

APA approves 1,300 acre subdivision near Hurricane Wilderness

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Keene, NY, Aug 17, 2012 — The Adirondack Park Agency approved a new 1,300 acre subdivision Thursday in an area that borders the Hurricane Mountain Wilderness. The proposed development could eventually mean construction of 27 new homes.

The APA approved the project despite the fact that developers didn't include a plan to protect views and open space on the parcel, which is considered some of the most iconic farmland in the Adirondacks.

But state officials did include a provision that will require more planning before most of the homes were built.

Six years ago, the owners of Highlands Farms, which sits between Keene and Upper Jay, proposed a big subdivision. That plan failed to win APA approval. The scaled back plan, approved Thursday, opens the way to construction of six new homes immediately, many of them near Styles Brook.

Mark Rooks, an analyst with the Park Agency, says the first half-dozen new homes will be built close enough together that impact on habitat and wildlife will be minimal: "Based on this ecological impact analysis, I'm finding that there is no decrease in habitat connectivity and there is minimal impact to wildlife habitat.

State officials praised that part of the development's design. But they also described months of negotiations with the property owners, where the APA asked repeatedly for development of a comprehensive open space plan that would shape development of the property over the long term.

Attorney Paul Van Cott says the property owners refused: "We felt that it was very important to have open space planning on

those lots. We went back and forth with the applicant several times, requesting that that analysis be done," Van Cott said.

"The applicant denied to do that."

Van Cott says part of the land bordering the Hurricane Mountain wilderness also includes wetland and steep slopes.

The owners of Highlands Farms declined to be interviewed Thursday, but in a letter sent to the APA in May, farm president Lynne Detmer expressed reluctance about entering into conservation easements or other open space planning arrangements.

According to the letter, the potential reductions in real estate value and property control "proved unacceptable."

So the APA approved this permit with one big caveat. In order to develop two of the largest parcels, totaling nearly 800 acres, the owners will have to come back for a second permit.

"We believe there are significant resources that need to be protected in that area," said APA spokesman Keith McKeever. "An open space plan that would do an in-depth analysis of those two parcels would have to be required in order for us to complete the project and bring it to the [APA] board for a determination."

That means construction of at least 21 of the new homes that could be built on the land would require more review by the APA. The project applicants say they don't plan to begin that kind of development any time soon.

That arrangement – and the scaled back scope of this project — drew praise from observers including environmentalist Lorraine Duvall, who owns property next to Highlands Farms. "I'm happy. I think they did a very good job on this," she said.

But environmental activist Dan Plumley with the group Adirondack Wild says new real estate development of this kind – located on land zoned for resource management and sitting next to a wilderness area – should have prompted a public hearing.

"The agency failed once again to be transparent and allow for a simple legislative public hearing," Plumley said, noting that the property contained "tremendous open space resources."

The APA's approach to this permit – requiring more open space planning in the future — also drew criticism from Fred Monroe with the Adirondack Park Local Government Review Board. That group generally advocates for development and property rights.

Monroe says the state shouldn't force property owners to have comprehensive plans for large parcels of land until specific home building projects are proposed. "Fee ownership involves a bundle of rights," Monroe argued. "One of those rights is to not have a plan until you propose to do something with it."

This permit comes as the APA is facing closer scrutiny for its regulation of real estate development on private land classified as resource management. That's the strictest land category in the Park.

Protect the Adirondacks and the Sierra Club are suing the Agency over issuance of permits for new homes located on resource management lands near Tupper Lake as part of the Adirondack Club and Resort project.