

After Big court wins, APA affirms controversial development rules

by [Brian Mann](#)

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*The Adirondack Park Agency commission. NCPR File photo: Brian Mann*

Jan 16, 2015 — New York's Adirondack Park Agency yesterday approved a new 1,100-acre subdivision in Fulton County, in the southern part of the Park. A former Boy Scout camp around Woodworth Lake will be redeveloped with 24 new home sites and an upgraded road and driveways.

This project has been controversial, in part, because it is seen as a test case for the APA's approach to timberland development following the Adirondack Club and Resort decision. Green groups said the Park Agency standards used for the Big Tupper review could eventually lead to the fragmentation of hundreds of thousands of acres of privately owned forests.

### **Why this one project is seen as a test case**

On one level, the Woodworth Lake subdivision is small. Twenty-four new home sites approved by the APA, in a six million acre park, is not a huge number.

The attention and controversy is because these 24 proposed homes would be built on a privately-owned piece of park land that is zoned for resource management. Green groups have always wanted home-building on that type of forest land to be highly restricted and clustered into small areas.



*APA commissioners tour the Big Tupper site prior to making their 2012 ACR decision. Photo: Brian Mann*

Environmentalists sued after the Adirondack Club and Resort permits in Tupper Lake were issued in 2012 using a non-clustered design. They argued proper rules and guidelines had not been followed. [The courts shot those arguments down](#), and yesterday, the Park Agency took a victory lap.

### **After big court wins, a confident APA**

"The courts have continued to recognize the thorough work that this Agency and its staff do in project review and state planning," said APA Executive Director Terry Martino. She referenced lawsuits that involved a mining project in the Jay Mountain Wilderness, new snowmobile management rules, and the ACR decision. All three of those cases were brought against the APA by green groups and the APA won every time. Martino pivoted to this new subdivision project near Woodworth Lake and drew a clear connection. "The extent of the staff work and the analysis that the court affirmed in the ACR will again be on display in the regulatory project that you have before you today," she said.

Later during the project presentation, APA attorney Sarah Reynolds drove home the point. She said APA staff use a wide range of measures when evaluating and shaping a project. She said it would be inappropriate to rely on any one of the specific benchmarks that environmentalists support — like clustering of homes. "Just as we couldn't look at any other individual topic, for example soils and slopes or existing development, and use just one of those as our guiding principle for how to do a subdivision, we also can't just use this one."

Environmentalists say clustered development should be the standard. This idea drives green groups crazy. They said new science developed in

recent years shows that new homes scattered over a forest area — even an area that has been logged or used seasonally as a Boy Scout Camp for example, causes many big changes to the ecology and the habitat.



*Dan Plumley, Adirondack Wild. Photo by Ken Rimany*

"They're trying to change the definition of fragmentation," said Dan Plumley with a group called Adirondack Wild. "They're going against national experts that identify projects like this as unequivocally fragmenting ecological habitat over time."

All five of the Park's biggest green groups opposed this new project for exactly this reason: they think it reflects a new standard for measuring backcountry development that will eventually fragment a lot of timber land that has been used for things like logging or hunting camps.

In a statement issued yesterday, the Adirondack Council's Willie Janeway acknowledged court decisions give the APA authority to shape permits in this fashion. He added however, "We are disappointed to see this permit as further proof of the need for science-based reforms at the APA."

### **APA says current review standards working**

Adirondack Park Agency staff have a different opinion. Green groups worry there is a new sort of Wild West attitude among state officials about developing resource development zoned lands. In a speech to APA commissioners yesterday, Director of Regulatory Programs, Rick Weber rejected that idea. "Agency staff does understand the role of resource management lands," he said, and acknowledged "the sensitivity of these lands and the importance of open space."

Weber said this project, built near two ponds in the south-central Adirondack

Park is actually a healthy example of what sustainable development can look like if properly designed. "As a result of the review, two [building] lots were eliminated and over three-quarters of the proposed lots underwent modifications." He pointed to the fact that APA rules could have allowed for more building lots on the parcel and said the development would include 100-foot buffers for shorelines and wetlands.

The Adirondack Park Local Government Review Board also praised the design of this project in a statement yesterday. They noted much of the 1,100 acre site would be left undeveloped and new construction limited to small building envelopes on the land.

### **Another residential development, an on-going debate**

The permit will be issued this week and this one project will go forward. So too will the debate over how this Park Agency regulates development on resources management lands. Green groups said they will keep pushing for changes and what they see as reform. The APA, however, sounds more and more confident that the current rules work just fine.