

LOCAL RESPONSES TO PROPOSED NEW LAND USE CONTROLS IN NEW YORK'S ADIRONDACK PARK

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Abstract. The recent report of the Governor's Commission on the Adirondack Park in the Twenty-First Century has unleashed a firestorm of locally-based concern and opposition. A number of local groups have coalesced in response to the report, and so far they are more effective than the groups that responded to the formation of the Adirondack Park Agency in 1971. This paper examines the principal issues that motivate these citizens' groups, and considers possible explanations of their strength and effectiveness.

New York State's history of intervention in the local and regional affairs of its northern mountains is a long one (Graham 1978; Liroff and Davis 1981; Terrie 1985; Heiman 1988). In 1885, it created the Adirondack and Catskill Forest Preserves, whose lands were to be kept forever in state ownership and forever in a "wild" state. In 1892, the 2.8 million-acre Adirondack Park was created (subsequent boundary expansions have enlarged it to nearly 6 million acres); the park consists of both public and private lands.

In 1895, the "forever wild" concept was enshrined as a constitutional amendment: state lands could not be leased, sold, or exchanged and their timber could not be sold, removed, or destroyed. Principal impetus for these actions came from progressive political impulses calling for the long-term protection of timber and watershed to provide for future downstate needs. Open space and recreational amenities were secondary considerations.

Nearly a century later, in 1967, Laurance Rockefeller put forth his contentious proposal for creation of an Adirondack National Park. In the wake of the controversy, brother Nelson, then governor of New York State, appointed a Temporary Study Commission on the Future of the Adirondacks. Following on the commission's recommendations, the Adirondack Park Agency (APA) was created in 1971. Major impetus for the development of a rigorous land use plan for the Adirondacks was provided by the timely threat of two huge second-home developments, each on the order of several thousand acres.

In 1973, one of the most stringent land use plans in the nation, the APA's Private Land Use and Development Plan, took effect. It created six zones for private Adirondack lands. Within them, development is permitted at various intensities, ranging from virtually unrestricted densities in "hamlets" (which comprise about 2% of the park's area) to 42.7 acre zoning in "resource management" areas. "Industrial," "moderate intensity," "low intensity," and "rural use" are the remaining four classifications.

In 1989, Governor Mario Cuomo appointed the Commission on the Adirondacks in the Twenty-First Century. The commission was a response to widespread concerns within the state's environmental community that the Adirondack Park was threatened with a development crisis. Its membership, as well as associated staff, advisors, consultants, and interns, was weighted heavily toward, though not entirely dominated by, established preservationist interests.

In his charge to the Commission, Cuomo observed "Recent developments suggest that we may be entering a new period in the history of the Adirondacks, an era of unbridled land speculation and unwarranted development that may threaten the unique open space and wilderness character of the region." (Commission on the Adirondacks

in the Twenty-First Century 1990; Miller 1990). In its April, 1990 report the commission affirmed this cause for concern. Although the APA has few rivals in the nation in terms of the stringency with which it regulates private land use (the New Jersey Pinelands Commission is one of those few rivals), its regulatory authority is now deemed inadequate.

One of the commission's most prominent concerns regards the subdivision of land. Indeed, the commission points out that applications for subdivision to the APA more than tripled between 1984 and 1989, and early projections for 1990 indicated a 72% increase over 1989, already a year with the highest number of applications in the Agency's almost two decades of history. The Commission's supporters point with alarm to the recent sale by Diamond International Corporation of nearly 100,000 acres of Adirondack forest land. Large land transactions have occurred before, but the lands were transferred from timber company to timber company. In this case, however, Diamond sold the land to a company whose interests are speculative. Through purchase and acquisition of easements, New York State was able, at great expense, to gain control over 56,000 of the acres sold by Diamond.

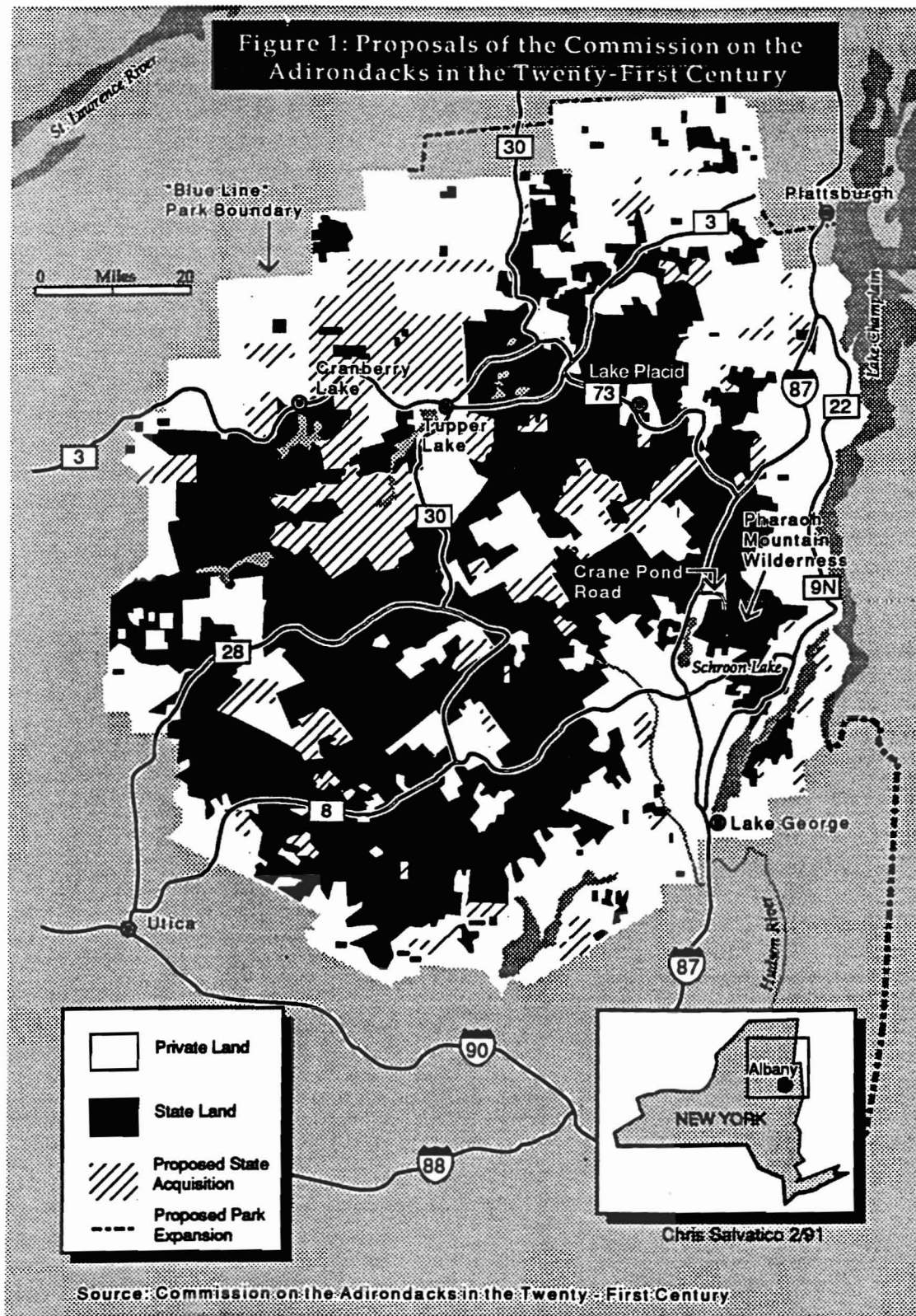
The Diamond International episode notwithstanding, most juries are still out on the question of whether or not there is a subdivision crisis in the Adirondacks. An APA study (Adirondack Park Agency 1990) reveals that as of 1987, over 50% of structures were situated in "hamlet" or "moderate intensity" zones; the rest principally in areas proximate to built-up places or major transportation arteries. The bulk of the residential growth in 1987 occurred in only ten towns, all of which have land use controls in place. Moreover, current recessionary trends are likely to dampen any tendencies toward rampant development. Indeed, by late 1990 the APA expected only a 16% increase in applications over 1989 rather than the 72% increase forecast earlier in the year (Sandiford 1990).

The report of the Governor's Commission includes some 245 recommendations. While calling for a balance between human and ecological needs, the report states that the balance must be struck in favor of environmental and biological quality. Not surprisingly, this general orientation has added fuel to the fires ignited by the study's inception. Among the more contentious of the commission's principal recommendations are the following:

- over time, the addition of 655,000 acres of lands to the state Forest Preserve, bringing state ownership from its current 42% to about 52%. For the near term at least, this is to be accomplished principally through acquisition of easements. Still, the map that highlights these parcels has created enormous controversy, with many a landowner anxiously poring over it to see just whose land it is that is marked for state action (Figure 1).

- 2,000-acre zoning: in resource management areas (now zoned for one principal building per 42.7 acres) and rural use areas (now zoned at one principal building per 8.5 acres), owners would receive one "structural development right" for up to 2,000 acres, and one for each 2,000 acres thereafter. A transferable development rights program also would be instituted. The objective is to contain the vast bulk of new development in the hamlets.

- Impose a new and more stringent set of siting and performance standards and use negative incentives to induce local governments to adopt approved land use plans that incorporate the new standards. As of late 1990, only 11 of the 105 communities in the Adirondacks have APA-approved plans.



-Impose a one-year moratorium on subdivision and development in resource management and rural use zones, as well as within 660 feet of shorelines.

A new entrant in the Adirondacks is the Greater Adirondack Bioregion Earth First! chapter. Earth First!'s guiding concern is preservation/restoration of biodiversity. To this end, it seeks a reduction in the park's human population. The group has claimed responsibility for only one monkeywrenching incident: cutting guy wires that support a fire tower in the Pharoah Mountain Wilderness Area.

The Adirondack Park Local Government Review Board is the oldest surviving "opposition" group. Created by the state legislature to "monitor and advise" the APA, the board is not vested with substantial powers. Nonetheless, it has been a potent source of opposition, especially during the APA's early years. Despite the recent loss of its long-time leader, the Board has been energized by the recent controversies.

Though many local and regional groups have sprung up in response to the Governor's Commission, others trace their roots to 1970s opposition to the Adirondack Park Agency (APA). The Citizens Group of the Adirondacks borrows a good deal of rhetoric and symbolism from the American Revolutionary War, and its leader, Donald Gerdts, makes allusions to violence in pursuit of the group's ends. Gerdts also has organized civil disobedience, most notably the Northway slowdowns mentioned above. The Citizens Group, which calls for "home rule and local self-determination," is probably the most decentralized, least well-funded of the regional groups.

The Adirondack Solidarity Alliance does not differ markedly from the Citizens Group in its general sentiments, but its rhetoric is more toned down and it seeks to form a more broad-based coalition. Initially, the Citizens Group was included under the Solidarity umbrella, but eventually there was a rift (which the groups were seeking to repair as of late 1990). The alliance seeks to persuade elected officials, whereas the Citizens Group has produced a variety of demands and manifestos. The alliance claims a membership of about 1,000.

Yet another regional group of recent vintage is the Adirondack Fairness Coalition. Like the two groups just cited, the coalition opposes additional landuse regulation in the Adirondacks. With about 1,500 individual members and 5,000 persons who are associated with member groups, the coalition attempts to persuade legislators as well as the general public statewide. It appears to be quite well equipped in the way of political and legal expertise and resources. The coalition has produced detailed, carefully-researched analyses of the recommendations of the Governor's Commission. It prides itself as being the only "Adirondack group" quoted in the New York Times.

The Concerned Citizens of the Adirondack Park is a more "moderate" voice, expressly calling for some restrictions on landowners, but opposing state use of eminent domain. The Adirondack Blue Line Council, formed late in 1990, also considers itself moderate. Representing timber, banking, labor, and conservation interests, the group calls for regional planning in conjunction with strong local governments. Its positions resemble those of Robert Flacke, former director of the APA and a member of the Governor's Commission. Rather than endorse the commission report, Flacke filed a minority report (Flacke 1990). Flacke's report is also endorsed by the 35,000-member Adirondack Conservation Council. This sportsmen's group has expressed support for state acquisition of conservation easements, but opposes the report of the Governor's Commission.

Another group that coalesced from the recent fray is the Residents' Committee to Protect the Adirondack Park. While expressing strong support for private property rights and opposition to excessive government regulation, the Residents' Committee sees the greatest threats to the Adirondacks coming from economic and demographic trends. It believes that the report of the Governor's Commission is largely on target, though in need of various improvements. The greatest shortcoming, according to the Residents'

Committee, is inadequate provision for compensation to affected property owners. The committee claims to represent both natives and newcomers to the region.

To varying degrees, these groups are able to influence Albany politics. But to date, there has been only one truly "legitimated" organization: the Adirondack Planning Commission. Formed in February 1989 by the Intercounty Legislative Committee of the Adirondacks, the commission draws its members from the seven affected counties. Each county is represented by one elected official and one planning board member. The organization has received funds from Finch Pruyn, a large timber company with extensive Adirondack landholdings (Finch Pruyn and other timber companies have responded to the report of the Governor's Commission with ambivalence). The Adirondack Planning commission has met repeatedly with the Governor's Office but has been criticized by representatives of some of the more adamant opposition groups for having "sold out." In November 1990 the commission released a report calling for greater local representation on the APA, revision of park classification boundaries, use of conservation easements for land protection, greater access to public lands, an overhaul of permitting processes, and greater state promotion of economic development.

For most preservationist groups, the ideal scenario would have been quick passage of legislation that speaks to the major concerns outlined in the report of the Governor's Commission. But this did not happen. Instead, the Governor and Legislature have put things on hold; indeed, Governor Cuomo wants to hear more from all affected parties before making legislative recommendations. Although the significance of local opposition in shaping this course of events is difficult to gauge, suffice it to say that it has probably had at least a moderate effect. Its achievements, it would seem, are at least comparable to, and may ultimately exceed, those of its counterparts of the 1970s.

To what might this be attributed? In part, to the nature and timing of the proposed regulations. But beyond this, the groups themselves seem more inspired and effective than their predecessors. And indeed, this reflects a national trend toward greatly increased numbers and effectiveness of local opposition groups (for more general treatment of this subject, see Bouchier 1987; Plotkin 1987). Today's Adirondack organizations have greater access to legal and political expertise than did those of the 1970s. They are better players at the planning game, because, in contrast with the early 1970s, their members have now had two decades' experience playing it. Their communications resources, though limited by funding constraints, are still vastly superior to what was available twenty years ago. Computers make newsletter production quick and inexpensive, photocopying services are more readily available and less expensive than they were just a few years ago, and fax machines are now commonplace. In short, it is easier to form the kind of action networks that are likely to be visible, persistent, and able to negotiate effectively. Moreover, turmoil throughout the world, but especially in Eastern Europe, has probably given considerable inspiration to Adirondackers. In a region where labor unions have traditionally encountered tough going, use of the term "Solidarity" in a group's name probably would have been unthinkable before 1980.

General Observations

The report of the Governor's Commission is divisive. It pits diffuse state-level interest in resource protection against local concerns about self-determination and sustainability of local economies. As Hahn and Dyballa (1981) have demonstrated, state-level support is critical to the implementation of a strong preservation program. Sufficient support was present when the Adirondack Park Agency (APA) was created in the early 1970s, though, as Hahn and Dyballa observed, a similar level of support could not be maintained for creation of a Catskill commission.

Strong gubernatorial support also is an important ingredient. Heiman (1988) elucidates the role of Governor Nelson Rockefeller and associated Rockefeller family interests in fostering New York State land use initiatives; the importance of Governor Brendan Byrne's support for the New Jersey Pinelands program is described by Mason (1991).

Accommodation of local interests also is essential to the "success" of regional land use plans. The most prominent of the 1970s "quiet revolution" land use programs had made such accommodations by (if not well before) the mid-1980s (see Popper 1981; DeGrove 1984). In the 1970s, the APA simplified its review procedures for projects, substituted civil for criminal penalties for violators of the regulations, and provided greater planning assistance to localities. The 1980s witnessed greater APA emphasis on economic development.

Many Adirondackers, including some rather vocal opponents of the APA's creation, had by the late 1980s come to accept grudgingly the added layer of regulation. It was not going to go away, and concessions had been made to local interests. While it is true that the early animosities have subsided considerably, it must also be noted that in the face of the current threats of additional land use regulations, some local officials are probably prone to overstate the degree of comfort and familiarity they presently enjoy with the APA.

Regulatory and management changes proposed by the Governor's Commission have roused latent opposition forces from their dormancy. Yet already we have witnessed the inevitable negotiations with and accommodation of local interests. During the summer of 1990, the Adirondack Council backed off on its support of a building moratorium and went on to state that it does not agree with all the recommendations of the Governor's Commission. Governor Cuomo arranged for high-level staff to meet with local government representatives appointed to the Adirondack Planning Commission. As noted above, this group does not enjoy the support of several of the regional groups that arose in opposition to the commission report. Still, the governor's action represents an accommodation; and to some an atonement for the lack of local-level participation in the deliberations of both the Governor's Commission and the APA. Moreover, Cuomo agreed to wait until the recommendations of the Adirondack Planning commission are in before making any legislative proposals. Although environmental representatives have in fact been working with key legislators for some time now, their hopes for quick legislative action were dashed fairly early on.

Supporters of the Governor's Commission and its recommendations may have believed that renewed environmental concern of the late 1980s and early 1990s offered a golden opportunity. Statewide, the sense of urgency would be sufficient to propel a substantial restructuring of Adirondack land ownership and land use regulation. Inherent in the thinking of at least some preservation proponents is the concept of the "greenline park" (U.S. Congress 1975; Corbett 1983; Hirner 1985). More than just a system of linear "greenways" (Little 1990), the greenline park is a relatively large regional landscape with a mix of private and publicly owned lands. Various levels of government work together to achieve a harmonious balance between environmental protection and economic productivity. Greenline park residents engage in ecologically appropriate, economically productive activities such as forestry, tourism, recreation provision, and light industry (wood products manufacturing is suggested for the Adirondacks). The emphasis is on small-scale, sustainable exploitation of renewable resources.

There are no official greenline parks, but the Adirondack Park and the Pinelands National Reserve (New Jersey) are cited as premier examples of places that fit the conceptual mold. The proposals of the Governor's Commission would in many ways advance even further the greenline vision for the Adirondacks. Residential and commercial

growth would be accommodated, but by and large contained within existing hamlets. Aesthetic imperatives would be realized through regulation of such things as house color and choice of roofing material, undergrounding of utilities, mandatory screening of certain structures, and removal of others (the controversial plan to remove a fire tower in the Pharoah Mountain Wilderness Area is an example). Spaces outside the hamlets would remain sparsely populated, reserved for low-intensity recreation, habitat protection, and reestablishment of species extirpated from the region. The guiding objective is to maintain the human presence, but to make it as invisible as possible, regardless of its potential in specific places to do ecological damage. In keeping with basic principles espoused for management of United Nations biosphere reserves (of which the Adirondack Park is one of a worldwide network), the commission proposes that the park be surrounded by a buffer zone.

The report of the Governor's Commission only skirts the basic questions of equity that have pervaded Adirondack life for the past century. Before World War II, there were essentially two classes of Adirondackers: the region's full-time residents, most of whom struggled to make ends meet, and the select stratum of wealthy landowners and other part-time residents. After the war, the region became much more accessible to middle-class cottagers and other visitors, but the comparative lot of the native Adirondackers did not markedly improve.

Although the report of the Governor's Commission on the one hand calls for regional health care, education, affordable housing, and other state aid programs, on the other, it perpetuates, indeed may widen, the gap between rich and poor. By calling for 2,000-acre zoning outside the hamlets, it keeps the open spaces of the Adirondacks accessible to the privileged elite, but off limits to those of lesser means. The lower-income, "native" population will have to expand principally within the park's hamlets.

Prospect

It may be fruitless at this time to try to predict the outcome of the current struggles in the Adirondacks, but a few pertinent points should nonetheless be made. Hahn and Dyballa (1981) point to the need for a crisis to enable legislative consideration of the kinds of major changes now proposed for the Adirondack Park. In the late 1800s, the crisis came in the form of ravages incurred by reckless logging. In the early 1970s, it was the threat of massive second-home developments. Now it is the sale and subdivision of large parcels of land, as well as the incipient chipping away of open space through small subdivisions permitted under current law.

But the perception of a crisis is hard to sustain in times of economic recession. The souring economy is likely to throw a blanket on much of the activity that led to the creation of the Governor's Commission. Indeed, as noted above, this already seems to be in evidence. In addition, gubernatorial support seems to have eroded. Moreover, New York State's worsening economic crisis could lead to even further weakening of Cuomo's support for stringent new measures.

Perhaps the most telling rebuff has come directly from voters. The Twenty-First Century Environmental Quality Bond Act, like several other 1990 environmental initiatives across the country, was defeated. It won approval only in New York City and a few downstate suburban counties and was resoundingly defeated in the Adirondack counties. About 40% of the Act's \$1.975 billion would have gone for acquisition of environmentally sensitive lands statewide; much of the rest was slated for waste management and water quality projects.

The act's defeat outside the Adirondacks has been attributed to a general hostility on the part of the electorate toward new spending--and, indeed, this general sense of

skepticism probably does not bode well for the costly package of recommendations contained in the report of the Governor's Commission. The statewide support that Hahn and Dyballa (1981) identify as essential may very well fall below some "critical threshold", due not to a backlash against perceived Earth Week excesses, but instead the result of general discontent and anxiety about politics and finances. While we might well anticipate some increased land use regulation in the Adirondacks, it is likely to fall far short of the overhaul proposed by the Governor's Commission.

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