



## Memorandum of Support A.1812a/S.6484

### **A.8123a/S.6484 “AN ACT to amend the executive law, in relation to preserving ecological integrity, wildlife and open space in the Adirondack park”**

Protect the Adirondacks strongly supports A.8123a/S.6484 “AN ACT to amend the executive law, in relation to preserving ecological integrity, wildlife and open space in the Adirondack park,” which will serve to preserve the ecological integrity, wildlife and open space in the Adirondack park, and urges its timely passage. The bill would strengthen the Adirondack Park Land Use and Development Plan, originally adopted as part of the Adirondack Park Agency Act in 1973, by incorporating modern conservation design principles to curtail widely scattered exurban development, or “rural sprawl” in the Adirondack Park.

### **Background**

When originally adopted, the Land Use and Development Plan represented an historic application of natural resource-based land use control. During forty years of administration of the Plan, conservation design principles have not been applied by the Adirondack Park Agency. The vast proportion of large subdivisions approved by the Agency have been typical grid layouts, resulting in undesirable consequences unbefitting the magnificent Adirondack Park which the People of the State have sought to preserve since 1892.

Conservation science has advanced to the point of recognizing that the spatial pattern of development is fully as ecologically important as its density. Widely scattered exurban development, or “rural sprawl,” impairs ecosystem function, decreases biotic integrity, alters species behavior and composition, increases human-wildlife conflicts, undermines the open space character of the Park, and threatens its healthy timber industry.

Studies have shown that siting residential development so that ecological effect zones overlap results in a substantially lower total disturbance and concomitant benefit to the conservation of biodiversity. Conservation design yields more than ecological benefits. Confining development to a portion of a tract requires less infrastructure to be provided by the developer and to be maintained by the local jurisdiction. Lastly, conservation design helps preserve large forested tracts, insuring the continuation of a healthy Adirondack forest products industry.

### **Description of A.8123a/S.6484**

The bill establishes comprehensive definitions of “conservation subdivision” and “ecological preservation and forest stewardship plan”, to enhance and improve project development and review.

A “conservation subdivision” is any tract of undeveloped or substantially undeveloped land

(a) to be developed into a residential subdivision of twenty-five or more lots, parcels or sites in Low Intensity Use areas, ten or more in Rural Use areas, and five or more in Resource Management areas,

(b) which has been designed in accordance with an “ecological preservation and forest stewardship plan” prepared by qualified experts and approved by the Agency, and

(c) which plan provides for the preservation of between 40% and 75% of the tract in contiguous and intact open space by deed restriction, restrictive covenant or other similar legal means depending on APA land use classification.

The ecological preservation and forest stewardship plan must address eight specific areas: terrestrial and aquatic wildlife; connectivity for wildlife passage; vegetative buffers for lakes, ponds, rivers and streams; protection and preservation of vernal pools; preservation of large intact forest tracts while allowing sustainable forestry, if desired; the need to minimize edges between forested tracts and open areas; the need to preserve other valuable ecological resources of the site, and spatial design so as to promote maximum overlap of the “ecological impact zones” of individual dwellings.

The legislation also includes incentives for developers through a density bonus if they configure a development to maximize open space according to set targets. There is also a transfer of development rights provision. The conservation development requirement is aimed at the largest, commercial, speculative developments in the Adirondack Park.

Finally, the bill would take effect 180 days after it shall become a law, and apply to (a) applications received thereafter, and (b) any permitted residential subdivisions not “in existence” (i.e. subdivisions or portions of subdivision substantially commenced and for which substantial expenditures have been made for structures or improvements), ensuring that the act will apply to “paper subdivisions.”

**Protect the Adirondacks urges the passage of Assembly Bill A.8123a/S.6484**

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