The Adirondack Council NEWSLETTER

to keep supporters informed of our activities

Vol. 3 January 1979 No. 6

LEGISLATIVE SESSION 1979 PROSPECTS FOR THE ADIRONDACK PARK

The Adirondack Park Land Use and Development Plan governing private development in the Adirondack Park, and the Adirondack Park State Land Master Plan guiding the management and use of the public lands in the Park, are standing the test of time. People interested in land use problems in other areas of our nation and in other countries are studying these plans as models to be used elsewhere, because they successfully treat one of the major global problems of our age—that of unplanned, abusive land use.

The partnership between local governments and the state, as envisioned in the Land Use and Development Plan, is working. Several approved local land use plans are now operative. When local plans become operative, the local government has jurisdiction over the majority of land use projects in the municipality, and the Adirondack Park Agency only retains control over large projects possessing the potential for regional or Park-wide impacts.

The State Land Master Plan has proven to be one of compromise and balance, where most types of compatible outdoor recreation have been adequately provided for. Approximately one million acres of the forest preserve are reserved for non-motorized recreational use, while motorized recreation is provided for on lands classified Wild Forest, comprising over one million acres of the preserve.

In 1978 the U.S. Department of the Interior expressed interest in the protective schemes employed in the Adirondack Park. As national reserves are increasingly affected by land uses and development on adjacent private lands, Interior is aiding the implementation of land use controls similar to those in the Adirondacks, on private lands bordering their reserves.

The comprehensive, regional land use controls in force in the Adirondack Park attempt to balance necessary growth and development with environmental protection and provision of open space. That some of the private landowners have had to shoulder some hardships is not to be denied, but is to be expected. There is a cost to living in an environment that provides the amenities of open space, is relatively pollution-free, and offers outstanding opportunity for outdoor recreation. Adirondackers and their environment are enjoying a net benefit that becomes more evident as time goes on.

Any legislative efforts that strive for major modification of either the private Land Use and Development Plan or the State Land Master Plan cannot be justified. Promises or efforts to weaken the plans will not benefit either the Park or the people who own land within it.

The Land Use and Development Plan Map, which is the heart of the Land Use and Development Plan, has been proven fair and accurate on the scale intended. Necessary modification can, and is, achieved through the local land use planning programs and the map amendment process.

The composition of the Park Agency favors the Park resident, as five of the eight citizen members of the Agency must live within the Park boundary. Yet resident landowners only own one-quarter of the Park's land.

It is hoped that this year's legislative efforts can focus on positive programs for the Adirondack Park as the time is overdue to provide tangible benefits to the Park's private landowners and further enhance the Park for the benefit of all residents of the state.

Aiding Open Space Protection

One of the great needs in the Adirondack Park is to make open space on private land more affordable. Clearly many landowners want to keep their lands in open space, but often need economic assistance in their endeavors not to subdivide or develop their land.

The Adirondack Council believes a top priority should be the passage of easement legislation, providing clarification of the common law, and eliminating the current appurtenancy requirement when development rights are acquired by the state or private conservation organizations. Providing for state aid to local governments in the forest preserve counties of the Adirondack and Catskill Parks when the state holds the easement is essential if there is substantial revenue loss to localities. Revenue loss can be anticipated at some point because Municipal Law Section 247 has established the precedent that after acquisition of interests or rights in real property for the preservation of open space, the valuation placed on such open space or area for purposes of real estate taxation shall take into account and be limited by the limitation on future use of the land. State aid to local governments outside the two parks will probably not be essential because the majority of the properties that provide public benefit worthy of state-held easements occur in the parks. It is also in the parks, particularly in the Adirondack Park, where towns with small populations would be most affected by increased tax burdens.

To justify state aid to municipalities, the easement would need to provide public benefit. Public access to the land under easement is often not required, or even desirable, since it is anticipated that open space often benefits people psychologically, by preventing pollution, or in the protection of scenic quality. It cannot be overemphasized that the existence of vast open space on private, as well as public lands, is a major and perhaps the singular most important asset and attraction of the Adirondack and Catskill Parks.

The Adirondack Council urges the Adirondack Park Agency, the Governor's office, and the legislature to recognize that scenic or open space easement legislation is imperative for the long range protection of the Park's open space.

The Council hopes that an easement bill, providing for state aid to municipalities suffering substantial tax revenue loss, will not die because of the anticipated state financial burden. The burden would likely not be that great, there are various ways to provide the required funds, and creative minds can no doubt think up other means to fund such a program. Funds could be made available through:

—a bond issue.
—a rotating fund for such purposes.
—a land transfer tax.
—earmarking a portion of tax collected on luxury items.
—a provision in state income tax returns for individuals to earmark a portion of refunds to be used for such purposes.

A second positive program for the Adirondack Park would be to provide for real property tax reform so that the land assessment process recognizes the land classifications of the Land Use and Development Plan. Land classified and held as open space should not be taxed comparably to lands developed or being developed. A logical way to rectify assessment and taxing inequities would be to legislate current use taxation, as has been done by other states to protect forests, agricultural lands, and other valuable open space. The Adirondack Council will provide legislators or anyone else with information on current use taxation already in effect elsewhere.

Park Interpretation

Providing Visitor Centers for the Adirondack Park could be another positive program for both residents and visitors. Properly interpreting the Park and the protective schemes in force could provide substantial benefit, as more people would become aware of the Park's great diversity, scenic and recreational values, and unique character. Additional support for the Park would no doubt be generated and the Centers could help focus the current divergent thinking on how best to help the Park and its people. The Centers could also function as environmental education facilities and as arenas for cultural events and activities. The Centers would aid the economy of surrounding areas and would stimulate additional tourism. The story of the Adirondack Park is one of the most interesting tales in America and yet only a little of it has been told and to far too few people.

The key element in moving this program forward is support from the executive and legislative branches of state government to provide planning and capital construction monies.

Enhancing the Park's Waterways and Lakes

The Adirondack Park Agency has studied and prepared classification recommendations to add an additional 110 miles of Adirondack rivers to the state system of Wild, Scenic and Recreational Rivers. The author is intimately familiar with several of the river stretches recommended for inclusion, and feels they would be worthy additions. Anyone fortunate enough to have enjoyed the Osgood, North and Middle Branches of the Moose, North Branch of the Saranac, The Branch, or the North Branch of the Bouquet, whether it be for hunting, fishing, canoeing, camping, or peaceful contemplation, would no doubt agree these rivers should remain natural and free flowing. Inclusion of a river in the state system simply preserves it in a natural state and insures that nearby, new development is in keeping with the river's present character. To clarify many misconceptions, it is essential to note that the Rivers Act and Rules and Regulations:

—Do not prohibit the continuation of any present land use.
—Do not prohibit the harvesting of agricultural crops within 100 feet of the river.
—Do not confer any public right of access over private land.
—Do not prohibit all new development within ¼ mile of the river.

The Council hopes the legislature acts early to make the proposed additions to the finest and most extensive state system of Wild, Scenic and Recreational Rivers in the U.S.

The Adirondack Council feels one of the great challenges facing the Park is how to better protect the shorelines and water quality of the Park's ponds and lakes. Despite the Park-wide application of shoreline restrictions, many people feel that long-term protection of shorelines and water quality is not guaranteed. A substantial segment of undeveloped shorelines are in the more permissive classifications of the Land Use and Development Plan. Additionally, a provision in the LUDP provides for more intense development of shorelines than in other areas similarly classified. And it is important to keep in mind that even under Park Agency restrictions, approximately 60,000 more homes could be built on the shorelines of the Park's lakes and ponds.

Support for additional lakeshore protection does not emanate solely from the Park Agency and environmentalists. There is

substantial support for additional protection from many shoreowners, particularly from some of the participating members in the many shoreowners' associations in the Park.

During a hearing on proposed amendments to the Land Use and Development Plan Map in the Town of North Elba in the summer of 1978, the vast majority of shoreowners testifying on a proposal of the town to provide for more intense development of the shoreline of Lake Placid, were opposed on the grounds that the Land Use and Development Plan already provided for an intensity of development that could exceed the carrying capacity of the shoreline and the lake. The shoreowners pointed out that excessive development of the shoreline could lead to deleterious runoff, oil slicks and other pollution, and a lessening of visual quality.

There would be a lot of support for legislative efforts to insure more adequate protection of shorelines and water quality. This could be achieved by strengthening the shoreline restrictions, by upgrading the land classifications along shorelines to those with a lower intensity guideline, or by initiating a Wild and Scenic Lakes study bill.

Sign Control

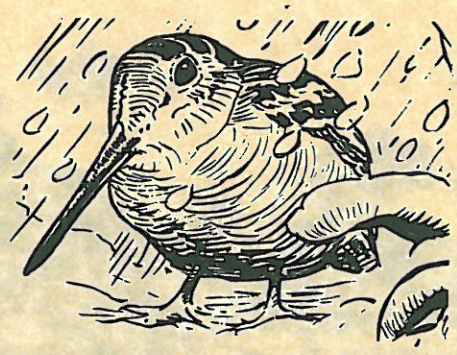
A change in the existing Adirondack Park Sign Law to control on-premises advertising could provide for the elimination of the hi-rise gasoline signs along the Northway. This would be a good time to press for such a change to provide for the removal of the signs before the Olympic games are held in Lake Placid in 1980.

Another Need

To aid the public in determining whether or not a permit is necessary prior to undertaking a land use activity, and to aid the Adirondack Park Agency in its efforts to enforce fairly the Adirondack Park Agency Law, it would be advisable to pass a recordation bill, requiring that a certificate of compliance be recorded with a deed, showing that the proper permit or permits have been issued, or that no permit is necessary. This would be particularly helpful to the public to preclude the situation where the Agency arrives on the scene after a person unknowingly constructed a building, filled a wetland, or transferred the title to a lot in the subdivision, in violation of the law or without the required permit. Redressing the improper action is often more painful and expensive than would be the case had the person known about the requirements or prohibitions beforehand. There can also be a good deal of unnecessary ill-will generated when a person finds out afterwards that his or her building is in violation of the shoreline restrictions or there is insufficient acreage to permit a building on each of a number of lots that have already been sold. Such problems affect both the public and the Agency and could be prevented by a relatively simple amendment to the Real Property Law, as it pertains to transferring interests in realty in the Adirondack Park.

The Challenge

The challenges to the legislature presented by these suggestions and prospects are substantial and perhaps their achievement would be laborious. Yet The Adirondack Council feels very strongly that the effort expended to meet these challenges would provide great benefit to a great Park and its people. The people of New York are in an enviable position to influence and inspire others, elsewhere, who are striving to save some of the last great natural areas and open spaces on earth and provide for the needs and aspirations of people. New York should strive to set the best possible example because, in contrast to what a great president of the United States once said, the world may intensively note and long remember what we do here, in our efforts to protect one of the finest pieces of real estate anywhere.



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The Adirondack Council
Post Office Box D-2
Elizabethtown, New York 12932

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