



December 26, 2017

Richard Weber, Director of Regulatory Affairs  
NYS Adirondack Park Agency  
P.O. 99  
Ray Brook, New York 12977

**RE: Comments on Draft Large-Scale Subdivision Application Revisions**

Dear Rick:

Adirondack Wild: Friends of the Forest Preserve appreciates the opportunity to have informally discussed revisions to the Adirondack Park Agency's ("APA") Large-Scale Subdivision Application. We have for many years urged APA to do what you are now proposing to do for large, potentially high impact subdivisions in Resource Management and Rural Use, including steps that encourage pre-application meetings with applicants, conceptual sketches, early identification of primary and secondary natural resources and aesthetic amenities, public comment at the sketch phase on the scope of potential environmental and other impacts as well as alternative plans that may have pose fewer or no impacts to natural resources and doing all of this long before any lot lines are drawn and before significant engineering expenses incurred.

These are all very logical and well-recognized steps in the process of conservation subdivision design, and therefore highly complementary to proposed legislation on this subject. In large measure, we applaud and support these APA efforts in general and specifically. APA's leadership in educating and guiding applicants is crucial to the integrity of the Park. Educating applicants and raising the regulatory bar will encourage development and accompanying subdivision plans that will cumulatively over time create a positive benefit for the Park's environment, economy and quality of life.

**Vital & Right Inclusion of Conservation Design**

In the revised draft shared with us on November 27, 2017, we recognize the importance of the revised statement contained within "Background Information" on page 1 (of 14) stating as follows: "The application process is intended to encourage the development of projects in compliance with the Agency's criteria, including protection of open space, wildlife, and habitat resources, and in accordance with the principles of conservation design."

We endorse the APA's highlighting of the "protection of open space, wildlife and habitat resources," as well as doing so "in accordance with the principles of conservation design."

Furthermore, we believe that establishing these principles in tandem with recognizing conservation design as the pathway to achieve these goals is critical. Espousing these values at the initiation of the site and subdivision application process, in pre-meetings and continuing through the staff and public review procedure is of paramount value and importance.

### **Define Conservation Design Clearly Early On**

Therefore, we recommend that the agency clearly and forthrightly define “conservation design” early in the application and within the “Conceptual Design Information” section, which headlines and begins on Page 6 of the application and runs to Page 9. While “conservation design” is fast-becoming the recognized best practices model for large-scale subdivision and site design in specially protected area settings nationally, if not internationally, it is far from common usage as terminology or usage and needs clear definition in the APA’s Large-scale Subdivision Application.

Conservation development, also known as conservation design, is defined as:

“A controlled-growth **land use** development that adopts the principle for allowing limited **sustainable development** while protecting the area’s natural environmental features in perpetuity, including preserving **open space** landscape and vista, protecting **farmland** or natural **habitats** for wildlife, and maintaining the character of rural communities.”

*(Arendt, Randall G. (1996). Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks. Washington: Island Press.)*

In *Pathways to a Connected Adirondack Park – Practical Steps to Better Land Use Decisions* (2017) Adirondack Wild further refines the concept of conservation design and provides practical steps to the integration of conservation design principles across the Adirondack Park land use decision spectrum. Rather than focus on a rigid formula to achieve the goals of conservation design, *Pathways* provides a template, informed by the site specific conditions, science, and ecological values, to create resilient development with the Park.

### **Pre-Application and Early Public Scoping Under SEQRA**

Largo subdivisions in the Park’s backcountry private lands classified as Low Intensity Use, Rural Use and Resource Management have been the most highly contested development applications over time, with many decisions resulting in controversy and legal challenge. These controversial outcomes can be minimized by rigorous application of the proposed new guidelines and by the complementary CSD legislation (Member of the Assembly Englebright) now under consideration.

Adirondack Wild highly values the potential for positive outcomes and minimizing the chances of significant conflict through pre-application meetings with applicants coupled with early public engagement within the scoping process. We recommend that the final revised Large-scale Subdivision application document itself – as well as the pre-application and early application process—become a vehicle to empower public understanding and engagement early in the process. This will greatly increase the chance of identifying critical resource values, and incorporating local knowledge prior to the investment of time and dollars by the applicant to produce detailed, engineered designs for subdivisions. APA can gain support for these procedures

and for the legislation by explaining how they avoid unnecessary costs and delays to applicants by first using relatively inexpensive sketch or concept plans to generate the larger conversation of how best to employ conservation design principles to development a particular parcel of land. Early public scoping is also a term of art and practice that can be defined in the application's "Conceptual Design Information" beginning on Page 6 for the benefit of the applicant's awareness and all future parties involved.

### **Conceptual Design Information Section**

As in conservation design, the application of science-based information and site data in ecological and natural features of the site or land tract in question is absolutely essential. Points 1 through 6 on Page 6 are *pro-forma* and understandable components of basic project information for any APA application involving most types of land development.

Point 7 pertaining to wetlands and wetland boundaries is a long-practiced skill set of the APA and its staff. However, we encourage the Agency to amend this point, or point 8, or point 9(d) under this section to include a definition of vernal pools, in particular, which should be a feature component to be identified and protected in Large-scale subdivisions. If vernal pools are not identified early on the application process, these critical resources and their ecologically-linked forested critical terrestrial habitats can fall prey to poor lot and roadway placements that impact their critical, ecological functions across the Adirondacks.

### **Limits of the Natural Heritage Program**

Under Critical Areas Map on Page 7, point F, "Natural Heritage Program Report" (NHPR), we advise APA that the NHPR documentation for tracts within the Adirondack Park *may* miss wildlife and terrestrial or aquatic wildlife, plant, birds and insect species occurring on site that could be rare or vulnerable to development impacts. The lack of listing for a species in the NHPR should not imply that such species or communities may or may not exist on the site. The NHPR is only the important first step that should be followed by a site-specific and comprehensive ecological assessment of a parcel. For example, if a site presents itself as potential habitat for critically, rare or endangered species – or even common species that provide important ecological value on and off site, additional field analysis will be able to greatly inform the conservation design for development.

### **Conceptual Design Plans**

Point 9 on Page 9 is absolutely critical in our view to the integrity of the entire Large-scale Subdivision application process and should directly and through the provision of additional resources, present and require conservation design alternatives and renderings. (See page 19 of *Pathways* that illustrates standard and conservation design alternatives)

Wherever possible, the Adirondack Park Agency should facilitate the education of applicants and encourage development of projects, "in accordance with the principles of conservation design" as already stipulated on Page 1 in the current draft revised application "Background Information" section.

Therefore, Part 9 on Page 9 should be amended to require - as a foundational tenet or principle for Large-scale Subdivisions in Resource Management, Rural Use and Low Intensity Use - that a detailed conservation design plan be produced for the tract in question. As a basic standard for best practices, conservation design would achieve the best and highest interpretation of existing APA land use law for these land use classifications while also empowering the applicant to gain the full suite of economic, environmental and quality of life values found in conservation design planning. Conservation design employed within the context of Large-scale subdivisions will maintain the natural resource integrity within the Adirondack Park that is of vital State, regional and community interest.

Thank you for this opportunity to comment on the revised Large-scale Subdivision application and procedures.

Sincerely,

*Daniel R. Plumley*

Dan Plumley, Partner

*David Gibson*

Dave Gibson, Managing Partner

CC:

S. Craig, Chair, APA

T. Martino, Executive Director, APA

J. Townsend, APA

S. Reynolds, APA

K. Regan, APA