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Via Email

November 7, 2025

Matthew S. Kendall
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

Re: Thomas Reed (MA2025-01)
Town of Lake Luzerne, Warren County

Dear Mr. Kendall:

Protect the Adirondacks (PROTECT) appreciates the opportunity to submit comments on the above-referenced map amendment application by Thomas Reed. The application seeks to amend Adirondack Park Land Use and Development Plan Map to reclassify two parcels of privately owned land in the Town of Lake Luzerne, Warren County. Specifically, the applicant requests that the Adirondack Park Agency (APA) reclassify approximately 11.8 acres of land classified Rural Use to Moderate Intensity Use (Area 1) and to approximately 56.5 acres of Rural Use land to Low Intensity Use (Area 2).

PROTECT urges APA to deny the requested map amendment requests for Areas 1 and 2 for three principle reasons:

1. The requests fail to conform to the APA's regional boundary requirements, and the Agency lacks authority to unilaterally modify the applicant's proposal to correct this deficiency;
2. The requests are substantially similar to a prior map amendment previously denied by the APA, and no new or additional information has been presented to justify reconsideration; and
3. Approval of the current proposal before the Board would result in significant adverse environmental impacts inconsistent with the APA Act and the established criteria for map amendments.

Protect the Adirondacks

PO Box 48, North Creek, NY 12853 518.251.2700

www.protectadks.org info@protectadks.org

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The Proposed Map Amendment

As modified by APA staff, Area A of the revised map amendment proposal consists of all or portions of three commercial parcels, three residential parcels, two recreation and entertainment parcels, and five vacant parcels. Area B of the revised map amendment proposal includes all or portions of a commercial parcel, seven residential parcels, one recreation and entertainment parcel, and six vacant parcels.

Area A (73.9 acres) has approximately 1,300 feet of frontage along NYS Route 9N, which forms the southern boundary of both proposed amendment areas and is part of the officially designated Dude Ranch Trail Scenic Byway. There are no public sewer or water facilities serving either area. Although the Draft Environmental Impact Statement (DEIS) notes that a portion of soils may be suitable for on-site wastewater systems, as much as 25% of mapped units may not be adequate for such systems.

Topography across both areas consists primarily of gentle to moderate slopes (under 15% for 84% of Area A and 88% of Area B). Interpretation of aerial imagery identified three wetland areas totaling 13.1 acres; however, no field surveys or vernal pool assessments were conducted. Lands classified as Rural Use within 150 feet of a State highway right-of-way constitute Critical Environmental Areas (CEAs) under the APA Act, encompassing approximately 6.1 acres of Area A and 9.7 acres of Area B.

Approximately 85% of Area A and 93% of Area B remain undeveloped and forested. Both areas lie within an 11,800-acre regionally important forest block identified by the Wildlife Conservation Society as one of 115 such blocks in the Adirondack Park.

The Applicant's Facially Deficient Request Must Be Denied

Section 805(2)(c)(5) of the APA Act and the APA's Final Generic Environmental Impact Statement for the Process of Amending the Adirondack Park Private Land Use and Development Plan Map (FGEIS) require that a map amendment be regional in scale and follow "regional boundaries" such as roads, streams, municipal boundaries, Great Lot boundaries or standard setbacks. FGEIS at 18. The applicant's proposed amendment areas are delineated by private parcel boundaries and soil mapping from a soil survey. *See* Draft Supplemental Environmental Impact Statement, Map Amendment 2025-01 (Reed) (DEIS) at 9, 35-36. The map amendment requests by the applicant do not meet the regional boundary criterion and must therefore be denied.

In an attempt to address this flaw, APA staff has unilaterally expanded both map amendment areas proposed by the applicant, enlarging Area A nearly fivefold (from 11.8 to 73.9 acres), and nearly doubling Area B (from 56.5 to 123 acres). However, APA lacks authority to unilaterally modify a private landowner's map amendment request without the owner's consent.

The APA Act allows amendments to be initiated by a landowner, a local legislative body, or on the Agency's own initiative. APA Act §§ 805(c)(1) and (2). It does not authorize unilateral modification of a landowner's request for an amendment. In fact, the applicant expressly objected to APA's modification of his map amendment requests (*see* email from Brent Reed to Matthew Kendall, Oct. 16, 2025).

Because APA's modifications were unauthorized, the only valid requests before the Agency are those originally submitted by the applicant—and those requests fail to conform to the regional boundary requirement and must therefore be denied.

No Grounds Exist for Reconsidering APA's Prior Denial

In 2019, the Town of Lake Luzerne submitted a similar map amendment request to reclassify approximately 104 acres from Rural Use to Moderate Intensity Use. The proposed map amendment area encompassed all of current Area A and much of Area B. *See* Final Supplemental Environmental Impact Statement, Map Amendment 2019-01 (Town of Lake Luzerne), Fig. 2 at 10.

APA denied that request by Order dated June 8, 2021, citing adverse environmental impacts, including harm to water resources, flora and fauna, loss of open space, and growth-inducing pressures. The denial was issued “without prejudice” to the filing of a new application if “additional or new information” became available.

The present application provides no such new or additional information. The applicant's reliance on *Hamlets 3: Planning for Smart Growth and Expansion of Hamlets in the Adirondack Park* is misplaced, as that study was published in 2010—well before the Town's 2019 request and the APA's 2021 decision. Accordingly, there is no factual or legal basis for the APA to reconsider its earlier denial.

The DEIS is Deficient

The DEIS fails to provide a reliable assessment of wetlands because it relies solely on aerial photo interpretation and lacks on-site verification by a qualified wetland biologist. DEIS at 24. In addition, no surveys were conducted to identify vernal pools, which provide critical habitat for amphibians. These are significant omissions that should be rectified before a final Environmental Impact Statement is prepared.

The DEIS Demonstrates that the Amendments Cannot be Approved

The APA Act creates a presumption that the land use classifications established by the Adirondack Park Land Use and Development Plan accurately reflect the resource limitations and open space and ecological characteristics of the subject lands. Thus, before approving a map amendment request, APA must find that the request:

[w]ould accurately reflect the legislative findings and purposes of [the APA Act] and would be consistent with the land use and development plan, including the character description and purposes, policies and objectives of the land use area to which reclassification is proposed, taking into account such existing natural resource, open space, public, economic and other land use factors and any comprehensive master plans adopted pursuant to the town or village law, as may reflect the relative development amenability and limitations of the land in question.

APA Act § 805(2)(c)(5).

The DEIS identifies numerous significant and unavoidable adverse impacts that preclude approval of the currently proposed map amendments pursuant to Section 805(2)(c)(5) of the APA Act. These include:

- Loss of open space and a potential net increase of 72 principal buildings (DEIS at 29);
- Adverse impacts to surface and groundwater resources, including Lake Vanare (DEIS at 30);
- Adverse effects on flora, fauna, and critical habitats adjacent to wetlands (DEIS at 30);
- Fragmentation of regionally important forest blocks (DEIS at 31);
- Increased demand on community services (DEIS at 31);
- Noise, odor, and lighting impacts to adjacent properties (DEIS at 33);
- Increased traffic and related environmental effects (DEIS at 31);
- Diminished scenic and aesthetic quality along NYS Route 9N and loss of designated CEAs (DEIS at 32);
- Degradation of ecosystem services such as stormwater retention, nutrient cycling, and wildlife habitat (DEIS at 33);
- Loss of forest resources and carbon sequestration potential (DEIS at 34);
- Diminishment of the public enjoyment and appreciation of the scenic and aesthetic resources (DEIS at 32);
- Loss or diminution of future recreational resources (DEIS at 33);
- Increased energy use (DEIS at 33); and
- Increased solid waste generation (DEIS at 34).

The DEIS concludes that these impacts are unavoidable, cannot be mitigated, and that no feasible alternatives exist. DEIS at 35-36. Thus, APA cannot make the statutory findings required for approval of the proposed map amendments. Accordingly, the proposed map amendments must be denied consistent with the prior denial in 2021.

Conclusion

For all of the reasons described above—the failure to meet statutory criteria, lack of new information, legal deficiencies in process, and the substantial adverse environmental impacts—the APA must deny the proposed map amendments.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Amato', with a stylized, flowing script.

Christopher Amato
Conservation Director and Counsel