

WNBZ

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APA Act Revisions Only in the Earliest Stages

Adirondack Park Agency officials want to overhaul the often vague APA Act of 1973, which dictates the agency's functioning and jurisdiction. But agency officials have yet to approach potential sponsors in the state legislator and none have been defined as likely candidates to take up the cause in Albany.

APA Chairman Curt Stiles has twice propositioned local government officials in recent months, asking for input as to what they would like to see changed in divisive legislation.

"When we talk about regulatory reform, we are talking about the act itself, the regulations which interpret the act and the State Land Master Plan," Stiles said. "I would look at attacking them in that order."

Stiles said that in his mind, one of the biggest problems with the act is the lack of clarity surrounding shoreline setback regulations.

He said that he would like to see the language pertaining to private waterfront property strengthened to better protect, what he calls, one of the Adirondack's most valuable resources.

But officials from local governments and leaders from regional green groups have some other ideas about where the act falls short in protecting either the environment or the people of the park.

Officials from the Adirondack Local Government Review Board and the Adirondack Association of Towns and Villages have long argued that the continuous expansion of the state-owned forest preserve is hindering the ability of in-park communities to remain economically viable.

They also argue that the composition of the APA Board of Commissioners typically over-represents environmental goals, while lacking representation of the park's people.

Review board Executive Director Fred Monroe said that Adirondack counties should play a hand in the in-park commissioner selection process.

"If you have adequate representation, then you feel like your interests are protected," Monroe said. "But if the governor appoints people that you don't think are representative then you have a big problem."

Three APA Commissioners are former board members of the green group the Adirondack Council, while two come from local government.

Monroe also claims that the state's argument that local governments can't sue for judicial review of some regulatory changes unfairly hinders local governments.

Environmental groups regularly sue for review, among many other reasons, and for Monroe many of APA's and DEC's decisions are based on the threat of a lawsuit.

From the Adirondack Council's perspective, some teeth needs to be put into the APA Enforcement Division.

"It's been more than 30 years and other land use authorities have officers that go out and issue a stop work order or a summons," Sheehan said

Sheehan said that most of the other reforms his organization deems necessary are included in the three currently stalled APA legislative initiatives.

Of primary interest to the council is a provision in the affordable housing bill that would institute an agency subdivision permit fee. Most zoning regulating agencies charge fees for the permit process. The APA currently doesn't charge a review fee and the permitting costs are currently shouldered by state taxpayers. But if the bill did pass, such a fee would be instituted for large-scale subdivisions.

"Especially for big projects, which take years in review, some kind of modest fee seems reasonable," Sheehan said. "Otherwise the people of the State of New York are subsidizing the cost."

All three bills have been sponsored by the powerful downstate Democratic state Senator Karl Kruger, but are still without a sponsor in the Assembly.

APA spokesman Keith McKeever told WNBZ that no state legislators have been approached about reopening the act. He said that it is imperative to have the changes well defined and thought out before taking the proposals to Albany.

If adopted by state legislative sponsors, amendments to the APA Act could drastically alter the mode and operation of the agency and its authority over private lands in the park.

The APA argues that the unspoiled and sublime beauty of the park gives the region a competitive edge over other tourist destinations in the Northeast. Local officials counter that the forest preserve is suffocating economic development.

-Jon Alexander, 12-3-09