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Via Email: RPcomments@apa.ny.gov

June 12, 2025

Ms. Ariel Lynch
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

**Re: APA Project 2024-0140
Brian SanLorenzo
Section 56.17, Block 3, Parcel 1.100.
Town of Indian Lake, Hamilton County**

Dear Ms. Lynch:

Protect the Adirondacks ("PROTECT") appreciates the opportunity to provide comments on the above-referenced project, which involves subdivision of 192.5 acres to create four lots with existing development and three vacant lots that will each be developed with a single family dwelling and on-site septic system and water supply. The project site is designated Low Intensity Use of the Adirondack Park Land Use and Development Plan Map and is within the Cedar River Recreational River Area. The proposed subdivision is a Class A regional project requiring an Adirondack Park Agency (APA) permit pursuant to APA Act § 809 and 9 NYCRR Parts 577 (Wild, Scenic and Recreational Rivers regulations) and 578 (freshwater wetlands regulations).

As discussed below, PROTECT opposes the permitting of the proposed subdivision in its current form because (i) the APA lacks sufficient baseline natural resource data to fully assess the project's environmental impacts, and (ii) the proposed subdivision design fails to incorporate essential conservation design principles appropriate for Low Intensity Use and Recreational River areas.

Natural Resource Concerns

Each of the three lots proposed for development (Lots 5, 6 and 7) include substantial acreages of ecologically sensitive wetlands that are protected under New York State law. In addition, the Cedar River, a designated Recreational

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River under the New York Wild, Scenic and Recreational Rivers System Act, flows through all three of these lots, and Lots 5 and 7 have a stream running through them.

Instead of avoiding development in or near these areas, the applicant proposes to locate buildings, impervious surfaces, and sewage disposal systems in close proximity to wetlands, the mapped stream through Lots 5 and 7, and the Cedar River. PROTECT is concerned that the standard 100-foot wetland setback (9 NYCRR § 578.3(a)) and the 150-foot Recreational River setback (9 NYCRR § 577.6(b)(3)) are insufficient to protect these ecologically sensitive areas from potential stormwater pollution, including runoff containing pesticides, herbicides, fertilizers, and other nonpoint-source contaminants typically associated with residential use.

In addition, our review of the project file (obtained via a Freedom of Information Law request) indicates that APA's wetland site inspections in May and October 2024 did not include surveys for vernal pools that are now protected under amendments to the Freshwater Wetlands Act that took effect January 1, 2025. The omission of a vernal pool assessment in this review renders the Agency's natural resource evaluation incomplete and noncompliant with its statutory obligations under the amended law.

In addition, although the approximate location of the Cedar River's floodplain boundaries are depicted on the subdivision maps, neither the source of the depicted boundaries nor the date when the floodplain boundaries were established are identified. This omission is potentially critical because it is well-documented that climate change is causing more severe and frequent rainfall events in the Adirondacks that are causing expansion of areas affected by floodwaters. Given the proximity of the proposed development of Lots 5, 6 and 7 to the Cedar River, PROTECT urges APA to require that up-to-date floodplain boundaries be depicted on the subdivision maps to ensure that proposed development is not occurring in the Cedar River floodplain.

The Proposed Subdivision Fails to Comply With Conservation Design Principles

Conservation design is a planning approach that seeks to preserve natural features and ecological functions while allowing for environmentally responsible development. The key principles of conservation design include identification and protection of natural resources on a project site such as intact forests, wetlands, steep slopes, wildlife habitat and water bodies; clustering development in less ecologically sensitive areas to minimize environmental impacts and preserve large, contiguous tracts of open space; minimizing impervious surfaces and maintaining natural hydrology; providing buffers around wetlands, streams and other ecologically sensitive areas; and maintaining connectivity for wildlife movement and ecosystem function.

The proposed development of three lots ranging in size from approximately 16 acres (Lot 5), to approximately 72 acres (Lot 6), to approximately 89 acres (Lot 7), dispersing development over approximately 177 acres of land, does not reflect conservation design principles. The subdivision design fragments open space and places development close to wetlands and the Cedar River. Rather than clustering homes and related infrastructure in less sensitive areas to protect ecologically significant areas and preserve large, contiguous tracts of open land, the current design spreads impacts throughout the landscape.

The APA Act specifically recommends application of conservation design principles for residential development on lands designated as Low Intensity Use. *See* Executive Law § 805(3)(e)(1) (endorsing “clustering homes on the most developable portions of these areas”). Conservation design is also consistent with the statutory management objectives for the Cedar River, which “shall be directed at preserving and restoring the natural scenic and recreational qualities” of the river. Environmental Conservation Law § 15-2707(2)(c)(2).

By dispersing development across an ecologically sensitive site, the current subdivision proposal runs counter to the APA Act’s statutory objective to protect open space and avoid fragmentation in Low Intensity Use areas and the management objectives of the Wild, Scenic and Recreational Rivers System Act.

Conclusion

For the reasons outlined above, PROTECT urges the APA to (i) conduct a site inspection during the appropriate seasonal window to determine whether ecologically significant vernal pools are present on the project site; and (ii) require a redesign of the subdivision to apply conservation design principles—specifically, clustering development away from wetland areas and the Cedar River and consolidating infrastructure to preserve open space and protect sensitive resources.

On behalf of the Board of Directors of PROTECT, please accept our gratitude for the opportunity to share our comments on this proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Amato", with a stylized flourish at the end.

Christopher Amato
Conservation Director and Counsel