

**ADIRONDACK MOUNTAIN CLUB  
ADIRONDACK WILD: FRIENDS OF THE FOREST PRESERVE  
PROTECT THE ADIRONDACKS!  
SIERRA CLUB ATLANTIC CHAPTER  
THE ADIRONDACK COUNCIL**

January 8, 2015

Leilani Ulrich, Chairwoman  
NYS Adirondack Park Agency  
P.O. Box 99  
Ray Brook, New York 12977

RE: **APA Project No. 2014-0048, New York Land and Lakes, LLC**

Dear Chairwoman Ulrich:

Our organizations ask the APA to send Project No. 2014-0048 to adjudicatory public hearing. The project should not be approved as submitted because it violates the principles of the APA Act, as well as conservation design principles and standards. It must be redesigned, with significant land conservation measures put in place. The project meets every criterion for an adjudicatory hearing.

A hearing is needed to consider viable conservation design development alternatives that would protect the site's vulnerable natural resources and the Park Plan's provisions for Resource Management, as required, while also meeting the economic interests of the applicant and the community.

The current fragmenting project design, if approved, would cause undue adverse impacts to the natural resources and to Resource Management lands on the 1,119 acre site. The project as proposed, with intensive shoreline development and no meaningful land conservation, is wholly inconsistent with the primary purpose of Resource Management. Specifically, our organizations find the project warrants denial due to the following serious flaws:

**1. Large Lot Backcountry Sprawl Impacts:** The project carves up the entirety of the 1,119 acre project site without meaningfully contiguous land protection, and will pose undue adverse impacts to the site's ecological integrity, water and wildlife quality and forest and recreational management potential. It represents the typical subdivision model that the Resource Management classification was designed to prevent.

The APA Act states: “The basic purposes and objectives of resource management areas are to protect the delicate physical and biological resources, encourage proper and economic management of forest, agricultural and recreational resources and preserve the open spaces that are essential and basic to the unique character of the park.

Finally, resource management areas will allow for residential development on substantial acreages or in small clusters on carefully selected and well designed sites.”

The current design of the Adirondack Land and Lakes, LLC application fails to meet these purposes, policies and objectives for Resource Management.

While the lots as proposed show some ecological overlap within the existing road corridor, the lots and building footprints themselves, with their associated human impacts and uses, do not overlap at all. To quote the Wildlife Conservation Society in its letter to the Agency dated Dec. 4, 2014:

“We have said for a decade that Resource Management lands are critical to the ecological integrity of the Adirondacks (Glennon 2002, Glennon and Porter 2005, Glennon and Porter 2007, Glennon and Kretser 2011). Together with Rural Use, these lands represent vital components of the biological fabric of the park and hold disproportionate amounts of critical wildlife habitat in comparison to state lands (Glennon and Curran *In Press*). Residential development is meant to be a secondary use among them. Permitting it on the scale of this project, and that of the ACR, is the beginning of a process that will ultimately unravel that fabric unless we embrace development principles that reflect the best and most current possible science. This is not what we observe to be happening thus far.”

**2. Robust Site Survey and Analysis is Needed:** “A conservation design approach begins with the very fundamental and irreplaceable process of a full ecological survey and analysis of the site that occurs prior to the site design” (Wildlife Conservation Society, letter to the APA 12/4/14). In this respect, the application utterly fails. The materials provide only the most basic ecological information. Its survey is only undertaken during the months of September-November and therefore completely omits faunal and floral data collection and assessment during the critical growing and reproductive seasons. A full year’s ecological survey must be undertaken to allow APA to adequately evaluate impacts. Based on the wholly insufficient data in the application and its sloppy presentation of the scant information that does exist, APA cannot possibly make a credible finding of no undue adverse impact.

**3. Impact to Adjacent State Land Resources:** The lot lay-out guarantees that future structures, roads, driveways, etc. will impair ecosystem connectivity across the site and between the site and adjacent Shaker Mountain Wild Forest. What is today one private forest ownership adjacent to Forest Preserve would be divided into 9 lot ownerships that completely break up that public-private interface. These potential impacts have not been adequately evaluated in the project application materials.

**4. Project Application Alternatives Evaluation is Shallow and Insufficient:** The applicant's assertions that a clustered subdivision alternative would not be suitable for the area, or meet market or cost objectives do not withstand close scrutiny and analysis. Our individual letters to APA show how one or more housing clusters are feasible and could work to everyone's advantage. The application materials for the project clearly do not evaluate feasible alternatives that could employ conservation design principles and small clusters to maintain meaningful, protected, contiguous open space. There is no thoughtful site analysis. Map and resource data are insufficient to properly evaluate alternatives. This fact alone warrants adjudication and a true, hard look at conservation design options that could clearly benefit the applicant, the homeowners, the community and the Park.

**5. Shoreline Impacts from the Subdivision Design:** The fragmentation of the presently unsubdivided shorelines of Hines Pond and Woodworth Lake into 17 separate lots will pose severe long-term impacts that threaten the life of both of these extremely small water bodies. This is one of the most serious potential impacts of the project over time. Deed covenants and homeowner association rules and regulations are often matters of dispute and difficult to enforce. These cannot, in and of themselves, overcome the potential for shoreline and water quality degradation posed by this project design.

**6. Proposed Subdivision Lot Design, Road, Driveways and Building Envelopes Impacts to Amphibians, Wildlife Require Further Evaluation:** The sprawling lot design encourages road and driveway infrastructure and motor vehicle use that fragment amphibian and other faunal habitats and migratory pathways, possibly including rare, threatened and endangered species. Amphibians clearly will be heavily impacted by this project design. Joint common ownership of undevelopable shorelines with contiguous forested corridors back 700 to 1,000 feet or more from the shorelines are needed to insure habitat integrity for existing wildlife.

**7. Design Inconsistent with Past Projects Protective of Resource Management:** The project is starkly inconsistent with past projects that APA has either substantially altered to preserve Resource Management, or denied. In the past, APA has required significant shoreline protections in common, undevelopable lots and preserved large contiguous forest for the following permit projects: Patten Corporation, Town of Grieg project, Butler Lake, Veteran Mountain Camp, Oven Mountain Estates, Whitney Park, Persek, Lapland Lake, among others. Some of these were initially denied after hearing and then redesigned in order to eventually gain approval (Patten and Butler Lake). Denial following adjudicatory public hearing of Adirondack Land and Lakes, LLC's damaging design would open an opportunity for a true, conservation design alternative.

**8. Current Design Misses True Conservation Opportunities:** The proposed Woodworth Lake subdivision misses true opportunities to add value to the community, increase its market value and serve as a win-win for both the applicant and the Adirondack Park. An adjudicatory hearing could greatly benefit the project while reducing negative impacts on site and to adjacent forest preserve lands and resources.

Due to the serious flaws in the current project design, lack of viable conservation design alternatives and the insufficient natural resource assessment to date, our organizations request for consideration, under Section 580.2, a determination by the Adirondack Park Agency to conduct an adjudicatory public hearing.

As per Section 580.2, the Woodworth Lake subdivision project clearly meets all of the criteria for conducting an adjudicatory hearing, including:

- (1) The size and complexity of the 1,118 acre Woodworth Lake subdivision project and the uniqueness of the Resource Management lands, forests and waters on site warrant full evaluation within an adjudicatory hearing;
- (2) There is clear and significant public interest in, and concern for the proposed project, including the combined memberships of our organizations;
- (3) The application clearly poses significant problems relating to the Resource Management, natural resource and alternatives review criteria, specifically relating related to its fragmenting design and paucity of natural resource information and assessment;
- (4) The probability that the project, if redesigned, would be approvable under the Act;
- (5) Valuable and necessary information on proper conservation design options and alternatives, in particular, would be critical information of assistance to both the APA and the applicant within the context of an adjudicatory hearing;
- (6) There has been insufficient public involvement to date which only an adjudicatory hearing could remedy;
- (7) Absent a more thorough review of the project, its impacts and alternatives within the context of an adjudicatory hearing, the APA cannot make a finding of no undue adverse impacts required under S 814 (2) of the Adirondack Park Agency Act.

In conclusion, our organizations call for an adjudicatory hearing where alternatives that avoid or reduce significant, undue adverse impacts to Resource Management lands and adjacent Forest Preserve can be presented as evidence.

Sincerely,

*Neil Woodworth*

Neil Woodworth, Executive Director  
Adirondack Mountain Club

*David Gibson & Dan Plumley*

David Gibson & Dan Plumley, Staff Partners  
Adirondack Wild: Friends of the Forest Preserve

*Peter Bauer*

Peter Bauer, Executive Director  
Protect the Adirondacks

*Roger Downs*

Roger Downs, Conservation Director  
Sierra Club Atlantic Chapter

*Willie Janeway*

Willie Janeway, Executive Director  
The Adirondack Council

Cc: Terry Martino, Executive Director  
Rick Weber, Director of Regulatory Affairs  
Ariel Lynch, Environmental Program Specialist  
Joe Martens, NYS DEC  
Basil Seggos, Executive Chamber