



January 13, 2021

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

**RE: APA Project 2018-0123, Woodward Lake**

Dear Ms. Lynch:

Adirondack Wild strongly believes that this subdivision of 1,169 acres of land classified as Resource Management and Rural Use into 34 lots surrounding Woodward Lake, for the reasons set forth herein and in our previous comments should not be approved, and therefore should be subject to an adjudicatory hearing pursuant to Adirondack Park Agency Act, Sec. 809.

Our reasons why the application should be subject to an adjudicatory hearing are two-fold:

1. **Application Fails to Conform with APA's Large-Scale Subdivision Application:** The application for preferred alternative 6 substantively fails to conform with the required APA's Large-scale Subdivision Application approved by the agency in 2018. The applicant chose to apply under this application and is bound by its objectives.

One of those objectives (page 1 of the application) is to develop projects "in accordance with the principles of conservation design." The completed application violates these principles in substantive ways. First, it spreads development impacts rather than concentrates them. The ecological impact zones of the development clusters fail to overlap with each other, as we have described in our past letters. Second, rather than avoid vulnerable habitats and ecosystems, multiple residences and driveways fall within impact zones. Third, rather than conserve large blocks of forest unsubdivided for their utility as habitat, forest management or open space recreation, the Resource Management and Rural use forests, both deemed by the Nature Conservancy as important local matrix forests, are subdivided into many separate ownerships.

The application also fails to conform with the APA's Large-scale Subdivision Application's requirement (page 9) that "project design should minimize the creation of new areas of disturbance on the project site to the greatest extent practicable and should concentrate development to the greatest extent practicable." The completed, preferred application (alternative 6) does not minimize new areas of disturbance and does not concentrate development.

Alternative 2 is the only alternative presented that is roughly in accordance with the principles of conservation design and that can satisfy other legal requirements under the Act. It eliminates new road construction east of the lake, clusters home lots west of the lake on smaller, overlapping footprints, and maintains large blocks of unsubdivided forest in Resource Management and Rural

Use for wildlife movement, forestry, and open space recreation. Alternative 2 ought to be pursued to a completed application. Inexplicably, it is the far more damaging Alternative 6 that has been deemed complete by APA. To change this unfortunate fact at this late stage and to advance an alternative such as Alternative 2 that meets APA's application objectives can only be accomplished through adjudication.

2. **Application is Inconsistent with and Violates the APA Act:** The application, as submitted, is inconsistent with the "character description, purposes policies and objectives" of the Rural Use and Resource Management land use areas involved and would have an undue adverse impact upon the natural, wildlife and open space resources of the Adirondack Park, pursuant to Sec.809 (10) of the APA Act. These statutory failings are directly related to the fragmentation of this huge holding into 34 separate ownerships, instead of the clustered design required by the APA Act and by the Large-scale Subdivision Application.

The Adirondack Park Land Use and Development Plan set forth in Section 805 of the APA Act provides that the "purposes, policies and objectives" of Resource Management areas is to protect the "delicate physical and biological resources, encourage proper and economic management of forest... resources". The project would subdivide 600 acres of steep forested land into seven lots, rather than retain this most sensitive land use classification in a single ownership to ensure proper management. Fragmentation of 600 acres of forested Resource Management into seven separate lots is antithetical to the very purposes for which the Adirondack Park Land Use and Development Plan was created, as reflected in the statutory command to encourage proper management of these resources.

In Rural Use areas, where thirty new single-family dwellings will be built on separate lots, Section 805 of the APA Act specifies that residential uses "should occur on large lots or in relatively small clusters". Instead, lots, dwellings, accessory structures and wastewater treatment systems are jammed along the shoreline of tiny, 100-acre Woodward Lake, and a new 2,000-foot road is cut through a previously undeveloped forested area. The subdivision proposal is a completely conventional design that seeks to maximize the developer's goals rather than minimize environmental impacts. A well-designed, cluster subdivision as required by the APA Act could have eliminated the need for a new road, avoided crowding development on the shoreline, and resulted in efficient management of wastewater and stormwater systems.

Claims are often made, thanks to the density restrictions in the wild areas of the Park, that a large percentage of a given project is left undeveloped. Of course, if the open space character of the Park were always sufficiently protected by the overall intensity guidelines alone there would be no need for the Agency to conduct detailed analyses of impacts on Park resources.

Claims regarding the amount of undeveloped land in a project should be taken with a grain of salt. Density is only the starting point. Spatial design is the next step. Highly misleading are the applicant's claims to the APA that this project will result in only "28 acres of disturbance, or less than 3% of the entire property, leaving more than 97% or 1,142+ acres undisturbed." Thanks to groundbreaking research conducted in the Adirondack Park, we know that the ecological footprint of a dwelling in our forested landscape is far greater than its development footprint. Sworn testimony has been submitted to the APA during past adjudicatory hearings that an acre of developed land may have an ecological impact of up to seventeen acres surrounding the development footprint. Therefore, from a scientific standpoint it is absolutely not the case that 97% of this project site will be undisturbed. This is precisely why the APA Act commands that development in Rural Use and Resource Management areas be clustered.

Density restrictions are only one of the agency's tools. That together with ecological site analysis and spatial design must be used together to minimize resource impacts of large subdivisions. Unfortunately, in this case, a conventional subdivision has been proposed, designed not to minimize impacts but to maximize shoreline development and the developer's marketing objectives.

Except for small areas of the lake over two meters deep, the entirety of tiny, shallow, one-hundred-acre Woodward Lake is an aquatic bed wetland. This fragile area is laced with streams and wetlands and associated aquatic and terrestrial resources. Yet rather than require a unified plan for protecting these resources, over thirty individual lot owners will have the ability to make land use decisions and related actions that can impact these resources. Steep slopes drain to the lake, and a new roadway will add further contaminants not only through construction activities, but also through maintenance, road salting, and oil and gas. The simplest and yet most effective solution to avoid these impacts is to retain much of the nearly 1200 acres in a single management ownership and cluster residences on the most appropriate areas.

**Conclusion:** The APA has been presented with a 1,200-acre blank canvas on which to guide development at this location. During a public hearing there remains the potential to develop an imaginative use of land that would appeal to environmentally aware second-home owners and conform to the Act and to the Application. Thus far, the developer has chosen, and APA has deemed complete a disappointingly conventional subdivision application that will have undue adverse impacts upon the open space, wetland and aquatic resources the Adirondack Park was created to protect. This fact is all the more disappointing because this is the first application to be reviewed under a new, pre-application process which APA promised would steer large subdivisions in the direction of conservation design based upon solid ecological site analysis. This test case for the APA has, thus far, proven a failure in achieving APA's conservation design objectives, in minimizing early conceptual design, pre-application costs and in avoiding conflicts following a completed application. At this stage, these failures can be addressed and mitigated only through an adjudicatory public hearing.

Finally, this application abundantly meets the agency's Part 580 criteria for determining whether to conduct a public hearing, including:

- The size and complexity of the project and the uniqueness of the affected resources;
- The degree of public interest in the project, evidenced by dozens of public comments over a two-year period;
- The presence of significant issues relating to approval criteria;
- The possibility that the project can only be approved through major modifications;
- The possibility that information would come forward to assist the APA in its review.

Thank you for considering our comments and recommendation.

Sincerely,



David Gibson, Managing Partner, Adirondack Wild

Rick Hoffman, Member, Board of Directors, Adirondack Wild

Cc: Robert Lore, Regulatory Programs Director  
Terry Martino, Executive Director  
Agency Members and Designees  
Amanda Lefton, Executive Chamber  
Basil Seggos, DEC Commissioner

*Adirondack Wild: Friends of the Forest Preserve*  
*P.O. Box 9247*  
*Niskayuna, NY 12309*  
*[www. Adirondackwild.org](http://www.Adirondackwild.org)*  
*518.469.4081 (cell)*