

framework has sometimes been controversial, it has allowed the Adirondack Park to balance human use and natural resources conservation for more than a century and to withstand the increasing development pressures of the past thirty years.

### Further Reading

Readers can find additional information on the Adirondack Park's legal structure at the APA's website (<http://www.apa.state.ny.us>) and in:

- Adirondack Park Agency. *Adirondack Park State Land Master Plan* Ray Brook, N.Y.: Adirondack Park Agency, 2001.
- Commission on the Adirondacks in the Twenty-First Century. *The Adirondack Park in the Twenty-First Century*. Executive summary and vols. 1 and 2. Albany: State of New York, 1990.
- Ginsberg, William R., and Philip Weinberg. *Environmental Law and Regulation in New York*. §12.3. St. Paul, Minn.: West Publishing Co., 1996.
- Graham, Frank, Jr. 1978. *The Adirondack Park: A Political History*. Syracuse: Syracuse Univ. Press, 1978.

# 16

## Public and Private Land-Use Regulation of the Adirondack Park

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In politics, as in chemistry, a catalyst is often the secret to getting a process moving. For the Adirondack Park, the catalyst was a proposal offered by Laurance Rockefeller. In 1967, Rockefeller was chairman of the New York State Council of Parks. Concerned that the Adirondack Park existed in name only, and recognizing that protection of 40 percent of the park as Forever Wild left the majority of the region open to runaway development, Rockefeller hit upon the idea of creating a national park. He proposed enlisting the federal government to amalgamate about 1.1 million acres of Forest Preserve and 600,000 acres of private land to form the Adirondack Mountains National Park. News of his idea reached the *New York Times* on July 30, 1967, and the reaction was strong. Almost no one liked the idea.

Whether the idea was intended as a serious proposal or as a political catalyst is uncertain, but its effect was dramatic. While the

The description of the creation of the Adirondack Park Agency that follows draws on interviews with Peter Paine, a member of the Temporary Study Commission, original member of the Adirondack Park Agency, and principal author of the State Land Master Plan; George Davis, a staff member of the Temporary Study Commission and the first employee hired by the park agency; and Richard Persico, the executive director of the APA at the time the Adirondack Park Land Use and Development Plan was approved by the legislature and principal author of the legislation.

many Adirondack constituencies seemed to have little in common, all were united in their opposition to inviting the federal government into the mix. Many also agreed that something needed to be done about the Adirondack Park. Some advocates sought to provide protection for more than 5 million acres and saw the Rockefeller proposal as a retreat to a smaller core area. Others sought to prevent the loss of their own land to the future park. Still others wanted to forestall any further discussion of federal involvement. Nelson Rockefeller, brother of Laurance and governor of New York, saw a political opportunity in this brief consensus. He channeled the political will into a Temporary Study Commission on the Future of the Adirondacks. He brought together the public interest in wilderness and the growing societal interest in land-use zoning. Specifically, he asked the commission to explore ways to create a novel park: a single entity where both public and private lands were essential elements. Nowhere had such an idea been attempted. Certainly there were parks containing appreciable amounts of private land as in-holdings, or where adjacent private land was important to the welfare of the park. However, nowhere (at least in the United States) had there been attempted the creation of a park where the private land was considered part of the park and constituted the majority of the land within the park's boundaries.

Nelson Rockefeller charged the commission with formulating recommendations on long-range policies for ensuring protection of the park. The charge recognized two important political pressure points. First was the rising concern about lack of attention to management of the Forest Preserve. Since the inception of the Forest Preserve, the Conservation Commission had sought authority to bring the Forest Preserve into active silviculture programs for purposes of both forest stewardship and wildlife management. The authority, consciously removed from the Conservation Commission by constitutional amendment in 1894 after some scandal, was never restored, and the Forest Preserve languished. Rockefeller asked if there should be more active oversight and greater safeguards for the Forest Preserve in the form of wilderness designation. Further, he

asked if additional lands should be purchased by the state for inclusion in the Forest Preserve. Second, there was concern about impending development of private lands. Entrepreneurs were looking to the Adirondacks as a site for communities of second homes, and the magnitude of the developments being planned alarmed many people. In an unusually bold political step, Rockefeller asked the commission to consider how to assure that development of private lands was done in a manner appropriate to the long-range well-being of the park.

The Temporary Study Commission conducted its work within a context of two conflicting societal trends. First, the environmental movement of the 1960s was culminating in major federal legislation to protect wilderness, endangered species, and environmental quality from destructive effects of development. Second, the emerging wealth of American society was driving a development boom in remote regions with construction of second homes and outdoor recreation venues such as ski areas. The commissioners heard this clash of values as they were lobbied by the contrasting voices of preservationists and developers in the Adirondacks, and they saw it firsthand as they looked across Lake Champlain at Vermont. The commissioners recognized that the relationship between private and public land in the Adirondacks was crucial and that the future of the park would be determined largely by what transpired on private lands. Specifically, maintaining the qualities of a wilderness park required that much of the private land remain open space in perpetuity.

Given that the commission's membership included strong representation by a mix of industrialists, downstate attorneys, and Adirondack landowners, its recommendations contained a remarkable environmental ethic. At the heart of the recommendations was a simple philosophical conclusion: without specific planning and zoning, development on private land posed "a grave and growing threat to the entire park." Delivered in 1970, the report detailed 181 recommendations that addressed issues of managing public and private lands, including the natural resources and economic opportunities, as a coherent whole. The commission's most significant

recommendation was its first: "An independent, bipartisan Adirondack Park Agency should be created by statute with general power over the use of private and public land in the park." Among its primary charges, the Adirondack Park Agency was to prepare a comprehensive plan for the park. The agency was to have authority for planning for not only public lands within the park, but powers to control use of private land in the park as well.<sup>1</sup>

Government is notorious for shunting political issues aside by sending them to a committee, accepting the report of the committee with fanfare, and then ignoring or watering down the recommendations to the point that almost nothing happens. The fact that this report of the Temporary Study Commission, with its bold recommendations, was approved is probably a testament to its chairman, Harold Hochschild. Some people claim that the governor did not fully appreciate what he was doing when he appointed Hochschild to the commission. Hochschild was a retired international industrialist who had made a fortune in mining. He had spent summers for much of his life living in the Adirondacks and commuting to New York City. He was accustomed to socializing with those in the highest levels of industry and government, at one point advising President John Kennedy on foreign policy in Africa. It is said that with the raise of an eyebrow, he could put people in motion.

When the recommendations of the commission came to the legislature, the language was changed, resulting in removal of most of the bold strokes that would give the Adirondack Park Agency its power. In what was expected to be a late-night negotiation, Hochschild refused to bargain. He simply told the Speaker of the Assembly, "no." The governor was intent on creating the State University of New York, passing more severe drug laws, and protecting the Adirondack Park. It was also an election year, and the Speaker decided not to test Hochschild's fortune, friends and reputation. In one of those extraordinary moments in history, the Adirondack Park Agency was established with its powers intact.

The Adirondack Park Agency was to share responsibility for management of the park with a sister agency, the Department of

Environmental Conservation. The DEC was a new super-agency that combined the old Conservation Commission with other environmental agencies into a single administrative entity. In a move destined, or perhaps designed, to create debate, the APA was given responsibility for long-range planning and the establishment of guidelines for the management of state lands. The DEC maintained its historic responsibility for preparing management plans and supervising ongoing management. The APA was authorized to determine whether land-use activities were in compliance, and the DEC was responsible for enforcement.

Within a year, the agency fulfilled its first charge: to prepare a State Land Master Plan (SLMP) for the management of public land within the Park. By the end of the second year, 1973, the APA had created the Adirondack Park Land Use and Development Plan (APLUDP). While the SLMP for management of public land was approved by executive order of the governor, the APLUDP required approval by the legislature. The legislators made substantive changes to the standards for development recommended by the APA in just three areas: shorelines, thresholds for triggering the permit process on subdivisions, and jurisdiction in Critical Environmental Areas. Perhaps most important, and ironic, among these was a dramatic increase in density of development allowed along shorelines, areas most vulnerable to environmental degradation due to development. Still, the Master Plan and the Development Plan claimed extraordinary authority over regional land management for the APA.

The APA was so controversial that there were continual attempts over the decade following its creation to rescind the legislation. Even the Ogdensburg Diocese of the Catholic Church publicly decried the agency. The New York State Senate voted to abolish the APA, but the Assembly, with a solid downstate majority, did not support this vote. Stories of attempts to burn the park agency headquarters, manure dumped on the front lawn, and APA automobiles shot at are legendary.

The APA was to survive, and in many ways the APA Act, the State Land Master Plan, and the Adirondack Park Land Use and

TABLE 16.1. Adirondack Park Agency land-use classification, 2007<sup>a</sup>

APA classification			Compatible human uses
<i>State land (49.10%)</i>	<i>Private land (50.90%)</i>	<i>% of park<sup>b</sup></i>	
Wilderness		18.81	Camping, hiking, canoeing, fishing, trapping, hunting, snowshoeing, ski touring
Primitive & Canoe		1.44	Similar to wilderness uses
Wild Forest		22.11	Similar to wilderness uses with the addition of some motorized vehicle access
Other		6.73	Water (5.74%), pending (0.61%), state administration (0.03%), historic (0.01%), and intensive use (ski centers, public campgrounds, developed beaches, boat launching; 0.34%)
	Resource Management	26.09	Forestry, agriculture, game preserves, recreation, very low density development (42.7-acre average lot size)
	Rural Use	17.34	Similar to resource management; low density development (8.5-acre average lot size)
	Low Intensity	4.62	Low density residential development (3.2-acre average lot size)
	Moderate Intensity	1.71	Concentrated residential development (1.3-acre average lot size)
	Hamlet	0.92	Many uses compatible; no APA development intensity limit
	Industrial	0.21	Existing industrial uses (e.g., mining), future industrial development

<sup>a</sup>In addition there are approximately 599,600 acres (10.30% of total acreage) of private land and water with conservation easements, NYSDEC, March 2008, [www.apa.state.ny.us/gis\\_assets/EasementLandClassOverlay.pdf](http://www.apa.state.ny.us/gis_assets/EasementLandClassOverlay.pdf).

<sup>b</sup>Percentages are from March 28, 2007, APA estimates, available at <http://www.apa.state.ny.us/gis/stats/colc0903.htm>.

Development Plan documents are today among the most important in American conservation history. They are the first to lay out a regional planning agenda that promotes sustainability of both wilderness character and economic vitality. These documents have proven extraordinarily prescient about the key challenges that would face the Adirondacks and resilient to the shifting economic, social, and ecological threats to the park. In legal form, these are long and complex documents, but their essence can be captured in their description of the land-use classification and management guidelines. Table 16.1 provides a snapshot of all the public and private land use classifications in the Adirondack Park, the percentage of land in each category as of August 28, 2007, and a brief description of each. In the following two sections we provide more detail on both public and private land-use classifications and their intent.

### State Land Master Plan

The premise of the SLMP is that human use of public lands is to be encouraged as long as physical and biological resources, and social or psychological attributes, are not degraded.<sup>2</sup> The SLMP focuses primarily on the Forest Preserve in the Adirondacks, which "shall be forever kept as wild forest lands" by order of the state constitution. With few exceptions, all public lands in the park fall within this protection. While there have been challenges to the specific constitutional language protecting these lands, its central language has remained unchanged for more than a century.

The enabling legislation for the Adirondack Park Agency requires that the agency evaluate all public lands and classify them for ongoing management. The fundamental determinants of land classification are the physical, and biological characteristics of the land, and the associated capacity of the land to support human use. For instance, alpine communities are fragile because of the physical and biological conditions of high altitude. Social and psychological factors such as scenic quality or the opportunity to experience remoteness are also evaluated. Finally, classification acknowledges existing facilities, such as highways or ski areas.

The touchstone for the SLMP is wilderness and the plan incorporates specific language directly from the federal Wilderness Act of 1964: "A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain." The SLMP proceeds from this definition to classify all public lands in the park into nine categories by comparing their qualities to those of wilderness.<sup>3</sup>

*Wilderness.* These are areas of at least 10,000 acres of contiguous land and water. Management guidelines for Wilderness are to perpetuate a natural plant and animal community where human influence is not apparent. All human improvements, such as cabins, roads, fire towers, and electric or telephone lines are removed. The only improvements allowed are hiking trails. Public use of motorized vehicles, including all-terrain vehicles and snowmobiles, and even all-terrain bicycles, is prohibited. Acceptable uses include hiking, mountaineering, tent camping, hunting, fishing, trapping, snowshoeing, ski touring, birding, and nature study. Management plans for each Wilderness area prescribe administrative procedures to ensure that degree and intensity of use does not threaten the resource. Procedures include allowing use by permit, closing areas to public access, and education programs to minimize impacts. In total there are 15 Wilderness areas containing all the major ecosystems from alpine to wetlands. The Wilderness class occupies nearly 1.1 million acres and 18.8 percent of the park. To appreciate the significance of this land, the Adirondack Park includes 20 percent of the wilderness areas east of the Mississippi River and 85 percent of wilderness areas in the northeastern United States.<sup>4</sup>

*Primitive.* This class is intended to capture two types of land. First, a Primitive designation is assigned to areas that can be upgraded to Wilderness when nonconforming qualities can be corrected, or when future amalgamation of lands can reach the 10,000-acre threshold. It is also the category for areas of wilderness character where upgrades are not possible, such as one containing a public highway that cannot be removed. Management guidelines call for

maintaining Primitive areas in a condition as close to Wilderness as possible. All-terrain bicycles may be used on existing roads, but no public access via motorized vehicles is permitted. Acceptable uses are the same as those for wilderness areas.

*Canoe.* This class is essentially a wilderness setting focused on water resources. A Canoe area is composed of rivers and lakes that make possible a remote and unconfined type of water-oriented recreation. Management priorities are the quality of the water and fishery resources and the wilderness character on the adjacent lands. All-terrain bicycles are permitted on existing roads. Acceptable uses are the same as those for wilderness areas with special emphasis on canoeing, fishing, winter ski touring, and snowshoeing. Canoe areas represent 0.03 percent of the park.

*Wild Forest.* This category is an important step away from wilderness character. Wild Forest areas are less fragile than wilderness or primitive areas and can withstand greater human impact. Management guidelines allow public access via motorized vehicles on roads and snowmobile trails. Motors on boats are allowed but limited by the carrying capacity of the lake. Limited structures are allowed, including fire towers and communication facilities for official state purposes. Currently, there are nearly 1.3 million acres of Wild Forest, or 22.1 percent of the park.

*Wild, Scenic, and Recreational Rivers.* Wild Rivers are sections of rivers that are free of diversions and impoundments. They are free of human development except footbridges and are managed in accordance with Wilderness standards. Scenic Rivers are sections of rivers that are accessible via road and are managed in accordance with Wild Forest standards, except that motorboats are not permitted. Recreational Rivers are sections of rivers that may have undergone diversion or impoundment in the past and may still have development in the river area. They are administered in accordance with Wild Forest areas and motorboat use is permitted. Stream improvement structures for fisheries management are permissible in Scenic and Recreational Rivers. There are 1,200 miles of Wild, Scenic, and Recreational Rivers in the Adirondacks.

*Intensive Use.* These areas support high density recreation such as camping and downhill skiing. The state manages two major ski areas that fall within this category, Gore and Whiteface Mountains. Winter Olympic venues at Mount Van Hoevenberg and visitor information centers are also included. Management guidelines call for campgrounds without utility hookups, but vehicle camping is permitted. Boat launching sites are allowed on lakes greater than 1,000 acres. The total land area in the category is nearly 20,000 acres.

*Historic.* These areas have buildings, structures, or sites owned by the state that are significant in history, architecture, archeology, or culture. They may be designated as state historic sites or listed on the National Register of Historic Places. Management guidelines seek to preserve the quality and character of historic resources in a setting and on a scale in harmony with the relatively wild and undeveloped character of the park. There are three designated sites: Crown Point, John Brown's Farm, and Santanoni.

*State Administrative.* This category accommodates facilities for government purposes and for public use. Management guidelines call for facilities to be in a setting and on a scale that is in harmony with the wild and undeveloped character of the park.

*Travel Corridors.* This category is for strips of land that are the roadbed and right-of-way for state, federal, and interstate highways and rail lines in the Adirondack Park. Management guidelines recognize roadsides as central to the experience of visitors to the park and seek to preserve scenic vistas and ensure uniformity and high quality of signage and minimal intrusion of utility lines for power and telephone. There are 5,285 miles of public roads in the Adirondack Park.<sup>5</sup>

The State Land Master Plan also provides guidance on criteria for acquisition of private lands by the state for inclusion in the Forest Preserve. The intent is to acquire lands that would protect Wilderness areas where development might jeopardize their ecological integrity, or lands that would enlarge Primitive areas to greater than 10,000 acres, a size sufficient to qualify as a Wilderness area. Priority in acquisition is also given to protecting key habitats and rare

species or natural communities. Finally, priority is given to lands that would improve public access to Forest Preserve lands, canoe routes, and fishing.

The SLMP identifies types of lands that should not be targets for acquisition. Perhaps most significant, acquisition of highly productive forest lands is to be avoided unless these lands are threatened by development. To reduce the threat of development while promoting continued sound forest management on these lands, the Master Plan encourages the purchase of the development rights through conservation easements.

Finally, the SLMP requires that formal management plans be prepared for all of the units of public land within the park by the Department of Environmental Conservation. Updates of these plans are scheduled at five-year intervals. The planning process involves submission of draft plans to the APA staff for review and comment on the plans' compliance with the Master Plan requirements, and presentation to the public for comment. After revision and further public comment, the final plan is presented to the APA board for review and confirmation that the plan conforms to the State Land Master Plan. Agency requirements for these Unit Management Plans stipulate that they contain inventories of natural, scenic, and cultural resources, as well as actual and projected public use. The plans are also to provide an analysis of the ecosystems and an assessment of the degree to which public use was consistent with the capacity of these ecosystems to sustain that use. Special attention is to be given to areas threatened by overuse or where rehabilitation is needed. To ensure that management planning is done in the context of a park that contain both public and private lands, plans must be integrated with the characteristics and management objectives of adjacent public and private land.

#### Adirondack Park Land Use and Development Plan

The Adirondack Park Agency Act required that the APA prepare a land-use plan for all lands in the park, other than those owned by the state. Specifically, the plan was to contain a map showing a series

of categories of acceptable land use. For each category, the plan was to contain a narrative describing the type, character, and extent of land use allowed, and a description of any limitations to be imposed on development and the purpose of the restrictions. The plan was to focus attention on shorelines, setting standards for lot widths, the distance buildings and septic systems would be set back from lakes, and cutting of vegetation along the shoreline.<sup>6</sup> The intent of the Development Plan was to channel commercial and residential construction into areas where it already exists or where environmental impacts can be minimized.

The APA accomplished this charge, classifying private land into a series of six categories of acceptable use. The primary distinction among these categories is the density of development.

*Resource Management.* Resource Management is the most restrictive private land class, but compatible uses include forestry, agriculture, and residential development. The management guidelines call for maintaining as much of this land in open space as possible. Purposes of regulations are to encourage sound economic management of the natural resources and to discourage strip development along travel corridors. Much of the land in the park within this class is owned by the forest industry, and regulations focus on limiting the size of clearcuts and the proximity of cuts to shorelines. Where residential development occurs on this land, the number of principal buildings allowed is 15 per square mile (average lot size of 42.7 acres).<sup>7</sup> As a category, Resource Management areas constitute 26.5 percent of the Park.<sup>8</sup>

*Rural Use.* Rural Use is a transitional class between large tracts of open forest and the residential and commercial areas within the park. Management guidelines call for maintaining a rural character by allowing density of residential or commercial buildings of not more than 75 per square mile (average lot size of 8.5 acres). Like Resource Management areas, the purpose of regulation in Rural Use areas is to encourage preservation of open space and discourage strip development. Rural Use areas make up about 17.4 percent of the park.

*Low Intensity Use.* For this residential and commercial land-use class, the density of principal buildings is limited to a maximum of 200 per square mile (average lot size of 3.2 acres). These areas are intended to serve as space for expansion of residential development, especially seasonal homes. Regulations are intended to promote an orderly development. Low Intensity Use areas constitute 4.6 percent of the park.

*Moderate Intensity Use.* This is a residential and commercial land-use class where the density of principal buildings is 500 per square mile (average lot size is 1.3 acres). Guidelines anticipate these areas to be primarily developed as residential areas on the periphery of towns and along transportation corridors and accessible shorelines. As with Low Intensity areas, regulations are intended to promote an orderly development. Moderate Intensity use areas include about 1.7 percent of the park.

*Industrial Use.* In these areas of industrial and commercial use there is no limit to density of buildings. The purpose of regulation is to encourage development of existing industrial and mining operations in a manner that contributes to economic growth of the park without detracting from its wilderness character. Industrial Use areas occupy about 0.2 percent of the park.

*Hamlet.* In the Adirondacks, hamlets are what much of the rest of society calls small towns, including commercial and residential areas, industrial and recreational sites, and government centers. There is no limit to the density of buildings. Hamlet areas are intended to absorb the greatest portion of future expansion of housing, business, and recreational services in the park. Consequently, original maps delineated Hamlet areas to include space for expansion. Within Hamlet areas, regulation is largely done by the local town government. The APA plays little role in regulating development in hamlets except for subdivision developments of more than 100 units or structures higher than forty feet. There are 103 towns and villages in the park. Hamlet areas comprise 0.9 percent of the park area.

The APLUDP includes particular restrictions on lakeshore development, including minimum lot widths, set-back requirements, and



restrictions on tree cutting. However, the framers of the APA Act view the weaknesses in shoreline protection as the biggest political compromise. According to Peter Paine, the legislative language recommended by the APA was not as strong as it should have been, and the final legislation was even worse.

### The Role of Local Government

Local governments also play an important role in regulating development on other land-use classes within their borders: Moderate Intensity, Low Intensity, Rural, Industrial, and Resource Management. To exercise this authority, towns are required to formulate a comprehensive plan for development, and their plan must be approved by the APA. Once approved, the plans allow for a distinction between projects that remain under the jurisdiction of the APA and those that are deemed to be the jurisdiction of the local government. Larger projects, such as subdivisions of more than 100 lots, are defined as Class A and remain within the primary jurisdiction of the APA. Smaller subdivisions and projects, such as multiple family dwellings, public buildings, and tourist attractions, are defined as Class B and regulated by local government. Regardless of whether the APA or local government is deemed to have regulatory jurisdiction, the same environmental standards apply.<sup>9</sup>

A key exception to this division of responsibility occurs for areas considered to be especially sensitive to human impact. These areas are designated Critical Environmental Areas, and when a project shows potential impact, jurisdiction is maintained by the APA. Critical Environmental Areas include wetlands, higher elevations (above 2,500 feet), and land in close proximity to state land. Given the abundance of wetlands, land above 2,500 feet, and the checkerboard arrangement of state lands throughout the park, the APA plays a large role.

In addition to the regulatory authority offered to local government by the legislation, it also called for the creation of a Local Government Review Board, with advisory responsibility for the APA. According to Dick Persico, creation of a citizen review board was

another of the compromises necessary for approval of the Adirondack Park Land Use and Development Plan. But unlike the compromises reached over shoreline development, agreeing to a citizen review board was easy, because the board has no teeth. The review board concept was also less than successful because the early members did not recognize that by working with the APA they could accomplish more than by railing against it.

### Conclusion

The importance of the State Land Master Plan and the Adirondack Park Land Use and Development Plan is that these laws captured a paradigm shift, a fundamental change in society's view of an old debate. The impetus for environmental planning, impact assessment, and public involvement during the 1960s and 1970s drew bipartisan support and resulted in federal legislation such as the National Forest Management Act (1974), the Forest and Rangeland Renewable Resources Planning Act (1974), the Endangered Species Act (1973), and the National Environmental Policy Act (1970), in addition to the Wilderness Act (1964). In a sense, New York was simply following a national trend that brought environmental quality and public involvement in land-use decisions to the fore.

Yet New York appears to have been well ahead of society in initiating a much more comprehensive change in the paradigm for land management. What is unique is that the Temporary Study Commission and then the Adirondack Park Agency are the extension of public interest for the environment beyond public land into private land. Under this paradigm, the public could stipulate acceptable uses of not only all public land, but all private land within the park. Furthermore, regional government planning could take precedence over local government interests.

When one considers that there was virtually no regulation of private land in the Adirondack Park prior to 1971, it is not hard to understand that the shift wrought controversy. The regulation of private lands produced two immediate legal challenges. The Horizon Adirondack Corporation and the Ton-Da-Lay Association sued



the APA. In both cases, the courts ruled that regulations imposed by the APA were legally comparable to those that would affect any urban, suburban, or even rural landowner as part of zoning laws. Perhaps most significant in these court decisions was an affirmation of the philosophical basis for the regulation as originally cast by the Temporary Study Commission. The intent of preserving open space and environmental quality were judged to be valid bases for regulation. The preeminence of planning on a geographic scale such as the Adirondack Park was also accepted. While the courts acknowledged that local governments should always have a voice in the decisions about land use, local interests could not justify impairment of strong state interests.<sup>10</sup> Without question, the legal decisions in support of the Adirondack Park Agency, the State Land Master Plan, and Adirondack Park Land Use and Development Plan, transformed the Adirondack Park and our thinking about sustainable development. Although the legislation allows for economic growth, protection of the rural economy was not central to the mandate of the agency. According to Peter Paine, our failures to this day relate to our inability, still, to understand sustainability, whether economic, ecological, or social.

## STOP

### The Early Years of the Adirondack Park Agency

*Editors' Note: In our conversations with Dick Persico, the second executive director of the Adirondack Park Agency, he observed that both visionary thinkers and pragmatists were enormously important in the early days of the agency. Among the visionaries was George Davis. He was a gifted advocate for wilderness and regional planning. Davis came to the Adirondacks initially as a member of the staff of the Temporary Study Commission on the Future of the Adirondacks. When the Adirondack Park Agency was formed, he was its first employee. Later, he would also play a key role in Governor Cuomo's Commission on the Adirondacks in the Twenty-First Century. His ideas are found throughout the commission reports, the enabling legislation for the agency, and the State Land Master Plan and Adirondack Park Land Use and Development Plan. What follows is an edited version of an interview of George Davis by Bill Verner, curator of the Adirondack Museum in Blue Mountain Lake. The interview was conducted in April 1976. The Adirondack Park Agency was just five years old, and the legislation giving it power to regulate all activities on both public and private land was still younger. The debate was hot, and Davis's ideas were at the center of nearly every issue.*

Taken from a transcription of a George Davis interview by Bill Verner, Apr. 5, 1976, at the Adirondack Museum, Blue Mountain Lake, N.Y. The interview was recorded on reel-to-reel tape and the transcription was made by Davies Associates of Ogdensburg, N.Y. Copyright to this transcript is held by George Davis. Publication is with permission. For further information, contact the Adirondack Museum at 518-352-7311.