



**Board of Directors**

Charles Clusen  
*Chair*

Barbara Rottier  
James McMartin Long  
*Vice-Chairs*

Chris Walsh  
*Secretary*

David Quinn  
*Treasurer*

Nancy Bernstein  
John Caffry  
Dean Cook  
James C. Dawson  
Lorraine Duvall  
Robert Glennon  
Roger Gray  
Evelyn Greene  
Sidney Harring  
Sheila Hutt  
Patricia Morrison  
John Nemjo  
Peter O'Shea  
Philip Terrie

**Staff**

Claudia K. Braymer, Esq.  
*Executive Director*

Christopher Amato, Esq.  
*Conservation Director  
and Counsel*

Peter Bauer  
*Fundraising Coordinator*

**Via Email**

November 11, 2025

Benjiman Amos  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

**Re: Christmas & Associates, Inc.  
Proposed Subdivision  
Cobble Creek Rd., Town of Chester, Tax Parcel 32.-1-47.1  
Warren County  
APA Project 2025-0129**

Dear Mr. Amos:

Protect the Adirondacks ("PROTECT") appreciates the opportunity to provide comments on the above-referenced project, which involves a five-lot subdivision of an approximately 99 acre parcel to create five building lots ranging from 17 to 25 acres in size. A single family dwelling and accessory structure is proposed to be constructed on each lot and each will be served by an on-site sewage disposal system, on-site water supply, and driveway. The project site is designated as Rural Use on the Adirondack Park Land Use and Development Plan Map. The project site contains jurisdictional wetlands, as well as a perennial stream.

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 Rural Use areas.

**Natural Resource Concerns**

A. Wetlands

The proposed subdivision includes ecologically sensitive wetlands that are protected under New York State law. However, there is no indication in the records provided pursuant to FOIL that there was any effort made by either the

**Protect the Adirondacks**

PO Box 48, North Creek, NY 12853 518.251.2700

www.protectadks.org info@protectadks.org

*Like Us on Facebook/Instagram/Threads and Bluesky @ProtectAdkPark*

applicant or APA staff to identify vernal pools that may exist on the project sites. The APA site visit to delineate wetlands on the site was conducted on July 15, 2025, well beyond the spring season when vernal pools can be identified. Vernal pools that meet specified amphibian breeding criteria 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.

Furthermore, the applicant had proposed a crossing of a perennial stream on the site to provide access to Lot 5. It is unclear from the application whether this stream is still being crossed and, if so, how it and the associated wetlands will be protected.

#### B. Fuller Pond

The proposed subdivision is located in proximity to and upgradient from Fuller Pond and one of the main tributaries to the pond. There is no analysis provided of the project's potential impacts to the water quality of Fuller Pond or the tributary, nor is there any discussion of measures to be implemented to avoid those impacts.

#### C. Climate Change

Aerial photographs of the project site show that it is currently forested. The application fails to explain how many trees will be removed for construction of the single family dwellings (which will be as large as 3,000 square feet), accessory structures and driveways, nor does it address the potential climate change impacts from loss of carbon sequestration and storage resulting from tree cutting on the project site.

### **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 subdivision—with lots ranging in size from 17 to 25 acres, dispersed over approximately 99 acres of land—does not reflect these principles. Rather than clustering homes and related infrastructure on a condensed portion of the project site and 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 across the entire 99 acres.

In addition, instead of avoiding development in or near ecologically sensitive areas, the applicant proposes to locate buildings, impervious surfaces, and sewage disposal systems in close proximity

to wetlands. PROTECT is concerned that the standard 100-foot wetland setback (9 NYCRR § 578.3(a)) is insufficient to protect these wetlands from potential stormwater pollution, including runoff containing pesticides, herbicides, fertilizers, and other nonpoint-source contaminants typically associated with residential use.

Conservation design is especially critical for lands designated as Rural Use. The APA Act notes that Rural Use areas typically feature shallow soils, relatively severe slopes, significant ecotones, critical wildlife habitats, proximity to scenic vistas or public lands. Executive Law § 805(3)(f)(1). Consequently, development in these areas must be “compatible with the protection of the relatively intolerant natural resources and the preservation of open space.” *Id.* § 805(3)(f)(2). The figure below shows an example of conservation design in comparison to a tradition subdivision design, such as the one proposed for this project.<sup>1</sup>



<sup>1</sup> <https://www.sewrpc.org/SEWRPCFiles/CommunityAssistance/ConservationSubdivisions/OpenSpaceSubdivisionsDesignProcess.pdf>

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 Rural Use areas. The current design also runs afoul of the APA Act’s mandate that “residential development and related development and uses should occur . . . in relatively small clusters” in Rural Use areas. *Id.* § 805(3)(f)(2).

### 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 site and to verify and location and boundaries of the wetlands depicted on the project site plan; (ii) require the applicant to address potential impacts to Fuller Pond and its main tributary stream; (iii) address the loss of carbon sequestration and storage from tree removal; and (iv) require a redesign of the subdivision to apply conservation design principles—specifically, clustering development away from wetland areas 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