



Adirondack
Park Agency

Revocation of General Permits

GP2005G-2R, GP2005G-5R, GP2010G-3, GP2011G-1, and GP2011G-2

November 14, 2024

Presentation Overview

- General Permit Revocation Process
- General Permit 2005G-2R
- General Permit 2005G-5R
- General Permit 2010G-3
- General Permit 2011G-1
- General Permit 2011G-2
- Public Comment
- Board Action

General Permit Revocation Process

- 9 NYCRR Part 572.23(h)
 - A general permit may be revoked at any time after 10 days' notice otherwise given in the same manner specified in subdivision (c)
- 9 NYCRR Part 572.23(c)
 - Notice of the proposal in accordance with 6 NYCRR Part 617
 - In the Environmental Notice Bulletin
 - In no less than three newspapers of general circulation within the park and one such paper outside the park
 - To the Adirondack Park local government review board

Why Revoke These General Permits?

- Simplify the application process for applicants
- Standardize the project review process across the Agency
- Create greater consistency in the permits issued by the Agency

Agency review of permit applications will remain unchanged

No changes to Agency jurisdiction are being made


General Permit 2005G-2R

Minor Projects Not In or Impacting Wetlands

General Permit 2005G-2R

Minor Projects Not In or Impacting Wetlands

- Construction of a single family dwelling or mobile home
- Two-lot subdivision creating:
 - Residential lots containing existing single family dwellings or mobile homes
 - Lots to be developed by new single-family dwellings or mobile homes
 - Non-building lots that are deed restricted
 - Temporary two-lot subdivision into sites

 Adirondack parkagency P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050	General Permit 2005G-2R	Effective Date: August 12, 2005
	In the Matter of the Issuance of a General Permit for: Minor Projects Not In or Impacting Wetlands for a permit pursuant to §809(13)(e) of the Adirondack Park Agency Act	

SUMMARY AND AUTHORIZATION

This general permit is issued pursuant to §809(13) of the Adirondack Park Agency Act (Executive Law Article 27) authorizing an expedited Agency review process for certain limited types of Class A or Class B regional projects subject to Adirondack Park Agency review. These projects involve construction of a single family dwelling, installation of a mobile home or undertaking a two-lot subdivision. The purpose of the two-lot subdivisions must be limited to creation of: i) residential lots containing existing single family dwellings or mobile homes, ii) lots to be developed by new single family dwellings or mobile homes, iii) non-building lots that are deed restricted, or iv) temporary two-lot subdivision into sites.

The proposed projects must meet all of the following eligibility criteria:

- A. The project site must be lawful, and if a subdivision, the project must comply with the overall intensity guideline requirements of the Adirondack Park Agency Act.
- B. Proposed Site Development
 - Any land disturbances or other development activity must be greater than 100 feet away from any jurisdictional wetland. All non-wetland areas of each lot must be able to be reached by an access road which does not require a wetland crossing and which will not cause adverse wetland impacts, unless such non-wetland areas are designated by deed covenant to be non-development areas;
 - All new structures greater than 100 square feet in size, except docks and boathouses, must comply with the Section 806 shoreline structure setback restrictions.
 - Any cutting within the shoreline setback area is limited to that for a footpath no wider than 6 feet in width.
 - Slopes in the area of any proposed on-site wastewater treatment system are less than 8%.
 - Proposed homesite and driveway development will be on slopes less than 12%.
 - No proposed structure is greater than 32-feet in overall height. Building height is measured from the highest point on the structure to the lowest point of existing grade or finished grade, whichever is greater.
 - A no-cut vegetative buffer is maintained between the proposed development area and any public road that adjoins the project site.

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General Permit 2005G-2R

- Eligibility

- A. The project site must be lawful
- B. The proposal must comply with the development restrictions listed
- C. The applicant must provide professionally prepared plans

The proposed projects must meet all of the following eligibility criteria:

- A. The project site must be lawful, and if a subdivision, the project must comply with the overall intensity guideline requirements of the Adirondack Park Agency Act.
- B. Proposed Site Development
 - Any land disturbances or other development activity must be greater than 100 feet away from any jurisdictional wetland. All non-wetland areas of each lot must be able to be reached by an access road which does not require a wetland crossing and which will not cause adverse wetland impacts, unless such non-wetland areas are designated by deed covenant to be non-development areas;
 - All new structures greater than 100 square feet in size, except docks and boathouses, must comply with the Section 806 shoreline structure setback restrictions.
 - Any cutting within the shoreline setback area is limited to that for a footpath no wider than 6 feet in width.
 - Slopes in the area of any proposed on-site wastewater treatment system are less than 8%.
 - Proposed homesite and driveway development will be on slopes less than 12%.
 - No proposed structure is greater than 32-feet in overall height. Building height is measured from the highest point on the structure to the lowest point of existing grade or finished grade, whichever is greater.
 - A no-cut vegetative buffer is maintained between the proposed development area and any public road that adjoins the project site.

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APA General Permit
2005G-2R

- C. Professionally Prepared Plans
 - Scaled project site plans must be prepared by an appropriately qualified professional to so act in the State (i.e., licensed surveyor, professional engineer, licensed architect, registered landscape architect).
 - Wastewater treatment plans for any new on-site wastewater treatment system must be prepared by a professional engineer licensed in the State of New York or written certification is submitted by the professional engineer assuring that any existing wastewater treatment system on the project site meets current Agency and New York State Department of Health standards for the number of bedrooms proposed for any new dwelling or mobile home.

General Permit 2005G-2R

- Why should we revoke this GP?
 - Inconsistent with current Agency practices
 - More restrictive than the “Minor Project” application
 - Confusing to applicants and Agency staff
 - Permits are no longer issued for temporary two-lot subdivisions into sites
- Effective Date: **August 12, 2005**
- Last Used: **2020**
- Total Permits Issued: **58**

GP2005G-2R Permits Issued	
2006	6
2007	7
2008	10
2009	3
2010	16
2011	6
2012	6
2013	4
2014	2
2015	1
2018	1
2020	1


General Permit 2005G-5R

**Subdivisions to Convey Two or More Lots
Without Principal Building Rights**

General Permit 2005G-5R

Subdivisions to Convey Two or More Lots Without Principal Building Rights

- Lots will be conveyed to adjoining landowners for the purpose of enlarging their adjacent lots
- Not eligible for use on lots already subject to Agency permits, settlement agreements, lots in pre-existing subdivisions, or substandard pre-existing lots
- No new development is authorized under this general permit

 P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050	General Permit 2005G-5R	Effective Date: August 12, 2005
	In the Matter of the Issuance of a General Permit for: Subdivision to Convey Two or More Lots Without Principal Building Rights	

SUMMARY AND AUTHORIZATION

This general permit is issued pursuant to §809(13) of the Adirondack Park Agency Act (Executive Law Article 27) authorizing an expedited Agency review process for a project to subdivide a lot to convey two or more lots without principal building rights to adjoining landowners for the purpose of enlarging their adjacent lot(s). No principal buildings are permitted and no principal building privileges are to be conveyed.

This general permit does not apply to parcels already subject to Agency permits or settlement agreements or lots in pre-existing subdivisions or substandard pre-existing lots of record.

The Agency's Deputy Director (Regulatory Programs) shall determine whether the project as proposed adequately conforms to the eligibility and approval criteria contained herein. Only if it is determined that the project is in conformance with the criteria will use of the general permit be allowed. Otherwise, a regular permit application will be required.

The projects authorized by this General Permit shall be undertaken and completed only as shown on approved project site plans prepared by appropriately qualified professionals and in accordance with the terms and conditions of a separate General Permit Certificate to be obtained for each project from the Agency.

This general permit is in effect from the date of reissuance unless otherwise modified or revoked by the Agency.

PROJECTS AS PROPOSED

The projects involve subdivision and conveyance of two or more non-building lots as described in the narrative and as shown on the site plan required as attachments to the application.

ADIRONDACK PARK AGENCY JURISDICTION

The projects eligible for and subject to this general permit are jurisdictional as Class A or Class B subdivisions as identified in Section 810 of the Adirondack Park Agency Act and/or "rivers subdivisions" identified in 9 NYCRR Part 577.

General Permit 2005G-5R

- Why should we revoke this GP?
 - Standardize review of jurisdictional subdivisions
 - Covered under the “Minor Project” and “Major Project” applications
 - Underutilized

- Effective Date: **August 12, 2005**
- Last Used: **2015**
- Total Permits Issued: **7**

GP2005G-2R Permits Issued	
2007	1
2008	2
2009	1
2010	1
2011	1
2015	1


General Permit 2010G-3

**Change in Use of an Existing Commercial,
Public/Semi-Public, or Industrial Building**

General Permit 2010G-3

Change in Use of an Existing Commercial Public/Semi-Public, or Industrial Building

- Authorizes a change from one lawful use to another lawful use
- Projects located in a designated river area are not eligible for this permit

 Adirondack parkagency <small>P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050</small>	General Permit 2010G-3	Effective Date: September 17, 2010
	In the Matter of the Issuance of a General Permit for: Change in Use of an Existing Commercial, Public/Semi-Public, or Industrial Building	

SUMMARY AND AUTHORIZATION

This general permit is issued pursuant to §809(13) of the Adirondack Park Agency Act (Executive Law Article 27) authorizing an expedited Agency review process for a project to change from a lawful use in an existing commercial, public/semi public, or industrial use building to a different use which results in no material change to the exterior of the building and its intensity of use, and no material change to the project site other than installation of new signage in full conformance with 9 NYCRR Appendix Q-3. Such change in use could include, but is not limited to, commercial retail to commercial office, commercial office to municipal office or not-for-profit organization office, industrial to office, public/semi building to commercial office, or public/semi public building to light industrial or artisan scale production. (The anticipated change in use will be limited to a commercial, public/semi-public or light /artisan industrial activity). Any project which potentially involves a material increase in noise or light pollution, requires air emission permits, or significantly increases traffic, parking, water usage or wastewater generation will not be eligible for this general permit.

Changes in use for buildings located in the applicable setback distances set forth in §806 of the Act are not eligible for this permit. Changes from commercial use to public/semi-public or industrial use or visa versa in a designated river area as defined in 9NYCRR Part 577 are not eligible for this permit.

The Agency's Deputy Director of Regulatory Programs shall determine whether the project as proposed adequately conforms to the above criteria and Section 809(10) of the Adirondack Park Agency Act. Only if it is determined that the project is in conformance with the above criteria will use of the general permit be allowed. Otherwise, an individual permit application will be required.

The projects authorized by this General Permit shall be undertaken and completed only as shown on approved project plans and in accordance with the terms and conditions of a separate General Permit Certificate to be obtained for each project from the Agency.

This general permit shall be effective from the date of issuance unless otherwise revoked or modified by the Agency.

General Permit 2010G-3

- Why should we revoke this GP?
 - Change from one lawfully existing commercial use to another commercial use is a non-jurisdictional activity
 - Change from one type of use to a different type of use is jurisdictional – this GP does not provide a thorough review for those instances
- Effective Date: **September 17, 2010**
- Last Used: **2012**
- Total Permits Issued: **1**


General Permit 2011G-1

Subdivisions Involving Wetlands

General Permit 2011G-1

Subdivisions Involving Wetlands

- Eligibility
 - a) The sole basis of Agency jurisdiction is a subdivision of lands involving wetlands
 - b) Project sponsor submits a complete application
 - c) Each proposed lot must contain:
 - Proposed access at least 100 feet from all wetlands and on slopes less than 15%
 - Area for the construction of a principal building greater than 100 feet from all wetlands and on slopes of less than 25%
 - No adverse impact on registered or eligible property under the New York State Historic Preservation Act

THIS IS A TWO SIDED DOCUMENT		
 P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050	General Permit 2011G-1	Effective Date: August 18, 2011
	In the Matter of the Issuance of a General Permit for: Subdivisions Involving Wetlands	

SUMMARY AND AUTHORIZATION

The Subdivision Involving Wetlands General Permit ("General Permit") is issued pursuant to Executive Law § 809(13)(e) and 9 NYCRR Part 572. The General Permit authorizes an expedited Adirondack Park Agency ("Agency") review process for subdivisions involving wetlands that meet the eligibility criteria set forth below. Upon approval of a proposed subdivision pursuant to this General Permit, the subdivision may be undertaken and the lots may be developed in accordance with the terms and conditions of the General Permit, the approved subdivision map/plat, the certification issued for the specific project, and all development requirements established by the Adirondack Park Agency Act, the Freshwater Wetlands Act, the Wild, Scenic, and Recreational Rivers System Act, and Agency regulations.

The General Permit applies throughout the Adirondack Park and shall be effective until revoked or modified by the Agency.

The General Permit shall be recorded by the Agency in the Office of the County Clerk for the counties of Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Oneida, St. Lawrence, Saratoga, Warren, and Washington.

ADIRONDACK PARK AGENCY JURISDICTION

A subdivision involving wetlands is a Class A regional project requiring an Agency permit pursuant to Executive Law §§ 809(2)(a) and 810(1), and a regulated activity requiring an Agency permit pursuant to 9 NYCRR §§ 578.2(a) and 578.3(n)(3).

ELIGIBILITY FOR APPLICATION

Any proposed subdivision involving wetlands that meets the following criteria is eligible for a certification issued pursuant to the General Permit:

- a. The sole basis of Agency jurisdiction on the project site is a subdivision of lands involving wetlands;
- b. The project sponsor submits to the Agency a complete application, including all required attachments; and

General Permit 2011G-1

- Why should we revoke this GP?
 - Standardize review of jurisdictional subdivisions
 - Covered under the “Minor Project” and “Major Project” applications
 - Underutilized

- Effective Date: **August 18, 2011**

- Last Used: **2022**

- Total Permits Issued: **9**


GP2005G-2R Permits Issued	
2011	2
2012	2
2013	1
2014	1
2015	1
2019	1
2022	1

General Permit 2011G-2

**New York State Department of Transportation
Herbicide Vegetation Management for Guide Rail
and Sign and Delineator Posts Adjacent to
Wetlands in the Adirondack Park**

General Permit 2011G-2

- NYS DOT Herbicide Vegetation Management
 - Best management practices to avoid impacts to wetlands when applying certain herbicides within 100 feet of wetlands
 - Applicable to areas under guide rails and around delineator and sign posts within the state highway rights-of way in areas classified as travel corridors

 P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050	APA General Permit 2011G-2	Effective Date: May 13, 2011
	In the Matter of the Issuance of a General Permit for the New York State Department of Transportation Herbicide Vegetation Management for Guide Rail and Sign and Delineator Posts Adjacent to Wetlands in the Adirondack Park	

SUMMARY AND AUTHORIZATION

The New York State Department of Transportation is granted a general permit on conditions authorizing a vegetative management program allowing certain herbicides to be applied within 100 feet of wetlands. This General Permit is applicable to the area under guide rails and around delineator and sign posts within the state highway rights-of-way in areas classified Travel Corridor on the Official Adirondack Park Land Use and Development Plan Map in the Adirondack Park.

This General Permit is issued pursuant to Environmental Conservation Law Article 24 and 9 NYCRR Parts 572 and 578.

This General Permit may not be used until recorded in the names of "New York State" and "New York State Department of Transportation" in the Office of the County Clerk for the counties of Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Oneida, St. Lawrence, Saratoga, Warren, and Washington.

This General Permit shall be effective from the date of issuance until modified or revoked by the Agency.

JURISDICTION

Herbicide use in close proximity to wetlands is a regulated activity requiring an Agency permit pursuant to 9 NYCRR 578.3(n)(2), as the use of herbicides may substantially impair the functions served by or the benefits derived from freshwater wetlands.

GUIDE RAIL VEGETATION MANAGEMENT PLAN AS PROPOSED

The New York State Department of Transportation ("DOT") proposes a Vegetation Management Plan involving the use of herbicides to control or eliminate vegetation in areas that cannot be machine mowed for financial reasons, including under the line of guide rail and immediately adjacent to the base of individual sign and delineator posts. The objectives include: reducing costly labor intensive control techniques for grass, weeds, vines, brush and woody plant growth along guide rails and sign and delineator posts; using materials and application techniques that are environmentally safe and provide one season control to a broad spectrum of plants; and developing a program that will facilitate improved safety conditions for inspection and maintenance of guide rails by improving better visibility and drainage.

More specifically:

1. The DOT proposes to apply herbicides to an area 3 feet or less in width under the line of guide rails and to the area immediately at the base of sign and delineator posts generally during the months May through August to control and limit the growth of grass, weeds, vines, brush and woody plants.
2. The DOT will maintain a minimum 5 foot no-herbicide spray buffer from all wetlands.
3. The following herbicides (or similar equivalents) are proposed for application to ensure control of a wide range of plants. They will be applied within recommended label rates but at a conservative dosage as noted below:

Product	EPA Reg No.	Rate Per Acre This Project	Recommended Label Rates
Roundup Original Max	524-539	2.0 quarts	1-3.3 qts./Ac
Oust XP	352-601	3.0 ounces	1-8 ozs./Acre
Escort XP	352-439	1.0 ounce	1-2 ozs./Acre
Krenite S	352-395	2.0 gallons	1.5-6 gal./Acre
Garlon 4 Ultra	62719-527	2 qts./Acre (or less - Poison Ivy control)	1-8 qts./Acre

4. These herbicides will be applied to guide rail as a mix by boom sprayer equipped with spray nozzles appropriate for the application conditions. The sprayer configuration may vary from DOT Region to Region, but generally is equipped with calibrated nozzles, computer and drip reduction valves to control drift and accurately apply the herbicides at the prescribed rates. The boom height will also be kept low to control drift. For applications around sign and delineator posts, the herbicide will be applied by either 1) a hose attached to the truck's spray system equipped with appropriate spray nozzle for the application, or 2) a back pack sprayer equipped with the appropriate spray nozzle for the application.
5. No application will take place when wind speed is sufficient to cause off-target drift. No application will take place when rain is predicted within 12 hours of application or within the rain-fast period specified in the product label of the herbicide(s) and adjuvant(s) being used. Spray operations will be immediately shut down when unacceptable off-target drift is observed or is a probable occurrence under existing conditions.
6. During all applications, a NYS Department of Environmental Conservation ("DEC") Commercially Certified Pesticide Applicator or Technician, certified for applications in Category 6A - Rights-of-Way and/or the DOT Regional Maintenance Environmental Contact ("MEC") will be present. If the MEC is not present, all spray operators will be wetland-recognition-trained. The DOT Regional Spray Crew Supervisor will monitor all spray operations. No products will be stored within the Adirondack Park except under lock and key in the contractor's on-site pesticide vehicles or at a NYSDOT Maintenance Residency equipped with proper storage facilities.
7. No application of herbicides except RoundUp Original Max (or equivalent) or RoundUp Original Max + Oust (or equivalent) will take place within 100 feet of known public or private water supplies.
8. Wetlands and surface drainage features will be field identified by DOT Maintenance Environmental Staff in consultation with the DOT Regional Spray Crew Supervisor (and will be subject to review with Agency staff) to insure that the 5 foot no-herbicide spray areas are maintained. Within the 5-foot buffer areas, vegetation will be controlled by manual methods as needed.

After-spray monitoring will include visual inspection for damage to non-target areas. If adverse impact is found, DOT will determine way(s) to prevent reoccurrence.

9. Monitoring results and continued research on impacts and alternatives will be used to continue to update or amend the vegetative management plan, including consideration of integrated pest management principles, reduced quantity and frequency of herbicide applications, and use of developing alternative technologies for vegetation control.

CONDITIONS

1. All projects authorized by this General Permit shall be undertaken as described in the Guide Rail Vegetation Management Plan as Proposed and in compliance with the Conditions stated herein. Any change in the herbicide product, method of application, rate of application, or width of treatment zones, as well as any other changes to the Guide Rail Vegetation Management Plan, shall require consultation with Agency staff, and may require permit amendment.
2. No project authorized by this General Permit may be undertaken until this General Permit has been recorded in the Office of the County Clerk for the counties of Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Oneida, St. Lawrence, Saratoga, Warren, and Washington.
3. This General Permit is binding on the DOT and all contractors or other New York State agencies undertaking all or a portion of any project authorized by this General Permit.
4. The Agency may conduct such on-site investigations, examinations, tests and evaluations as it deems necessary to ensure compliance with the terms and conditions hereof. Such activities shall take place at reasonable times and upon advance notice where possible. DOT shall arrange transportation for Agency staff to undertake such evaluations of the condition of vegetation along the highway corridor.
5. Pre-treatment reviews of highway corridors shall be conducted each year, to evaluate the need for and scope of treatments, to identify specific locations where spot herbicide treatments would be sufficient, and to apply integrated plant management practices to minimize the total volume and frequency of treatments.

General Permit 2011G-2

- Why should we revoke this GP?
 - Herbicide use outside of wetlands that does not impact wetlands does not require an Agency permit
- Effective Date: **May 13, 2011**
- Last Used: **n/a**
- Total Permits Issued: **n/a**

Active General Permits

GP #	Name (abbrev.)	Total Issued	Last Used
2001G-1E	Removal or Modification of Recent Beaver Dams and Debris by Individual LOs	24	2024
2001G-2A	Removal or Modification of Recent Beaver Dams and Debris by Transportation Dep.	1	2017
2002G-1RA	Disposal of Uncontaminated Wastes by Hwy/Sewer/Water Dep.	22	2023
2005G-1R	Certain Minor Regulated Activities by NYS DEC on State Land in APA-J Wetlands	101	2024
2005G-3R	Replacement/Installation of New Telecom. Antennas On Existing Towers/Other Tall Structures	246	2024
2009G-2	Installation of Certain New Small-Scale Wind Turbines & Wind Monitoring Masts	0	n/a
2010G-1	Installation of New Or Replacement Telecom. Towers at Existing APA Approved Sites	17	2021
2014G-1B	Mgmt of Terrestrial Invasive Species in or Potentially Impacting Wetlands	0	n/a
2015G-1	Rapid Response Mgmt/Containment of Aquatic Invasive Species Using Benthic Barriers & Hand Harvesting	2	2020
2015G-2	Mgmt of Aquatic Invasive Species Using Benthic Barriers & Hand Harvesting	29	2023
2019G-1	Replacement of Certain Utility Poles	121	2024
2023G-1	Certain Modifications of Existing Towers or Base Stations (Eligible Facilities Requests)	11	2024
2024G-1	Certain Minor Regulated Activities in APA Jurisdictional Freshwater Wetlands	14	2024

Public Comment

Public Comment

- Comment Letters
 - One comment received – NYS DOT
 - Requested the opportunity to confirm their understanding of the reasons for the revocation of GP2011G-2 and resolve any concerns about ongoing vegetation management activities adjacent to wetlands prior to the Agency's final decision
 - Agency Response: Meeting with NYS DOT Representatives on 11/5/24

Board Action

For Board Action Today

- Approve resolutions to revoke GP2005G-2R, GP2005G-5R, GP2010G-3, GP2011G-1, and GP2011G-2



Adirondack
Park Agency

Revocation of General Permits

GP2005G-2R, GP2005G-5R, GP2010G-3, GP2011G-1, and GP2011G-2

November 14, 2024



**Adirondack
Park Agency**