

STATE OF NEW YORK

794--A

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. JONES, PHEFFER AMATO, B. MILLER, MONTESANO, SIMPSON -- Multi-Sponsored by -- M. of A. COOK -- read once and referred to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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-

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

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

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

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

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

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

53 Notwithstanding the foregoing provisions, the legislature may author-
54 ize the settlement, according to terms determined by the legislature, of
55 title disputes in township forty, Totten and Crossfield purchase in the
56 town of Long Lake, Hamilton county, to resolve longstanding and compet-

1 ing claims of title between the state and private parties in said town-
2 ship, provided that prior to, and as a condition of such settlement,
3 land purchased without the use of state-appropriated funds, and suitable
4 for incorporation in the forest preserve within the Adirondack park,
5 shall be conveyed to the state on the condition that the legislature
6 shall determine that the property to be conveyed to the state shall
7 provide a net benefit to the forest preserve as compared to the township
8 forty lands subject to such settlement.

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

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

1 necessary appurtenances when such wells are necessary to meet drinking
2 water quality standards and are located within five hundred thirty feet
3 of state highways, county highways, and town highways listed on the
4 local highway inventory maintained by the department of transportation,
5 dedicated, and in existence on January first, two thousand fifteen, and
6 annually plowed and regularly maintained. As a condition of the creation
7 of such health and safety land account the state shall acquire two
8 hundred fifty acres of land for incorporation into the forest preserve,
9 on condition that the legislature shall approve such lands to be added
10 to the forest preserve.

11 Notwithstanding the foregoing provisions and subject to legislative
12 approval prior to actual transfer of title, the land developed as a
13 private tuberculosis hospital, private college annex and a state prison,
14 comprising forty-eight structures may be conveyed by the state at public
15 or private sale up to ninety-two acres of land along State Route 86,
16 part of Lot 78, Township 18, Great Tract 1, Macomb's purchase in the
17 town of Brighton, Franklin county, upon the condition that any revenue
18 derived from such conveyance be paid into an account of the state to be
19 used only for acquisitions to the forest preserve. Held in reserve, for
20 the Town of Brighton in Franklin County, will be water rights on the
21 above described premises for the purpose of creating a Water District to
22 supply potable water to the people of the Town of Brighton from the
23 hamlet of Gabriel's to the area known as Easy Street, as this area is
24 negatively affected by State applied Road Salt in their water wells.

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