

Reason for the delays

By JESSICA COLLIER - Staff Writer (jcollier@adirondackdailyenterprise.com)
Adirondack Daily Enterprise

[Big Deal @ Big Tupper](#)

January 6, 2012

NCPR's Brian Mann just [beat me to a post](#) I've been formulating in my head for the last day or two.

With the Post-Star [editorializing](#) on the long, drawn-out process the ACR has gone through with the APA, Mann notes that there are several reasons for the process.

He's right when he notes that Preserve Associates were responsible for many of the delays.

The project was first introduced in 2004. After that, application materials were submitted, but the APA issued three notices of incomplete application. The Post-Star editorial board writes that the "Agency staff should not be allowed to endlessly extend reviews with requests for new and different information," but that's not entirely what happened. In many cases, as we heard a lot about in the hearing, staff requested information that was not answered at all, or only addressed in a non-direct way, so it was requested again.

That lasted through 2007, when the application was deemed complete and the APA board decided to send the project to hearing because commissioners felt they needed more information than was presented in the application materials. That process was moving along rather quickly when Preserve Associates requested to put it on hold to go into mediation. Then the group put mediation on hold to do sideline negotiating, which I think they called "caucusing." It wasn't until May 2009 that they ended the mediation.

Then Preserve Associates took another year to submit revised application materials. Those were submitted at the end of June 2010, and the hearing started back up with a second pre-hearing conference in October 2010. The hearing record was closed in October 2011, and then the APA board started their three-month review of the record.

The Post-Star editorial board recognized this and wrote "...nor should multiple delays by developers be tolerated." But why not? Isn't it the developers' plan that's being reviewed? If they want to, isn't it their

prerogative to take as long or as short of a time as they'd like with the process? There's only so much work staff can do with what they've got, so it's not like they're just going to keep working forever on the same thing, so it's not costing the public any more money, right? Brian makes a good point that Foxman has been clear about the fact that the delays have been useful, letting the project ride out the housing slump and hopefully catching it on the way back up.

So it gets a little frustrating when resort supporters in their anti-environmental rhetoric start talking up that eight years as if it's something that happened to Preserve Associates, that the developers are the victims of it. They thank Preserve Associates for persevering through the review process and criticize the environmental groups for delaying it.

"These developers have spent \$10 million so far, and they haven't had the decency of a rejection or an approval of a permit," Paul Maroun told his Franklin County colleagues in Malone Thursday. "No one would go eight years, invest \$10 million and still not have an answer."

As far as the \$10 million, that's a different blog post altogether.