

# STATE OF NEW YORK



S. 3775

A. 4834

1975-1976 Regular Sessions

## SENATE—ASSEMBLY

March 4, 1975

IN SENATE—Introduced by Sen. STAFFORD—read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY—Introduced by Mr. RYAN—read once and referred to the Committee on Governmental Operations

### AN ACT

to amend the executive law, in relation to Adirondack park agency project review jurisdiction

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

1 Section 1. Paragraph c of subdivision one of section eight  
2 hundred eleven of the executive law, as added by chapter three  
3 hundred forty-eight of the laws of nineteen hundred seventy-three, is  
4 hereby amended to read as follows:

5 c. Gifts, devises and inheritances. The mere division of land  
6 resulting from bona fide gift, devise or inheritance by and from  
7 natural persons [shall not be subject to review by the agency. New]

EXPLANATION — Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

1 *and new* land use or development on lots, parcels or sites conveyed by  
2 individuals, who on the date that this act shall become law own such  
3 land, to members of their immediate families by bona fide gift, devise  
4 or inheritance. **[.]** *shall not be subject to review by the agency and*  
5 *shall be exempt from the overall intensity guidelines and the*  
6 *minimum lot size criteria specified in the class B regional project*  
7 *lists for the purpose of constructing one single family dwelling or*  
8 *mobile home on any such lot, parcel or site.*

9 § 2. This act shall take effect immediately.

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MEMORANDUM

ASSEMBLY BILL #  
SENATE BILL # 3775

BY: ANDREW W. RYAN, JR.  
BY: RONALD STAFFORD

AN ACT to amend the executive law,  
in relation to Adirondack Park  
Agency project review  
jurisdiction

PURPOSE: To modify those provisions of the Adirondack Private  
Land Use Plan concerning gifts, devise and inheritances.

SUMMARY OF PROVISIONS: This bill would amend paragraph c of  
subdivision one of section eight hundred eleven of the  
executive law, as added by chapter three hundred forty-eight  
of the laws of nineteen hundred seventy-three.

JUSTIFICATION: The law presently provides that mere division of land  
resulting from gifts, devise and inheritances shall not be subject  
to review by the Adirondack Park Agency. The development on such  
sites are reviewed by the Agency although they are exempt from  
the overall intensity guidelines and minimum lot size criteria  
of Class B regional projects for the purpose of construction of  
a one single family dwelling or mobile home.

There is no good reason why the development of these lots  
should be subject to review by the Agency since they are exempt  
from the density and minimum lot size criteria and only for  
the purpose of building a single family dwelling or mobile home.

FISCAL IMPLICATION: Local - increase the tax base  
State - None

EFFECTIVE DATE: IMMEDIATE

## SENATE

IN SENATE—Introduced by Sen.




—read twice and ordered printed, and when printed to be committed to the Committee on

A

## ASSEMBLY

IN ASSEMBLY—Introduced by M. of A.



—read once and referred to the Committee on

## AN ACT

to amend the executive law, in relation to Adirondack park agency project review jurisdiction

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

## IN ASSEMBLY

The Members of the Assembly whose names are circled below wish to join me in the sponsorship of this proposal:

|            |           |           |               |              |              |           |          |
|------------|-----------|-----------|---------------|--------------|--------------|-----------|----------|
| Abramson   | Daly      | Flack     | Hawley        | Lee          | Montano      | Schmidt   | Vann     |
| Amatucci   | D'Amato   | Flanagan  | Healey        | Lehner       | Murphy, G.A. | Schumer   | Velella  |
| Barbaro    | D'Andrea  | Fortune   | Hecht         | Lentol       | Murphy, M.J. | Sears     | Virgilio |
| Betros     | Dearie    | Fremming  | Henderson     | Levy         | Murphy, T.J. | Serrano   | Walsh    |
| Bianchi    | DelliBovi | Frey      | Herbst        | Lewis        | Nicolosi     | Sharoff   | Wemple   |
| Blumenthal | Del Toro  | Gazzara   | Hevesi        | Lill         | Nine         | Siegel    | Weprin   |
| Brewer     | DeSalvio  | Goodhue   | Hinchey       | Lisa         | O'Neil       | Silverman | Wertz    |
| Brown      | DiCarlo   | Gorski    | Hochberg      | Lopresto     | Orazio       | Solomon   | Yevoli   |
| Burns      | DiFalco   | Gottfried | Hochbrueckner | Mannix       | Passannante  | Stavisky  | Zagame   |
| Burrows    | Diggs     | Graber    | Hoyt          | Marchiselli  | Pesce        | Stein     | Zimmer   |
| Calogero   | Dokuchitz | Grannis   | Hurley        | Margiotta    | Posner, H.A. | Steingut  |          |
| Caputo     | Duryea    | Greco     | Izard         | Marshall     | Posner, S.   | Stephens  |          |
| Cincotta   | Dwyer     | Griffin   | Jonas         | McCabe       | Rappleyea    | Stott     |          |
| Cochrane   | Emery     | Griffith  | Kelleher      | Mega         | Reilly       | Strelzin  |          |
| Connelly   | Esposito  | Gunning   | Kidder        | Miller, G.W. | Riford       | Suchin    |          |
| Connor     | Eve       | Haley     | Koppell       | Miller, H.J. | Robach       | Sullivan  |          |
| Cook, C.D. | Farrell   | Hamilton  | Kremer        | Miller, H.M. | Roosa        | Tallon    |          |
| Cook, D.W. | Ferris    | Hanna     | Landes        | Miller, M.H. | Ross         | Taylor    |          |
| Cooperman  | Field     | Harenberg | Lane          | Mirto        | Ruinyon      | Thorp     |          |
| Culhane    | Fink      | Harris    | Lasher        | Molinari     | Ryan         | Tills     |          |

Assembly Introducer's signature

## IN SENATE

The Senators whose names are circled below wish to join me in the sponsorship of this proposal:

|           |           |              |
|-----------|-----------|--------------|
| Anderson  | Goodman   | Ohrenstein   |
| Auer      | Gordon    | Owens        |
| Barclay   | Griffin   | Padavan      |
| Beatty    | Halperin  | Paterson     |
| Bellamy   | Hudson    | Perry        |
| Bernstein | Isabella  | Pisani       |
| Bloom     | Johnson   | Present      |
| Bronston  | Knorr     | Rolison      |
| Burstein  | Leichter  | Ruiz         |
| Caemmerer | Levy      | Santucci     |
| Calandra  | Lewis     | Schermerhorn |
| Conklin   | Lombardi  | Smith, B.C.  |
| Donovan   | Marchi    | Smith, W.T.  |
| Dunne     | Marino    | Stafford     |
| Eckert    | Mason     | Straub       |
| Flynn     | McCall    | Tauriello    |
| Galiber   | McFarland | Trunzo       |
| Garcia    | Meyerson  | Volker       |
| Giuffreda | Moore     | Warder       |
| Gold      | Nolan     | Winikow      |

Senate Introducer's signature

Section 1. Paragraph c of subdivision one of section eight hundred eleven of the executive law, as added by chapter three hundred forty-eight of the laws of nineteen hundred seventy-three, is hereby amended to read as follows:

c. Gifts, devises and inheritances. The mere division of land resulting from bona fide gift, devise or inheritance by and from natural persons [shall not be subject to review by the agency. New] and new land use or development on lots, parcels or sites conveyed by individuals, who on the date that this act shall become law own such land, to members of their immediate families by bona fide gift, devise or inheritance[, ] shall not be subject to review by the agency and shall be exempt from the overall intensity guidelines and the minimum lot size criteria specified in the class B regional project lists for the purpose of constructing one single family dwelling or mobile home on any such lot, parcel or site.

§ 2. This act shall take effect immediately.