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**Via Email: [RPcomments@apa.ny.gov](mailto:RPcomments@apa.ny.gov)**

January 7, 2026

Corrie Magee  
Adirondack Park Agency  
P.O. Box 99  
Ray Brook, NY 12977

**Re: APA Project 2025-0180; Philip and Kathleen Aylward  
NYS Route 73, Town of Keene, Essex County  
Tax Parcel 53.-1-3.111**

Dear Ms. Magee:

Protect the Adirondacks ("PROTECT") appreciates the opportunity to provide comments on the above-referenced project, which involves a proposed seven-lot subdivision of a vacant 168.47-acre parcel to create six lots between 1.96 and 3.98 acres in size and a seventh lot 149.77 acres in size. One single family dwelling, together with on-site wastewater treatment system, on-site water supply, driveway and garage is proposed for each of the seven lots, and a new 1,250-foot access road is proposed to be constructed from NYS Route 73 to serve the development.

The project site includes four separately identified wetland areas that occupy much of the project site, as well as a perennial stream in the southeastern portion of the site. The NYS Department of Environmental Conservation Environmental Resource Mapper indicates significant natural communities on the project site at the summit of Brown Mountain and on the northern border of the property. The project site is designated as Rural Use on the Adirondack Park Land Use and Development Plan Map.

As discussed below, PROTECT opposes the permitting of the proposed subdivision in its current form because (i) the Adirondack Park Agency ("APA") lacks sufficient baseline natural resource data to fully assess the project's environmental impacts; (ii) the proposed subdivision design fails to provide appropriate protections for protected wetlands on the project site; and (iii) the remote location of the proposed Lot 7 creates needless additional habitat fragmentation and road construction.

#### **Protect the Adirondacks**

PO Box 48, North Creek, NY 12853 518.251.2700

[www.protectadks.org](http://www.protectadks.org) [info@protectadks.org](mailto:info@protectadks.org)

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### **Lack of Vernal Pool Inventory**

Our review of the project file (obtained via a Freedom of Information Law request) reveals that the applicant made no effort to identify vernal pools on the project site as part of the wetland delineation. In addition, APA staff's wetland site inspection occurred on October 6, 2025—outside the appropriate seasonal window for identifying vernal pools. Vernal pools that serve as critical amphibian breeding habitat are now protected under amendments to the Freshwater Wetlands Act that took effect January 1, 2025. The omission of a vernal pool assessment renders the Agency's natural resource evaluation incomplete and noncompliant with its statutory obligations under the current law.

### **Inadequate Wetland Buffers**

All seven of the proposed subdivision lots are in close proximity to ecologically sensitive wetlands that are protected under New York State law. In addition, the proposed access road, located upgradient of the wetland areas, includes at least two sections that appear to lie within the 100-foot wetland buffer area and other road sections are directly adjacent to the buffer boundary. Further, the on-site wastewater treatment system for Lot 7 is located directly adjacent to the 100-foot buffer boundary.

The proposed siting of the access road, buildings and on-site sewage systems in such close proximity to wetlands is unnecessary. The proposed structures on the subdivision lots and the access road should be relocated at least 100 feet closer to the property boundary, and away from the wetlands area, to provide an adequate protective buffer for wetlands on the site. This is particularly warranted given that the enormous size of the proposed 6-bedroom homes and associated structures and appurtenances will increase the impervious surface area by approximately 1.7 acres. These project changes are necessary to ensure that wetlands on the site are adequately protected from potential stormwater pollution, including runoff containing pesticides, herbicides, fertilizers, and other nonpoint-source contaminants typically associated with residential use.

### **Lot 7 Should be Relocated as Requested by APA**

While Lots 1 through 6 are relatively small and close together, the proposed building envelope for Lot 7 is located far from the other 6 lots, thereby necessitating an unnecessarily extended access road and consequent additional habitat fragmentation. The building area for this lot should be relocated closer to the other lots as requested by APA staff in its October 10, 2025 Notice of Incomplete Application, and as contemplated by the APA Act. *See* Executive Law § 805(3)(f)(2) (specifying that in Rural Use areas “residential development and related development and uses should occur . . . in relatively small clusters.”).

### **Conclusion**

For the reasons outlined above, PROTECT urges 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 (ii) require a redesign of the subdivision to cluster the building envelope

on Lot 7 closer to the other six lots and to relocate all development an additional 100 feet away from wetland areas 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