§ 808. Administration and enforcement of approved local land use programs. 1. Local land use programs that have been approved by the agency and validly enacted or adopted shall be administered and enforced as provided for in such approved programs.

2. Upon receipt of an application to undertake any class B regional project that is permissible under an approved local land use program, the local government body or officer having jurisdiction thereof shall give written notice thereof to the agency, together with such pertinent information as the agency may deem necessary. The agency shall have standing to participate as a party in the local review of such project, including any public hearing thereon, and to have the issuance of a permit therefor by such body or officer reviewed under article seventy-eight of the civil practice law and rules and to bring proceedings in any court of competent jurisdiction to have any undertaking pursuant to such permit restrained, enjoined, corrected or abated.

3. Upon receipt of an application for a variance from any provision of an approved local land use program involving land in any land use area other than a hamlet, including any shoreline restriction, the local government body or officer having jurisdiction thereof shall give written notice thereof to the agency together with such pertinent information as the agency may deem necessary. If such variance is granted, it shall not take effect for thirty days after the granting thereof. If, within such thirty day period, the agency determines that such variance involves the provisions of the land use and development plan as approved in the local land use program including any shoreline restriction and was not based upon the appropriate statutory basis of practical difficulties or unnecessary hardships, the agency may reverse the local determination to permit the variance. If the agency so acts, the appropriate local government officer or body, as well as any other person aggrieved by such action, shall have standing to have such action reviewed under article seventy-eight of the civil practice law and rules.

4. The agency, after consultation with the Adirondack park local

government review board, shall have standing to institute a proceeding in any court of competent jurisdiction to revoke its approval of a local land use program and reassert its review jurisdiction over class B regional projects under section eight hundred nine whenever the agency determines by a two-thirds affirmative vote of its members that the local government body or officer having jurisdiction has repeatedly or frequently failed or refused, after due notice and requests from the agency, and with such body or officer having had full opportunity to be heard on all issues involved, to administer or enforce the approved local land use program to adequately carry out the policies, purposes and objectives of the approved program or of the land use and development plan. Not earlier than one year after any such successful reassertion by the agency, or such earlier time as may be mutually agreed to, the legislative body of the local government involved may submit its local land use program, or any amended version thereof, or a newly proposed program to the agency for approval as provided for in section eight hundred seven for the initial approval of a local land use program.

5. The agency shall be a party who shall be joined, pursuant to the terms of subdivision a of section one thousand one of the civil practice law and rules, in any action initiated by or against a local government, or an instrumentality, agent or employee thereof, in which the issues to be adjudicated relate or pertain to the criteria for approval of a local land use program set forth in subdivision two of section eight hundred seven of this article. In any other action initiated by or against a local government, or an instrumentality, agent or employee thereof, joinder of the agency shall be governed by the terms of section one thousand two of the civil practice law and rules.

6. In any action where the agency is a party pursuant to the first sentence of subdivision five of this section, the attorney general shall, at the request of the local government and without cost to local government, also represent the local government as to those issues which are common to both the agency and the local government, and as to which both seek the same or substantially similar determination.