

Fearing a slippery slope

Adirondack resort foes worry about a harmful precedent

By [Brian Nearing](#)
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Tupper Lake: To opponents of the [Adirondack Club and Resort](#), the project's potential economic benefits are trumped by environmental destruction that could be repeated elsewhere in the largest wilderness park in the lower 48 states, ultimately endangering what draws people there.

"This project was greased for approval by the executive staff," said [Bob Glennon](#), a lawyer with the Schenectady-based conservation group Protect the Adirondacks, which in March sued the [Adirondack Park Agency](#) over its approval of the project. The case is due back in state [Supreme Court](#) in Albany County in May.

An APA executive director from 1988 to 1995 who worked for six different agency chairmen, Glennon said the agency ignored its own rules to green-light the project and set a precedent for other developments to chop up vast expanses of forest.

Even the environmental group that broke ranks to support the resort, the influential [Adirondack Council](#), says the resort highlights gaps in the Adirondack Park Act that must be closed. Adopted in 1971, the law is used by the APA to control how three million acres of privately owned land can be used.

After drawing criticism from some environmental groups for supporting the resort, Adirondack Council Executive Director [Brian Houseal](#) is arguing that the agency had no legal choice other than to accept the project. His group does not support the lawsuit and believes the resort can be built as proposed.

Instead, Houseal is urging state lawmakers to put stronger teeth into critical concepts of the park law — like what constitutes "undue adverse impact" from a project. While the agency is legally bound to ensure that projects avoid such impacts, the law is silent on what the words actually mean.

He said the law should be changed to spell out how development can

be concentrated in lands classified by the APA as "resource management." This is the park's most common zone — composing about half of all private land, and is the zone where the Tupper resort would be built.

Resource management calls for protection of forests, but also allows for homes on lots that have to be at least 42.7 acres. Under that measure, the entire 6,200-acre resort site, if built on completely, could have contained about 145 homes — about a quarter of the nearly 700 homes that were approved.

The law also allows buildings to be "clustered" closer together, in exchange for other parts of a property being left undisturbed. The resort is leaving about 4,600 acres unbuilt.

Houseal said the law should be changed to specify limits for clustering, or address land that might be considered essentially unbuildable, due to wetlands or steepness.

One of the resort's most vocal critics, the environmental group Adirondack Wild, claims such conclusions are misplaced. Adirondack Wild partner [Dan Plumley](#) said the agency's willingness to ignore its own past precedents led to the Tupper approval, rather than any shortcoming in the law.

"We think that is it wrong and dangerous to argue that the APA did not have the authority to reject this project," said Plumley. "This decision was not from a lack of authority, it was a lack of will."

For example, he said, the agency approved a 2004 project on 348 acres in Horicon, Warren County, that allowed for eight building lots of four acres, with 280 acres kept for forestry and open space recreational use. Two years later, the agency approved 25 building lots along Woodhull Lake near Old Forge, but insisted that 1,060 of the 1,235 acres in the parcel be preserved. In 2009, the agency allowed building lots to occupy just 5 percent of a 442-acre project at Brandeth Lake.

Whether APA legal powers change depends on other voices in the park, and finally, on state lawmakers and Gov. [Andrew Cuomo](#), who last fall named new APA Chairwoman [Leilani Ulrich](#).

An influential local voice belongs to [Fred Monroe](#), head of the [Adirondack Park Agency Local Government Review Board](#), whose

group along with a variety of county and local officials pushed hard for the resort project.

He supports some of Houseal's less sweeping changes, such as combining state Environmental Conservation and Transportation districts within the Adirondack Park for more streamlined decisions. However, Monroe said a strict definition of undue environmental damage could stifle development. "What is undue? That can vary depending on what the standard is, and that is where we disagree with the Adirondack Council and Adirondack Wild."

Sen. [Betty Little](#), a Queensbury Republican, has long voiced concerns that agency rules inhibit development in the park. "Any changes to the agency act would need to be done with the advice and consent of the communities within the park," said Little. The essential legal concept of what constitutes undue impact could use clarity and "this could be debated and we could try to work together," she said.