose of use, but not sale, by the owner of the land or any extraction for the purpose of sale of less than fifty cubic yards in any two year period.

52. "Project" means any new land use and development or subdivision of land that is subject to the review jurisdiction of either the agency or local government under this article.

53. "Project sponsor" means any person making application to the agency, or a local government for the review of a project.

54. "Public or semi-public building" means any component building of a

college, school, hospital, animal hospital, library, place of worship, museum, research center, rehabilitation center or similar facility, or a municipal building.

55. "Public utility use" means any public utility use, equipment or structure which is not a "major public utility use." A public utility use does not include any use which is subject to the jurisdiction of the public service commission pursuant to article seven or article eight of the public service law.

56. "Shoreline" means that line at which land adjoins the waters of lakes, ponds, rivers and streams within the Adirondack park at mean high water.

57. "Shoreline restrictions" means those restrictions upon land use and development or subdivisions of land as contained in section eight hundred six.

58. "Single family dwelling" means any detached building containing one dwelling unit, not including a mobile home.

59. "Ski center" means any trail or slope for alpine skiing; including lifts, terminals, base lodges, warming huts, sheds, garages and maintenance facilities, parking lots and other buildings and structures directly and customarily related thereto.

60. "State" means the state of New York.

61. "State agency" means any department, bureau, commission, board or other agency of the state, including any public benefit corporation any member of which is appointed by the governor.

62. "Structure" means any object constructed, installed or placed on land to facilitate land use and development or subdivision of land, such as buildings, sheds, single family dwellings, mobile homes, signs, tanks, fences and poles and any fixtures, additions and alterations thereto.

63. "Subdivision of land" or "subdivision" means any division of land into two or more lots, parcels or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy (including any grading, road construction, installation of utilities or other improvements or any other land use and development preparatory or incidental to any such division) by any person or by any other person controlled by, under common control with or controlling such person or by any group of persons acting in concert as part of a common scheme or plan. Subdivision of land shall include any map, plat or other plan of the division of land, whether or not previously filed. Subdivision of land shall not include the lease of land for hunting and fishing and other open space recreation uses.

64. "Tourist accommodation" means any hotel, motel, resort, tourist cabin or similar facility designed to house the general public.

65. "Tourist attraction" means any man-made or natural place of interest open to the general public and for which an admittance fee is usually charged, including but not limited to animal farms, amusement parks, replicas of real or fictional places, things or people and natural geological formations.

66. "Waste disposal area" means any area for the disposal of garbage, refuse and other wastes, including sanitary landfills and dumps, other than an on-site disposal area directly associated with an industrial use.

67. "Watershed management or flood control project" means any dam, impoundment, dike, rip rap or other structure or channelization or dredging activity designed to alter or regulate the natural flow or condition of rivers or streams or the natural level or condition of lakes or ponds. Any such project for which a permit or approval is required prior to commencement from the department of environmental conservation is not a watershed management or flood control project or a use for the purposes of this article.

68. "Wetlands" means any land which is annually subject to periodic or continual inundation by water and commonly referred to as a bog, swamp or marsh which are either (a) one acre or more in size or (b) located adjacent to a body of water, including a permanent stream, with which there is free interchange of water at the surface, in which case there is no size limitation.