

Saranac Lake Marina project back in court

By Gwendolyn Craig
Adirondack Explorer

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Saranac Lake Marina seeks to expand its boat capacity. Photo by Mike Lynch

Saranac Lake Marina's expansion project is temporarily on hold again, after an Essex County judge signed a restraining order on Jan. 6 preventing any work. The project could be on hold indefinitely, depending on the outcome of a new lawsuit.

After approximately seven years of working on applications and responding to other litigation, LS Marina received [final Adirondack Park Agency approvals from the board during a September meeting](#). The marina was moving ahead on its plans to increase boat storage capacity from 219 to

292 boats, add covered dock slips, provide additional rentals and tour opportunities and expand marina services.

Thomas Jorling, former commissioner of the state Department of Environmental Conservation, sued marina owners LS Marina, the Adirondack Park Agency and the DEC for “many legal errors” in the approval of the expansion. Barbara Rottier, former legal counsel for the APA, provided testimony in favor of Jorling’s suit.

The two former state officials argued that the APA failed to consider adverse impacts to the Adirondack Park; failed to consider required criteria for issuing a shoreline setback variance; failed to conduct a boat carrying capacity study of Lower Saranac Lake as required in a management plan; failed to consider wetlands impacts; and approved an illegal project on the state forest preserve. Jorling also owns property on Lower Saranac Lake. Matthew Norfolk, attorney for the marina owners, called the proceeding “frivolous” and “egregious.”

“I’m confident they’re going to stand up and defend DEC’s and APA’s determination,” Norfolk said about the attorney general’s office. “They spent a lot of resources reviewing this,” he added of APA and DEC.



Sunset on Lower Saranac Lake. Photo by Mike Lynch

Spokespeople for both state agencies said Thursday they do not comment on pending litigation.

"I was excited to find a way to bring a historic Saranac Lake landmark into the modern age creating a cleaner, greener and user-friendly access for the people to fully enjoy a beautiful chain of lakes," Mike Damp, principal of LS Marina, said in a news release. "It's sad that someone looking to improve commercial property or create a business in the Tri-Lakes area sees such opposition."

Judge Richard Meyer signed the temporary restraining order on Jan. 6, with a court date on the preliminary injunction slated for Feb. 10. Claudia Braymer, attorney for Jorling, said they hope the court will award a preliminary injunction. This would forbid the marina owners from any construction while the case moves forward.

"The expansion of the marina threatens the 'forever wild' protection given to Lower Saranac Lake, much of which is owned by the State and is part of the Forest Preserve, and the project should not have been approved by APA," Braymer said in an email.

Jorling's lawsuit reflects similar sentiments he made during a public comment process on the expansion project. While the majority of public comments made about the project were in its favor, environmental nonprofits and some retired state officials spoke against the approval process. Some called for a special hearing so remaining questions could be answered.

For example, Jorling's suit is also looking for the court to declare that the bed and waters of Lower Saranac Lake are classified as wild forest under the Adirondack Park State Land Master Plan. That could impact many development projects on water bodies in the Adirondacks.

Jorling and others, too, had said APA's approval of the [marina expansion would set a precedent](#) and "impact private shoreline property on waterways throughout the Adirondack Park."

The precedent concerns led APA counsel to conduct a presentation about how it did not have jurisdiction over marinas, though based on affidavits from Jorling and Rottier, they still don't agree.

Jorling submitted comments about the project to the APA, and provided them to the [Adirondack Almanack](#), a public forum owned by the *Adirondack Explorer* that publishes commentary. Jorling's comments, at times, referenced figures from outdated LS Marina application documents. LS Marina sued Jorling at the end of September for defamation, seeking no less than \$5 million in damages. Court records show the marina owners believed Jorling's comments misled the public and encouraged people to submit comments against the proposed expansion.

Jorling countersued in December, denying the charges and arguing the defamation suit was meant to harass and intimidate him. Norfolk declined to comment on that lawsuit.

Jorling isn't the only one LS Marina is suing for speaking out against the project. Records show LS Marina is suing William and Patricia Curran, Judith Landes, Frederick Roedel, Charles Wilson and Acme of Saranac. Those individuals were part of a separate lawsuit regarding who owned land at the bottom of the lake, and LS Marina is arguing that a settlement prevents them from commenting against the marina expansion.

Norfolk said the temporary restraining order Braymer and Jorling have secured does hurt his client and the project, but he's hopeful the court will rule in LS Marina's favor.

"If there is some sort of injunction, we are going to demand that Mr. Jorling issue a bond or an undertaking with the court so when we win this Article 78, the damages we sustain for this delay will be recovered," Norfolk said. "It's going to be substantial numbers."

Article 78 refers to a court proceeding where a state body or officer's decision is reviewed.

Jorling is optimistic, too. He hopes the court will "send the matter back to APA for more meaningful consideration of the project's impacts and how to minimize those impacts."

The lawsuit comes just weeks after APA Board member [Chad Dawson resigned](#) over what he viewed as the agency's lack of discussion over development projects and their long-term impacts on the environment.

Comments



1. Alan Latourelle says

January 8, 2021 at 5:14 pm

January 8, 2021

Response to Thomas Jorlings restraining order against The APA and LS Marina, LLC

Lower Saranac Lake encompasses 2285 acres with one marina and about 30 boathouses along the shoreline. It's neighbor Lake Placid encompasses 2173 acres with three marinas with over 150 boathouses and an estimated 300 boat docks/slips along its shoreline. We don't hear of any adverse environmental problems or impacts on Lake Placid. I think its safe to safe the impacts to Lower Saranac Lake will be minimal.

"The Adirondack Almanack has removed the commentary by Tom Jorling "Weighing in on Saranac Lake Marina plans" because it contained inaccuracies." – Adirondack Almanack

Mr. Jorling is now petitioning the court to stop the approved Saranac Lake Marina. I don't know Mr. Jorling only what I've read online about his work on environmental policy. I'm sure he's worked hard over the years to be blessed to own a beautiful summer home on Lower Saranac Lake. I'm sure he loves spending his time on the lake as we who keep our boats at the marina do.

My appeal to Mr. Jorling is to please consider what the consequences of your lawsuit and actions are on your summer neighbors, who also work hard so they to can have access to the lake for much needed rest, relaxation and recreational time. The hospital workers, utility workers, contractors, restaurant owners and staff, etc. that provide services to you and your family when your visiting the area.

These people care about the quality of the lake and the environmental impact they have on the lake. For the most part we go to one spot on the lake and spend the day there to relax and enjoy the beauty of the lake. We care about our lake!

For you to assume the Saranac Lake Marina project is going to degrade and impact the lake enough to warrant expensive lawsuits

and hope we go away is appalling. Especially since without us you wouldn't have services you enjoy when you visit the area.

I've been docking my boat at the marina, both in Ampersand bay and currently at the main marina in Crescent bay for over a decade. I have watched the transformation the new owners have made in cleaning up both sites. Their commitment to the environment and concern for the lake quality shows in this massive and costly undertaking. They completed the removal of the old wooden boat houses and foundations along the shoreline in preparation for new docks and slips.

Mr. Jorling's Lawsuit is frivolous, some excerpts are as follows:

"largest marina projects ever reviewed or approved by APA pursuant to the APA Act"

Fact: Saranac Lake Marina is an existing marina dating back to 1924.

"Project is proposed to be constructed on two sites"

Fact: The marina always had docks and boathouses at the two sites- nothing new here.

Main Marina "increase the number of boat slips/moorings there from 124 to 178."

Fact: Increase of 54 slips. Site had old wooden boathouses along shore since been removed.

Annex Site: Project would increase the number of boat slips/moorings there from 95 to 114.

Fact: Increase of 19 slips. Site had old wooden boathouses along shore since been removed.

"APA failed to consider whether the Project would have an undue adverse impact upon the resources of the Adirondack Park;"

The Adirondack Park encompasses 6 million acres of which 2.6 million acres is owned by The People of the State of New York. I highly doubt an additional 73 boat slips will adversely impact the resources of the Adirondack Park.

"Thus, the Project will greatly impact the use and enjoyment of Petitioner's property, such that he is entitled to maintain this combined proceeding and action."

I have to say that I don't believe adding 19 boat slips across from Mr. Jorlings property will adversely impact his enjoyment. And further more the marina was in existence when Mr. Jorling purchased his waterfront property. Furthermore, very few people that keep their boats at the main marina venture into Ampersand Bay where Mr. Jorling maintains a summer home. Apparently, he feels he should have exclusive use of the lake. Can anyone say "NIMBY", Shame on you Mr. Jorling this is an insult to the hard working people who currently or would like to rent a slip at the marina.

"APA cannot permit a project that allows private use or commercial use of the Forest Preserve;"

"Jorling and others, too, had said APA's approval of the marina expansion would set a precedent and "impact private shoreline property on waterways throughout the Adirondack Park." – Adirondack Explorer

Law States "All persons have a right to use the navigable waters of a state" Marinas are a means to provide access to said navigable waters.

So you want to take away our navigable rights because you own property on lake?

"APA's decision to issue the Order was arbitrary and capricious because it did not obtain the necessary information, and it has not undertaken the study regarding the carrying capacity of Lower Saranac Lake"

Once again 73 new boat slips on a 2285 acre lake isn't going to adversely impact the lake. Most likely the 73 slips that get rented are from people who trailer their boat to the state boat launch. I use the marina regularly and most of the boats remain in the slips.

"APA's decision to issue the Order was arbitrary and capricious because it failed to properly consider wetlands impacts of the Project"

"APA Staff believe that the proposal will reduce adverse impacts to the resources of the Park compared to the pre-existing conditions."

Reply



2. Patti says

January 10, 2021 at 7:36 am

This is a ridiculous attack on The Marina and the owner's ,s who have done everything asked of them legally and responsibly, We Hope that the public comes out in your support of you and for the community to be able to enjoy the Marina and all the beautiful renovations you want to complete,
It's just another attack on the people,