PROTECTING PRIVATE LAND FROM STATE:
ALL IT TAKES IS DOLLARS AND A DREAM
3/23/99

I concluded last week's column on the Bill of Rights specifically with Article V, which deals with the oldest of our civil rights – property rights. I reiterate the wording so there can be no questions as to its meaning: "Nor shall private property be taken for public use without just compensation."

How many of you readers agree with that premise? Would you ever sanction violating another person's civil rights? If you would not, it's unlikely that you are a member of the Sierra Club, Adirondack Council, or the Adirondack Mountain Club.

All three organizations appear to actively support the Adirondack Park Agency and the State DEC in their attempt to force inverse condemnation on Park property owners to preserve their property rights.

Inverse condemnation is the only legal avenue open to landowners who are denied legitimate use of their property.

The Park Agency routinely denies permit applications for uses of property that falls well within the parameters of its published guidelines. Owners may then sue for the loss of a legitimate use of their property.

To date, I know of no one who has had the patience or resources left after being given the Agency run-around to initiate such action. The following are only two of several examples of Agency transgressions.

Patten Reality bought a large tract in northern Herkimer County known as the Three Lakes Property. When they attempted to exercise their prerogatives under existing Agency guidelines, they were stymied by the tactics outlined above. After the expenditure of considerable amounts of time and money they were forced to acquiesce to Agency goals. It ended up as open space with limited public access.

Dan Rivet, Old Forge businessman, encountered a similar fate when he tried to exercise his rights under existing Agency guidelines.

He was sent back to the drawing board time and time again over a period of several years with unreasonable and prohibitive demands. Eventually he had to settle for a system of 18 clustered units on 550+ acres surrounded by permanent residences and crossed by paved town and county roads. In short, he is stuck with an untenable cost prohibitive resolution, a condition the Agency purposely forced on him. Predictably, the State has made overtures to purchase the property.

I find myself at odds not so much with the property becoming public domain as I do with the methods to procure it. The people advocating and practicing such a course are an anomaly to me. They are the first to express outrage or sympathy for the way Native Americans were cheated out of their lands, but feel they have an elitist mission to practice the same thing to others.

The Park Agency is a given: it's here to stay. When Rocky signed it into law, he took untold millions of dollars from all New Yorkers. Unfortunate landowners had to bear the burden for the rest of the State. In 1990, some 19 years later, King Mario added insult to injury with his Commission on the Adirondacks in the 21st Century. Thankfully, he was not successful.

The park Agency is a necessary evil. Its actions are barely acceptable when it acts within its mandated bounds. The actions of the DEC in two recent cases involving navigability of waterways through private property and forcing a snowmobile and hiking trail across private land prove their intentions are worse.

To make a long story short, if violations of one's civil rights can be considered a criminal act, the State is the biggest criminal in the Adirondacks.