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December 3, 2021

Devan Korn
NYSAPA
PO Box 99
Ray Brook, NY 12977

RE: Public Comment on the Stackman Project in Jay (APA Project 2021-0248)

Dear Devan Korn,

Protect the Adirondacks has a number of concerns about the proposed new project 2021-0248 submitted to the Adirondack Park Agency (APA) by Eric Stackman in the Town of Jay in Essex County. This project is the second 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.

The project involves the development of 355-385 acres of mostly intact forest with 120 residential buildings and over 1.2 miles of new road. These lands are classified as Low Intensity under the APA Land Use and Development Plan. This project appears to seek the maximum allowable number of buildings under APA guidelines for a Low Intensity Use Area.

The proposed Stackman development is not a conservation subdivision, which is the clear preference of the APA Large-scale Subdivision application procedures. This application must be redesigned as a conservation subdivision or sent for a formal adjudicatory public hearing. This 355-385-acre tract has large portions that are simply not suitable for residential development.

Project Design: The project seeks to locate development on the east side of the property along the Route 9N corridor. Other buildings will be located in the center of the property. All buildings are connected by a new wide road network. There are 3 to 4 miles of trails that run through northern, western and southern parts of this tract. The applicant proposes a modest solar farm and construction of a pond.

This letter details a number of issues where the current application is weak or that it failed to address. The reality of this project is that these lands are basically

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an intact high canopy forest that has a history of forest management. The applicant proposes to undertake extensive forest clearing, road building, and housing construction that will change the ecology of these lands and the character of this part of the Town of Jay.

Ecological Impact Zone Analysis: Each dwelling in a forested area has an ecological effect zone extending far beyond the immediate disturbed area of the site. The APA has used this analysis in other projects. Siting residential development so that ecological effect zones overlap results in a substantially lower total disturbance and concomitant benefits to the conservation of biodiversity.

There is no ecological impact zone analysis undertaken by the developer on this project. The APA must require ecological impact zone analysis for this project.

Alternative Designs: The APA Large-scale Subdivision Application states on page 1:

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.

The applicant has submitted two proposals and neither are conservation subdivisions. Conservation subdivision design is based on advancements in science and land use planning techniques that recognize that the spatial pattern of development is fully as, if not more, ecologically important than is its density. Widely scattered development, or "rural sprawl," impairs ecosystem function, decreases biotic integrity, alters species behavior and composition, increases human-wildlife conflicts, fragments ownership, impairs cohesive land management, undermines the open space character of the Adirondack Park, and threatens its healthy timber industry. Conservation design yields more than ecological benefits. The development of just a portion of a tract requires less infrastructure to be provided by a developer and to be maintained by the local jurisdiction.

Protect the Adirondacks recommends that this project be redesigned to comply with the best practices of conservation subdivision design. If the developer refuses to redesign this project, then a formal adjudicatory public hearing should be convened.

Neighboring Industrial Property: The proposed site is just north of an active quarry site in an area classified as Industrial Use. This site may utilize blasting and is an active industrial site. We're concerned about the long-term viability of a quarry when an exclusive private residential development is built next door.

Trails: It's unclear what the widths of these trails will be, the level of tree cutting or plans for motorized uses.

Climate Change: 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 120 new buildings and a new 1.2-mile-long road.

In his book "Climate Change in the Adirondacks" (2010) noted Adirondack scientist Jerry Jenkins calculated that construction of a new 2,060-square-foot house creates a 4 ton carbon debt. (p 139) The residential buildings in the Stackman project are proposed to be much bigger. The 120 units will create a carbon debt of at 4 least tons each, of 480 tons, if not double that amount. Even more important is the carbon debt that Jenkins calculates from the clearing of forest land for a building lot. Jenkins assessed 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 2.9 acres to support the new 1.2 miles of roads (at 20 feet in width). The road clearing will create a carbon debt on this tract of 747 tons. The 120 units will see over 75 acres of forest cleared, which creates a carbon debt of 19,275 tons. The total carbon debt from this project is 20,502 tons. There is additional forest clearing proposed of an indeterminate acreage for the new pond, solar farm, and trails. The APA needs to evaluate the carbon pollution from this project.

One of the specific goals of the CLCPA is for the state to encourage and facilitate efforts that "achieve healthy forests that support clean air and water, biodiversity, and sequester carbon." This project will result in a net reduction of lands from formal management and carbon sequestration.

The applicant provides zero data or analysis about the long-term climate change impacts of this project. The APA should require this information.

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 APA took to mitigate these impacts, and how the APA has complied with the letter and spirit of the Climate Leadership and Community Protection Act. To date, the APA has failed to take into consideration long-term carbon pollution in its review of major projects.

Natural Heritage Program: The APA Large-scale Subdivision Application requires a "Natural Heritage Program Report" which includes an inventory of "rare, threatened, endangered, or vulnerable plants, and threatened, endangered, and special-concern animals." This is missing from the application materials.

The APA Large-scale Subdivision Application further requires a "Bird Species Inventory" and identification of "Significant Avian Nesting Areas." This information must be provided by the applicant.

Forest Ecological Integrity and Habitat: The proposed project lies in the middle of an unbroken contiguous forest that stretches from Jay to Au Sable Forks. The applicant must provide information about the impacts on wildlife habitats, forest ecology, habitat connectivity, vernal pools, wildlife corridors, among other issues.

The Large-scale Subdivision Application requires a map depicting "Large Forest Blocks" surrounding the project. The maps provided do not appear to provide this information.

Wetlands: The Large-scale Subdivision Application requires a "Critical Areas Map" and a "Project Site Base Map" that require and identification of wetlands, and permanent and intermittent streams. The only map that provides this data is in the two concept maps. A thorough analysis of the project's impact on the wetlands, vernal pools, and permanent and intermittent streams is needed.


Affordable, Year-Round Housing: Many comments that are posted on the APA website about this project have been submitted by area residents who oppose a resort development of huge homes that will change the character of their neighborhood. A development of second homes that are 6,000 square feet and larger does nothing to address the affordable housing issues in the Adirondacks.

Conclusion

The Stackman project in the Town of Jay is not a conservation subdivision, the promotion of which is the clear intention of the APA Large-scale Subdivision Application procedures. 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, I thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer". The signature is fluid and cursive, with a large initial "P" and "B".

Peter Bauer
Executive Director