Weber, Richard E (APA)

From: Kevin Franke <kfranke@thelagroup.com>
Sent: Monday, November 19, 2018 10:38 AM
To: Martino, Terry (APA); Weber, Richard E (APA)
Cc: councilman4@townofsaranac.com
Subject: Large Scale Subdivisions Overreach
Attachments: 20181115-ToApplicant-1.pdf

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Dear Terry and Rick, it has come to my attention that the Agency's recently-implemented large scale subdivision review process attempts to apply development standards that are not supported by Executive Law nor by the Agency's development considerations, including DAP.

I realized this when reviewing the Agency's November 15, 2018 letter to New York Land and Lakes regarding their Woodward Lake subdivision (2018-0123, copy attached), in particular, the first sentence in item 1.a on page 2 of said letter.

This sentence concludes with "….and in accordance with the objectives of conservation design".

I realize that the entire first sentence in item 1.a is taken directly from the new application form for large-scale subdivisions. I feel that this clause should be stricken from the application form as it is a subtle attempt at mandating standards that the Agency does not have the legal authority to mandate at this time.

The same subdivision application form goes on to reference and link to DAP. The term "conservation design" appears nowhere in linked DAP and certainly not in the Executive Law governing APA project review. While the protection of open space, wildlife and habitat resources are long-applied development considerations for Section 809 projects in the Park, taking the next step of then specifically adding on conservation design language gives the wrong directive to staff involved in project review.

Legislative efforts to require the Agency to promulgate rules and regulations to implement mandatory conservation subdivision criteria failed when A0541 never made it out of Committee in the last legislative session. Previous similar attempts in the 2015-2016 legislative session (A10669) were likewise unsuccessful.

As one of the consultant stakeholders in the discussions of the new large-scale review process spearheaded by Rick and then-Chairman Craig before its implementation, my fears of regulatory creep that I had at that time have come to fruition now that the first instance of the implementation of the new subdivision review process is occurring.

Until the time that consideration of the objectives of conservation design become law, it is premature for the Agency be taking their current approach to project review at this time.

Respectfully Submitted,

Kevin Franke
Senior Associate/Director of Environmental Services
The LA GROUP
Landscape Architecture
and Engineering, P.C.
People. Purpose. Place.
40 Long Alley
Saratoga Springs, NY
12866
P: 518/587-8100, x222
c: 518/527-6345
F: 518/587-0180
kfranke@thelagroup.com

Lynch, Ariel D (APA)

From: David H Gibson <dgibson@adirondackwild.org>
Sent: Thursday, January 03, 2019 11:21 AM
To: Martino, Terry (APA); Weber, Richard E (APA)
Cc: Lynch, Ariel D (APA); Feldman, Karen M (APA); 'Dan Plumley'
Subject: Large Scale Residential Subdivision link

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Terry, Rick,

Warm New Year's Greetings.

I write to you with respect to the latest comment received under New York Land and Lakes LLC, Town of Northampton, found at **the Large-Scale Residential Subdivisions under Review** link at the APA website.

Mr. Kevin Franke's November, 2018 comment that the APA's 2018 large-scale subdivision application and specifically the principles of conservation design exceed the agency's statutory mandate should not prominently stand out alone - as if his is the final word on the subject.

Mr. Franke's opinion fails to take into account the agency's legislative power to adopt new applications, the Act's language re. carefully designed sites for residential development (such as in Resource Management), and other references to good design steps in DAP and many other APA documents, including in numerous permit Findings of Fact and Conclusions of Law.

While the LA Group's Kevin Franke is certainly entitled to his opinion, his comment was submitted several months after the stated late September deadline and now occupies a prominent place on the agency's website link. His comment ought not to be given the additional visibility and weight by standing out, alone, from all other public comments that kept to the Sept. 28 2018 deadline. I request that his comment simply be added to the long list of other public comments.

Thank you for considering this.

Sincerely,
Dave Gibson

David Gibson
Managing Partner
Adirondack Wild: Friends of the Forest Preserve
dgibson@adirondackwild.org
518-469-4081 (work cell #)

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Martino, Terry (APA)

From: Rocci Aguirre <raguirre@adirondackcouncil.org>
Sent: Tuesday, January 15, 2019 11:47 AM
To: Martino, Terry (APA); Weber, Richard E (APA)
Subject: FW: Large Scale Residential Subdivision link

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Terry and Rick

Hello and happy New Year. I had hoped to raise the following issue with you at this month's meeting but decided to email due to the lag between now and the February meeting. The Council supports and agrees with the points Dave makes on the New York Land and Lakes project, particularly to public comment.

We are all very conscious of the value and importance of public comment and strive to make sure we follow the protocols given submission deadlines. Understand that there are times when public comment extends past the stated deadlines, particularly when it involves engaged parties, but Mr. Franke's comment should be noted as such within the official project record, rather than allowing it to stand alone in a prominent place on the website. As to Dave's point, this can give the impression that it carries more weight than those comments submitted during the official comment period.

Appreciate your considering our point of view.

All the best,
Rocci

Raul "Rocci" Aguirre
Director of Conservation

518.873.2240 ext. 104
518.429.9417 (m)
raguirre@adirondackcouncil.org | https://protect2.fireeye.com/url?k=7be0f273-27d85511-7be20b46-000babd9f75c-46502f44229e00e5&u=http://www.adirondackcouncil.org/
103 Hand Ave., #3 | PO Box D-2 | Elizabethtown, NY 12932

ADIRONDACK COUNCIL PRESERVING WATER AIR AND WETLANDS

From: David H Gibson [mailto:dgibson@adirondackwild.org]
Sent: Thursday, January 03, 2019 11:21 AM
To: 'Martino, Terry (APA)'; 'Richard E Weber'
Cc: ariel.lynch@apa.ny.gov; 'Feldman, Karen M (APA)'; 'Dan Plumley'
Subject: Large Scale Residential Subdivision link

Terry, Rick,

Warm New Year's Greetings.

I write to you with respect to the latest comment received under New York Land and Lakes LLC, Town of Northampton, found at **the Large-Scale Residential Subdivisions under Review** link at the APA website.

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Thank you for considering this.

Sincerely,
Dave Gibson

David Gibson
Managing Partner
Adirondack Wild: Friends of the Forest Preserve
dgibson@adirondackwild.org
518-469-4081 (work cell #)

ADIRONDACK COUNCIL PRESERVING WATER, AIR AND WILDLANDS

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★★★★ CHARITY NAVIGATOR Four Star Charity

February 28, 2020

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

RE: Input on Incomplete Application for New York Land & Lakes Development, LLC; P2018-0123

Dear Ms. Lynch,

On behalf of the Adirondack Council, I would like to thank you for accepting our input on the revised application materials submitted by New York Land & Lakes Development, LLC (applicant) and posted online for public review. The Council recognizes that there is currently no formal comment period for the project; however, we wanted to provide feedback on the plan as the Agency continues to work with the applicant. We urge you to consider this application incomplete.

As the first project to undergo the revised large-scale subdivision project review process, there is a great deal riding on the Woodward Lake development. It stands as a litmus test as to whether developers can and will work with the Adirondack Park Agency (APA) and use existing APA rules to achieve "conservation development." It's important to protect the Park's most remote and sensitive locations from environmentally impactful subdivisions.

In reviewing the applicant's revised materials, it appears the project design has not been sufficiently altered from its 2018 version to meet the intent of the large-scale subdivision application. Woodward Lake will still be encapsulated by piano key building lots around the lake with a second row of houses behind them and a 3,000-foot road.

Following public comments and input from the Agency, the applicant should have made substantial changes and supported a conservation design plan. Moving seven building lots away from the waterfront is laudable, but it certainly does not meet conservation design standards nor the Agency's stated intent to protect open space, wildlife, and habitat resources. This is not in accordance with the objectives of "conservation design" for large-scale subdivisions. Clustering building lots around the most sensitive natural resource on the property and calling it "Modified 'Conservation' Subdivision" is not conservation design.

The proposal as drafted will still fragment and impact rural open space:
In September 2018, the Council submitted formal comments on the conceptual plan for the Woodward Lake subdivision (attached). Many of our concerns echoed in that letter remain the same, including calling for a stronger demonstration of open space protection. The applicant proposes only 14% of the total property be protected as open space and those 170 acres will be protected only through a homeowners' association agreement, which lasts only as long as the association does.

In addition, NY Land & Lakes ruled out the use of a conservation easement to protect open space on the property, citing that it would take too long to obtain an easement and that smaller lot sizes would decrease the value of the lots. Neither of these hold muster for failing to protect open space, the forest matrix and wildlife corridors.

The revised plan may also impact and fragment wildlife corridors. According to Figure 3 of the *APA Qualitative Biological Survey*, the travel routes large mammals utilize on the property appear to overlap portions of the proposed subdivision on the southern and eastern sides of the lake.

Clustering:
A hallmark of conservation design is the clustering of building envelopes and structures to minimize the ecological footprint of development. The applicant's decision to concentrate development on shoreline wildlife habitat, some of the rarest and most sensitive on the parcel, is inappropriate clustering. Shoreline clear-cutting and development will destroy important wildlife habitat while exponentially adding to the potential for polluted runoff reaching the lake. Furthermore, the construction of a 3,000-foot road to access the lots on the east side of the lake will increase exposure to road salt and invasive species infestations. The applicant should propose an alternative plan that limits shoreline developments and utilizes existing building envelopes and disturbances.

Clustering is intended to minimize impacts to open space, wildlife and other natural resources by decreasing a development's ecological footprint. It is not, as the applicant indicates, only applicable to "urban and suburban areas as a way of reducing development costs and preserve open space." (Application, page 14)

Clear need for legislative intervention:
In its current form, the revised subdivision plan only reinforces the need for state legislation mandating clustering of homes away from sensitive landscape features such as water, wetlands and steep slopes while retaining large open spaces for wildlife. Conservation design legislation will ensure developers prudently adopt conservation-minded development plans, regardless of developers' financial vision for a property.

The Council appreciates the Agency's attempt to curtail harmful and impactful subdivision development in the Park by revising the large-scale subdivision application. However, without clear commitment by the Agency to adhere to conservation design standards, we will continue to see the likes of Adirondack Club & Resort and Woodworth Lake projects be approved to the detriment of the Adirondack landscape. And that is unacceptable.

Missing maps:
The *APA Qualitative Biological Survey* (QBA) fails to include the actual maps for the "Existing Ecological Communities Map" and "Wetland Delineation Map" for Appendix F and G. The maps should be included for Agency and public review.

In closing, the Adirondack Council encourages the Agency to judiciously work with the applicant to develop another revised plan in a manner that strongly incorporates clustering, protects water quality and critical wildlife habitat, and aligns with other conservation design principles. It appears that now more than ever conservation design legislation is needed to prevent irresponsible development in the Adirondack Park to protect open space, wildlands and wildlife.

Thank you for reviewing our input.

Sincerely,

Jackie Bowen
Conservation Associate

ADIRONDACK WILD
FRIENDS OF THE FOREST PRESERVE

March 3, 2020

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

Re. Project 2018-0123, Woodward Lake Subdivision Application

Dear Ms. Lynch,

Thank you for the opportunity to comment on the February 12, 2020 application. To date, APA has faithfully followed transparency and comment opportunity guidelines promised by its large-scale subdivision application process. We thank you and thank the agency for keeping to those very important 2018 commitments.

Before the APA makes an important and precedent-setting determination as to completeness, Adirondack Wild offers the following observations and comments about how the application responds or fails to respond to the APA's pre-application information requests of November 2018.

Inadequate alternative configurations: In November 2018, APA asked for "alternative configurations that leave more of the lakeshore undeveloped and/or better concentrate development." Instead, the application persists in developing the entire lakeshore, leaving just a 100-foot shoreline buffer. It also fails to minimize new areas of disturbance and fails to concentrate development to the maximum extent practicable as required by the agency's large-scale subdivision application.

In 11/18 APA advised "locating development to maximize overlap" of building areas, driveways and roadways. The applicant's map of 200 meters envelopes away from driveway and building footprints reveals 7 or 8 separate overlapping "clusters" on all sides of the lake, resulting in a spreading of ecological impacts across the entire project area, minimizing of footprint overlap on a full project scale and failure to concentrate development to minimize impacts. While discussing (and then rejecting) the elements of what could constitute a true conservation subdivision, the applicant fails to submit a sketch showing one - as requested by the APA 15 months earlier. That failure to even attempt to show what a conservation design could look like ought to be unacceptable and an important reason to declare this application incomplete.

Applicant rejects APA application goals: The applicant cites site constraints as an excuse for not submitting a conservation design. The fact that basic constraints (wetlands, streams, slopes, soils, bedrock, etc.) exist that pose difficulty in smartly designing 35 new homes, driveways and on-site septic to avoid or minimize impacts is not surprising anywhere in the Adirondacks. The applicant has chosen to

ring a lake with new development without public sewer or water amidst wetlands, streams, rocky soils and intact matrix forests. He has been provided with extensive APA guidance about how to go about it. A perceptive applicant would adjust downward the number of lots to fit within site constraints and to comply with APA guidance about design by concentrating home sites and the ecological impact zones around those footprints on better soils away from identified and mapped sensitive resources. That would be designing with nature and landscape in mind. That would be meeting APA's stated goals and directions for conservation design of large-scale subdivisions. Instead, the applicant rejects the APA's goals partially based upon site constraints, but substantially based upon their desired price points and their marketing and sales assumptions. A real estate sales and marketing basis for an outright rejection of the entire purpose of APA's 2018 application is another reason to declare the application incomplete.

Inadequate wildlife analysis: APA asked for explanations how the configurations incorporate and respond to wildlife and habitat data. It asked for specific sites valuable to amphibian breeding. It asked for habitat maps. Little of this is presented. The application submits reasonably robust lists of wildlife and vegetation found on site. Building envelopes do avoid streams and wetlands and provide minimal 50-foot buffers (100 feet from septic and shoreline), but that is basic, not the detail APA requested. The application provides only the roughest of sketches of possible large mammal movements. We could not find the requested winter tracking studies. We could not find actual amphibian breeding pools as requested by APA. We could not find actual migratory pathways of amphibians. Areas of significance for amphibians and for waterfowl are shown as simple overlaps with the wetland maps. As a result of this inadequate mapping and analysis of the inventories, the application fails to show how the development configuration avoids negative impacts to sensitive biological resources. For that very basic reason, also, the application should be deemed incomplete.

Regarding direct and direct impacts to wildlife, we note that the ecological impact zones of lots 1, 2, 5, 6, 7, and 9-14 appear to directly intersect with the most outstanding wetlands in the project area, including the southern wetland that the application touts as large, uninterrupted, unimpacted open space. The preferred configuration suggests that this large weetland and western wetland habitats might be very severely impacted. Some of the lot locations and driveways shown could, depending on data analysis, significantly interrupt, if not sever, migratory pathways between wetland breeding areas and upland year-round habitat. The APA does not know because the applicant has failed to provide site specific details about the migratory pathways.

Arbitrary response to APA's Open Space guidance: On 11/18 APA requested that the applicant consider maintaining the western Resource Management portion of the project area in single ownership and as a single forest and wildlife habitat management block. The applicant provides three reasons why they reject the idea of managing the 630 acres as one block and instead decide to manage the westernmost portions of lots 2, 3, 7, 8 and 11 as five separate ownerships. First and foremost, they claim that they can sell lots for more money if those lots do not border large commonly owned acreage. While this claim may appear true to the applicant's experience, this factor has nothing at all to do with practical and sustainable forest and open space management which are basic to the purposes, policies and objectives of Resource Management land in the Park. Secondly, the applicant claims without presenting any evidence that mismanagement of the 630 acres is more likely under unified management than it is under five separate ownerships all with different visions, goals and capacities for forest management. Foresters with whom we have met disagree with such a claim, arguing that management of a single contiguous block undivided by numerous ownerships, particularly a block of less than a thousand acres, is far more practical, more economical and more sustainable over time.

Finally, the applicant claims, without presenting any evidence, that there will be more biodiversity if five separate lots are managed differently from each other rather than as one contiguous block of 630 acres. This assertion very much depends on the scope and scale of management objectives. It leaves out the possibility that contiguous forest unfragmented into multiple lots could enhance ecological connectivity and resilience within the context of the larger landscape, which includes adjacent Shaker Mountain Wild Forest (Forest Preserve). The application ignores what the APA noticed in 11/18 that according to the North American Landscape Conservation Cooperative the block of forest west of Woodward Lake is mapped as a locally important large forest block because of its size and intact quality.

In all, the applicant has failed to substantively address the APA's request for analysis concerning open space management and that is yet one more reason why the application should be deemed incomplete.

Conclusion: While the applicant has obviously devoted a great deal of time, effort and expense on the application, we have identified at least four significant reasons – there are probably others to be cited - why this application should be considered incomplete. The applicant has taken 15 months to submit a lot configuration that appears to have changed little from 2018 concepts which were rejected by APA staff – except for creating buffers between development footprints and wetland and streams. By substituting real estate sales and marketing judgments for rigorous ecological site analysis the application persists in violating core principles of conservation subdivision design. It is time for the applicant and APA to have a meeting of the minds about a configuration that better aligns the development and ecological footprints given many resource constraints, sensitive biological resources, significant amount of Resource Management and locally important matrix forests.

Thank you, again, for the opportunity to comment at this stage in the process.

Sincerely,

David Gibson, Managing Partner

Adirondack Wild: Friends of the Forest Preserve
P.O. Box 9247, Niskayuna, New York 12309
www.adirondackwild.org
518-469-4081 (work cell)

Cc: Agency staff and members

03/02/2020

NYS Adirondack Park Agency
P. O. Box 99
1133 NYS Route 86
Ray Brook, NY 12977

RECEIVED
ADIRONDACK PARK AGENCY
MAR 04 2020

To Whom it may concern,

I am writing this letter as a concerned citizen of the Adirondack Park, regarding the Woodward Lake Parcel. It is my understanding that the developers are planning to put in 26 lots surrounding the lake, along with access roads to the properties.

Woodward Lake, (Winnie's Pond to the locals), is a balanced ecosystem that is used for recreation and wildlife habitat that is adjacent to state land and the Northville Lake Placid Trail. This area is also home to many migrating birds, loons and geese in particular. It is an area of wetlands providing habitat for painted turtles and freshwater mussels. Beavers, bobcats, and owls are also frequent inhabitants of this beautiful place along with all other native animals such as deer, fox and coyotes etc. This area should be considered as a forever wild preserve.

I feel that the construction and destruction of this area is not in the best interest of the park or the environment in and around the Great Sacandaga Lake. The spread of invasive species and other pollutants will ultimately ruin what is a mostly untouched natural habitat. Furthermore, it will also affect the ecosystem of the Great Sacandaga Lake as there is a natural runoff from Woodward Lake to the Great Sacandaga Lake.

Kindly consider this decision with the utmost concern for the environment you are charged to protect. What is done cannot be undone.

With kind regards,

Janine Kilpatrick

Lynch, Ariel D (APA)

From: rick hoffman <hoffpenk@gmail.com>
Sent: Thursday, March 05, 2020 1:22 PM
To: Lynch, Ariel D (APA)
Subject: Woodward Lake Subdivision, Town of Bleecker

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Dear Ms. Lynch,
I was the NYS Dept. of State Designee to the APA Board for ten years, and am a retired Land Use Planner and Attorney. The proposed subdivision encircles the tiny, and I suspect, fragile, Woodward Lake. The presence of numerous streams and wetlands suggests a sensitive lacustrine ecosystem. Subdivision design in this situation must be preceded by rigorous analysis and mapping of environmental resources, which forms the basis of lot layout and infrastructure design and location. The proposed subdivision, while avoiding the large important wetland (undevelopable in any event) appears to be designed to simply maximize the number of shoreline lots, rather than minimize adverse environmental impacts. While the shoreline restrictions of the APA Act appear to be satisfied, those requirements are in fact and law, only minimum requirements, and information is needed to determine whether additional measures are necessary to protect the obviously sensitive resources involved.

The APA should require a rigorous environmental resource assessment, and the development of an alternative cluster subdivision design which minimizes impacts to the wetlands and lacustrine ecosystem.

In the 1980's a similar subdivision design was proposed for Butler Lake, a small, fragile lake in the Town of Ohio. An alternative cluster design was not developed in the application process. After an adjudicatory hearing that focused on resource impacts to the lake and associated resources, the APA Board determined that the project would have an undue adverse impact upon Park resources and disapproved it.

I urge the APA to require a comprehensive inventory, mapping and analysis of the resources, and the development of a cluster subdivision design based upon avoiding impacts to those resources.

Respectfully Submitted,

Richard L. Hoffman
179 Louse Hill Road
Greenwich, NY 12834

Lynch, Ariel D (APA)

From: David H Gibson <dgibson@adirondackwild.org>
Sent: Friday, March 13, 2020 10:58 AM
To: McKeever, Keith P (APA); Martino, Terry (APA); Lynch, Ariel D (APA); Lore, Robert (APA)
Cc: 'Rocci Aguirre'; Executivedirector@protectadks.org; Cathy Pedler; tearofclouds@gmail.com; danplumley@totemgroup.us; wjaneway@adirondackcouncil.org
Subject: RE: News from Adirondack Wild - Private Adirondack Lake and Forest Proposed for Damaging Subdivision

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Terry, Ariel – we noticed in the March Regulatory High Profile report – and presumably you'll be updating the large-scale subdivision page - that APA issued on 3/5 a NIPA for Project 2018-0123, Woodward Lake.

We certainly appreciate and applaud that decision, and thank you for considering the points in our 3/3 letter.

Sincerely,
Dave Gibson
Adirondack Wild

David Gibson
Managing Partner
Adirondack Wild: Friends of the Forest Preserve
dgibson@adirondackwild.org
518-469-4081 (work cell #)

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