

# STATE OF NEW YORK

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5333--A

Cal. No. 575

2021-2022 Regular Sessions

## IN SENATE

March 2, 2021

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Introduced by Sens. STEC, BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommended to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

### 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 Assembly concur), That section 1 of article 14 of the constitution be amended to read as follows:

2  
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 continuing  
19 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

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

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

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

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

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

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

54 Notwithstanding the foregoing provisions, the legislature may author-  
55 ize the settlement, according to terms determined by the legislature, of  
56 title disputes in township forty, Totten and Crossfield purchase in the

town of Long Lake, Hamilton county, to resolve longstanding and competing claims of title between the state and private parties in said township, provided that prior to, and as a condition of such settlement, land purchased without the use of state-appropriated funds, and suitable for incorporation in the forest preserve within the Adirondack park, shall be conveyed to the state on the condition that the legislature shall determine that the property to be conveyed to the state shall provide a net benefit to the forest preserve as compared to the township forty lands subject to such settlement.

Notwithstanding the foregoing provisions, the state may authorize NYCO Minerals, Inc. to engage in mineral sampling operations, solely at its expense, to determine the quantity and quality of wollastonite on approximately 200 acres of forest preserve land contained in lot 8, Stowers survey, town of Lewis, Essex county provided that NYCO Minerals, Inc. shall provide the data and information derived from such drilling to the state for appraisal purposes. Subject to legislative approval of the tracts to be exchanged prior to the actual transfer of title, the state may subsequently convey said lot 8 to NYCO Minerals, Inc., and, in exchange therefor, NYCO Minerals, Inc. shall convey to the state for incorporation into the forest preserve not less than the same number of acres of land, on condition that the legislature shall determine that the lands to be received by the state are equal to or greater than the value of the land to be conveyed by the state and on condition that the assessed value of the land to be conveyed to the state shall total not less than one million dollars. When NYCO Minerals, Inc. terminates all mining operations on such lot 8 it shall remediate the site and convey title to such lot back to the state of New York for inclusion in the forest preserve. In the event that lot 8 is not conveyed to NYCO Minerals, Inc. pursuant to this paragraph, NYCO Minerals, Inc. nevertheless shall convey to the state for incorporation into the forest preserve not less than the same number of acres of land that is disturbed by any mineral sampling operations conducted on said lot 8 pursuant to this paragraph on condition that the legislature shall determine that the lands to be received by the state are equal to or greater than the value of the lands disturbed by the mineral sampling operations.

Notwithstanding the foregoing provisions and subject to legislative approval prior to actual transfer of title, a total of no more than two hundred fifty acres of forest preserve land shall be used for the establishment of a health and safety land account. Where no viable alternative exists and other criteria developed by the legislature are satisfied, a town, village or county may apply, pursuant to a process determined by the legislature, to the health and safety land account for projects limited to: address bridge hazards or safety on county highways, and town highways listed on the local highway inventory maintained by the department of transportation, dedicated, and in existence on January first, two thousand fifteen, and annually plowed and regularly maintained; elimination of the hazards of dangerous curves and grades on county highways, and town highways listed on the local highway inventory maintained by the department of transportation, dedicated, and in existence on January first, two thousand fifteen, and annually plowed and regularly maintained; relocation and reconstruction and maintenance of county highways, and town highways listed on the local highway inventory maintained by the department of transportation, dedicated, and in existence on January first, two thousand fifteen and annually plowed and regularly maintained, provided further that no single relocated portion

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

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

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