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Major Reform Legislation Blocked by North Country Representatives

Amendments to APA Act Would Protect Open Space and Improve Regulatory Process

ALBANY, N.Y. – Legislation pushed in each house of the Legislature to amend the Adirondack Park Agency (APA) Act to require conservation development standards and practices for the largest proposed subdivisions in the Adirondack Park, the most significant amendment to the Land Use and Development Plan since enactment in 1973, was blocked by North Country representatives Senator Betty Little and Assemblymember Dan Stec at the end of the Legislative Session. This legislation was originally introduced in 2015, and significantly revised through a collaborative process sponsored by the Adirondack Common Ground Alliance, to meet the needs of Adirondack local governments by adding a density bonus, transferable development rights program, protections for forest management, streamlined regulatory review process, exemptions for small subdivisions, and a hardship variance, among many other changes. Legislative leaders welcomed major changes to this legislation.

Subdivision of land into large residential lots, or rural sprawl, impairs ecosystem function, decreases biotic integrity, alters species behavior and composition, increases human-wildlife conflicts, fragments ownership and forest health, impairs cohesive land management, undermines the open space character of the Park, and threatens its healthy timber industry. Conservation Development legislation sponsored by Assemblymember Steven Englebright and Senator Todd Kaminsky, respective Chairs of the Assembly and Senate Committees on Environmental Conservation, is designed to preserve the ecological integrity, wildlife health and open space in the Adirondack Park. The bill would strengthen the APA Land Use and Development Plan by incorporating modern conservation development principles and practices to curtail widely scattered exurban development, or “rural sprawl” in the Adirondack Park.

“For the last 45 years, APA Land Use and Development Plan has been frozen in time. While many counties and local governments across New York has advanced and incorporated conservation development programs into their land use and zoning codes and ordinances, the APA has not been updated to apply conservation development principles. The vast proportion of large subdivisions approved by the APA have been typical grid layouts, resulting in undesirable consequences unbecoming the Adirondack Park, which the People of the State have sought to preserve since 1892,” said Peter Bauer, Executive Director of Protect the Adirondacks.

"We commend Assemblyman Steve Englebright and Senator Todd Kaminsky for steering this bill through their respective committees and for amending the bills to satisfy the concerns of local government leaders and Common Ground Alliance stakeholders," said Adirondack Council Executive Director William C. Janeway. "We were disappointed to see progress come up short when Senator Betty Little and Assemblyman Dan Stec refused to support the compromise legislation."

The APA Act and Land Use and Development Plan are based on zoning density. The two largest land use classifications are Resource Management areas (zoned at 15 principal buildings per square mile) and Rural Use (75 principal buildings per mile). Areas classified as Low Intensity allow 180 principal buildings per square mile. Conservation science now recognizes that the spatial pattern of development is fully as ecologically important as its density. This bill would require that factors that impairs ecological function in an area be identified early in the review process and be considered for certain large-scale residential subdivisions in Low Intensity, Rural Use and Resource Management areas.

"Conservation design for large subdivisions in sensitive parts of the Adirondack Park should be the standard, not the rare exception," said Adirondack Wild's David Gibson. "Not only would this legislation help to avoid forest and wildlife habitat fragmentation, it would be much fairer to the few large Park subdividers by requiring upfront site analysis and conceptual designs. That early review and selection of a design which avoids negative impacts on the environment saves money and avoids major controversies resulting from a lack of site information. Thanks to support this year in both the NYS Assembly and Senate and endorsement by local government leaders, we're confident that this sensible legislation will be signed into law next year."

"This legislation would strengthen the Adirondack Park *Land Use and Development Plan* by incorporating the most modern conservation design principles to preclude development sprawl in rural areas. This legislation would implement Conservation Subdivision planning (CSD) for development on large unsubdivided parcels in the Adirondack Park. CSDs are designs that protect sensitive areas and open space for ecological integrity while enhancing the quality of life for subdivision residents. CSDs are designed according to site-specific ecological preservation and forest stewardship plans which are prepared by qualified experts. We thank Assemblyman Steve Englebright and Senator Todd Kaminsky for advancing this landmark legislation," said Neil F. Woodworth, Executive Director of the Adirondack Mountain Club.

The Adirondack Council, Adirondack Mountain Club, Adirondack Wild: Friends of the Forest Preserve, and Protect the Adirondacks heartily commend Chairman Steven Englebright and Chairman Todd Kaminsky for living up to their word to pass the land bank bill, which established the new Health & Safety Land Account, a long-time priority for local government officials. The Conservation Development bill was and is a complement to the land bank legislation. Doing one, but not the other, fails Adirondack communities and the environment. The Health & Safety Land Account would never have been established without the support of Adirondack environmental organizations during review in the Legislature in 2016 and 2017 and advocacy prior to the statewide vote in November 2017.

The Adirondack environmental groups were also disappointed by the lack of leadership from the Adirondack Agency, which worked to undermine the legislation. APA leadership has failed to engage on legislation to improve the APA Act despite dozens of presentations from national experts and scientists on the benefits of conservation development regulations.

Conservation development legislation to amend the APA Act remains the highest priority for the Adirondack Council, Adirondack Mountain Club, Adirondack Wild: Friends of the Forest Preserve, and Protect the Adirondacks, who will advocate for passage in 2020.

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