§ 815. Interim development controls. 1. The legislature hereby finds that development is taking place in the Adirondack park which threatens the accomplishment of the basic purpose of this article to insure optimum overall conservation, protection, preservation, development and use of the park's unique scenic, historic, ecological and natural resources. Such development presents an imminent danger to the integrity of an area of the state which has always been considered a priceless possession of the people of this state. If such development is left uncontrolled until the land use and development plan is effective and its implementation is underway, the purposes of this article may be irreparably and irreversibly compromised. It would, therefore, be prejudicial to the interests of the people of the state to delay regulatory action until the land use and development plan becomes effective as adopted in this article. Accordingly, the agency is authorized until August one, nineteen hundred seventy-three to exercise the powers set forth in this section.

2. The agency shall, after public hearing, adopt, and may from time to time amend, rules and regulations to carry out the purposes of this section for the review of any proposed development in the Adirondack park which might have an adverse effect upon the park's unique scenic, historic, ecological and natural resources, hereinafter referred to as a project, including criteria by which such project shall be evaluated by the agency. Such review shall not include review of projects on state lands within the park. The rules and regulations of the agency currently in force and effect shall remain in force to the extent consistent with this section and unless and until otherwise amended.

3. Before adopting or amending such rules and regulations, the agency shall submit them to the department of environmental conservation for comments and recommendation.

4. Such rules and regulations may exclude projects in specified areas or specified kinds of projects and shall exclude (a) bona fide management, including logging, of forests, woodlands or plantations or the construction or maintenance of woodroads, landings or temporary structures, directly associated with such management, (b) bona fide

management of land for agriculture, livestock raising, horticulture and orchards and (c) any project involving less than five acres and fewer than five lots, from review under this section.

5. Such rules and regulations shall set forth a procedure for the informal discussion of preliminary and informal plans for a project and for preliminary approval or recommendations by the agency with respect to the project. Such informal discussion shall be optional with the project sponsor, and no such preliminary approval or recommendations by the agency shall relieve any agency or person from complying with any provision of this section.

6. This section shall not apply to any emergency project which is immediately necessary for the protection of life or property as defined by the agency by rule and regulation.

7. A public or private agency or person proposing to undertake a project subject to review under this section or the rules and regulations adopted hereunder, shall submit to the agency a description thereof, in such form and manner as shall be sufficient to enable the agency to make the findings and determinations required by this section. For a period of ninety days following the submission of such description to the agency, or until such earlier time as the agency may specify, such agency or person shall not undertake or continue such project. The agency shall review such description to determine the effect of the proposed project upon the scenic, historic, ecological and natural resources of the park, and to assess the commercial, industrial, residential, recreational or other benefits of the project.

8. If, on or before the conclusion of such ninety-day period and after a public hearing is held on the project in accordance with subdivision nine the agency finds that the proposed project (1) is not in substantial conformity with the policies of this article and (2) would have a substantial and lasting adverse impact upon such resources of the park, it may issue an order upon the project sponsor prohibiting the commencement or continuation of the project until August first, nineteen hundred seventy-three. The findings and order of the agency shall be in

writing and notice of the findings and order shall be mailed to persons to whom it is directed at their last known address.

9. Notice of a formal hearing shall be given by conspicuous posting of the land which is or will be subject to the agency action in question and by publication at least once in a newspaper of general circulation in the county or counties wherein such land is situated. In addition, individual notice shall be given by depositing the same in the mails addressed at the last known address to: (1) The owner or owners of the land which is or will be subject to the agency order; (2) the public or private agency or person proposing to undertake the project; and (3) the local government or local governments exercising jurisdiction over the land which is or will be subject to the agency order.

Notices shall be given at least seven days in advance of the hearing and shall contain a statement describing the matters to be considered at the hearing, the time and place where further details may be obtained, and the time and place of the hearing.

10. Any review and determination made pursuant to this section shall take into account existing local controls.

11. All orders made by the agency shall be enforceable by appropriate proceedings at law or in equity and any person who violates any provision of this section or rules, regulations and orders adopted pursuant thereto may be fined for not more than five hundred dollars or imprisoned not more than thirty days, or both. Each day the violation continues is hereby deemed to be a separate offense for purposes of determining the amount of such fines and length of imprisonment.

12. A project which has been approved by the agency shall also be subject to approval by local government if such approval is required by law.

13. In regard to a project with respect to which the ninety-day period specified in subdivision seven hereof has been commenced on or before July thirty-first, nineteen hundred seventy-three, unless the agency

approves said project in accordance with the provisions of this section, the project sponsor may not undertake said project if it is of a type subject to the agency's project review jurisdiction under section eight hundred nine until the sponsor has obtained a permit therefor as required therein.

14. If the agency approves a project reviewed under this section, the project sponsor may request, within ten days thereafter, and the agency shall issue within ten days after receipt of such request, a certificate to the effect that the project is approved and may be undertaken or continued, and that permit therefor as called for in section eight hundred nine is not required for such project so long as the project is completed within two years after issuance of such certificate. Irrespective of whether a certificate is issued pursuant to this section, a permit shall be required for the undertaking or continuation of a project approved under this section if such project is not completed within two years after its approval.

15. For the purposes of this section, the term "development" shall mean any activity which materially affects the existing conditions, use or appearance of any land, structure or improvement including the division of any land into parcels or units but shall not include the division of any land resulting from devise, inheritance, gift or operation of law.