



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 indirect 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 wetland and the 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](http://www.adirondackwild.org)  
518-469-4081 (work cell)

Cc: Agency staff and members

