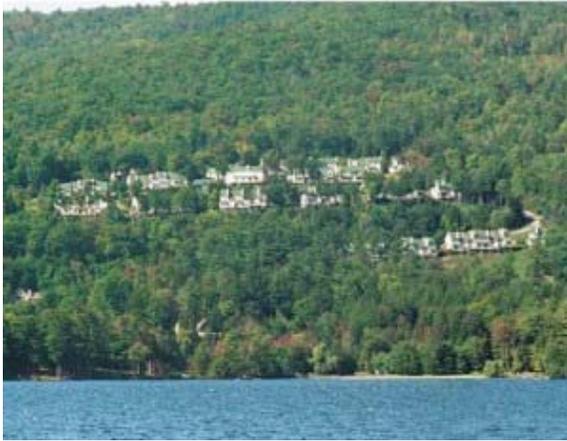


# Upland Development: Highlands At Risk

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October 24, 2012



*The Fund for Lake George says hillside development allows more runoff to reach the lake. (Courtesy Fund for Lake George)*

In a field bordered by forested hills and rocky ridges, Dan Plumley unfurled a zoning map of the Adirondack Park. The color-coded map was a reminder of how much private land lay before him, and how potentially fleeting the natural views from Marcy Field could be.

He pointed to a bald patch on Corliss Point above the valley, where lights from a house inconspicuous by day blaze into a flying saucer at night, one of many signs that growth in the backcountry is creeping higher.

"Hundreds of thousands of people drive by on this road every year," said Plumley, gesturing toward Route 73. "They see this view and think it will always be there. I'm here to say that the way this land-use plan is being implemented, the transcendental beauty and ecological integrity of this scene is in jeopardy."

With available lakeshore land disappearing, more people are turning to the uplands of the Adirondacks to build their dream vacation home. Four decades after the Adirondack Park Agency was created to manage development of private land in the Park, the standards for

building at higher elevations remain inconsistent. The APA regulates projects above 2,500 feet, but less than 1 percent of private land sits that high. The result is that the APA and a patchwork of local governments decide piecemeal what gets built in the hills, putting the Park's overall scenic character at risk.

For instance, while the town of Day regulates building on the hills above Great Sacandaga Lake, the town of Hadley next door has no zoning rules at all. "I would hate to drive around the lake and see bare areas with houses on the mountains," said David Cox, a retired engineer who heads Day's planning board. And yet, without a coordinated Park-wide plan to address building in the uplands, the number of bare patches in the hills are growing year by year. Farsighted actions in Day and other communities could be undone by towns with little or no zoning.

To look closely at Plumley's map is to appreciate how much private terrain exists in the Park, and how many McMansions could fit into the wild scenery that draws more than 7 million visitors each year. The downside of upland development is not just a loss of majestic views. Building on steep slopes and at higher elevation causes erosion and raises the risk of septic-system failure, potentially degrading water quality in the streams and lakes below. Homes built into the hills may also be vulnerable to sliding, depending on soil type and weather. The landslide that heavily damaged two homes on Keene's Little Porter Mountain in spring 2011 has been partly attributed to the glacial soils below becoming saturated from several seasons of heavy rain and snow.

The growth in hillside development has been well-documented on Lake George and in Keene, but examples can be found around the Park: Great Sacandaga Lake, Crane Mountain, and the Fulton Chain of Lakes, among other places. On a drive through Essex County, Plumley, a partner with the environmental group Adirondack Wild, identified half a dozen homes perched prominently on hills. In Elizabethtown, a large home loomed over the hamlet, visible from Route 9N miles away. In Jay, a vacation home near the top of Black Mountain Road welcomed visitors with a sign at the driveway: "Whiteface Views Welcome." In Keene, Plumley stopped at the town dump to show off the view of the Great Range. A metal roof sparkled on the horizon, marring a vista that draws Plumley's congregation to the site each spring to celebrate Easter Mass. "How much that house detracts from the view is open to debate," he said. "But you have to remember, this is not a town resource alone. This is a Park resource."

How widespread is the problem? With no one tracking upland development, much less able to define it, it's hard to say. The words upland, ridgeline, and hillside do not appear in the APA's land-use rules. When reviewing project proposals, it is up to local government or the APA to make a judgment about a project's relative elevation and impose restrictions to protect views and water quality. "When you talk about upland development it's not like the shoreline where you can define what's broken," said John Banta, a former attorney and planner for the APA.

Evidence of good and bad decisions abound. Most of the Park's backcountry uplands in private ownership are zoned Resource Management or Rural Use, the APA's most restrictive land-use categories, which allow only low-density development. APA approval is needed to create subdivisions in either area, but while approval is needed to build a single home on RM land, that is not the case for RU land: if a landowner meets the 8.5-acre lot requirement and forty-foot height limit, the APA may have no power to impose the restrictions it normally applies to higher-elevation homes, including non-reflective windows and roofing, natural paint colors, downward facing lights, and limited tree-clearing. Planning decisions are left to the towns when the APA lacks jurisdiction, and some of the more conspicuous upland homes in the Park exist in towns that lack comprehensive zoning, such as Elizabethtown and Keene.

The loophole was not intentional, said George Davis, the APA's deputy director at its start in 1973. In the beginning the agency expected that each town would develop a zoning plan to regulate lands outside hamlets. But a majority of towns continue to lack the resources or political will to create a comprehensive zoning plan with planning and zoning boards to administer it. Just 17 percent of the Park's 103 towns and villages have an APA-approved land-use plan (though more than three-quarters now have some form of zoning).

Local government plays a powerful role in shaping growth, and the uplands are no exception. Towns and villages approve more than half of all development that occurs in the Park, according to a study of 1990s growth trends by the Residents' Committee to Protect the Adirondacks.

High above Lake Champlain, Westport is one town that guards its views closely. In its recent approval of a private club on the former Bessboro Farm, the planning board laid out strict conditions for preserving vegetation on the bluffs above the lake. The town's code-enforcement officer will make sure promises are kept. "This particular

piece of shoreline is pristine and, practically speaking, undeveloped, and the community would like to keep it that way," said Bill Johnston, the board's chairman.

Just over the town line in Elizabethtown, with no zoning beyond the hamlet and no land-use boards, code-enforcement officer John Hudson splits his time between Elizabethtown, Jay, and Keene. When asked about the house overlooking the hamlet, Hudson tried without success to locate the file in the paper records he inherited a year ago after taking the job.

The APA provided a fuller picture. After receiving a complaint about the house on Mohawk Way, the agency investigated and found that owners Daniel and Gayle Alexander had built their home taller than the forty-foot limit. Once it had the power to intervene, the APA was able to negotiate a settlement. In 2008, the Alexanders agreed to plant trees and shrubs to screen their house, bring their septic system up to code, and pay a \$2,500 fine. As the vegetation grows in, the house should become less noticeable, said APA spokesman Keith McKeever.

Plumley, of Adirondack Wild, argues that the regulations should be changed so that the APA automatically reviews projects like this from the start. "These issues only come up when a McMansion goes up in a highly visible place, but this is happening all over the backcountry. Land is being carved up without adequate review."

The town of Webb, home to much of the Fulton Chain of Lakes, has struggled to handle heavy development pressure with limited resources. Many of the seasonal homes built on the steep slopes above First, Second, Third, and Fourth Lakes, an area known as Hollywood Hills, are built on tiny lots that predate the town's zoning law. Mudslides have been a problem, said zoning-enforcement officer Andrew Getty. He also worries that accumulated septic-system releases and storm-water runoff are polluting the lakes below with nutrients and silt. At budget time, Getty asks the town board each year to fund an environmental study, but the estimated cost, more than \$250,000, is prohibitive in a town under intense pressure to keep taxes down.

In the meantime, hillside construction has moved elsewhere, including above Big Moose Lake. A nine-thousand-square-foot mansion under construction will soon be visible from the water and Martin Road. "Right now it's just a big hole in the mountain, but as soon as the roof goes up I'm sure this office will start getting calls," said Getty.

Not everyone sees a problem in the uplands. "We have a reverse

development problem: nothing is coming here and everything is going away," said Edinburg Supervisor Jean Raymond, whose town abuts Great Sacandaga Lake.

*Photos: Above, below, Dan Plumley worries that upland development could mar the views from Marcy Field (Photo by Kim Martineau).*