



PRESS RELEASE
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Protect the Adirondacks calls on the Adirondack Park Agency to Comply with the New York Climate Leadership and Community Protection Act

The APA has failed to comply with the CLCPA in its current review of a 120-unit luxury housing and resort development in Jay by failing to assess the project's potential greenhouse gas emissions.

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North Creek, NY. Protect the Adirondacks (“PROTECT”) has called upon the Adirondack Park Agency (APA) to include, as part of its permit application review, an evaluation of the direct and upstream greenhouse gas (“GHG”) emissions associated with the large-scale subdivision and resort complex proposed by Eric Stackman in the Town of Jay, Essex County. This project is currently under review and does not have a complete application. The APA has issued two Notices of Incomplete Application to the developer.

The 2019 Climate Leadership and Community Protection Act (CLCPA) requires all state agencies, “[i]n considering and issuing permits, licenses, and other administrative approvals and decisions,” to determine whether such action “will be inconsistent with or will interfere with the attainment of the statewide [GHG] emission limits” established in Article 75 of the Environmental Conservation Law (“ECL”), which details requirements under CLCPA.

“In a review of the materials that Stackman has submitted there appears to be no GHG emission analysis for a proposed 120-unit subdivision. It also appears that the APA has failed to take any necessary steps to evaluate the project’s potential GHG emissions. Protect the Adirondacks first requested that the APA include a GHG emissions analysis

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as part of its review of the Stackman project in its comment letter dated December 3, 2021,” said Peter Bauer, Executive Director of Protect the Adirondacks.

“Protect the Adirondacks urges the APA either to request that the applicant provide an analysis of the project’s GHG emissions or confirm that the APA is conducting its own analysis of those emissions in order to evaluate compliance with the State’s GHG emission limits as required under the CLCPA,” said Christopher Amato, Conservation Director and Counsel of Protect the Adirondacks. “We’ve seen no evidence to date that the APA is fulfilling its obligations under the CLCPA.”

See a letter to APA on this matter from Protect the Adirondacks:

<https://www.protectadks.org/wp-content/uploads/2022/10/PROTECT-Letter-to-APA-re-CLCPA-10.31.2022.pdf>

CLCPA Mandates a GHG Emissions Analysis for All Permit Applications

The CLCPA establishes economy-wide requirements to reduce Statewide GHG emissions. Article 75 of the ECL (enacted as part of the CLCPA) requires the Department of Environmental Conservation (“DEC”) to promulgate regulations ensuring that Statewide GHG emissions be reduced to 40% below 1990 levels by 2030, and 85% below 1990 levels by 2050. As required by the CLCPA, DEC promulgated regulations translating the statutorily required statewide GHG emission percentage reduction limits into specific limits based on estimated 1990 GHG emission levels. The regulations establish Statewide GHG emissions limits for 2030 and 2050, respectively, of 245.87 and 61.47 million metric tons of carbon dioxide equivalents (measured on a 20-year Global Warming Potential basis).

Section 7(2) of the CLCPA imposes a mandatory duty on all State agencies to consider the GHG emissions associated with the issuance of a permit or approval:

In considering and issuing permits, licenses, and other administrative approvals and decisions . . . all state agencies, offices, authorities and divisions shall consider whether such decisions are inconsistent with or will interfere with the attainment of the statewide [GHG] emissions limits established in [ECL Article 75]. Where such decisions are deemed to be inconsistent with or will interfere with the attainment of the statewide [GHG] emissions limits, each agency, office, authority or division shall provide a detailed statement of justification as to why such limits/criteria may not be met, and identify alternatives or [GHG] mitigation measures to be required where such project is located.

Despite this clear direction, the APA has failed to evaluate GHG emissions as required by the CLCPA.

The Stackman project proposed in Jay will result in increased GHG emissions. As currently proposed, the project is comprised of 120 lots that include up to 20 townhomes, each 1800 square feet in size; up to 60 villas, each 3500 square feet in size; up to 18

estates, each 6500 square feet in size; up to 6 mansions, each 10,000 square feet in size; and a hotel, restaurant and spa.

Construction of a single 2,060-square-foot house creates a 4-ton carbon debt. Given the size and number of new homes in the Stackman development, new home construction will likely create a carbon debt of hundreds of tons. In addition, clearing one acre of forest creates a carbon debt of 257 tons. Given that a substantial amount of forest clearing is proposed in the Stackman development for the purpose of new home and road construction, this activity will result in additional thousands of tons of carbon debt.

“The clearing of forest and construction of new homes will result in a total carbon debt of thousands of tons. Added to this are the increases in GHG emissions resulting from motor vehicle use during construction, increased motor vehicle traffic from homeowners, and motor vehicle traffic from the general public visiting the project’s hotel, restaurant and spa. All of this must be taken into consideration by the APA in its review of this major subdivision and development,” said Peter Bauer.

“The CLCPA is crystal clear in imposing a duty on the APA to evaluate the GHG emissions associated with projects seeking an Agency permit. This information should be an important part of the APA’s decision on whether or not to approve this project,” said Christopher Amato.

Protect the Adirondacks

Protect the Adirondacks is an IRS-approved non-profit organization dedicated to the preservation and stewardship of the 6-million-acre Adirondack Park. Our mission is to protect the Adirondack Park’s wild character for current and future generations. PROTECT pursues this mission through a combination of advocacy, grassroots organizing, independent public oversight, research, water quality monitoring, education, and legal action. Protect the Adirondacks was formed in 2009 as the result of a merger between two long-standing environmental conservation groups in the Adirondack Park, the Resident’s Committee to Protect the Adirondacks (est. 1991) and the Association for the Protection of the Adirondacks (est. 1901).

Protect the Adirondacks is managed by a 22-member Board of Directors of Adirondack leaders with expertise in environmental law, local government, Adirondack environmental and cultural history, state agency management, and small business. Protect the Adirondacks maintains an office in a 100% energy efficient, solar-and wind-powered office in Johnsburg in the central Adirondacks. For more information see www.protectadks.org and @ProtectAdkPark.

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