



PRESS RELEASE

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PROTECT Opposes APA Transferrable Development Rights Program Legislation

Legislation is deeply flawed. APA has provided zero analysis of how a new TDR program would work, zero analysis about interest among landowners, and zero analysis of impacts to transferring or receiving zones

Legislation passed State Senate, not introduced in State Assembly

For more information:

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Lake George, NY – Protect the Adirondacks filed a Memo in Opposition against legislation (S.4282) to create a new Transferrable Development Rights program in the Adirondack Park as well as streamline permit-filing requirements. This legislation passed the State Senate, where it was introduced by Senator Betty Little, and has not been introduced in the State Assembly at this point.

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. Such transferred rights would be sold to landowners who seek to increase density in other areas.

“Unfortunately, the APA has provided zero analysis about the character of the receiving area for this transferred rights program and whether these lands 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,” said Peter Bauer, Executive Director of Protect the Adirondacks. “This legislation could be very significant, yet it’s being rushed through with very little evidence provided of its need or utility.”

While the bill seeks to protect shorelines by exempting waterfront areas from qualifying as receiving zones for transferred development rights, 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” said Peter Bauer.

This legislation also carries a number of procedural items enumerated for revision. Any benefits or improvements are unclear. The procedural changes are very different from the TDR program. These should be separated from TDR program.

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 Adirondack Park 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, and 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.

“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,” said Peter Bauer.

Protect the Adirondacks

Protect the Adirondacks is a privately funded, IRS-approved not-for-profit organization dedicated to the protection of the 6-million-acre Adirondack Park in northern New York. PROTECT was formed through the merger of the Association for the Protection of the Adirondacks and the Residents’ Committee to Protect the Adirondacks in 2009. PROTECT pursues its mission to protect the Adirondack Park and defend the public “forever wild” Forest Preserve through citizen advocacy, grassroots organizing, education, research, and legal action. PROTECT is guided by a volunteer Board of Directors. PROTECT maintains an office in Lake George. For more information see www.protectadks.org.

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