



**SHERMAN CRAIG**  
Chairman

**TERRY MARTINO**  
Executive Director

**MEMORANDUM**

TO: Terry Martino  
FROM: Kathy Regan  
DATE: May 4, 2017  
RE: Delegation authority for Agency-approved Local Land Use Program (ALLUP) amendments

For Agency consideration and possible action, please find attached a proposed amendment to the “Resolution of the Adirondack Park Agency on Delegating Certain Powers and Responsibilities” (the “Delegation Resolution”). The proposed amendment would delegate approval authority for certain minor amendments to ALLUPs to the Executive Director. A draft resolution approving the proposed amendment is also attached.

Section 582.5(a)(11) of the Agency’s rules requires that all proposed amendments to ALLUPS that “involve the provisions of the land use and development plan” must be approved by the Agency prior to adoption by the municipality. Delegating limited approval authority to the Executive Director for certain minor, routinely approvable amendments would make the Agency approval process more efficient for ALLUPs and would avoid the need for a formal presentation to the Agency Board.

Specifically five different types of amendments to ALLUPs have been identified in the proposed delegation:

- (1) minor amendments that add targeted land use controls equivalent to or exceeding standards applied by the Agency;
- (2) amendments adding to the ALLUP permitted uses found on the primary or secondary compatible use lists in Section 805(3) of the Adirondack Park Agency Act;
- (3) amendments deleting permitted uses;
- (4) amendments that conform provisions of the local program with the Adirondack Park Agency Act or Agency Rules and Regulations; and

(5) other non-material amendments involving provisions of the land use and development plan as defined in Section 802(29) of the Adirondack Park Agency Act.

In approving amendments pursuant to the proposed delegation, the Executive Director would make the findings required by the APA Act for ALLUP amendments on behalf of the Agency Board. The Executive Director would have the discretion to refer any amendment subject to the delegation to the Agency Board for decision.

Any major amendments to ALLUPs, particularly full “repeal and replace” amendments, would continue to be considered and decided by the Agency Board. This delegation would also not affect Agency staff’s historic practice, through the Deputy Director-Planning, of signing off on proposed ALLUP amendments that do not “involve provisions of the land use and development plan” such as increasing the number of members on a planning board.

Agency staff recommend approval of the proposed amendment to the Delegation Resolution based on the attached resolution.

Attachments