

APA Regulatory Programs Comments

From: jeffhblack@gmail.com
Sent: Monday, September 03, 2018 11:47 AM
To: APA Regulatory Programs Comments
Cc: jeffhblack@gmail.com
Subject: APA Project P2018-0123 Public Comments

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Please copy "P2018-0123, jeffrey h black, jeffhblack@gmail.com" into your message for our reference.

Attn: Ariel Lynch
Comments from: jeffrey h black
Email from: jeffhblack@gmail.com
Address: 200 east end ave apt 16g NY 10128
Re: Agency Project P2018-0123, New York Land & Lakes Development LLC

My Comments:

I own three parcels of land-tax map numbers 31.4-1-2, 31.-1-3 and 31.2-1-23-that comprise 175 acres on the SE border of this proposed project site. This was purchased as a hunting property from a previous hunter. The deer, bear and occasional moose (one was seen on 9/2/18) travel from the NW wilderness, across the project site property onto mine and also yard up in large numbers in the area during the winter. If this project proceeds, my property will essentially be encircled by homes from this development and on High Rock Rd, Gifford Valley Rd, Rte 30 and Rte 123. In addition to disrupting the flow of wildlife and the risk of creating nuisance bears, I believe it would destroy the value and utility of my property. Regards, Jeff Black.

APA Regulatory Programs Comments

From: jbpotter@gmail.com
Sent: Thursday, September 06, 2018 8:10 AM
To: APA Regulatory Programs Comments
Cc: jbpotter@gmail.com
Subject: APA Project P2018-0123 Public Comments

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Please copy "P2018-0123, Justin Potter, jbpotter@gmail.com" into your message for our reference.

Attn: Ariel Lynch
Comments from: Justin Potter
Email from: jbpotter@gmail.com
Address: 27-28 Thomson Ave, Unit 120 Long Island City New York 11101
Re: Agency Project P2018-0123, New York Land & Lakes Development LLC

My Comments:

Thank you for the opportunity to comment.

It would be tremendously helpful if contiguous open space were delineated from the development area (which would include the structures, clearing limits, and some buffer) and quantified. A major concern with large-scale subdivisions is the amount of contiguous open space in a project. This project clearly does a fair job of clustering development, and leaves a lot of contiguous open space, but how much?

If contiguous open space and development areas are delineated it would make sense for them to be emphasized on the maps, over the lot lines. Lot lines are important, but much less so than what's actually proposed to be developed, and what is not going to be developed. To the casual observer looking at the maps presented, it appears that the landscape will be fractured, but of course the only place that will be apparent will be on the tax maps. The flora and fauna of the area will not notice.

Landscape context is also important, but that is not shown on the maps. Is this development in the middle of nowhere, or adjacent to a heavily developed area? It is apparent that the latter is the case, and is an important detail that is omitted from the maps.

It has been suggested that contiguous open space be put into some separate ownership entity to allow coherent management. While this clearly could have some theoretical advantages, the ease and simplicity of allowing multiple individuals to separately manage and bear the carrying costs of the open space has advantages too. Furthermore, a forester I have discussed the issue with felt that some parcelization had upsides for the forest products industry because

different owners would have different motivations and timelines for harvests. Rather than having the forest in one ownership basket, it would be in multiple ownerships.

My main comment regarding substance rather than presentation is that any lots near the 50 acre threshold for 480A eligibility be carefully considered to ensure that they qualify for 480A once the development area is factored in.

Thanks again for the opportunity to comment.

Weber, Richard E (APA)

From: mllaquay2@aol.com
Sent: Friday, September 07, 2018 3:05 PM
To: APA Regulatory Programs Comments
Cc: mllaquay2@aol.com
Subject: APA Project P2018-0123 Public Comments

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Please copy "P2018-0123, Michelle Laquay, mllaquay2@aol.com" into your message for our reference.

Attn: Ariel Lynch
Comments from: Michelle Laquay
Email from: mllaquay2@aol.com
Address: 12155 Enos Rd Forestport NY 13338
Re: Agency Project P2018-0123, New York Land & Lakes Development LLC

My Comments:

The same type of subdivision is also taking place within the Adirondack Park in in the township of Remsen and Russia on Wheelertown Road. The property is on and around Maple Lake. The property was bought by Christmas Associates out of Oneida New York. They plan to subdivide this property into several smaller pieces. Because this land borders our property and because Maple Lake feeds the Muskrat Creek, which belongs to us we are concerned about the impact it will have on our property and the environment which has been kept wild and untouched for several hundred years.

Was a hearing held regarding this property? What can be done to protect the environment surrounding thus area? And, why are realtors, contractors, and such allowed to impose upon what should be protected land within and by the APA, just because they have the money to do so?

Michelle LaQuay

APA Regulatory Programs Comments

From: Jmaeu3@gmail.com
Sent: Wednesday, September 12, 2018 10:12 PM
To: APA Regulatory Programs Comments
Cc: Jmaeu3@gmail.com
Subject: APA Project P2018-0123 Public Comments

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Please copy "P2018-0123, Jessica Nichols , Jmaeu3@gmail.com " into your message for our reference.

Attn: Ariel Lynch
Comments from: Jessica Nichols
Email from: Jmaeu3@gmail.com
Address: 571 morse memorial highway Olmstedville NY 12857
Re: Agency Project P2018-0123, New York Land & Lakes Development LLC

My Comments:

Under no circumstances should lands in the adirondacks be sold off to the highest bidder for subdivision and development. The thought of this is appalling and a horrible violation of the protections and spirit of the adirondack preserve. PLEASE protect our home from these profiteers!



September 18, 2018

Ariel Lynch, Project Review Officer
NYS Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

Re. P2018-0123, Woodward Lake, Large-Scale Subdivision Application

Dear Ms. Lynch,

Adirondack Wild offers the following pre-application comments about this first subdivision to be reviewed under new APA standards and procedures for large scale subdivisions. We appreciate the new opportunity to comment about natural resource/site information and conceptual design early in the project review process before the application is deemed complete.

According to the new APA application, large scale subdivisions are to “encourage development of projects in compliance with the agency’s review criteria...**and in accordance with the objectives of conservation design**” (page 1).

A key objective of *Conservation Design* is “to shrink the ecological footprint of a proposed development through innovative planning and site design techniques. While the developed footprint and the ecological footprint are never equal, the goal of Conservation Design is to try to bring the ecological footprint into closer harmony with that of the developed footprint, while maintaining the development values of the parcel” (from *Pathways to a Connected Adirondack Park – Practical Steps to Better Land Use Decisions*, 2017 by Dr. Michael Klemens, Adirondack Wild’s Advisor in Landscape Conservation).

In furtherance of conservation design, APA’s Large-Scale Subdivision application states that **“the preferred project design should minimize creation of new areas of disturbance to the greatest extent practicable and should concentrate development to the greatest extent practicable”** (page 9).

We detail below why the applicant's preferred design (36 lots) and the alternatives (26 lots) contradict these APA objectives and fail to attain the most basic standards required of conservation subdivision design.

- The concept sketches appear to maximize, rather than minimize creation of new disturbance, fail to concentrate development and fail to minimize the ecological impact zones of the development footprint. The preferred design and the alternatives all ring the entire shoreline of 130-acre Woodward Lake with new shoreline and back-lot homes, driveways and accessory buildings;
- The designs appear to make no discernable effort to avoid impacts to the identified natural systems. They appear likely to disrupt and sever habitats of sensitive biota, such as amphibians breeding in vernal pools and then migrating to upland forest. Also, at least one-half the new home lots appear to have streams draining to the lake. None of the sketch maps establish buffer or protective zones around these streams, or create building envelopes which exclude these stream systems from development impacts;
- They appear to site one or several lots in the very headwaters of what the applicant describes as a "massive wetland" fringing the lake's southern shore, described by The Nature Conservancy as a wet meadow and shrub swamp. Development near the wetland would be the antithesis of "conservation design." All development here should be avoided;
- They site considerable residential development on the eastern shore of the lake where the applicant's data describes soils and substrate to be "somewhat poorly drained" or "very bouldery" or "very rocky." Limited development ought to be concentrated in the north and western part of the tract where soils are described as "loamy sand." The choice to concentrate development on shallow, poorly drained soils or bouldery substrates should be an obvious red flag. Here, along with the southern wetland and stream corridors, is precisely where development should not take place;
- They fragment a locally significant northern hardwood/hemlock matrix forest above the lake's eastern shoreline with new homes, new access roads and driveways;
- They fragment all of Resource Management (RM), more than 500 acres, into multiple ownerships where haphazard or conflicting management can be expected over time instead of keeping these lands in one useful, contiguous open space lot available for forestry and open space recreation, as the APA Act intends. Conservation of RM in a contiguous tract is especially important because these lands border state-owned Shaker Mountain Wild Forest;
- They disrupt connectivity between the rugged RM portion of the project area and adjacent Forest Preserve west of the lake. The 500+ acres of RM border 4,000+ acres of Wild Forest which has Wilderness potential. While APA chose not to reclassify the Benson and Tomantown Wild Forest to Wilderness in 2016, APA did consider such a reclassification. In future, APA may reconsider and seek to reclassify this Forest Preserve to Wilderness. Dividing up the RM lands into multiple ownerships fragments a private-public forested landscape, with negative consequences for private forest management and future wilderness potential of adjacent public land.

Given the rich suite of sensitive natural resources which appear to be present on this ownership, we are forced to conclude that all of the designs perversely concentrate development on sensitive shoreline, fragment a matrix forest as well as Resource Management and maximize negative impacts to streams and wetlands. The applicant's preferred design and alternative concepts appear to badly undermine the objectives of the APA's Large-Scale subdivision application.

APA should expect the applicant to deliver a more innovative design that significantly shrinks the ecological footprint to bring it into greater harmony with the development footprint, clusters development on suitable sites, minimizes the fragmenting, negative impacts of roadway and driveway development on wildlife movement, keeps all of Resource Management in one common ownership, and leaves a significant portion of the shoreline of Woodward Lake undeveloped.

Thank you for considering our comments.

Sincerely,



Dan Plumley

David Gibson & Dan Plumley, staff with

Adirondack Wild: Friends of the Forest Preserve

dgibson@adirondackwild.org/dplumley@adirondackwild.org

P.O. Box 9247

Niskayuna, NY 12309

Cc: Rick Weber, Regulatory Programs, APA

Terry Martino, Executive Director

Sarah Reynolds, Legal

Karen Feldman, Acting Chair

APA Members

Weber, Richard E (APA)

From: lpittis@bellatlantic.net
Sent: Wednesday, September 19, 2018 10:43 PM
To: APA Regulatory Programs Comments
Cc: lpittis@bellatlantic.net
Subject: APA Project P2018-0123 Public Comments

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Please copy "P2018-0123, LAURENCE PITTIS, lpittis@bellatlantic.net" into your message for our reference.

Attn: Ariel Lynch
Comments from: LAURENCE PITTIS
Email from: lpittis@bellatlantic.net
Address: 282 west 113 street #5b NYC NY 10026
Re: Agency Project P2018-0123, New York Land & Lakes Development LLC

My Comments:

Hello, this subdivision fragments the land. None of the alternatives has no suitability to the open space and eco systems of this large property. The plan is too large and needs to be re-designed. Larry



The mission of the ADIRONDACK COUNCIL is to ensure the ecological integrity and wild character of the ADIRONDACK PARK for current and future generations.

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September 21, 2018

Ariel Lynch
Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977
(Via Electronic Submission)

RE: New York Land & Lakes Development LLC, Project # 2018-0123

Dear Ms. Lynch,

On behalf of the Adirondack Council, I would like to thank you for the opportunity to offer the following comments on the subdivision project proposal for the New York Land & Lakes Development LLC, Project # 2018-0123. The Adirondack Council believes that improvements to the Adirondack Park Agency's (APA) Large-scale Subdivision Application are a positive step forward in protecting open space and natural resources while incorporating public input earlier in the design process. It is our hope that the new application process will result in a more transparent process, garner meaningful public input, and encourage subdivisions that reflect the core conservation design elements necessary to protect the environment while being fair for the applicant. The Woodward Lake project is a test case for how well this new application process will function in creating developments that are light on the land, appropriate to the surrounding community, and economically sustainable.

In reviewing the 37 subdivisions outlined in the proposed conceptual design, the Council believes that significant changes should be made to the design, and we would not support this project as proposed. Additional information is needed to meet the new process's review criteria of "protection of open space, wildlife, and habitat resources, and in accordance with the objectives of conservation design" (page 1). As the first project to go through the APA's revised review process, it is important for the Agency to ensure that the short and long-term effects of potential subdivisions such as Woodward Lake conform to the greatest extent possible with sound conservation design principles. We believe that there are substantial improvements that can be made to better protect Woodward Lake from being completely fragmented with new residential structures.

Allowing this project to move forward as currently conceptualized would subject the shoreline and surrounding landscape to significant habitat fragmentation, resource disturbance, susceptibility to invasive species, and more. Failure to modify the current proposal to better incorporate modern conservation design criteria (as noted below) in any future revisions of the application will only continue a negative trend for future large-scale subdivisions within the Adirondack Park and undermine the Agency's recent updates to the subdivision application.

DEFENDING THE EAST'S GREATEST WILDERNESS

In need of stronger open space protections and clustering:

The Council recognizes efforts made by the applicant to minimize the project's overall footprint by concentrating development in the Rural Use area and by clustering lots near the proposed 3000' road. However, the scale and design of the development is still not consistent with classification priorities. A Rural Use area, pursuant to § 805(3)(f)(1) of the Adirondack Park Agency Act, "are those areas where natural resource limitations and public considerations necessitate fairly stringent development constraints." It also outlines that these areas are generally compatible with "the protection of open space."

In addition, the Town of Northampton's Zoning and Subdivision Law recognizes that the purpose of a Resource Conservation District (RCD) "is to protect and conserve lands that contain sensitive natural resources, critical environmental areas or open space..." Based on the guiding regulations of the APA and the Town, it is clear that natural resource and open space protections are a priority for this parcel. Though the Town granted a variance to New York Land & Lakes LLC to subdivide at a higher density than is allowed in an RCD, the applicant is not and should not be exempt from incorporating conservation design principles.

Portions of the Woodward Lake parcel have long been recommended for acquisition:

In 1990, the Adirondack Council released 2020 Vision Volume 3, "Fulfilling the Promise of the Adirondack Park." This volume made recommendations for realizing the recreational potential of Adirondack Wild Forest. With regard to the Shaker Mountain Wild Forest adjacent to the Woodward Lake property, it was recommended that the State acquire or protect 7,100 acres in 16 different parcels. The Council's proposal included the recommendation to "provide access to a lovely cliff top in the Mayfield Hills, overlooking much of the Sacandaga Reservoir" (page 27, Vol. 3).

The Adirondack Council continues to support protection of the property as previously recommended and believes that possible scenarios to protect the property under a conservation easement or through acquisition still exist. Utilizing a conservation easement on the western portion of this property could help foster conservation design, expand resource protection, and provide mutual benefits for the local municipalities, the developer, and the general public.

We would also like to re-iterate our comments made in our December 4, 2014 letter regarding the Woodworth Lake Development: "If an easement or acquisition isn't possible, the Adirondack Council encourages analysis of how a modified, smaller and more effectively clustered plan would produce a development alternative that can avoid negative impacts" to natural resources.

Need stronger incorporation of Conservation Design standards, as outlined in A5451:

As stated in the NYS Assembly Bill 5451 known as the Conservation Design bill, "It is now recognized that the spatial pattern of development is fully, if not more ecologically important as its overall density." The bill also acknowledges that rural sprawl, "impairs ecosystem function, decreases biotic integrity, alters species behavior and composition, increases human-wildlife conflicts, fragments ownership, impairs cohesive land management, undermines the open space character of the park, and threatens its healthy timber industry." With this in mind, the Council recommends the following actions be incorporated into the conceptual design in order to meet modern conservation design principles:

1. Retain 75 percent contiguous and intact open space in the parcel to prevent sprawl. The current design's attempt to protect open space is insufficient overall. While we acknowledge that the applicant does not maximize the number of building lots allowed under the granted variance, the Adirondack Park Agency should direct NY Land & Lakes LLC to prepare a preferred alternative that would do more to protect open space via design characteristics, including the following:
 - a. The size of the larger lots (100+ acres) should be reduced. For example, the lots west of the Collins Gifford Valley Road should, at a minimum, be reduced by having their most westward boundaries end where Rural Use meets Resource Management.
 - b. The overall number of lots of should be reduced. We recommend that the number of lots on the eastern side of the lake be reduced to six, as seen in Alternative Map B, but still allow for the construction of a shared access road for these lots. Given that the lots will not be developed until buyers can be found, this would seem appropriate to ensure that lots would in fact be needed for sale.
 - c. Calculated open space should be outside of the development envelopes for each subdivision, and should take the shape of a large forest block that keeps the edge-to-area ratio to a minimum.
2. Cluster building lots and envelopes to achieve modern conservation design principles. Clustering decreases the footprint of a development while also promoting aesthetic values, habitat connectivity and open space. As is, the design would encapsulate Woodward Lake in buildings which directly contrasts with the open space protections outlined in the APA Act, the Town's zoning and subdivision laws, and the APA's large-scale subdivision application. Therefore, the applicant should propose an alternative design plan that limits shoreline development by clustering lots and structures on either side of the lake.
3. Develop an ecological preservation and forest stewardship plan. This plan should incorporate scientific assessments prepared by qualified aquatic and terrestrial ecology experts to protect the ecological integrity and longevity of the landscape. In addition, given that the draft Protective Covenants notes that the homeowners' association could allow for forestry within the parcel, we ask that the ecological preservation and forest stewardship plan address any forestry operations or timber harvesting that may occur, and predictable impacts to the area, including the adjoining Shaker Mountain Wild Forest unit. The purpose of an ecological preservation and forest stewardship plan is to promote thoughtful and cohesive management of a contiguous block of land. A plan spread across multiple ownerships will undercut its core intent, further supporting the need to protect open space as a single parcel.

4. Acknowledge open space as a project priority. Currently, the proposed project does not robustly promote open space protection. To do so, the open space calculated outside of the development envelope should be managed as a separate and contiguous lot. In addition to the changes discussed above, the Protective Covenants should also expressly define open space protection as a priority for the property. Similar to the recommendation the Council made in our February 2, 2017 letter for the Barile Family LLC subdivision, we ask that the applicant consider utilizing a conservation easement to foster conservation design, expand resource protection, and provide mutual benefits for the local municipalities, the developer, and the general public. The Resource Management area would be an appropriate candidate for consideration and should be explored in a new alternative, as discussed below.

Additional information needed:

To encourage robust and relevant public comments on the design plan, the applicant should provide a comprehensive project description that acknowledges the following (even if briefly):

- a. Lot widths, structure setbacks and so on. Relying on the maps alone is difficult and tedious;
- b. Nighttime viewshed or Dark Skies analysis given the substantial development that is proposed;
- c. Prevention of the spread of aquatic invasive species via aquatic recreation;
- d. Prevention of terrestrial invasive species spread via construction activities;
- e. Development of stormwater management plans; and,
- f. Exploration of burying power lines.

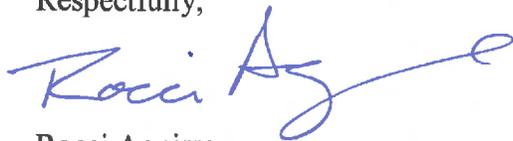
Rejection of Alternatives – New Alternative Needed:

The alternatives provided within the application are inadequate. Alternative Plan B is the most agreeable as it reduces the number of building lots, however, changes to the design would be needed in order to meet the modern conservation design principles discussed above, such as building an access road rather than multiple driveways to minimize impacts to streams.

However, the Council recommends that another preferred alternative be developed to better explore and incorporate cluster design and the creation of a contiguous protected area devoid of human impacts and alterations, with a focus on the Resource Management area. Based on Map P of the application, there are swaths of locally important large forest blocks west of Woodward Lake, located in the Resource Management area, which make it ripe for this consideration.

In closing, the Adirondack Council values vibrant communities and we see additional housing opportunities in the Park as a valuable component to these communities. However, the land use and development decisions we make today will have lasting impacts on the landscape, ecology and people of the Park for years to come; we must make wise decisions now. The conceptual design of this subdivision is in need of significant changes, including preserving significant swaths of open space, protecting shoreline habitat and better incorporating clustering into the design plan. Let this be the inaugural step under the new application process that promotes appropriate conservation subdivision developments within the Park, not harmful and inappropriate ones. Thank you for taking the time to review our comments.

Respectfully,

A handwritten signature in blue ink that reads "Rocci Aguirre". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rocci Aguirre
Conservation Director

APA Regulatory Programs Comments

From: dgibson@adirondackwild.org
Sent: Friday, September 28, 2018 1:02 PM
To: APA Regulatory Programs Comments
Cc: dgibson@adirondackwild.org
Subject: APA Project P2018-0123 Public Comments

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Please copy "P2018-0123, David Gibson, dgibson@adirondackwild.org" into your message for our reference.

Attn: Ariel Lynch
Comments from: David Gibson
Email from: dgibson@adirondackwild.org
Address: Adirondack Wild, P.O. Box 9247 Niskayuna New York 12309
Re: Agency Project P2018-0123, New York Land & Lakes Development LLC

My Comments:

Second comment to add to our existing letter: In brief observations from the Collins Gifford Valley Road, I noticed considerable room on what appeared to be former agricultural soils (noted the stone walls) to cluster well-designed residential development with overlapping ecological footprints on the western shoreline between the road and the lake, leaving the lakeshore itself (there appears to be wetland emergent vegetation there) undeveloped. The public can only guess on conditions on the eastern side of the lake where no roads now exist, but based on the desktop information provided this side contains the most sensitive soils and bouldery substrates which may have the least capacity to withstand residential development and where development should be avoided. Again, the applicant must deliver a real conservation subdivision design alternative to meet the stated goals of the application. Our previous comment letter follows. Thank you.

September 18, 2018

Ariel Lynch, Project Review Officer
NYS Adirondack Park Agency
P.O. Box 99
Ray Brook, NY 12977

Re. P2018-0123, Woodward Lake, Large-Scale Subdivision Application

Dear Ms. Lynch,

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- The designs appear to make no discernable effort to avoid impacts to the identified natural systems. They appear likely to disrupt and sever habitats of sensitive biota, such as amphibians breeding in vernal pools and then migrating to upland forest. Also, at least one- half the new home lots appear to have streams draining to the lake. None of the sketch maps establish buffer or protective zones around these streams, or create building envelopes which exclude these stream systems from development impacts;
- They appear to site one or several lots in the very headwaters of what the applicant describes as a “massive wetland” fringing the lake’s southern shore, described by The Nature Conservancy as a wet meadow and shrub swamp. Development near the wetland would be the antithesis of “conservation design.” All development here should be avoided;
- They site considerable residential development on the eastern shore of the lake where the applicant’s data describes soils and substrate to be “somewhat poorly drained” or “very bouldery” or “very rocky.” Limited development ought to be concentrated in the north and western part of the tract where soils are described as “loamy sand.” The choice to concentrate development on shallow, poorly drained soils or bouldery substrates should be an obvious red flag. Here, along with the southern wetland and stream corridors, is precisely where development should not take place;
- They fragment a locally significant northern hardwood/hemlock matrix forest above the lake’s eastern shoreline with new homes, new access roads and driveways;
- They fragment all of Resource Management (RM), more than 500 acres, into multiple ownerships where haphazard or conflicting management can be expected over time instead of keeping these lands in one useful, contiguous open space lot available for forestry and open space recreation, as the APA Act intends. Conservation of RM in a contiguous tract is especially important because these lands border state-owned Shaker Mountain Wild Forest;
- They disrupt connectivity between the rugged RM portion of the project area and adjacent Forest Preserve west of the lake. The 500+ acres of RM border 4,000 + acres of Wild Forest which has Wilderness potential. While APA chose not to reclassify the Benson and Tomantown Wild Forest to Wilderness in 2016, APA did consider such a reclassification. In future, APA may reconsider and seek to reclassify this Forest Preserve to Wilderness. Dividing up the RM lands into

multiple ownerships fragments a private-public forested landscape, with negative consequences for private forest management and future wilderness potential of adjacent public land.

Given the rich suite of sensitive natural resources which appear to be present on this ownership, we are forced to conclude that all of the designs perversely concentrate development on sensitive shoreline, fragment a matrix forest as well as Resource Management and maximize negative impacts to streams and wetlands. The applicant's preferred design and alternative concepts appear to badly undermine the objectives of the APA's Large-Scale subdivision application.

APA should expect the applicant to deliver a more innovative design that significantly shrinks the ecological footprint to bring it into greater harmony with the development footprint, clusters development on suitable sites, minimizes the fragmenting, negative impacts of roadway and driveway development on wildlife movement, keeps all of Resource Management in one common ownership, and leaves a significant portion of the shoreline of Woodward Lake undeveloped.

Thank you for considering our comments.

Sincerely,

Dan Plumley
David Gibson & Dan Plumley, staff with
Adirondack Wild: Friends of the Forest Preserve dgibson@adirondackwild.org/dplumley@adirondackwild.org
P.O. Box 9247
Niskayuna, NY 12309

Cc: Rick Weber, Regulatory Programs, APA
Terry Martino, Executive Director
Sarah Reynolds, Legal
Karen Feldman, Acting Chair
APA Members



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Peter Bauer
Executive Director

Juliana Carattini
Director of Development

September 28, 2018

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



RE: New York Land and Lakes Development, LLC APA Project 2018-123

Dear Ariel Lynch,

Protect the Adirondacks has a number of concerns about the proposed Adirondack Park Agency (APA) project 2018-123 by New York Land and Lakes Development project on Woodward Lake in the southern Adirondacks in the towns of Northampton and Mayfield. This project is undergoing its first public hearing under the APA's new Large-scale Subdivision Application. The project seeks between 26 and 34 building lots as well as a new road and a common lakeshore lot. The project seeks upwards of 19 lakeshore lots. Building lots range from 5 acres to 200 acres. In general, the applicant has sought to utilize conventional subdivision practices that create piano-key style, shoulder-to-shoulder lots that ring Woodward Lake and to place lots on roadsides. The applicant has failed to undertake any form of conservation subdivision design.

Alternative Designs: The APA Large-scale Subdivision application states on page 1:

The application process is intended to encourage the development of projects in compliance with the Agency's review criteria, including protection of open space, wildlife, and habitat resources, and in accordance with the objectives of conservation design.

The applicant has submitted three alternatives and one preferred option. None are conservation subdivisions. Conservation subdivision design is based on advancements in science and land use planning

Protect the Adirondacks

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techniques that recognize that the spatial pattern of development is fully as, if not more, ecologically important as its density. Widely scattered development, or “rural sprawl,” impairs ecosystem function, decreases biotic integrity, alters species behavior and composition, increases human-wildlife conflicts, fragments ownership, impairs cohesive land management, undermines the open space character of the Adirondack Park, and threatens its healthy timber industry. Conservation design yields more than ecological benefits. The development of just a portion of a tract requires less infrastructure to be provided by a developer and to be maintained by the local jurisdiction.

Protect the Adirondacks recommends that this project be redesigned to comply with the best practices of conservation subdivision design. If the applicant refuses to redesign the project as a conservation subdivision, then there should be an opportunity to do this through a formal adjudicatory public hearing by utilizing the best scientific research and data available.

Ecological Impact Zone Analysis: Each dwelling in a forested area has an ecological effect zone “extending far beyond the immediate disturbed area of the site.” For birds, one study concluded it is 200 meters or 12.6 ha (31 acres) (Glennon, M.J. and Kretser, H.E., Size of the ecological effect zone associated with exurban development in the Adirondack Park, NY, Landscape and Urban Planning 112 [2013] 10-17). For small mammals such as marten, fisher, fox and coyote, it is between 200 and 250 m (Danks, E.F., Assessment of the impact of residential development on mammal communities in the Adirondacks, New York, M.S. Thesis, SUNY College of Environmental Science and Forestry, Syracuse [2008]). Siting residential development so that ecological effect zones overlap results in a substantially lower total disturbance and concomitant benefits to the conservation of biodiversity. None of the proposed alternatives for the Woodward Lake subdivision include ecological impact zone analysis. This should be a requirement.

Natural Resource Considerations: The applicant appears to seek approval to develop a large wetland at the south end of the lake. The initial application materials do not provide information about wildlife habitat, corridors, or vernal pools. The applicant seeks to ring the lake with development irrespective of soils. The subdivision of a 1,200-acre tract into 24-36 residential lots undermines effective forest management. As currently designed, this project will fragment a large intact forest that has been managed as one large forest system.

Development in Resource Management Areas: In the APA Act lands classified as Resource Management are “essential and basic to the unique character of the park.” The full description is here:

The basic purposes and objectives of resource management areas are to protect the delicate physical and biological resources, encourage proper and economic management of forest, agricultural and recreational resources and preserve the open spaces that are essential and basic to the unique character of the park. Another objective of these areas is to prevent strip development along major travel corridors in order to enhance the aesthetic and economic benefits derived

from a park atmosphere along these corridors.

Finally, resource management areas will allow for residential development on substantial acreages or in small clusters on carefully selected and well-designed sites.

Resource Management lands are supposed to be the most highly regulated private lands in the Adirondack Park. This project undermines the basic purposes of Resource Management areas.

No Discernible Cluster: The Woodward Lake project does not meet either of the Resource Management criteria for development on substantial acreages or in small clusters. The project proposes 24 to 36 building sites that are arrayed all across the property and all around the lake.

Developer Used Same Approach to Adirondack Park Development as it Used for other New York State Subdivisions: New York Land & Lakes, the project sponsor, is a seasoned developer of large forested tracts of land in New York. In the Town of Tusten, Sullivan County, they subdivided 2,500 acres into 100 lots, ranging from 3 – 70 acres (an average of 25 acres). In the Town of Smithville, Chenango County, they subdivided 1,400 acres into 72 lots, ranging from 5 – 90 acres (an average of 19.44 acres). In the Town of Meredith, Delaware County, they subdivided 1,100 acres into 35 lots, ranging from 5 – 147 acres (an average of 31.4 acres). In the Towns of Highland, Herkimer, and Newport in Herkimer County, they subdivided 4,800 acres into 326 lots, ranging in size from 5 – 200 acres (an average of 14.7 acres).

The Woodward Lake project does not attempt a conservation subdivision, which is the clear preference of the APA Large-scale Subdivision application procedures. The APA Act is not being upheld. This application must be redesigned as a conservation subdivision.

On behalf of the Board of Directors of Protect the Adirondacks, please let me express our gratitude for the opportunity to provide our concerns on this important project.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Bauer". The signature is fluid and cursive, with a large initial "P" and "B".

Peter Bauer
Executive Director