

STATE OF NEW YORK

7868--B

IN SENATE

January 14, 2022

Introduced by Sens. STEC, BORRELLO, KAMINSKY, ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 conveying land to Debar Pond Institute in order to facilitate the preservation of historic buildings

1 Section 1. Resolved (if the Assembly concur), That section 1 of article 14 of the constitution be amended 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 northerly in the vicinity of the hamlet of Towers Forge, and east of
19 Poke-O-Moonshine Mountain and continuing northerly to the vicinity of
20 the village of Keeseville and the city of Plattsburgh, all of the
21 said taking not to exceed a total of three hundred acres of state forest
22 preserve land, nor from constructing and maintaining not more than twenty-five miles of ski trails thirty to two hundred feet wide, together
23 with appurtenances thereto, provided that no more than five miles of
24
25

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

LBD89104-07-2

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

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

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

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

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

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

1 shall be conveyed to the state on the condition that the legislature
2 shall determine that the property to be conveyed to the state shall
3 provide a net benefit to the forest preserve as compared to the township
4 forty lands subject to such settlement.

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

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

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

7 Notwithstanding the foregoing provisions and subject to legislative
8 approval of the tracts to be exchanged prior to the actual transfer of
9 title and the conditions herein set forth, the state, in order to facil-
10 itate the preservation of historic buildings listed on the national
11 register of historic places may convey to Debar Pond Institute, Inc., a
12 not-for-profit corporation, approximately six acres of land including
13 Debar Pond Lodge and associated buildings with rights of ingress and
14 egress on and the right to use, maintain, and improve for safe passage
15 the road from County Route 26 to Debar Pond Lodge, the right to use and
16 maintain the existing utility lines and poles, the right to co-locate
17 future utilities along the utility line, and the right to draw water
18 from Debar Pond for the purposes of water supply and fire suppression,
19 in the Town of Duane, county of Franklin, and in exchange therefor;
20 Debar Pond Institute, Inc. shall convey to the state for incorporation
21 into the forest preserve not less than four hundred acres of land
22 located within the Adirondack Park on condition that the legislature
23 shall determine that the lands to be received by the state are at least
24 equal in value to the lands and buildings to be conveyed by the state,
25 that the lands and buildings conveyed by the state will be reasonably
26 available for public use and visits, and that the natural and historic
27 character of the lands and buildings conveyed by the state will be
28 secured by a lawful conservation easement held by the state of New York.

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