

# RULE REVIEW

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## Adirondack Park Agency

As required by section 207 of the State Administrative Procedure Act (SAPA), the following is a list of rules which were adopted by the Adirondack Park Agency in calendar year 2005 which must be reviewed in calendar year 2010. Public comment on the continuation or modification of these rules is invited and will be accepted until June 1, 2010. Comments may be directed to: Paul Van Cott, Associate Attorney, Legal Division, Adirondack Park Agency, P.O. Box 99, NYS Route 86, Ray Brook, New York 12977.

RULES ADOPTED IN 2005 AND EFFECTIVE ON SEPTEMBER 15, 2005.

Legal basis for these rules: Adirondack Park Agency Act, Executive Law, article 27; Wild, Scenic and Recreational Rivers System Act (ECL section 15-2709); Freshwater Wetlands Act (ECL section 24-0801).

(1) Amended 9 NYCRR section 570.3 to remove definitions which are identical to the statutory definitions and re-number the paragraphs remaining.

Analysis of the need for the rule: Eliminated unnecessary duplication of statutory definitions set forth in Executive Law section 802.

(2) 9 NYCRR section 573.4(f) was deleted and 9 NYCRR section 570.3(al) was to be amended to include the definition of “subdivision into sites” as part of the definition of “subdivision.” The amendment to 9 NYCRR section 570.3(al) was not filed due to administrative error.

Analysis of the need for the rule: To make the definition of “subdivision into sites” more accessible to the public.

(3) Added 9 NYCRR section 573.4(j) to codify existing practice of allowing certain “boundary line adjustments” without an Agency permit pursuant to defined parameters and conditions.

Analysis of the need for the rule: Ensures consistent standards for certain de minimis divisions of land that would otherwise require an Agency permit.

(4) Deleted 9 NYCRR section 572.21 eliminating requirement that a subsequent purchaser of property must seek a transfer of an Agency permit.

Analysis of the need for a rule: Executive Law section 809(7)(b) already binds subsequent purchasers to the conditions of an Agency permit. Deleting this section relieves the subsequent purchaser of the need to re-apply for a permit already issued and in effect.

(5) Deleted 9 NYCRR sections 571.1(b) and 572.4(a) which allowed the public to submit Agency jurisdictional inquiry forms and permit applications to the New York State Department of Environmental Conservation or the New York State Department of Health.

Analysis of the need for the rule: These rules placed an unrealistic burden on sister agencies, delayed an Agency response to the public, and had the potential to cause confusion to the public.

(6) Amends and revises 9 NYCRR section 587.3 to clarify certain terms and to move those portions of the section concerning ex parte rules into a new 9 NYCRR section 587.4.

Analysis of the need for the rule: This amendment clarifies the term “pecuniary interests” as “business, financial property interests” for purposes of the conflict of interest rule in 9 NYCRR section 587.3. It also separates the ex parte rule into a new 9 NYCRR section 587.4, again for the purpose of clarity.

(7) Deleted, edited and renumbered 9 NYCRR sections 572.15, 572.16, 572.17 and 572.18 as new 9 NYCRR sections 576.5, 576.6, 576.7, 576.8 and 576.9; Edited 9 NYCRR sections 572.19, 576.1 and 576.2.

Analysis of the need for the rule: Relocated all procedural rules for obtaining an Agency variance to 9 NYCRR Part 576 (“Standards for the Review of Variances Pursuant to the Adirondack Park Agency Act”) and deleted all references to variances from 9 NYCRR Part 572 (“Procedures for the Review of Projects”).

(8) Amended 9 NYCRR sections 571.5, 572.4, 572.10, 572.11, 572.12, 572.19 572.20 and 572.22 to change references to “Director of Operations” to “Deputy Director – Regulatory Programs” and “Operations Committee” to “Regulatory Programs Committee.”

Analysis of the need for the rule: These were ministerial changes.

(9) Amended 9 NYCRR section 588.8 to include the effective date of Agency regulations.

Analysis of the need for the rule: This rule makes clear the effective date of current Agency regulations.

(10) Deleted Appendix Q1 as a companion change to the deletion of 9 NYCRR sections 571.1(b) and 572.4(a).

Analysis of the need for the rule: Since this rulemaking eliminated provision for the filing of Agency applications with sister agencies, this section, which includes the addresses of the sister agencies, is no longer necessary.

