

PRE-EXISTING SUBDIVISIONS

This is a supplement to the Citizen’s Guide, which provides basic information about Adirondack Park Agency regulations.

Pursuant to Sections 809 and 810 of the Adirondack Park Agency Act, many subdivisions within the Adirondack Park require a permit from the Adirondack Park Agency. However, in some instances, a new subdivision is treated as though it occurred before the enactment of this law. No permit is required under the APA Act¹ for the conveyance of lots within these “pre-existing subdivisions.”

The Agency reviews the facts and circumstances of each subdivision to determine whether it is pre-existing. Pursuant to Section 573.4(f) of Agency regulations, particular attention is paid to the following:

- (i) Whether a subdivision map was filed with the County Clerk’s Office before August 1, 1973²;
- (ii) Whether all necessary Town, Public Health Law, and other approvals were obtained for the subdivision prior to August 1, 1973;
- (iii) The number and location of lots that were sold prior to August 1, 1973, relative to all of the lots in the subdivision;
- (iv) The nature, extent, cost, and location of structures and improvements directly related to the subdivision that were completed or commenced prior to August 1, 1973, relative to all of the improvements necessary for the subdivision; and
- (v) Efforts made to sell lots prior to August 1, 1973.

The Agency may determine that separate portions of a subdivision shown on a subdivision map are pre-existing. In addition, subdivisions may be determined pre-existing in combinations of lots due to the pattern of sale, ownership, and infrastructure installation prior to August 1, 1973.

If the New York State Department of Health has approved a pre-existing subdivision, no

¹ A permit for the conveyance of a lot in a pre-existing subdivision may be required from the Agency under New York State’s Freshwater Wetlands Act or Wild, Scenic and Recreational Rivers System Act.

² In certain circumstances, June 1, 1973, is substituted for August 1, 1973, for pre-existing subdivision purposes. See Section 802(49) of the APA Act for additional information.

permit or variance is required under the APA Act for the construction on each lot of one single family dwelling or mobile home.³ If no DOH approval has been obtained, a permit is required under the APA Act for the construction of any single family dwelling or mobile home in a Resource Management or Industrial Use land use area or within a critical environmental area, and a variance is required for the construction of a residential unit on a lot with insufficient shoreline lot width.

This flyer is intended to provide general information regarding Agency jurisdiction. Other provisions or restrictions may apply if an Agency permit or variance is required or if the property has previously been subject to Agency review.

Please contact the Agency with any questions at 518-891-4050. For a binding written response as to whether a specific proposal requires Agency review, please submit a Jurisdictional Inquiry Form (JIF). The JIF form is available on the Agency website at www.apa.ny.gov/Forms/jiform.pdf.

³ Regardless of whether Department of Health approval has been obtained, a permit for the construction of a single family dwelling or mobile home may be required from the Agency under New York State's Freshwater Wetlands Act or Wild, Scenic and Recreational Rivers System Act.