

THE FUND *for* LAKE GEORGE



April 28, 2009

Hon. Carl Kruger  
NYS Senate/Senate Finance Committee  
Room 913 LOB  
Albany, NY 12247

Dear Chairman Kruger,

Attached, please find three Memos of Support for legislation introduced to update, strengthen and improve the administration of the Adirondack Park Agency (APA). The APA is a vital state institution in the Adirondack Park and the Park has benefited from APA laws, regulations and the Land Use and Development Plan. The APA Act has not been significantly updated since its passage in 1973 and these amendments mark serious progress to modernize the APA Act and address serious issues facing the communities and natural resources of the Adirondack Park. The memos include the following legislation:

- **S. 3366** AN ACT to amend the executive law, in relation to establishing fees for certain applications filed with the Adirondack park agency and creating a local government planning grant program; and to amend the state finance law, in relation to establishing the Adirondack community planning assistance fund.
- **S. 3367** AN ACT to amend the executive law, in relation to community housing in the Adirondack Park.
- **S. 3361** AN ACT to amend the executive law, in relation to applications for minor and major projects before the Adirondack Park Agency.

On behalf of the Board of Trustees of the FUND for Lake George, please let me express our appreciation for the opportunity to bring these matters to your attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer".

Peter Bauer  
Executive Director



April 28, 2009

# Memorandum of Support

S. 3366 AN ACT to amend the executive law, in relation to establishing fees for certain applications filed with the Adirondack Park Agency and creating a local government planning grant program; and to amend the state finance law, in relation to establishing the Adirondack community planning assistance fund.

For more information: Peter Bauer, Executive Director, 518.668.9700 x304

This legislation amends the Adirondack Park Agency (APA) Act authorize the collection of fees for applications made to the APA. A schedule in the legislation enumerates a new fee structure. All monies collected by the APA will be used to create the Local Government Planning Grant Program, which will fund a variety of community planning initiatives for the 103 towns and villages within the boundaries of the six-million acre Adirondack Park.

The application fees are long overdue. Many local governments in New York as well as other state regulatory agencies charge application fees in part to offset the costs to administer an application. The FUND for Lake George does not envision that the proposed new application fees will reduce the regulatory workload of the APA, nor slow the pace of development throughout the Adirondack Park. Rather, these fees, which have been long advocated, will create a new revenue stream to fund local planning in the Adirondack Park. To date, many of the towns and villages within the Adirondack Park do not have comprehensive plans, zoning or subdivision ordinances, or administer planning or zoning boards. Planning funds will greatly assist local municipalities throughout the Adirondack Park to improve community planning.

## **The FUND for Lake George**

The FUND for Lake George is a not-for-profit, privately funded organization dedicated to the protection of Lake George. Formed in 1980, the FUND takes a science-based approach to the protection of Lake George water quality and the overall health of the Lake George watershed. The Fund pursues this mission through grants to fund long-term scientific research on the lake, launching new initiatives, advocacy for new protections, and partnerships with other organizations and local governments. The FUND is the sponsor of the Lake George Waterkeeper, among other programs on Lake George. The FUND for Lake George is managed by a Board of Trustees and maintains an office in Lake George. See [www.fundforlakegeorge.org](http://www.fundforlakegeorge.org).

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April 28, 2009

# Memorandum of Support

S. 3361 AN ACT to amend the executive law, in relation to applications for minor and major projects before the Adirondack Park Agency.

For more information: Peter Bauer, Executive Director, 518.668.9700 x304

This legislation amends the Adirondack Park Agency (APA) Act to revise and clarify its administrative time clocks for major and minor projects as well as providing the APA with the same authority that local municipal planning boards enjoy around the state to deny projects without first having to administrate an official adjudicatory public hearing. The legislation also seeks to improve the transfer of development rights process at the APA from parcels within the same municipality that have lower zoning densities to those with higher densities. These are all important reforms both long overdue and long advocated. This amendment will improve the overall administration of the APA Act and provide better government services to property owners in the Adirondack Park.

The provisions to extend the regulatory time clocks will enable the APA to ensure that site visits are completed at sites prior to a decision on the completeness of an application, which vastly improves the APA's ability to evaluate an application. The Adirondack Park is the size of the state of Massachusetts. Other changes impact the time frames for when a project is deemed complete, a permit issued/decision made, and notices completed. These are changes that have long been advocated.

The provision to provide the APA with authority to deny a project without first having to conduct a formal adjudicatory public hearing will provide the APA with the same level of authority that local municipal planning boards enjoy across New York and that other regulatory agencies, such as the Department of Environmental Conservation, also enjoy. This will improve APA administration. Formal adjudicatory public hearings are quasi judicial forums, generally presided over by a DEC Administrative Law Judge. These forums should only be reserved to adjudicate the biggest and most complicated projects, not for smaller projects where denial is a high likelihood. The provision also allows for a permit amendment to be denied without being subject to a formal adjudicatory hearing.

The transfer of development rights provision will authorize a transfer of development rights between lands of common ownership and within the same municipality from an area with low zoning density to an area with higher zoning density. This conforms to the APA Land Use and Development Plan where land is zoned for density based on its capacity to facilitate

development. These are generally the areas closest to community centers, public services, and roadways with the infrastructure necessary to support higher levels of development. By transferring density away from areas that are less viable for residential development to areas that have greater viability, the natural resources and open space landscape of the Adirondack Park will be better protected. This provision also protects Adirondack shorelines, which have received high levels of development, from receiving this density benefit by limiting the use within a certain distance of lakeshore. Further, this exchange must be done within the context of an APA application review and permit.

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April 28, 2009

# Memorandum of Support

S. 3367 AN ACT to amend the executive law, in relation to community housing in the Adirondack Park.

For more information: Peter Bauer, Executive Director, 518.668.9700 x304

This legislation amends the Adirondack Park Agency (APA) Act to assist in the promotion of affordable housing in the Adirondack Park. The strong market for recreational, luxury second homes has inflated housing affordability beyond the means of many local families in the Adirondacks. Through this amendment, the APA will create a new program that provides a meaningful density bonus for affordable housing projects in APA land use classifications of Low Intensity and Moderate Intensity.

This new special provision for “Community Housing” will allow for greater densities at a 4 – 1 ratio on lands within the Adirondack Park classified as Low and Moderate Intensity. The bill also makes specific reference to the Adirondack Housing Trust, which has organized utilizing the common and effective model of community housing trusts across the U.S. Through this modification the APA could greatly assist in the creation of many new, permanent units of affordable housing across the Adirondack Park. The bill authorizes this new provision in statute, provides specifications to protect the Park’s sensitive natural resources, and delegates specific issues to rulemaking, that are subject to periodic change, such as means tests.

This amendment is a positive step forward for the communities of the Adirondack Park and a positive amendment to the APA Act.

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