

Important Information for Property Owners in the Lake George Park

THE PROPOSED LAKE GEORGE PARK COMMISSION'S "STREAM CORRIDOR MANAGEMENT REGULATIONS" amount to

CONFISCATION OF PRIVATE PROPERTY!

Almost two-thirds of the Lake George basin is already in public hands. If the proposed Stream Corridor Management Regulations were enacted by the LGPC in their current form, the Commission would effectively confiscate up to half of the private portion.

The LGPC proposes a 100 foot setback from any watercourse. This amounts to a 200 to 220 foot wide corridor spanning anything the LGPC decides to consider a stream. This area would be off-limits to the property owner for almost any use. These corridors would include not just gurgling mountain streams, but intermittent watercourses, which rarely carry water. We live in a drainage basin, it will be the rare property that isn't impacted. For every 200 feet of permanent or intermittent stream, you will lose the use of one acre of land!

- **Aren't stream protections needed?** There is general agreement that bona fide streams should be protected from runoff and loss of shading tree cover. However, the LGPC has provided no scientific evidence that an expansive 100 foot setback is necessary. Too little effort has been used to establish what preserves property rights and still adequately protects a stream.
- **Why is it confiscation of private property?** In the past, environmental groups have purchased conservation easements. Owners were paid to relinquish most property rights and real estate taxes would then drop due to the decrease in value of your land. It was always the owner's *choice* to enter into this type of agreement. But why pay when you can technically confiscate private property? The environmental group, the Fund for Lake George, has unduly influenced the LGPC. What started as a worthy cause, preserving lake water quality through stream protection, is being abused. Setbacks are being stretched in order to control property and stifle owner's legal uses. We are facing a regulatory taking of private property without compensation, without tax relief and without the owner's consent. It is unconscionable and unconstitutional.
- **Will this affect my property values?** Significant amounts of vacant land will become undevelopable and their value will plummet. Many existing homes will suddenly become non-conforming and unable to expand or add improvements as benign as a deck. Any relief from the 100 foot setback will require a LGPC permit. That will entail expensive legal work, engineering and surveying. In granted a permit, the LGPC may require that "the permit be filed with the county clerk and/or the designated stream corridor be protected by deed reference". This is public notification that your property has a legal encumbrance and has suffered a loss of use.
- **How will I know if my property is affected?** The LGPC has no plans to notify those impacted and it is difficult for owners to assess their property, especially for intermittent streams. The regulations are written with vague language. The LGPC's complete definition is "Stream shall include any permanent or intermittent natural water course". It leaves the determination of what will be considered a stream to the LGPC and encourages challenges from the Fund's waterkeeper. It won't take much to be considered a stream, and advocates will use it to stop any activity they don't approve of. Many people including the Lake George Property Owners Group (LGPOG) have pushed exclusively for the adoption of an approved stream map. It must clearly identify designated streams and remove discretionary determinations. Owners could then determine the impact on their property.

- **How large a stream setback is needed?** Over the past several years, strong regulation of storm water, tree cutting and erosion control have been added to land use laws. The Adirondack Park Agency (APA) has a setback from *navigable* streams of 35 feet and limited tree cutting. We recommend that their 35 foot setback be applied not just to navigable streams, but to the LGPC's designated, mapped streams. In addition, tree cutting would be limited, and strong penalties stipulated for anyone causing runoff to enter the setback area. With these measures, streams will be adequately protected and owners could accept them as a reasonable infringement. Proposed LGPC regulations already concede to a 35 foot setback for previously approved projects. Adding 65 feet to that setback only protects a stream incrementally. Consider that most uses only approach a stream occasionally, leaving copious buffers elsewhere.
- **Is there an economic impact?** These regulations, if enacted as proposed, couldn't come at a worse time. Unemployment in Warren County is approaching 9%, among the highest in the state, and they will cause many more job loses. The LGPC has not done a study of the impact to the local economy or property values.
- **What is the timeframe for these laws to be enacted?** The timeframe is unusually accelerated. The LGPC released the draft regulations in January, will have one public meeting on February 24 and is closing public comment on March 15. It plans to enact the laws in April.
- **With the extreme slowdown in real estate, what is the rush?** Extreme environmentalists have been accommodated at the expense of property owners and year-round residents. They see this as an opportunity not only to protect streams, but to quickly seize control of private property and stop development. Two new commissioners were recently appointed to the LGPC and both are closely associated with the Fund for Lake George. The LGPC has so far chosen to ignore the conflict of interest in seating two Fund operatives. Imagine the outcry if two property rights advocates had been appointed? The Fund is currently pushing for a 150 foot setback. Gleefully conceding to 100 feet will demonstrate just how reasonable they are. Contrary to those heavy-handed tactics, the environmental group The Lake George Association (LGA) is to be commended. They realize that the vast majority of property owners are good stewards of their land. The LGA has been conducting an educational program to inform and promote good environmental practices.
- **How can I learn more?** Every property owner should review the proposed regulations at www.lgpc.state.us. Special attention should be paid to the language of the actual regulations. There is much that is not clearly specified, left up to the discretion of Commissioners, poorly defined or omitted. Visiting their question and answer supplement provides some clarifying information that doesn't make its way into the regulations and therefore doesn't actually apply.
- **How can I help?** Contact the LGPC by letter or email and express your opinion. Attend the public hearings and speak out. Decide that you are not going to be forced to donate land to the state!

**HELP US CONTINUE TO DEFEND PROPERTY OWNERS IN THE LAKE GEORGE BASIN.
SEND A DONATION TO: Lake George Property Owners Group, Box 210, Bolton Landing, NY 12814**

People are part of the environment, too!
Email: LGPOG@NYCAP.RR.COM