



**Board of Directors**

March 8, 2021

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**Chair**

Adirondack Park Agency Board  
NYSAPA

Marilyn DuBois  
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PO Box 99  
Ray Brook, NY 12977

**Vice-Chairs**

**RE: Public Comment on APA Project 2018-123 at APA March 2021 Meeting**

Barbara Rottier  
**Secretary**

Dear APA Board:

David Quinn  
**Treasurer**

Protect the Adirondacks has a number of concerns about the proposed final permit for Adirondack Park Agency (APA) project 2018-123 submitted by New York Land & Lakes Development around Woodward Lake in the southern Adirondacks in the towns of Northampton and Mayfield. This project is the first to undergo review according to the APA's new Large-scale Subdivision Application. This project appears to be a textbook example of how to fragment and degrade an intact forest system.

Nancy Bernstein  
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Chris Walsh

The project involves the development of the 1,040 acres that surrounds the 129-acre Woodward Lake, roughly 400 acres in Rural Use and 640 acres in Resource Management. The project plans 34 lots for 32 new principal buildings, 1 new lot for a pre-existing building, 1 common lot, and a new 2,000-foot road. Thirty lots will be located in Rural Use areas and 2 new lots will be located in Resource Management areas.

One difficulty in making the case about the shortcomings of this project is that the APA has not always utilized standard scientific analysis to calculate the long-term impacts from subdivisions and developments in intact forest systems. In 2019, the APA presented information to the Board about the Adirondack Club & Resort project that confined impacts to lands that were underneath proposed roads, buildings and driveways. The APA stated that through this analysis well over 95% of the Resource Management lands in the ACR project were permanently protected. When a scientific ecological impact zone (EIZ) analysis was employed, the results were very different.

Peter Bauer  
**Executive Director**

For an EIZ analysis, please note that each dwelling in a forested area has an ecological effect zone extending far beyond the immediate disturbed area of the site. Hence, impacts emanate out from developed roads, driveways, buildings, yards and utility corridors, among other features. For birds, one study concluded it is 200 meters or 12.6 ha (31 acres). For small mammals such as marten, fisher, fox and coyote, it is between 200 and 250 meters. Siting residential development so that ecological effect zones overlap results

**Protect the Adirondacks**

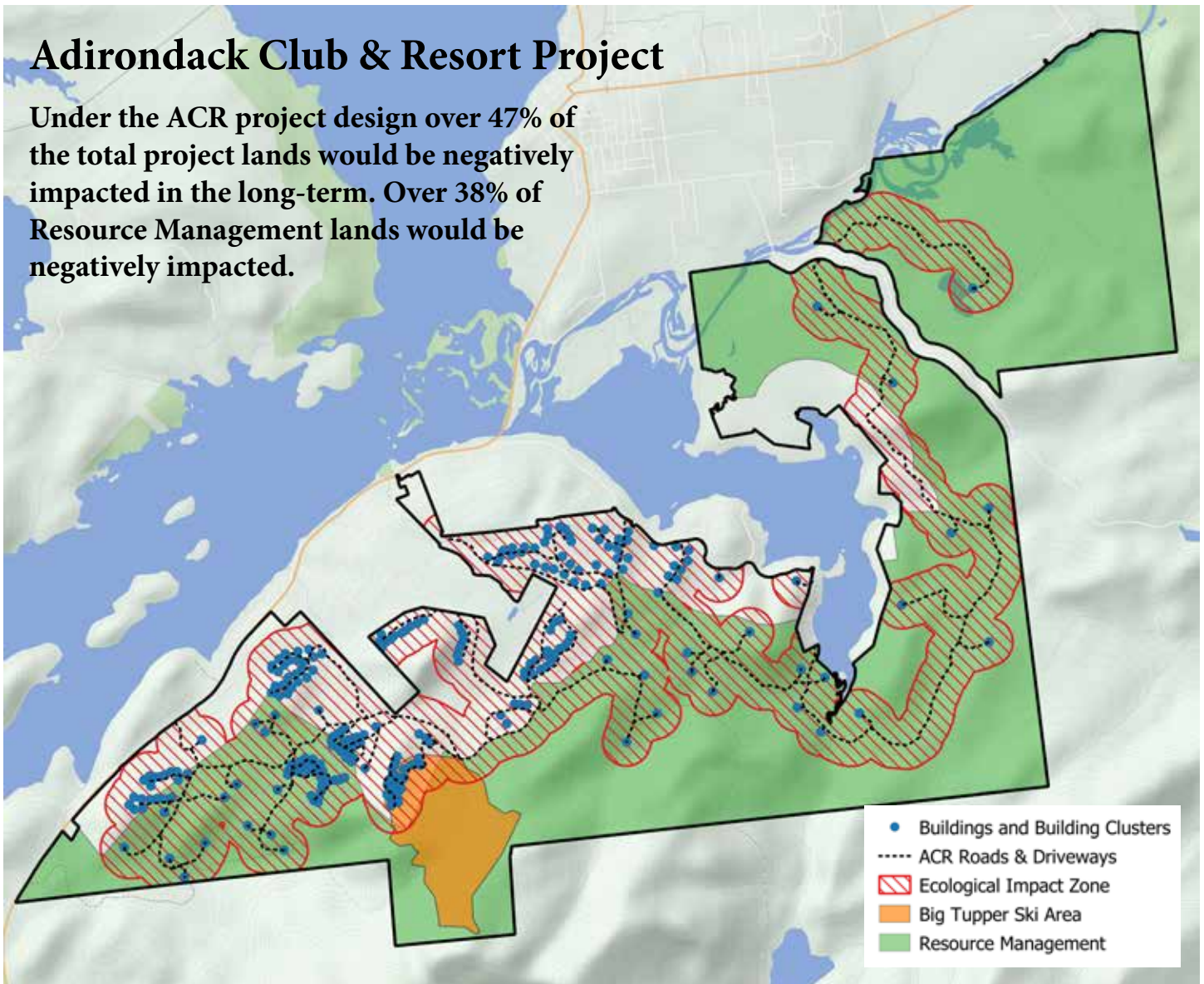
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## Adirondack Club & Resort Project

Under the ACR project design over 47% of the total project lands would be negatively impacted in the long-term. Over 38% of Resource Management lands would be negatively impacted.



The Adirondack Club & Resort project in Tupper Lake was permitted to scatter new buildings and roads throughout a largely undeveloped intact 6,000-acre forest that surrounds the Big Tupper Ski area. Because of the project's design, over 47% of the lands involved would be negatively impacted by development in the long-term as well as over 37% of Resource Management Lands. The map above shows an ecological impact zone analysis for the ACR project, with the 47% of the area negatively impacted by development. The APA calculates lands impacted as just the land underneath a road, driveway or building.

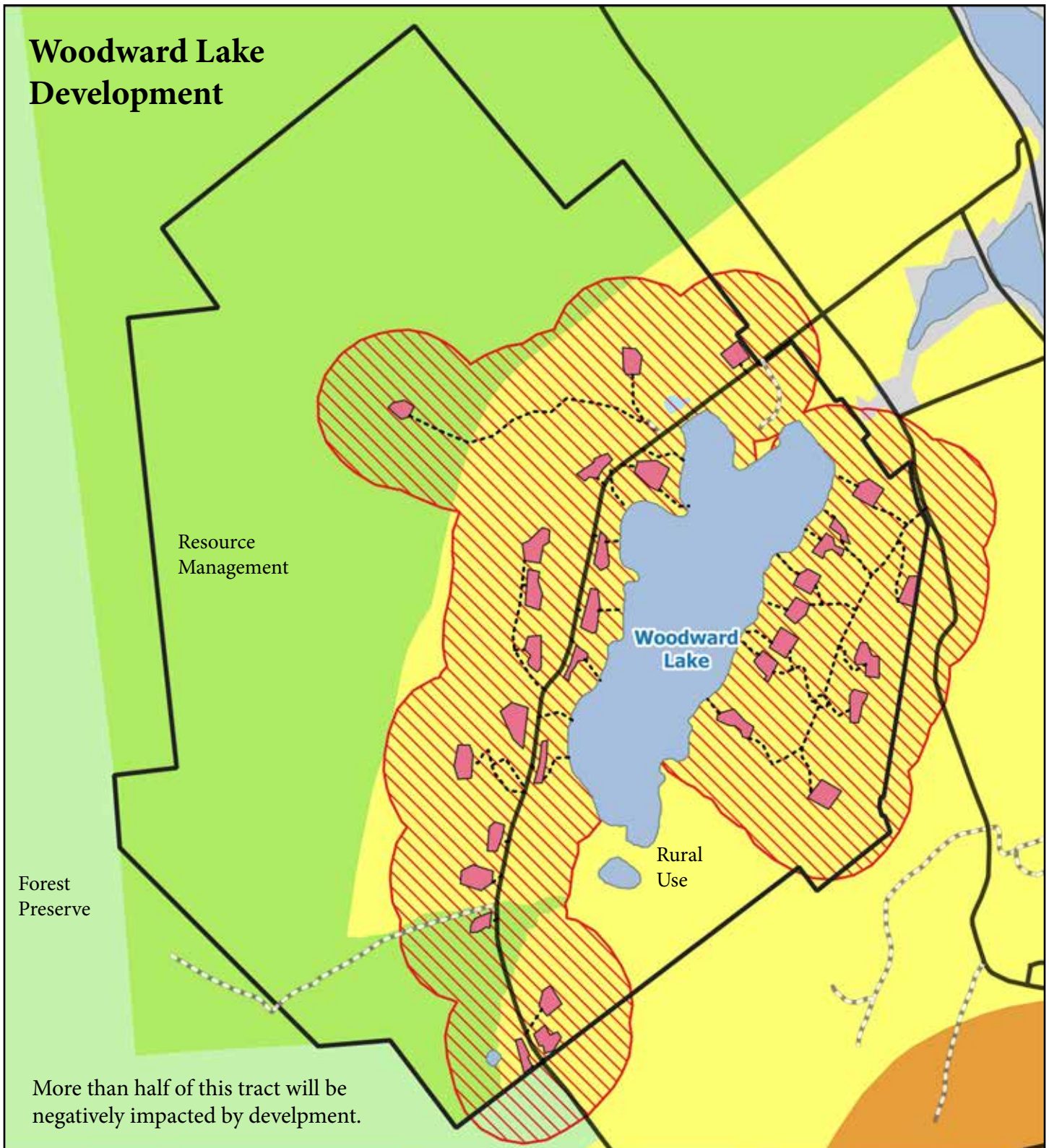
in a substantially lower total disturbance and concomitant benefits to the conservation of biodiversity.

EIZ analysis should be a standard analytical tool used by the APA. For the ACR project, a narrow assessment of impacts that just looked at disturbed areas underneath a road or building could yield a result that said 95% of Resource Management lands in the ACR project would be protected. In contrast, an EIZ analysis finds that more than one-third of Resource Management lands would be degraded over the long-term.

The APA draft permit claims that it will somehow extinguish 37 principal building rights, 12 on Resource Management lands and 25 in Rural Use, while pursuing a permit for 32 principal buildings.



## Woodward Lake Development



This statement is inaccurate. There are no “principal building rights” under the APA Act. The calculations used here are for the maximum mathematically available under the APA Land Use and Development Plan (LUDP). Under the LUDP the allowable principal buildings are not automatically assigned to a parcel of land. The total number of buildings authorized reflects the number allowable after a comprehensive APA review. Far from “extinguishing” development rights, the APA plans to permit a

level of development beyond what is appropriate for this tract.

A review of the final permit finds a number of shortcomings in the project's design that will negatively impact the natural resources on this tract over the long-term. We find that the Woodward Lake project is not a "conservation subdivision," which is the clear preference of the APA Large-scale Subdivision Application procedures. We believe that this project must either be redesigned as a conservation subdivision or sent for a formal adjudicatory public hearing.

Protect the Adirondacks has a number of concerns about the proposed APA Project 2018-123. These include:

1. This 1,169-acre tract has large portions that are not suitable for residential development. This project exceeds the development capacity of this area.
2. The project changed very little from the applicant's original concept to the proposed final subdivision.
3. This project fragments forested open space.
4. This project violates APA Rural Use zoning requirements about clustering in relatively small clusters.
5. This project violates APA Resource Management zoning requirements about clustering in small clusters.
6. This project design inflicts negative impacts on neighboring properties.
7. This is a classic Adirondack subdivision that rings a waterbody with development in piano-key lakeshore lots, showing little innovation in land use planning.
8. This project will create a long-term carbon debt and exacerbate climate change pollution, in violation of the spirit of the Climate Leadership and Community Protection Act.
9. This project was business as usual for New York Land & Lakes Development, which utilized similar approaches in other parts of New York that are not subject to APA land use regulations.
10. This tract should remain in sustainable commercial forest production. Any authorized development should be clustered on the west end of the tract.

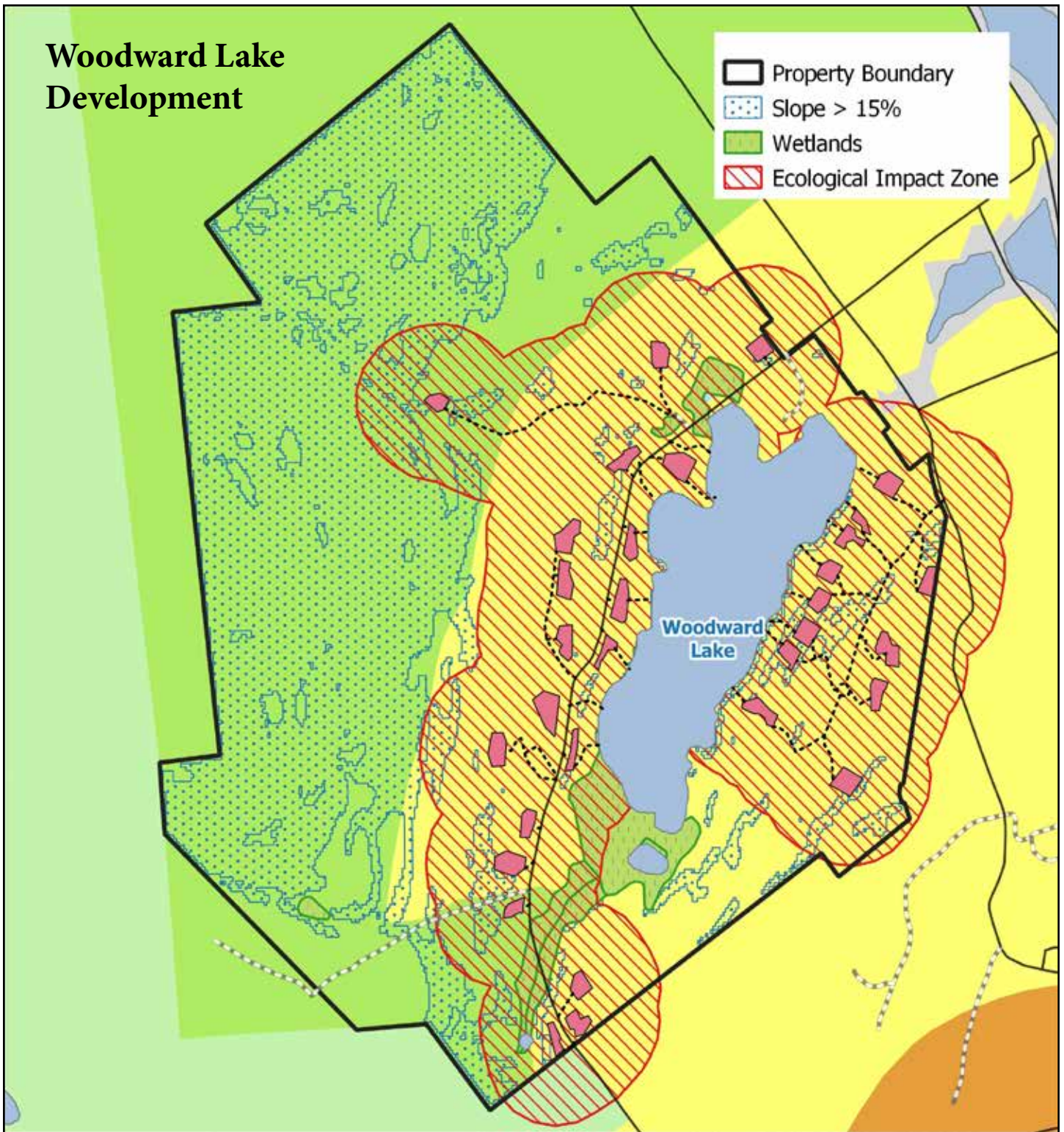
More detailed comments are listed below.

**Marginal Tract for Residential Development:** The Woodward Lake site is a marginal tract for residential development. It is characterized by poor soils, extensive streams and wetlands, and steep slopes, all of which are inappropriate for residential development.

This 1,169-acre tract has a number of features, such as a large waterbody, wetlands, streams, and steep slopes, which the APA has always considered constraints on development. An analysis that removed all of the undevelopable lands from the tract found that 129 acres of Woodward Lake, 159.56 acres wetlands, 9.18 miles of streams, which with 50-foot-wide protected buffers total 55.64 acres, 450 acres of lands with steep slopes of 15% or greater, total more than half of this tract. This means that over half of this tract is land unsuitable for development, which significantly reduces the development potential under the APA Land Use and Development Plan. Much the remaining lands are not much better. This magnifies the problems with this tract and shows that the vast majority of the Woodward Lake development site is not suitable for development. The reality is that this tract can support residential

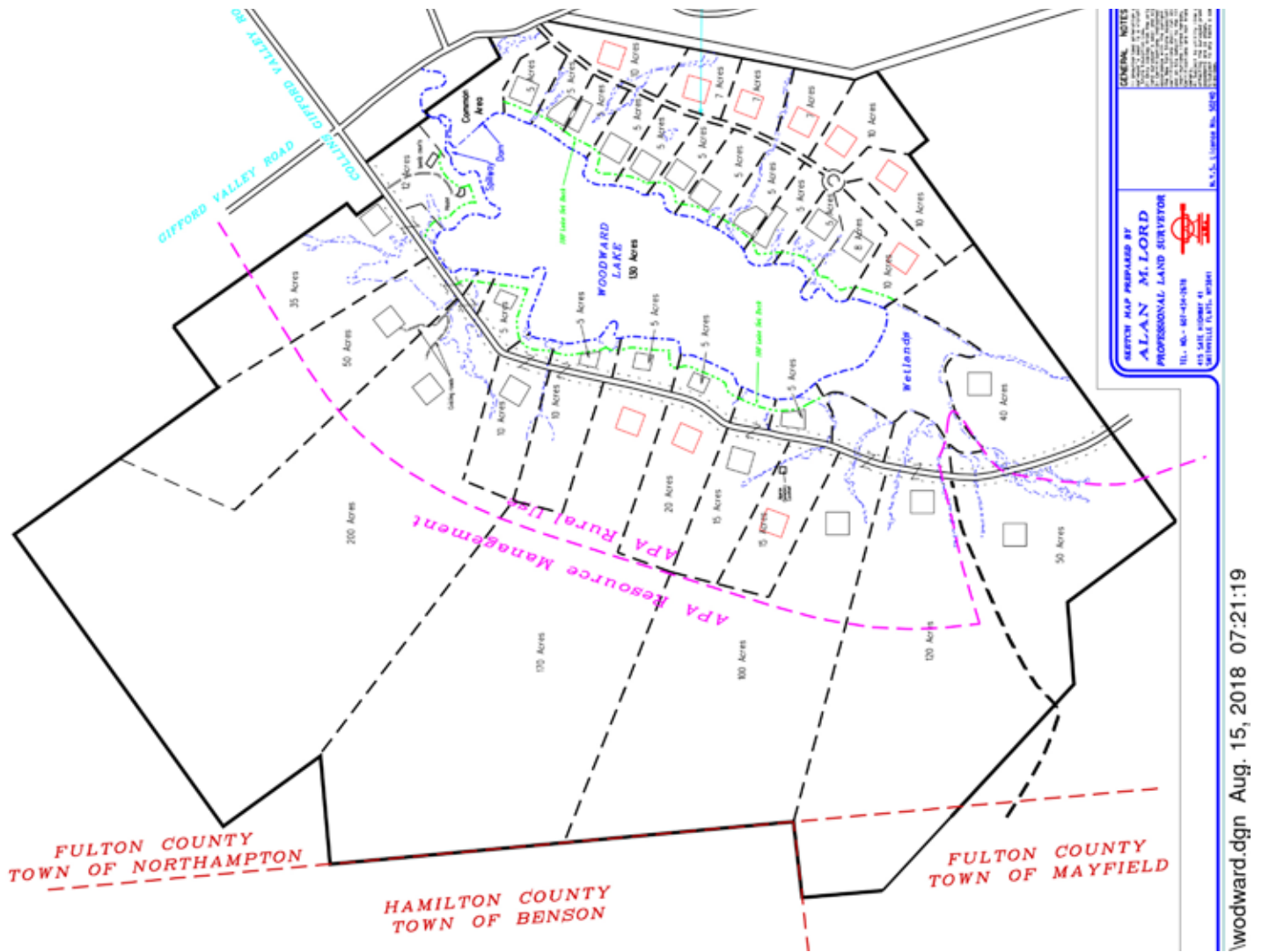


## Woodward Lake Development



development only at a level far less than the 32 principal building rights sought by the developer. See map above.

**Very Little Changed During APA Largescale Subdivision Application Review Process:** The proposed project changed very little from the applicant's original concept to the proposed final subdivision. The project seeks to wrap Woodward Lake with 32 new buildings, compared with 36 lots in



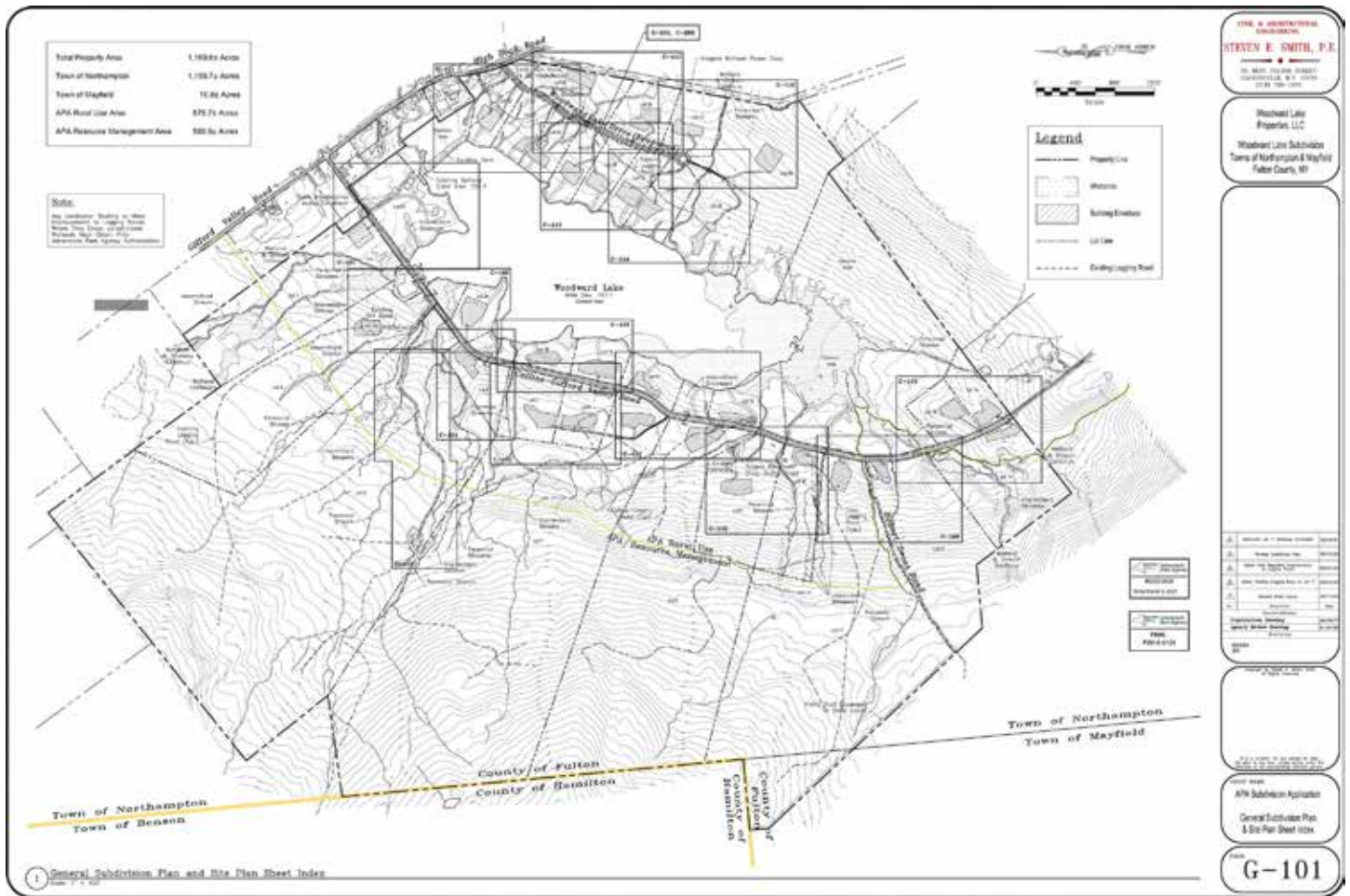
An early concept of APA Project 2018-123.

its original concept submitted to the APA in 2018. Note below how little the project changed:

- The original concept sought 12 PBRs on the south side of Collins-Gifford Valley Road. The draft permit authorizes 11 PBRs.
- The original concept sought 12 PBRs on the north of shoreline of Woodward Lake. The draft permit authorizes 8 PBRs.
- The original concept sought 6 PBRs on the north side of the new Woodward Lake Road. The draft permit authorizes 4 PBRs.
- The original concept sought 1 PBR on the east end of Woodward Lake. The draft permit authorizes 3 PBRs.
- Both the original concept and the draft permit authorize a subdivision design where negative impacts will degrade nearly 60% of the tract.
- The original concept and the draft permit both degrade neighboring properties.

Over the last two years, the project has failed to advance from a standard project that rings an Adirondack lake with residential housing to a subdivision that utilizes conservation design. The APA Largescale Subdivision Application states on page 1:





The final design for APA Project 2018-123, which changed little from 2018.

The application process is intended to encourage the development of projects in compliance with the Agency’s review criteria, including protection of open space, wildlife, and habitat resources, and in accordance with the objectives of conservation design.

Despite going through the Largescale Subdivision Application, the applicant has successfully sought to utilize conventional subdivision practices that create piano-key style, shoulder-to-shoulder building lots around Woodward Lake. The applicant has failed to undertake any form of serious conservation subdivision design. It’s unclear whether it’s the fault of the developer or a problem with the APA’s new Largescale Subdivision Application process, but the end result is that after two years the preferred option for development is not a conservation subdivision that will protect the intact forest system on these lands.

**Ecological Impact Zone Analysis:** We note that the applicant undertook this analysis in October 2020 and found that the proposed development will negatively impact 629.5 acres, 54% of the total tract. The remaining open space is cut up between two major areas on the tract, further fragmenting open space.

It’s important to note that the ecological impact zone analysis also shows considerable areas will be negatively impacted on adjoining private lands, as well as the public Forest Preserve. Negative

ecological impacts from development do not stop at the property boundary as ecological changes caused by residential development will radiate out into the surrounding forest and across property lines. The applicant did not extend its ecological impact analysis fully to areas outside the project boundary.

**Natural Resource Degradation:** The proposed design of this project will fragment an intact 1,100-acre forest system and surround an undeveloped pond/wetland system with development. Those are considerable losses for one development. An intact forest system will be halved, with much smaller tracts on the north end and south side. An undeveloped lake will be ringed by development.

**The Project Fails to Protect Open Space:** The APA Act states Rural Use and Resource Management areas “provide the essential open space atmosphere that characterizes the park.” The proposed development of lands around Woodward Lake will undermine the basic purposes of these areas.

In the APA Act lands classified as Resource Management are “essential and basic to the unique character of the park.” The full description for Resource Management is here:

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. Another objective of these areas is to prevent strip development along major travel corridors in order to enhance the aesthetic and economic benefits derived from a park atmosphere along these corridors.

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

Resource Management lands are supposed to be the most highly regulated private lands in the Adirondack Park. APA Project 2018-123 fails to meet the Resource Management criteria for development in “small clusters” or on “carefully selected and well designed sites.”

In the APA Act lands classified as Rural Use are the second most important lands for the protection of open space and the character of the Adirondack Park. The full description for Rural Use is here:

The basic purpose and objective of rural use areas is to provide for and encourage those rural land uses that are consistent and compatible with the relatively low tolerance of the areas’ natural resources and the preservation of the open spaces that are essential and basic to the unique character of the park. Another objective of rural use areas is to prevent strip development along major travel corridors in order to enhance the aesthetic and economic benefit derived from a park atmosphere along these corridors.

Residential development and related development and uses should occur on large lots or in relatively small clusters on carefully selected and well designed sites. This will provide for further diversity in residential and related development opportunities in the park.

Rural Use lands are supposed to be the most highly regulated private lands in the Adirondack Park. APA



Project 2018-123 fails to meet the Rural criteria for development in “relatively small clusters” or on “carefully selected and well designed sites.”

**Climate Change Impacts:** Under the 2019 Climate Leadership and Community Protection Act (CLCPA), state agencies are mandated to weigh the impact of climate change in their decisions. Section 7(2) of CLCPA requires all State agencies to determine whether their administrative approvals are consistent with the attainment of, or will interfere with the attainment of, the statewide greenhouse gas emission limits in ECL Article 75. If inconsistent, they are required to explain why, and to identify alternatives or mitigation measures. In this case, the directive to the APA from CLCPA is to assess the impacts of forest clearing and climate change impacts from possibly adding 32 new buildings and a new 2000-foot-long road.

In his book “Climate Change in the Adirondacks” (2010) scientist Jerry Jenkins calculated that construction of a new 2,060-square-foot house creates a 4 ton carbon debt. (p 139) Even more important is the carbon debt that Jenkins calculates from the clearing of forest land for a building lot. Jenkins assesses the loss of carbon storage and the release of carbon into the atmosphere from forest clearing. Jenkins wrote “Clearing an acre of forest creates a debt of 257 tons.” By our analysis, this project seeks to clear at least one acre to build the 2,000-foot road and will clear 1.5 acres for each of the 32 buildings and driveways, totaling 49 acres, which will lead this 1,169 acre tract to produce a carbon debt of 12,593 tons compared to where the tract is today.

Protect the Adirondacks is concerned about the APA’s compliance with the Climate Leadership and Community Protection Act. We urge the APA to detail and quantify the climate change impacts of this project, the steps the Agency took to mitigate these impacts, and how the APA has complied with the letter and spirit of the Climate Leadership and Community Protection Act.

**Developer Used the Same Approach to Adirondack Park Development as it Used for other New York State Subdivisions:** New York Land & Lakes, the project sponsor, is a seasoned developer of large, forested tracts of land in New York. In the Town of Tusten, Sullivan County, they subdivided 2,500 acres into 100 lots, ranging from 3 – 70 acres (an average of 25 acres). In the Town of Smithville, Chenango County, they subdivided 1,400 acres into 72 lots, ranging from 5 – 90 acres (an average of 19.44 acres). In the Towns of Highland, Herkimer, and Newport in Herkimer County, they subdivided 4,800 acres into 326 lots, ranging in size from 5 – 200 acres (an average of 14.7 acres).

In the Town of Meredith, Delaware County, New York Land & Lakes subdivided 1,100 acres into 35 lots, ranging from 5 – 147 acres (an average of 31.4 acres). These numbers are similar to the project at Woodward Lake. Despite the fact that this project is located in the very special Adirondack Park, and supposedly protected from traditional development that does not address environmental impacts by virtue of the APA Act, and despite the new APA Large-scale Subdivision Application process, the proposed Woodward Lake subdivision appears to be business as usual for New York Land & Lakes, little different than from other areas in New York.

## **Conclusion**

The Woodward Lake project is not a conservation subdivision, the promotion of which is the clear

intention of the new APA Largescale Subdivision Application procedures. This project will fragment an intact 1,100-acre forest and ring an undeveloped small pond with development. This application must be redesigned as a conservation subdivision or sent for a formal adjudicatory public hearing.

On behalf of the Board of Directors of Protect the Adirondacks, please let me express our gratitude for the opportunity to submit these comments on this proposed development.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer". The signature is fluid and cursive, with the first name "Peter" being more prominent than the last name "Bauer".

Peter Bauer  
Executive Director

CC: Executive Chamber  
NYS DEC  
NYS Senate  
NYS Assembly