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Memorandum of Opposition

An Act to Amend the Executive Law, in Relation to Applications for Minor and Major Projects before the Adirondack Park Agency (S. 4282, No Bill in Assembly)

Protect the Adirondacks finds the new bill to amend the Adirondack Park Agency (APA) Act, introduced as in the NYS Senate (S. 4282), to be deeply flawed. We believe that if this bill were to be passed into law it would constitute a setback for the environmental protections of the Adirondack Park.

PROTECT's review of this new bill finds it to be exceedingly poorly drafted. The new language contradicts and opposes the existing statute. More importantly, PROTECT does not find the statutory changes to the APA Act in this bill to benefit the natural resources of the Adirondack Park or the users of the APA.

Flawed Conception of Transferrable Development Rights Program

The bill aims to "establish a process for willing landowners to voluntarily transfer and thereby extinguish development rights on lands they own in more restrictive APA land use classification areas to land use areas designated for a higher density of development." Unfortunately, the APA has provided zero analysis about the character of the receiving area for these transferred rights and whether they can support higher densities. The APA has provided zero analysis about the need, or interest, for transferring rights from the transfer zone. Such a transfer is limited to within town boundaries of the transferring lands, yet the APA has provided no examples of municipalities where this program would be useful.

While the bill seeks to protect shorelines, it does not similarly protect farmlands or other critical environmental areas. The bill does not address tax shift complications from moving value from one school district to another, which could happen within a single town, such as Long Lake or Bolton or Queensbury.

It appears that the APA is advancing a policy remedy in search of a problem.

Project Noticing, Renewal, Re-issuing, Etc., Statutory Changes

The procedural items enumerated for revision in this bill add nothing but confusion to the parts of the statute they propose to amend. Any benefits or improvements are unclear. These changes appear to tweak the APA Act's language, without making substantive changes.

PROTECT sees no benefit in these amendments for enhancing the effectiveness or efficiency of the APA Act.

APA Should Investigate Meaningful Reforms

PROTECT encourages the APA to examine ways to meaningfully improve the efficiency and effectiveness of the APA Act. Here are several good ideas:

1. Provide the APA with the authority to deny a project without first having to go to an official adjudicatory public hearing. The APA deserves to have the same powers as any local Planning Board across New York.
2. Reform Section 806 to update water quality protections. The APA Act is a borderline joke these days because it does even contain the word "stormwater" because water quality regulations have been frozen in time since 1973. Pollution to Adirondacks lakes and ponds from stormwater is one of the greatest long-term threats that we face. A variety of proven engineering technologies exist to mitigate stormwater impacts, which are tried and true, that should be incorporated into Section 806.
3. Several years back the APA hosted a presentation by leading landscape planner Randall Arendt, yet there has been no follow-through with how important innovations in conservation subdivision design and regulation could be incorporated in Sections 805 and 810 of the APA Act.

This is but a short list of the many important reforms needed to be made to the APA Act that merit attention.

If the APA is serious about reform of the APA Act and improving its effectiveness and efficiency it should convene a park-wide multi-stakeholder process to try and find reforms that have broad-based support.

For more information: Peter Bauer (518) 685-3088.

Protect the Adirondacks is a private environmental organization dedicated to the protection of the 6-million acre Adirondack Park/www.protectadks.org.