PROTECT THE ADIRONDACKS!

Via Email

October 6, 2025

Devan Korn
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

Re: Indian Brook Preserve, LLC/BAHR Holding, LLC
Large-Scale Subdivision Application
Town of Bolton, Warren County
APA Project 2025-0195

Dear Mr. Korn:

Protect the Adirondacks (PROTECT) appreciates the opportunity to submit comments on the above-referenced application, which is a conceptual design submitted as Part I of a large-scale subdivision application. The conceptual design is for the creation of 30 building lots on a 95-acre parcel of land classified as Low Intensity Use on the Adirondack Park Land Use and Development Plan Map.

As discussed below, the conceptual design is inadequate in several key respects. It lacks essential baseline natural resource data and omits critical design elements necessary for the Adirondack Park Agency (APA) to properly assess the potential environmental impacts of the proposed subdivision. In addition, the limited natural resource information included in the submission suggests that the project fails to adequately protect the significant wetlands present on the site.

Furthermore, the proposal does not incorporate fundamental conservation design principles appropriate for development in Low Intensity Use areas. As such, we strongly recommend that the conceptual design be revised to include these principles, ensuring greater environmental protection and alignment with the APA's planning and regulatory framework.

Lack of Baseline Ecological and Design Data

The conceptual design lacks essential information regarding both the site's natural resources and the proposed development's physical layout. PROTECT's review of the project file—obtained through a Freedom of Information Law (FOIL) request—revealed several significant deficiencies:

- No vernal pool survey: There is no evidence that a survey was conducted to identify vernal pools, which are critical seasonal habitats for amphibians and other sensitive species.
- No comprehensive natural resource inventory: The application does not include a thorough, on-site inventory to assess habitat quality, species presence, or other key ecological characteristics of the site.
- Inadequate forest cover data: While the application states that the site is forested, it fails to acknowledge that the area has experienced substantial timber harvesting. There is no information on the current extent of forest cover or how many trees are expected to be removed during development.
- Omission of septic system locations: The proposal indicates that all 30 building lots will rely on on-site wastewater disposal systems, but the locations of these systems are not identified.

Without these baseline data, APA cannot fully, accurately, or lawfully assess the environmental impacts of the proposed subdivision, as required by the Adirondack Park Agency Act and its implementing regulations.

Wetlands Are Not Adequately Protected

The proposed subdivision fails to provide adequate protection for the extensive wetlands present on the site. Rather than avoiding development near these ecologically sensitive areas, the applicant proposes to locate buildings, impervious surfaces, and likely on-site wastewater disposal systems in close proximity to wetlands. This approach is inconsistent with accepted best practices for wetland protection and presents significant risks to both water quality and ecological integrity.

While the conceptual design appears to rely on the standard 100-foot wetland setback outlined in 9 NYCRR § 578.3(a), this buffer is not depicted on the subdivision layout. Even if applied, this setback is likely insufficient given the scale and intensity of the proposed development. The site plan includes high-density housing and a substantial amount of impervious surface area, including a main access road that is situated directly upgradient from two major wetland complexes on the property.

The proposed 100-foot buffer does not adequately account for stormwater flow from steep slopes and impervious surfaces. Without more robust setbacks and mitigation measures, stormwater runoff is likely to carry pesticides, herbicides, fertilizers, and other pollutants commonly associated with residential development into nearby wetlands. Such contaminants can degrade wetland functions, harm aquatic and terrestrial species, and compromise the long-term ecological health of the site.

The 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 30 lots ranging in size from approximately 1 acre to approximately 12 acres disperses development over a large area and does not reflect conservation design principles. The proposed design fragments open space and places development close to wetlands. 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"). By dispersing development across an ecologically sensitive site, the current subdivision design is inconsistent with the APA Act's statutory objective to protect open space and avoid fragmentation in Low Intensity Use areas.

To minimize environmental impacts, the subdivision should be substantially redesigned. Specifically, the number of building lots should be reduced, and development should be clustered within the least environmentally sensitive portion of the site. This approach would also significantly limit the creation of impervious surfaces, thereby reducing stormwater runoff and associated pollution.

In addition, the communal trail system, the ecologically sensitive portions of the site and the open space on the property should be combined into a single protected lot, replacing the current design that incorporates these areas into individually owned lots. The protected lot should be managed by either a homeowner's association or a land trust and be permanently protected through a conservation easement.

Additionally, all wetland areas should be protected through the establishment of robust, ecologically meaningful buffers of at least 300 feet from any development feature. These wetlands and their surrounding buffers should be formally designated as a conservation area, ensuring their long-term protection and ecological function.

Conclusion

For the reasons outlined above, PROTECT respectfully urges the APA to take the following actions prior to further consideration of this application:

1. Require the applicant to submit a comprehensive natural resource inventory, prepared by a qualified biologist and based on thorough on-site fieldwork, to identify and assess ecological features and sensitive habitats present on the project site.
2. Conduct a site visit during the appropriate seasonal window to determine the presence of vernal pools, which provide critical habitat for amphibians and other sensitive species and may warrant additional protections.
3. Require a full redesign of the subdivision applying conservation design principles, including clustering development away from wetlands and other sensitive natural areas, minimizing impervious surfaces, consolidating infrastructure to preserve open space and protect ecological integrity, and placing ecologically sensitive and open space areas into a single protected lot;
4. Require the subdivision plat to show the lots, on-site septic systems, vernal pools (if any) and all wetland buffer areas.

These steps are essential to ensuring that the proposed development complies with the APA's statutory mandate to protect the natural resources of the Adirondack Park.

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

Sincerely,

Christopher Amato
Conservation Director and Counsel