



STATE OF NEW YORK
DEPARTMENT OF STATE

FILED

OCT 11 1991

[Signature]
Secretary of State

State of New York

Executive Chamber

No. 150

E X E C U T I V E O R D E R

NEW LAND USE AND DEVELOPMENT BY STATE AGENCIES WITHIN THE ADIRONDACK PARK

WHEREAS, the Adirondack Park is an area of open space character, aesthetic value and wealth of natural resources unique in New York and the eastern United States; and

WHEREAS, there is a substantial State interest in the Adirondack Park, and the Legislature has sought to insure optimum overall conservation, preservation, protection, development and use of its scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources; and

WHEREAS, Article 27 of the Executive Law provides for the review of new land use and development in the Adirondack Park by private persons and other private entities by the Adirondack Park Agency, but new land use and development by State agencies is subject only to advisory review; and

WHEREAS, the agencies of New York State Government have no less an obligation to protect the resources of the Adirondack Park than do private persons;

NOW, THEREFORE, I, Mario M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby establish procedures to assure that new land use and development by State agencies within the Adirondack Park undergo the same level of Adirondack Park Agency review as is demanded of private developers.

1. For the purposes of this Order, "Land Use or Development" means any construction or other activity which materially changes the use or appearance of land or a structure or the intensity of the use of land or a structure. The term shall not include any landscaping or grading which is not intended to be used in connection with another land use, or ordinary repairs or maintenance or interior alterations to existing structures or uses.

2. No State agency shall undertake any project in the Adirondack Park which is determined by the Adirondack Park Agency to constitute new land use or development except in compliance with section 814 of the Executive Law.

3. Any State agency which is advised by the Adirondack Park Agency, pursuant to section 814 of the Executive Law, that new land use and development proposed by it within the Adirondack Park will be consistent with the Adirondack Park Land Use and Development Plan, as defined in section 802 of the Executive Law, and the shoreline restrictions thereof, and will not have an undue adverse impact upon the resources of the Adirondack Park provided certain conditions are met, shall comply with such conditions.

FILED

OCT 11 1991

Al S. Siffer
Secretary of State

-2-

4. Any State agency which is advised by the Adirondack Park Agency, pursuant to section 814 of the Executive Law, that new land use and development proposed by it within the Adirondack Park will not be consistent with the Adirondack Park Land Use and Development Plan or the shoreline restrictions thereof, or will have any undue adverse impact upon the resources of the Adirondack Park, shall not undertake such use or development unless the Adirondack Park Agency determines that the public interest and a compelling State purpose warrants that the project be undertaken. If the Agency determines that the project should not go forward the agency proposing the project may notify the Governor, within thirty days of such determination, of any compelling state purpose requiring that the project be undertaken.

5. This order shall not apply to (1) new land use and development undertaken on State lands by the Department of Environmental Conservation or other State agency in conformance with a unit management plan adopted pursuant to the Master Plan for the Management of State Lands, provided by section 816 of the Executive Law; (2) projects on State lands which are determined by the Adirondack Park Agency to be ordinary maintenance or rehabilitation of structures and improvements conforming to such Master Plan, minor trail relocation, or the removal of structures or improvements which do not conform to the Master Plan; or (3) any emergency project which is immediately necessary for the protection of life or property and which is undertaken within ten days of the discovery by the State agency of the emergency.

6. Public authorities and public benefit corporations involved in new land use and development within the Adirondack Park are urged to follow the procedures and comply with the requirements provided by this Order.



G I V E N under my hand and the
Privy Seal of the State in
the City of Albany this
ninth day of October in
the year one thousand nine
hundred ninety-one.

BY THE GOVERNOR

Andrew J. Randall

Secretary to the Governor