

STATE OF NEW YORK

794

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. JONES, PHEFFER AMATO, B. MILLER, MONTESANO --
Multi-Sponsored by -- M. of A. COOK -- read once and referred to the
Committee on Environmental Conservation

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 1 of article 14 of the constitution,
in relation to authorizing the sale of certain forest preserve land
which was not intended to be included in the forest preserve

1 Section 1. Resolved (if the Senate concur), That section 1 of article
2 14 of the constitution be amended to read as follows:
3 Section 1. The lands of the state, now owned or hereafter acquired,
4 constituting the forest preserve as now fixed by law, shall be forever
5 kept as wild forest lands. They shall not be leased, sold or exchanged,
6 or be taken by any corporation, public or private, nor shall the timber
7 thereon be sold, removed or destroyed. Nothing herein contained shall
8 prevent the state from constructing, completing and maintaining any
9 highway heretofore specifically authorized by constitutional amendment,
10 nor from constructing and maintaining to federal standards federal aid
11 interstate highway route five hundred two from a point in the vicinity
12 of the city of Glens Falls, thence northerly to the vicinity of the
13 villages of Lake George and Warrensburg, the hamlets of South Horicon
14 and Pottersville and thence northerly in a generally straight line on
15 the west side of Schroon Lake to the vicinity of the hamlet of Schroon,
16 then continuing northerly to the vicinity of Schroon Falls, Schroon
17 River and North Hudson, and to the east of Makomis Mountain, east of the
18 hamlet of New Russia, east of the village of Elizabethtown and continu-
19 ing northerly in the vicinity of the hamlet of Towers Forge, and east of
20 Poke-O-Moonshine Mountain and continuing northerly to the vicinity of
21 the village of Keeseville and the city of Plattsburgh, all of the afore-
22 said taking not to exceed a total of three hundred acres of state forest
23 preserve land, nor from constructing and maintaining not more than twen-
24 ty-five miles of ski trails thirty to two hundred feet wide, together

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 with appurtenances thereto, provided that no more than five miles of
2 such trails shall be in excess of one hundred twenty feet wide, on the
3 north, east and northwest slopes of Whiteface Mountain in Essex county,
4 nor from constructing and maintaining not more than twenty-five miles of
5 ski trails thirty to two hundred feet wide, together with appurtenances
6 thereto, provided that no more than two miles of such trails shall be in
7 excess of one hundred twenty feet wide, on the slopes of Belleayre Moun-
8 tain in Ulster and Delaware counties and not more than forty miles of
9 ski trails thirty to two hundred feet wide, together with appurtenances
10 thereto, provided that no more than eight miles of such trails shall be
11 in excess of one hundred twenty feet wide, on the slopes of Gore and
12 Pete Gay mountains in Warren county, nor from relocating, reconstructing
13 and maintaining a total of not more than fifty miles of existing state
14 highways for the purpose of eliminating the hazards of dangerous curves
15 and grades, provided a total of no more than four hundred acres of
16 forest preserve land shall be used for such purpose and that no single
17 relocated portion of any highway shall exceed one mile in length.
18 Notwithstanding the foregoing provisions, the state may convey to the
19 village of Saranac Lake ten acres of forest preserve land adjacent to
20 the boundaries of such village for public use in providing for refuse
21 disposal and in exchange therefore the village of Saranac Lake shall
22 convey to the state thirty acres of certain true forest land owned by
23 such village on Roaring Brook in the northern half of Lot 113, Township
24 11, Richards Survey. Notwithstanding the foregoing provisions, the state
25 may convey to the town of Arietta twenty-eight acres of forest preserve
26 land within such town for public use in providing for the extension of
27 the runway and landing strip of the Piseco airport and in exchange
28 therefor the town of Arietta shall convey to the state thirty acres of
29 certain land owned by such town in the town of Arietta. Notwithstanding
30 the foregoing provisions and subject to legislative approval of the
31 tracts to be exchanged prior to the actual transfer of title, the state,
32 in order to consolidate its land holdings for better management, may
33 convey to International Paper Company approximately eight thousand five
34 hundred acres of forest preserve land located in townships two and three
35 of Totten and Crossfield Purchase and township nine of the Moose River
36 Tract, Hamilton county, and in exchange therefore International Paper
37 Company shall convey to the state for incorporation into the forest
38 preserve approximately the same number of acres of land located within
39 such townships and such County on condition that the legislature shall
40 determine that the lands to be received by the state are at least equal
41 in value to the lands to be conveyed by the state. Notwithstanding the
42 foregoing provisions and subject to legislative approval of the tracts
43 to be exchanged prior to the actual transfer of title and the conditions
44 herein set forth, the state, in order to facilitate the preservation of
45 historic buildings listed on the national register of historic places by
46 rejoining an historic grouping of buildings under unitary ownership and
47 stewardship, may convey to Sagamore Institute Inc., a not-for-profit
48 educational organization, approximately ten acres of land and buildings
49 thereon adjoining the real property of the Sagamore Institute, Inc. and
50 located on Sagamore Road, near Raquette Lake Village, in the Town of
51 Long Lake, county of Hamilton, and in exchange therefor; Sagamore Insti-
52 tute, Inc. shall convey to the state for incorporation into the forest
53 preserve approximately two hundred acres of wild forest land located
54 within the Adirondack Park on condition that the legislature shall
55 determine that the lands to be received by the state are at least equal
56 in value to the lands and buildings to be conveyed by the state and that

1 the natural and historic character of the lands and buildings conveyed
2 by the state will be secured by appropriate covenants and restrictions
3 and that the lands and buildings conveyed by the state will reasonably
4 be available for public visits according to agreement between Sagamore
5 Institute, Inc. and the state. Notwithstanding the foregoing provisions
6 the state may convey to the town of Arietta fifty acres of forest
7 preserve land within such town for public use in providing for the
8 extension of the runway and landing strip of the Piseco airport and
9 providing for the maintenance of a clear zone around such runway, and in
10 exchange therefor, the town of Arietta shall convey to the state fifty-
11 three acres of true forest land located in lot 2 township 2 Totten and
12 Crossfield's Purchase in the town of Lake Pleasant.

13 Notwithstanding the foregoing provisions and subject to legislative
14 approval prior to actual transfer of title, the state may convey to the
15 town of Keene, Essex county, for public use as a cemetery owned by such
16 town, approximately twelve acres of forest preserve land within such
17 town and, in exchange therefor, the town of Keene shall convey to the
18 state for incorporation into the forest preserve approximately one
19 hundred forty-four acres of land, together with an easement over land
20 owned by such town including the riverbed adjacent to the land to be
21 conveyed to the state that will restrict further development of such
22 land, on condition that the legislature shall determine that the proper-
23 ty to be received by the state is at least equal in value to the land to
24 be conveyed by the state.

25 Notwithstanding the foregoing provisions and subject to legislative
26 approval prior to actual transfer of title, because there is no viable
27 alternative to using forest preserve lands for the siting of drinking
28 water wells and necessary appurtenances and because such wells are
29 necessary to meet drinking water quality standards, the state may convey
30 to the town of Long Lake, Hamilton county, one acre of forest preserve
31 land within such town for public use as the site of such drinking water
32 wells and necessary appurtenances for the municipal water supply for the
33 hamlet of Raquette Lake. In exchange therefor, the town of Long Lake
34 shall convey to the state at least twelve acres of land located in
35 Hamilton county for incorporation into the forest preserve that the
36 legislature shall determine is at least equal in value to the land to be
37 conveyed by the state. The Raquette Lake surface reservoir shall be
38 abandoned as a drinking water supply source.

39 Notwithstanding the foregoing provisions and subject to legislative
40 approval prior to actual transfer of title, the state may convey to
41 National Grid up to six acres adjoining State Route 56 in St. Lawrence
42 County where it passes through Forest Preserve in Township 5, Lots 1, 2,
43 5 and 6 that is necessary and appropriate for National Grid to construct
44 a new 46kV power line and in exchange therefore National Grid shall
45 convey to the state for incorporation into the forest preserve at least
46 10 acres of forest land owned by National Grid in St. Lawrence county,
47 on condition that the legislature shall determine that the property to
48 be received by the state is at least equal in value to the land conveyed
49 by the state.

50 Notwithstanding the foregoing provisions, the legislature may author-
51 ize the settlement, according to terms determined by the legislature, of
52 title disputes in township forty, Totten and Crossfield purchase in the
53 town of Long Lake, Hamilton county, to resolve longstanding and compet-
54 ing claims of title between the state and private parties in said town-
55 ship, provided that prior to, and as a condition of such settlement,
56 land purchased without the use of state-appropriated funds, and suitable

1 for incorporation in the forest preserve within the Adirondack park,
2 shall be conveyed to the state on the condition that the legislature
3 shall determine that the property to be conveyed to the state shall
4 provide a net benefit to the forest preserve as compared to the township
5 forty lands subject to such settlement.

6 Notwithstanding the foregoing provisions, the state may authorize NYCO
7 Minerals, Inc. to engage in mineral sampling operations, solely at its
8 expense, to determine the quantity and quality of wollastonite on
9 approximately 200 acres of forest preserve land contained in lot 8,
10 Stowers survey, town of Lewis, Essex county provided that NYCO Minerals,
11 Inc. shall provide the data and information derived from such drilling
12 to the state for appraisal purposes. Subject to legislative approval of
13 the tracts to be exchanged prior to the actual transfer of title, the
14 state may subsequently convey said lot 8 to NYCO Minerals, Inc., and, in
15 exchange therefor, NYCO Minerals, Inc. shall convey to the state for
16 incorporation into the forest preserve not less than the same number of
17 acres of land, on condition that the legislature shall determine that
18 the lands to be received by the state are equal to or greater than the
19 value of the land to be conveyed by the state and on condition that the
20 assessed value of the land to be conveyed to the state shall total not
21 less than one million dollars. When NYCO Minerals, Inc. terminates all
22 mining operations on such lot 8 it shall remediate the site and convey
23 title to such lot back to the state of New York for inclusion in the
24 forest preserve. In the event that lot 8 is not conveyed to NYCO
25 Minerals, Inc. pursuant to this paragraph, NYCO Minerals, Inc. never-
26 theless shall convey to the state for incorporation into the forest
27 preserve not less than the same number of acres of land that is
28 disturbed by any mineral sampling operations conducted on said lot 8
29 pursuant to this paragraph on condition that the legislature shall
30 determine that the lands to be received by the state are equal to or
31 greater than the value of the lands disturbed by the mineral sampling
32 operations.

33 Notwithstanding the foregoing provisions and subject to legislative
34 approval prior to actual transfer of title, a total of no more than two
35 hundred fifty acres of forest preserve land shall be used for the estab-
36 lishment of a health and safety land account. Where no viable alterna-
37 tive exists and other criteria developed by the legislature are satis-
38 fied, a town, village or county may apply, pursuant to a process
39 determined by the legislature, to the health and safety land account for
40 projects limited to: address bridge hazards or safety on county high-
41 ways, and town highways listed on the local highway inventory maintained
42 by the department of transportation, dedicated, and in existence on
43 January first, two thousand fifteen, and annually plowed and regularly
44 maintained; elimination of the hazards of dangerous curves and grades on
45 county highways, and town highways listed on the local highway inventory
46 maintained by the department of transportation, dedicated, and in exist-
47 ence on January first, two thousand fifteen, and annually plowed and
48 regularly maintained; relocation and reconstruction and maintenance of
49 county highways, and town highways listed on the local highway inventory
50 maintained by the department of transportation, dedicated, and in exist-
51 ence on January first, two thousand fifteen and annually plowed and
52 regularly maintained, provided further that no single relocated portion
53 of any such highway shall exceed one mile in length; and water wells and
54 necessary appurtenances when such wells are necessary to meet drinking
55 water quality standards and are located within five hundred thirty feet
56 of state highways, county highways, and town highways listed on the

1 local highway inventory maintained by the department of transportation,
2 dedicated, and in existence on January first, two thousand fifteen, and
3 annually plowed and regularly maintained. As a condition of the creation
4 of such health and safety land account the state shall acquire two
5 hundred fifty acres of land for incorporation into the forest preserve,
6 on condition that the legislature shall approve such lands to be added
7 to the forest preserve.

8 Notwithstanding the foregoing provisions and subject to legislative
9 approval prior to actual transfer of title, the land developed as a
10 private tuberculosis hospital, private college annex and a state prison,
11 comprising forty-eight structures may be conveyed by the state at public
12 or private sale up to ninety-two acres of land along State Route 86,
13 part of Lot 78, Township 18, Great Tract 1, Macomb's purchase in the
14 town of Brighton, Franklin county, upon the condition that any revenue
15 derived from such conveyance be paid into an account of the state to be
16 used only for acquisitions to the forest preserve.

17 § 2. Resolved (if the Senate concur), That the foregoing be referred
18 to the first regular legislative session convening after the next
19 succeeding general election of members of the assembly, and, in conform-
20 ity with section 1 of article 19 of the constitution, be published for 3
21 months previous to the time of such election.