

STATE OF NEW YORK



S. 2705

A. 3456

1975-1976 Regular Sessions

SENATE—ASSEMBLY

February 12, 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—Multi-Sponsored by—Messrs. DOKUCHITZ, HARRIS, SOLOMON—read once and referred to the Committee on Governmental Operations

AN ACT

to amend the executive law, in relation to local land use programs in the Adirondack park

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

1 Section 1. Paragraph c of subdivision two of section eight
2 hundred five of the executive law is hereby amended by adding
3 thereto a new subparagraph, to be subparagraph (6), to read as
4 follows:

5 *(6) Any amendment to be made pursuant to subdivision five of*
6 *section eight hundred seven of this article.*

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

1 § 2. Section eight hundred seven of such law is hereby amended
2 by adding thereto a new subdivision, to be subdivision five, to read as
3 follows:

4 5. *Notwithstanding any other provision of this article or any other*
5 *general or special law, rule or regulation to the contrary, the agency*
6 *shall amend the land use and development plan and plan map to*
7 *conform to any land use program adopted by a local government for*
8 *the territory contained within its jurisdiction which is based upon a*
9 *finding by said local government that the land is capable of sup-*
10 *porting the uses and densities of use permitted therein and said local*
11 *land use program shall be exempt from review or approval by the*
12 *agency.*

13 § 3. Section eight hundred nine of such law is hereby amended by
14 adding thereto a new subdivision, to be subdivision sixteen, to read as
15 follows:

16 16. *Notwithstanding any other provision of this article or any*
17 *other general or special law, rule or regulation to the contrary, the*
18 *agency shall not have jurisdiction to review or approve any project*
19 *in an area subject to a land use program adopted by a local*
20 *government in the manner set forth in subdivision five of section*
21 *eight hundred seven of this article.*

22 § 4. This act shall take effect immediately.

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MEMORANDUM

ASSEMBLY BILL # 3456

BY: ANDREW W. RYAN, JR.

SENATE BILL # 2705

BY: RONALD STAFFORD

AN ACT to amend the executive law,
in relation to local land use
programs in the Adirondack Park

PURPOSE: This bill will return to local governments in the Adirondacks the right to zone their own communities.

PROVISION: Bill provides that if local governments adopt a local land use program projects in conformance with such land use plan are not reviewable by the Adirondack Park Agency.

JUSTIFICATION: Every local government in the state has the power to adopt local zoning and land use planning except the local governments within the Adirondack Park. There is no reason why the people of the Adirondacks should be discriminated against by removing this power from their elected representatives.

FISCAL IMPLICATION: It will save the state money by reducing the work load of the Adirondack Park Agency.

RE: Senate 2705 - Assembly 3456
Amendment of Article 27 of the Executive Law

The bill referred to above is intended to eliminate a conflict between state and local governments by restoring the power of zoning and master planning to the Towns located within the Blue Line of the Adirondack Park Area — the only area in our state in which these local powers have been suspended. The bill would also permit a substantial saving to the state in terms of a reduction of the annual budget of the Adirondack Park Agency by relieving the Agency of this burden and permitting it to concentrate on ecological research and technical assistance. The existing protections contained in the Official Adirondack Land Use Map and Plan would continue to apply to those Towns which elect not to adopt a local land use plan which is based upon a finding that the land is capable of supporting the uses and densities permitted in such local plan.

An additional purpose of the proposed legislation is to stop a steadily deteriorating economic situation and loss of tax base in an area of our state which includes twelve (12) counties, eighty-six towns, and has a population in excess of 130,000 persons in an expanse of over 3.7 million acres of privately owned land.

The enclosed brief outlines the purposes, needs and benefits to be derived from the proposed legislation.

AMENDMENT OF ARTICLE 27 OF THE EXECUTIVE LAW
(ADIRONDACK PARK ACT)

SENATE 2705 (February 12, 1975)

ASSEMBLY 3456 (February 12, 1975)

Adding Section 805.2.c(b), Section 807.5 and
Section 810.3

Amendment of the Adirondack Park Act to direct the amendment of the official Adirondack park land use and development plan map to conform to any land use plan adopted by a local government for the territory contained within its jurisdiction which is based upon a finding by said local government that the land is capable of supporting the uses and densities of use permitted therein, and exempting said local land use plan, or any project complying with same from review or approval by the Adirondack Park Agency.

This amendment adopts the following recommended amendment to the Act as set forth in the 1974 Annual Report of the Adirondack Park Local Government Review Board:

"that the Park Agency be instructed to grant color changes to the Official Land Use Map at the request of landowners and of local government, and in connection with the approval of a local land use plan, where such changes conform to the capability of land to support the corresponding level of use and without regard to any predetermined level of future population density. (Overall Intensity of Development)."

I. The Purposes of the Proposed Changes Are:

1. To restore a reasonable measure of self determination to the twelve counties and eighty-six towns located wholly or partially within the Blue Line of the Adirondack Park and encourage these local governments to adopt local land use plans.
2. To remove the existing conflict between Article 27 of the Executive Law (Adirondack Park Act) and Article IX of the N.Y. State Constitution and the Statute of Local Governments (Laws of 1964, Chapter 205) which grants to counties, cities, towns and villages the powers to adopt ordinances, adopt zoning regulations, and perform comprehensive planning work.

3. To facilitate that purpose of the Adirondack Park Act which is to "... recognize the needs ... of the park's permanent, seasonal and transient populations for growth and service areas, employment, and a strong economic base, as well." (Sec.807, 7th Par.) and to reverse the present trend of population loss and destruction of real estate tax base.
4. To eliminate duplication of administrative effort and shift the financial burdens of zoning and planning, and zoning administration, to those local governments which have created the administrative structure for this effort.

II. The Existing Stuation

The Adirondack Park Act, and the jurisdiction of the Adirondack Park Agency, covers approximately 6,000,000 acres. Privately owned land constitutes 3,700,000 acres of this area. Under the provisions of the Act and its official Land Use Plan and Map, 53% of the privately owned land, or 3,021 square miles, has been zoned requiring 42.7 acres per principal building (Resource Management), 32% of the privately owned land, or 1,824 square miles, has been zoned requiring 8.5 acres per principal building (Rural), and 10% of the privately owned land has been zoned requiring 3.2 acres per principal building (Low Intensity). It is the Official Land Use Map which applies these density restrictions to the privately owned lands. The population within the Blue Line exceeds 130,000 persons. Twelve (12) Counties and eighty six (86) Towns are wholly or partially within the Blue Line (See Tables II and III).

III. Adirondack Park Agency Administration

Basically all real estate development of privately owned lands outside the 1% of such lands presently designated as "Hamlet" require approval by the Adirondack Park Agency at the present time. The actual record of the Agency's administration indicates an inability to cope with the Adirondack communities' development needs or an intentional program to eliminate all significant real estate development within the Blue Line. An audit of the Agency's Official Docket of Applications for Project Approvals indicated that as of January 23, 1975 only 55% of the 536 Applications For Project Approval filed between August 13, 1973 and December 31, 1974 had been approved. 83% of these Applications were for subdivision approvals. 95% of the Applications For Subdivision Approval were for twenty

or less subdivisions, 84% being for four or less subdivisions. 57% of Applications for twenty or less subdivisions were approved, while only 19% of Applications for more than twenty subdivisions were approved. No subdivisions of over 71 lots were finally approved or permits issued (Table I). Of the four applications filed for over 100 subdivisions, one conceptual approval was issued for Loon Lake Estates which purported to control not only land use, but all forms of utility, water and sewage installation initially and into future times, all of which are variable at the discretion of the Agency, and one conceptual approval was issued to the Adirondack Mountain Club to divide an acre of land into 10,600 square inch lots to be sold at a suggested price of \$5.00 per lot as a fund raising promotional. The statistics cited in Table I do not reflect applications which have been discouraged by the Agency's "Preliminary Conference" system. One Application for Conceptual Project Approval in excess of 100 Subdivision lots was presented by the Agency with a Demand for macrobiological and macrogeological material which was set forth in thirty-eight (38) pages of single spaced typewritten material on 8½ x 14 inch paper and was categorized into thirtyseven (37) Primary Topic Headings, One hundred and forty (140) first level subdivision headings, One hundred and twenty one (121) second level subdivision headings, eighty two (82) third level subdivision headings, sixteen (16) fourth level subdivision headings and nine (9) fifth level subdivision headings, much of the requested data on the 2,224 acre tract in question to be presented on a five acre basis, despite the fact that less than half of the acres were to be affected by any kind of development. (Application of Wambat Realty Corp.).

The Local Government Review Board, organized pursuant to Section 803-a.1. of the Act "For the purpose of advising and assisting the Adirondack park agency in carrying out its functions, powers and duties..." stated in its 1974 Annual Report To The Governor and The Legislature of the State of New York:

"Performance of the Park Agency in stimulating local land use planning"

"To date, no local land use plan has been given approval by the Agency and only one Town has applied for approval. Two towns appear close to filing for approval, out of a total of 115 Park towns and villages. Under present conditions, the Review Board believes that the vast majority of local units will not file for approval."

"The reasons for slow Agency progress at the local level include: (1) the lack of incentives ...; (2) a lack of rapport between the Agency and elected officials in the Park, which has been aggravated by the attitudes of the Agency and its almost exclusive reliance on a young, inexperienced staff recruited from outside the Park; (3) the extreme complexity of Agency requirements for local planning, which have even discouraged professional planning consultants employed by Park local units; (4) the failure of the Agency to complete and publish the model land use provisions called for "as soon as possible" by Section 807(4) of the Act. The absence of these model provisions has justifiably encouraged local units to be suspicious that new, unacceptable planning requirements are in process at the Agency level."

As regards "Economic Impact", the Review Board report stated: "The Review Board finds that the over-all effect of Agency control is to materially worsen the already depressed economic condition of the Park. If present trends continue, we anticipate an economic slowdown of critical proportions." The Review Board reported that:

"(1) large projects are being largely excluded from the Park, and many of those proposed are subjected to expensive and hostile application procedures which lead to delays, partial abandonment or complete abandonment by the project sponsor; (2) small projects in Resource Management and other critical environment areas are subject to extended delays and to a substantial, but unknown, number of abandonments by the project sponsors; (3) small projects outside of critical environmental areas are being processed by the Agency satisfactorily."

As regards "Agency efforts to aid the Park economy", the Review Board stated: "While the Park Agency Act recognized the need for "growth and service areas, employment and a strong economic base (Sec.801)", it has done almost nothing of a practical nature to aid the local economy of the Adirondack Park."

"The Review Board finds that the Park Agency has been preoccupied with narrow environmental objectives and has, as a result, neglected the human environment of Park residents. This lack of balance in Agency policy and operations is probably the most serious deficiency detected by the Review Board." (November 25, 1974)

The destructive impact of the Act and its administration is a reality being faced by many of the Towns within the Blue Line. More than

one Town has acted in participating in a bona fide grass roots citizens league which has the support of state and local legislators and officials and responsible citizens (League for Adirondack Citizens Rights, Inc.).

As the subscribing letter from the Town of Black Brook has indicated, the imposition of the Park administration has negatively affected the Town's ability to repair a weakened tax base, and is thus destroying the social fabric of this Adirondack Town as well as others. (See Exhibit I). Lawsuits have already been commenced challenging the Act as a violation of the Home Rule powers of local governments.

The Official Land Use Map produced by the Agency is the ultimate expression of the zoning controls imposed by the Act. Although the Agency recognized that the Plan and the Map were regional in nature, dealing with large land areas rather than specific blocks or parcels of land with the map being hastily drawn and committed itself prior to final enactment of the Plan and adoption of the Map to a policy of flexible interpretation, once granted the reins of authority, the Agency staff has adopted a rigid and repressive posture. Regarding the overall intensity guidelines, the Review Board Report stated:

"The Review Board continues to find the Official Land Use Map of the Park Agency to have been inexpertly and crudely drawn. The map fails to reflect adequately the capability of the land and, in most communities, places arbitrary and unnecessary restrictions of the very modest growth pattern on which Adirondack towns and villages rely. This problem has been exacerbated by the Agency policy of supporting the overall intensity guidelines in connection with local land use plans, even where these guidelines prove inappropriate for a given land use area. This policy has been expressed by both the Agency members and by the staff (e.g., Town of Northhampton Meeting, July, 1974).

The Agency staff has since taken a more rigid approach than that criticized by the Local Government Review Board. In a recent hearing in connection with joint Applications for Map Amendment submitted by the Town of Black Brook and a private sponsor, the Agency staff objected to the introduction into the hearing record in support of the Application the facts that the sponsor proposed to create central sewage treatment and central water facilities at the sponsor's own expense. This position was upheld by the Hearing Examiner selected by the Agency. As the law of our state, as a result of this determination, is that "new development considerations" cannot be considered in connection with map amendments, the Official Map and the densities imposed by it are for all practical purposes fixed and immutable. It made little difference to the Agency that the map amendment and the project to which it related were formally endorsed and

supported at the hearing by the Clinton County Board of Legislators, the Clinton County Planning Board, the Clinton County Industrial Development Corporation and the Superintendent and Board of the Au Sable Valley Central School District (Application of Wambat Realty Corp., Application of Town of Black Brook, January 28, 1975).

As a result of the determination referred to above, the Executive Department of our State government appears to be in violation of the recent New York Court of Appeals decision of Golden v. Planning Board of Ramapo, 30 N.Y. 2d 359 (May 3, 1972) which sustained a zoning plan which restricted development on the grounds that the plan did have as its basis a rational plan for phased growth which was of a limited duration, created interim relief in assessed valuations, and permitted owners of property to accelerate the eligibility of their lands for development by installing at their own cost utility, sewage and other services which qualified their property for current development. The restrictions imposed by the Adirondack Park Act as administered by the Adirondack Park Agency permits none of these considerations. It would seem that the intentions of the state legislature as well as the civil rights of the residents of our state who reside within the Blue Line are being thwarted.

The tenuous legality of the Hearing Examiner's ruling referred to above (Matter of Wambat Realty Corp.) seems to clearly violate the rulings of the United States Supreme and District Courts which have held that any zoning plan which has the effect of restricting the growth or movement of population is unconstitutional as violating the fundamental constitutional right to enter and live in any state or municipality in the Union (Construction Industry Association of Sonoma County v. City of Petaluma, 375 F.Supp. 574, 1974, and cases cited therein).

Not only does the Agency's position contravene state and federal law, but it also violates the intent of the legislature which stated the purposes of the Adirondack Park Act to "... recognize the needs ...of the park's permanent, seasonal and transient populations for growth and service areas, employment, and a strong economic base, as well." (Section 807). The position the residents of the area within the Blue Line find themselves in is exactly the opposite of the intended position as stated in the Governor's message upon signing the Official Adirondack Park land use plan into law on May 22, 1973:

"Implementation of the Plan will be vested in the Park's local governments and the Adirondack Park Agency, working in partnership. Properly, the measure assures a continuing and responsible role for local governments. (Emphasis supplied). (Memorandum filed with Assembly Bill Number 7577-A, May 22, 1973, No. 10, Chapter 348).

IV. The Needs For Revision

The facts of economic need within the Blue Line area of the Adirondacks indicates a desperate need for economic stimulation. In some areas within the Blue Line, unemployment levels reach 25% — and this in an area which has no significant minority ethnic groups. The most exhaustive impact study ever performed on the impact of Leisure Homes on the economy of the area with the "Blue Line" of the Adirondack Park, the Phd. Thesis of Assistant Professor Dr. Charles Irwin Zinser, S.U.N.Y. at Plattsburgh, unqualifiedly established that the leisure home is a boon to the Adirondack communities (See Exhibit IV); that over 50% of real estate taxes collected on these residences are surplus or "gravy" to the local communities; that only 3% of the leisure home owners have children attending school within the area of their leisure homes; and that each leisure home generates approximately \$2,500 per year in expenditures into the local economies. In addition to these considerations are an estimated \$14,000 in direct local labor costs and \$5,500 in local material purchases for each new leisure home to be built. Of the 63 towns wholly within the Blue Line, 40 have 20% or more of their land areas owned by the state and 20 have 50% or more of their land areas owned by the state. Inasmuch as an abundance of land constituting approximately 2.3 million acres of land within the Blue Line is state owned, the proper attitude of the state should be to encourage desirable development of privately owned lands, lands which the state has not paid for.

In connection with the points set forth above, the original Recommendations of the Temporary Study Commission on the Future of the Adirondacks, the Progenitor of the Adirondack Park Agency contained the following specific recommendations:

"4. Local governments should have a role in the planning and zoning of private land that reflects their legitimate interest in the private land."

....

"100. Within the Adirondack Park, programs for economic development should emphasize the opportunities for expansion of the private recreation industry."

....

"PRIVATE LAND"

"120. Private initiative should be relied on to provide supporting services and intensive recreation facilities complimentary to the public recreation opportunities in the Park."

"The intermingling of public and private land in the Adirondack Park lends itself to the development of a private recreation industry. Recreation on private land not only supplements the wild forest recreation provided by the forest preserve but also provides the intensive recreation facilities and supporting services that are unsuited to forest preserve lands."

"Many users of the Park, while relishing the wild forest atmosphere, demand such facilities. Historically, they have been provided by the private sector. The Commission sees no reason to reverse this tradition." (Emphasis supplied) (Report of the Temporary Study Commission on the future of the Adirondacks to the Governor of the State of New York, December 15, 1970).

V. Feasibility of Revision

The proposed revision would affect only those Towns and lands within the Blue Line which have been made the subject of or will be made the subject of a local government land use plan which is based upon a finding by the local government that the land is capable of supporting the uses and densities of use permitted therein. This legislation achieves effect after implementing local legislation is enacted, following a proper zoning effort. It encourages the functioning of local Planning Boards and places the responsibility upon local Town Boards and Assessors to adequately plan for the character and economic future of their community. Inasmuch as all present planning efforts are being financed by the Towns themselves or in connection with planning grants from the State Office of Planning Services (O.P.S.), there will be no disruption of any ongoing or future planning efforts.

VI. The Effect of the Proposed Amendment

1. Regarding the Local Communities
 - a. The amendment will encourage the Local Governments to participate in a bona fide zoning and planning effort or be faced with a potential permanent growth moratorium.
 - b. Local planning will encourage enhancement of the local tax base.
 - c. The amendment will focus upon the more efficient utilization of existing local capabilities in local zoning and planning boards and Assessors, within the existing local government financial structure.

2. Regarding the State
 - a. The amendment will necessarily achieve a substantial reduction of the \$800,000 annual Adirondack Park Agency budget by shifting the governmental functions back to the local governments.
 - b. The amendment will achieve a reduction of local hostility to State Administration.
 - c. The amendment will redirect the Adirondack Park Agency's activities into Research and Technical Assistance.
 - d. The amendment will eliminate a duplication and multiplicity of State Administrative actions, with the maintenance of health standards being continued under the able administration of the Department of Environmental Conservation, the State and County Departments of Health and State, County and Local Road Departments.
3. Regarding Protection of the Adirondack Area.
 - a. The existing limitations of the Official Adirondack Park Land Use Plan and Map will apply to such areas as are not protected by local land use plans.
 - b. The Agency expertise in matters of ecology will be available to local governments.
 - c. The ongoing local planning process will continue as funded by the Towns acting alone or with the aid of grants from the New York State Office of Planning Services.
4. Regarding Protection of the Individual.
 - a. The amendment will encourage the citizen to participate in the governmental process.
 - b. The individual will achieve a degree of control over his or her own property more consistent with established concepts of civil liberty.
 - c. The individuals property will be relieved of unreasonable burdens as to the free transfer of their property.
 - d. The amendment will encourage economic growth within the Blue Line and improve the quality of life for residents of this area.

OFFICE OF THE SUPERVISOR

TOWN OF BLACK BROOK

CLINTON COUNTY

AU SABLE FORKS, N. Y. 12912

February 15, 1975

Col. Gerald Edwards
Mrs C. T. Newberry
Co-Chairmen
League for Adirondack Citizens' Rights, Inc

Dear Col. Edwards & Mrs Newberry,

I am forwarding with this letter the application of the Town of Black Brook for Membership in the League for Adirondack Citizens' Rights, Inc.

I wish to state on behalf of my Town the reasons why we are supporting the League and its objectives: "The League will address itself to the loss of basic human rights by Adirondack residents because of the Adirondack Park Agency Laws and administration. And the League will endeavor to act in the favoring of the Legislature, the Courts and Public Opinion to have these oppressive laws modified."

The Town of Black Brook has been trying to improve its economic health, broaden its Tax Base and reverse the tide of unemployment that has existed since the closing of the Paper Mill in 1971.

Our Town Planning Board is well aware that our greatest opportunity lies in making use of the unusual and beautiful Adirondack setting to attract well-planned and ecologically acceptable leisure home developments to our area.

In the plans for Valmont Village submitted by the Wambat Realty Co. we found such a development. We studied all aspects of the plan and found them excellent. A wide 400 foot strip of green belt designed to protect the lake shore. Highly fireproof building blocks and molded roofs for the houses specially designed for our Adirondack forest setting with its ever present danger of fire. The central sewage plant and the central water system were planned to protect the lake. All these and many other aspects convinced us that Valmont Village would not only be a tremendous asset to our town but it would also be an attractive addition to our lovely landscape.

Because the land on which Valmont Village would be built was classified in the APA Land Use Map as "Resource Management" on which they allow only one house every 43 acres, the Town of Black Brook made an Application to the APA for a Map Change to allow one house for about every 2 acres.

EXHIBIT I

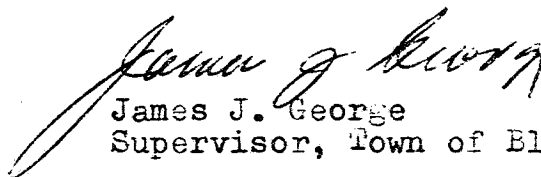
The APA held a Public Hearing in our Town Hall on Jan. 28th to consider the Map Change we requested. At the hearing we were shocked to find that despite the promises made by the APA Representatives before the adoption of their official Land Use Plan and Map that the interests of the local governments would be respected and that the Plan and Map would be interpreted and amended in a flexible way, we found instead that the APA has placed the dead hand of fixed land regulations on our Town.

The APA Laws and Administration have placed our citizens in the position of living in an occupied country in which our traditional civil rights have been suspended.

We, therefore, feel it is time for our Town to participate in any activity which seeks to lawfully obtain relief from this inequitable and unjust situation. And so we are applying for Membership in the League for Adirondack Citizens' Rights, Inc.

And we urge all other towns within the Adirondack Blue Line to consider seriously their position and the positions of their respective citizens and to join with and support the purposes and objectives of the League for Adirondack Citizens' Rights, Inc.

Very truly yours,



James J. George
Supervisor, Town of Black Brook

A.P.A. APPLICATIONS FOR PROJECT APPROVAL
 August 1, 1973 thru December 31, 1974
 (Status as at January 23, 1975)

<u>SUBDIVISIONS</u>	<u>% OF TOTAL SUBMISSIONS</u>	<u>APPROVED</u>	<u>% OF TOTAL SUBMISSIONS</u>	<u>NON JURIS-DICTIONAL</u>	<u>%</u>	<u>CONDITIONAL OR CONCEPTUAL APPROVAL</u>
4 or less	376	70%	211	.39	58	2
5 - 10	32	6%	23	.4	2	0
11 - 20	18	3%	8	1.5	1	2
21 - 30	5)		1)		1	0
31 - 40	5)		1)		0	1
41 - 50	2)	4%	1)	3/4	0	0
51 - 100	5)		1)		0	2
101 +	4)		0)		0	2 (Concept only) **
	<u>447</u>	<u>83%</u>	<u>246 *</u>	<u>46%</u>	<u>62</u>	<u>9</u>
					12%	

*NOTE - Not a single permit issued for projects over 71 Subdivision lots.

**Agency gave Adirondack Mountain Club 10,600 sq.inch lots to be sold @ \$5.00 each.

OTHER

Campground	16		3		1	
Motel	6		1		1	
Mobile Home	6		1		0	
Commercial	22		12		4	
Industrial	5		5		0	
Other	<u>34</u>		<u>24</u>		<u>2</u>	
	89	17%	46	.9%	8	1.5%
				<u>55%</u>		

536 Total Submissions ***

*** This does not account for Applicants who may have been discouraged from filing in the "Preliminary Conference" stage.

Within Blue Line: 3.7 million acres Privately Owned
 2.3 million acres State Owned

TABLE I

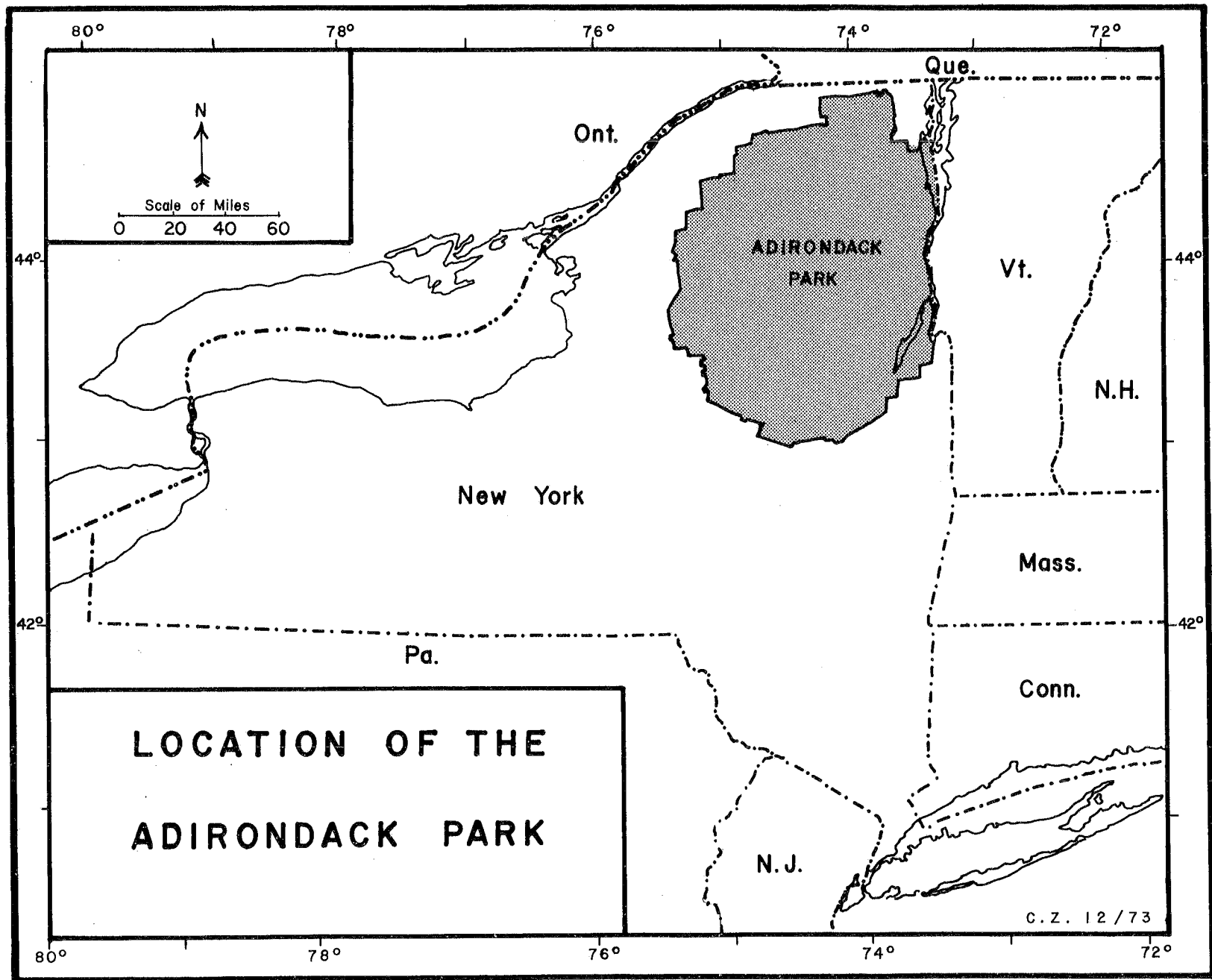



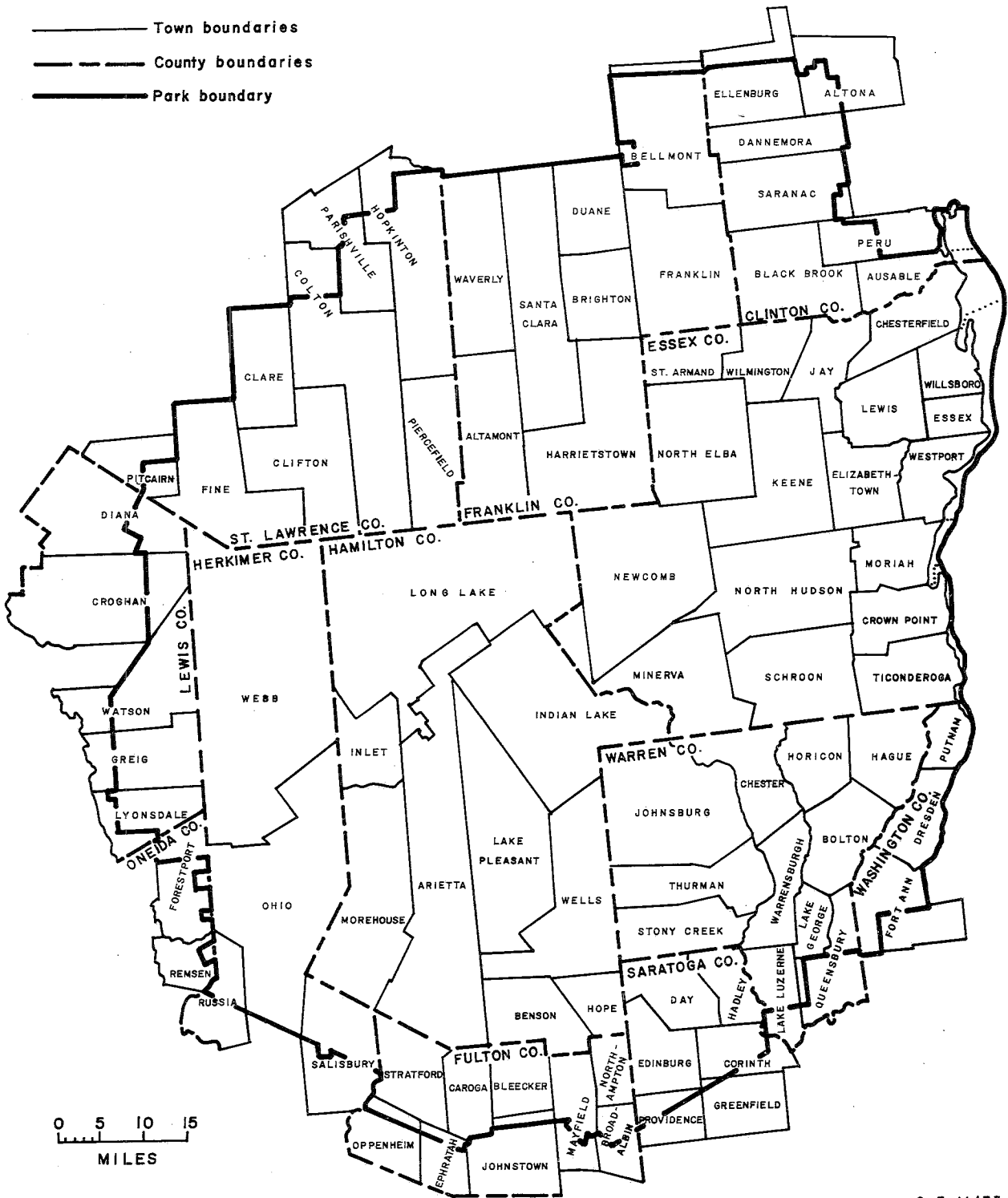


TABLE II

ADIRONDACK PARK

Counties and Towns 1973

-  Town boundaries
-  County boundaries
-  Park boundary

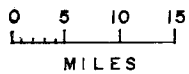
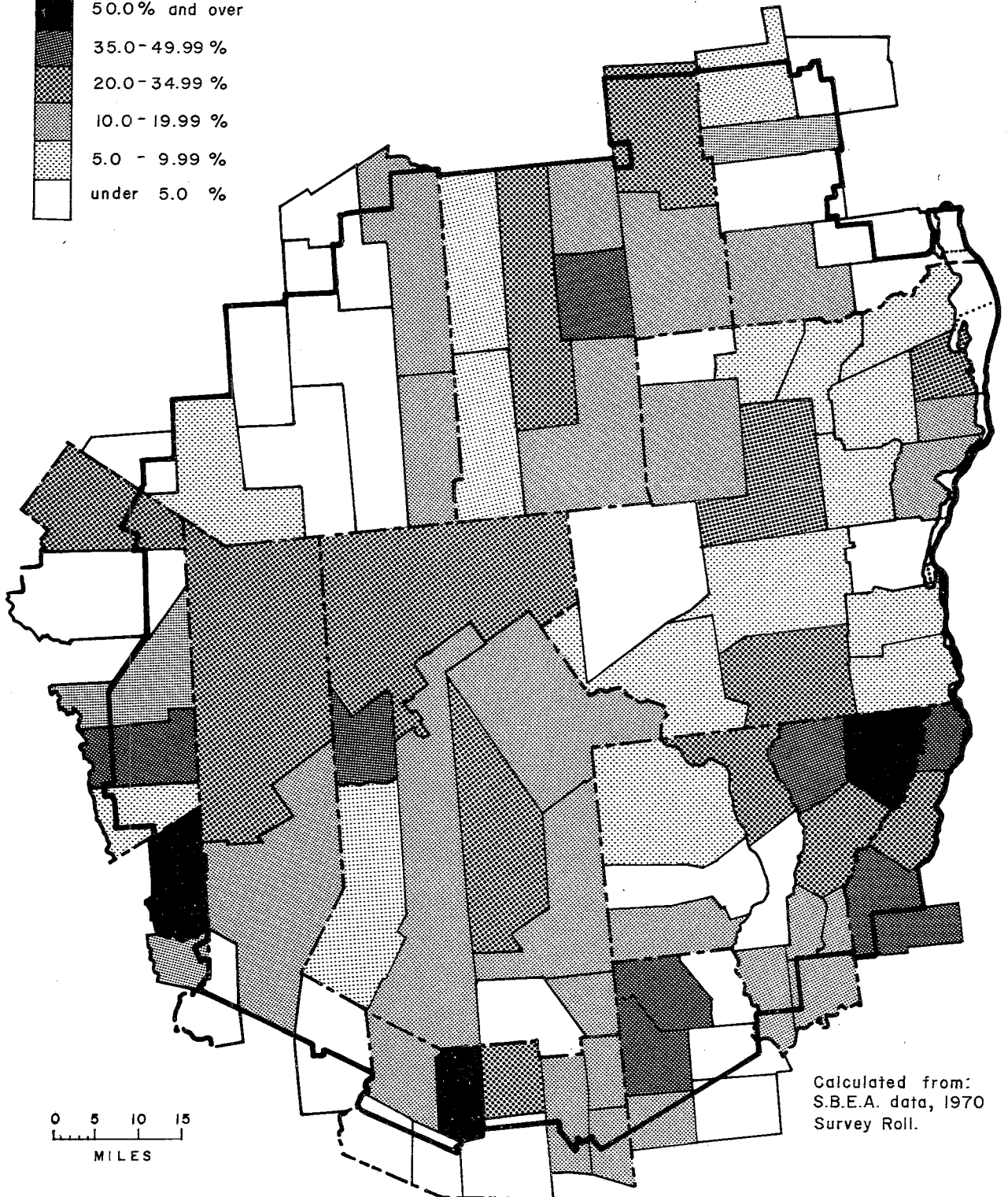
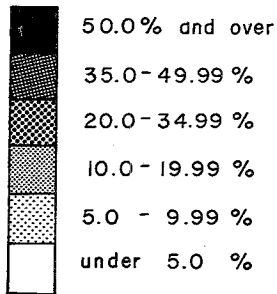


C. Z. 11/73

TABLE III

ADIRONDACK PARK

% of Town Taxes Paid by Leisure Homeowners 1970



Calculated from:
S.B.E.A. data, 1970
Survey Roll.

C. Z. 12/73

TABLE IV

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
ADIRONDACK PARK AGENCY
P.O. BOX 99
RAY BROOK, NEW YORK 12977
(518) 891-4050

May 7, 1975

MEMORANDUM IN OPPOSITION

S. 2705 Mr. Stafford et al
A. 3456 Mr. Ryan et al

This bill requires the Adirondack Park Agency to amend the Land Use and Development Plan Map to conform to a local land use program adopted by a local government. Further, the bill exempts from Agency jurisdiction all development in an area subject to a local land use plan.

The Adirondack Park Agency OPPOSES this bill.

The bill would allow a local government, by enactment of local zoning, to nullify the comprehensive regional land use plan which is part of the Adirondack Park Agency Act insofar as the regional plan applies to the land of the local government. Thus, the bill undercuts the entire principle of development intensity planned at a regional scale predicated upon state-wide policy objectives. Although local governments have an important interest and an important role to play, that role is quite adequately manifested in the law as it presently appears.

Moreover, fundamental to the Adirondack Park Agency Act is the conviction that a legitimate State interest exists in projects of regional significance, and that such projects are appropriately reviewed by the Adirondack Park Agency. The Act requires that lesser regional projects receive Park Agency review until a local government adopts an Agency-approved land use plan at which time the review of these projects returns to the locality. At present, more than 50 of the 107 Adirondack towns and villages are working with the Agency in preparing local land use plans. It is anticipated that as the local plans are developed the information to refine the Land Use and Development Plan Map will also be developed and supply the basis for amendments to the Map.

This bill recognizes neither the State interest in Park development, nor the impressive commitment of local governments to working within the present law, nor the fruitful and deepening partnership between State and Adirondack local governments.

Robert Rosenthal
Attorney at Law
21 Cannan Road
Monsey, New York 10952

FILE
S2705
ROSENTHAL

March 6, 1975

Mr. Ronald B. Stafford
Senate Chamber
State Capitol
Albany, N.Y.

RE: Senate 2705 - Assembly 3456
Amendment of Article 27 of the Executive Law
(Adirondack Park Act)

Dear Mr. Stafford:

Enclosed is the Summary Statement and Legislative Brief
on the matter referred to above.

Sincerely,

Robert Rosenthal
Robert Rosenthal *per sa*

RR:sa
Enc.

RE: Senate 2705 - Assembly 3456
Amendment of Article 27 of the Executive Law

The bill referred to above is intended to eliminate a conflict between state and local governments by restoring the power of zoning and master planning to the Towns located within the Blue Line of the Adirondack Park Area — the only area in our state in which these local powers have been suspended. The bill would also permit a substantial saving to the state in terms of a reduction of the annual budget of the Adirondack Park Agency by relieving the Agency of this burden and permitting it to concentrate on ecological research and technical assistance. The existing protections contained in the Official Adirondack Land Use Map and Plan would continue to apply to those Towns which elect not to adopt a local land use plan which is based upon a finding that the land is capable of supporting the uses and densities permitted in such local plan.

An additional purpose of the proposed legislation is to stop a steadily deteriorating economic situation and loss of tax base in an area of our state which includes twelve (12) counties, eighty-six towns, and has a population in excess of 130,000 persons in an expanse of over 3.7 million acres of privately owned land.

The enclosed brief outlines the purposes, needs and benefits to be derived from the proposed legislation.