

Press Release

The Association for the Protection of the Adirondacks <http://www.protectadks.org/>

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Adirondack Club and Resort Submission to Adirondack Park Agency Falls Short – Critical Issues Continue to Plague Massive Overdevelopment Project

Keene, NY -The Adirondack Club and Resort re-submission to the Adirondack Park Agency (APA) has not been materially altered and, if approved, the massive project will come at the expense of the natural, wild character of the Adirondack Park and the community of Tupper Lake. This is the conclusion of the Association for the Protection of the Adirondacks which has reviewed the lengthy re-submission at the APA earlier this week.

The project, sponsored by Philadelphia real estate speculator Michael D. Foxman and his Preserve Associates, LLC, aims to develop as many as 740 single family dwelling, townhouses or condominiums, a resort hotel, 23 so called "great camps" and a modernized Big Tupper Ski area and other "amenities" across nearly 6,300 acres of forest and mountainous backcountry lands zoned Resource Management.

"Three years into his proposal, the applicant is still offering maximum over-development as the only available option for Tupper Lake and the Adirondack region. In truth, the proposal carves up the backcountry, replaces traditional leases and hunting lands with No Trespassing Signs, impacts high elevation ridgelines, destroys scenic viewsheds and destroys Tupper Lake's solitude with a 24/7 "shooting school," says Association Director of Park Protection Dan Plumley, adding "The project design badly violates the conservation purposes,

policies and objectives in the APA Act for Resource Management lands and can not be deemed approvable by the APA as currently proposed."

"To promote his private enclave based on highly speculative real estate development, the developer is demanding a 20 year special tax break in Payments in Lieu of Taxes (PILOT) program, leaving local taxpayers holding the bag for needed municipal cost increases for a full generation," Plumley noted.

The Association also believes that the applicant has not fully answered or avoided answering many of the key questions the APA sought to have addressed, including the required fiscal impact analysis.

"We believe the Adirondack Park Agency has an obligation now to require the applicant to address the serious concerns of citizens in Tupper Lake who have appealed to the Agency through hundreds of letters over the past year. Unless the bad precedent, scope and undue adverse impacts of this project design are confronted clearly and eliminated through required redesign by the Agency, it should earn only a denial by the APA," Plumley adds.

The Association, founded in 1901, was the first non-profit conservation organization to announce its opposition to the Philadelphia developer's sprawling development plan. The Association opposition is based on the project's fragmentation of the backcountry Resource Management lands into great camps and intensive mountainside development above pristine Tupper Lake, Lake Simond and the Raquette River.

The Association supports the revitalization of the Big Tupper ski facility, but contends that the project's primary focus on land subdivision and development over such a large area is out of scale for the region and the Park and inconsistent with APA's land use zoning laws.

"We're disappointed that after nine months the reapplication materials still fail to include true conservation design for the subdivision that would steer and cluster development away from sensitive lands and large expanses of forest used for generations for hunting, fishing and forestry," said Association Executive Director David Gibson. "There are ways to preserve the mountain, forests and backcountry and still have appropriate development here. For the sake of productive forests, water quality, mountain scenery and quality of life in and around Tupper Lake, it incumbent on the Adirondack Park Agency to insist that these ways are found."

Critical issues raised by the Association about the Foxman resubmission include:

- The application still fails to explore any real alternative design that actually clusters the great camp development in one limited portion of the backcountry, creating a large, common and permanently protected forest

tract for marketable and valuable resource conservation, hunting, fishing and recreational opportunities. Instead, the applicant's recent submission claims that such a conservation design would defeat the impression he wishes to create - a sense that there "are no neighbors." Such an exclusive, high-end community would, at the same time, destroy traditional access to largely unbroken, backcountry woods for the larger Tupper Lake community.

- The proposed East Ridge Subdivision of the project is sited at high elevation, on bedrock and visually impacts Tupper Lake and the surrounding area. As such, it clearly creates an undue adverse impact under the APA Act and should be denied.
- The application creates multiple limited liability corporations (Oxbow LLC, Big Tupper LLC, Preserve Associates, LLC, etc.) which appear to compromise or threaten the Town of Tupper Lake in the event of a failed project, bankruptcy or foreclosure.
- The application fails to divulge a potential threat to the town in having to take over long term costs of maintaining 10 to 15 miles of new road, water and sewer lines in the event of a failed project or bankruptcy of the project's many limited liability corporations.
- The marketing analysis is limited to the years 1999 to 2003, failing to recognize the current downturn in real estate markets and the plodding sales of townhouse development parkwide and surrounding small ski areas across the northeast.
- The application fails to demonstrate successful track records for its concept of multiple home owner associations (HOA's) within one overall project. The proposed Transportation Corporation for sewage treatment on site in the project are considered by the Town's own consultant as having a bad track record of failure across New York State, leaving town's and taxpayers forced to pay for the costs – in Foxman's application this could happen after only 5 years from project commencement.
- The application fails to assess impacts on the water quality of Tupper Lake, Lake Simond and on the extensive class 1 wetland complex from 19+ miles of new roads and driveways and well over 10 miles of sewer trench digging required across the rolling, steep and mountainous project site, criss-crossed by brooks, intermittent streams and extensive wetlands flowing into Tupper Lake, Lake Simond and the Raquette River. There is no environmental monitoring proposal considered for these essential resources so critical to life and character of Tupper Lake. The application fails to adequately mitigate these impacts of significant storm water runoff which poses the real threat of direct pollution and sedimentation discharges during construction and over the course of the project.
- Two on-site community waste water treatment facilities are proposed with effluent from 740 plus homes, townhouses, hotel units and amenity facilities directed to run into two classified wetlands -- Cranberry Pond and small wetlands complexes directly adjacent to Lake Simond. The APA should demand a standard of no degradation from the design of these

- facilities. However, the proposed scale of this project makes negative impacts almost unavoidable especially in major storm events.
- The application fails to consider cumulative impacts and sprawl-inducing impacts along Rt.30 and around neighboring water bodies. Significantly, it also neglects any analysis of potential recreational overuse on nearby Adirondack Forest Preserve including the new Bog River and William C. Whitney Wilderness areas, the Hitchens Pond Primitive Area and the Saranac Lakes Wild Forest.

The project remains under pre-application review by the Adirondack Park Agency which now has less than 15 days to consider whether the application is complete or additional information is needed. The Association continues to work with concerned citizens in Tupper Lake, across the park and statewide in regards to their serious concerns about the massive project.

The Association for the Protection of the Adirondacks is a non-profit organization founded in 1901 to employ public education, citizen action, public and private partnerships and strong advocacy to protect, enhance, and sustain the wild character, ecological integrity, and mutual well-being of the natural and human communities of the Adirondack region. The Association's Center for the Forest Preserve in Niskayuna serves as an Adirondack research library and learning center.