Adirondack Park board approves Fulton County lake development

By Gwendolyn Craig
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A map showing the proposed Woodward Lake Subdivision, taken from records with the Adirondack Park Agency

The Adirondack Park Agency has approved a controversial subdivision near Great Sacandaga Lake, after agency staffers and attorneys made the case that they can balance property rights and the environment without the mandates in a conservation bill that state lawmakers are debating for such developments.

Friday's approval is the first under the APA's new large-scale subdivision permit rule, which it created in 2018. The only board member who did not vote in favor of the permit application was John Ernst, who abstained because he disliked the project layout but did not feel he had a legal reason to vote against it. Ernst was not the only board member concerned about approving the project, though.
The southern Adirondack plan with 32 homes partially surrounding a wooded lake near Northville has long served as an example among conservationists for why Albany should prescribe smarter designs that concentrate homes and their ecological impacts. Such legislation has failed in previous sessions.

Chris Cooper, an APA attorney, said the “board’s role is not to design projects. The board’s role is to review projects that come to it.”

Sarah Reynolds, another APA attorney, said if the board were “to vote no based on more of a subjective spin … the agency would run the risk of potentially a lawsuit from a developer.”

Other board members praised the subdivision’s design, calling it a successful development plan that still protects natural resources.

Andrea Hogan, a board member and supervisor for the Town of Johnsburg, congratulated APA staff and the developer after the board approved it.

“We all know landowners have rights, but these folks demonstrated that with those rights come responsibilities,” Hogan said. “I look forward to a neighborhood we can point to as a best practice.”

The project was proposed by New York Land and Lakes Development. It will consist of 32 building lots aligned in a horseshoe pattern around the 100-acre Woodward Lake in Fulton County. The homes will have their own wells and be on individual septic systems. The lake is manmade, near the northwest corner of Great Sacandaga Lake and adjacent to the state’s Shaker Mountain Wild Forest. The developer could build more lots, based on the park land classification that the property is in, but New York Land and Lakes is giving up the additional building rights. That means the property cannot be further subdivided.

The project will also include a new 2,000-foot road.

Advocacy groups in the Adirondacks have spoken against the subdivision plan, with some calling it a “death warrant” to Woodward Lake.

Dave Gibson, managing partner of Adirondack Wild: Friends of the Forest Preserve, said APA’s approval only shows more need than ever for legislation that would follow conservation-friendly design. Gibson said in a news release that the APA should have been able to reduce the number of building lots and eliminate the new road.
“By their own actions today APA demonstrated how their voluntary system is toothless and why new legal mandates for conservation design are required,” Gibson said.

The proposed law is sponsored by state Sen. Todd Kaminsky, D-Long Island, and state Assemblyman Steve Englebright, D-Setauket. It would require large-scale subdivision projects in the park to concentrate building lots, which would allow for more open space and forestland to remain undisturbed.

State Sen. Dan Stec, R-Queensbury, has said he does not believe the legislation is needed. The APA’s stance, following the lengthy discussion on this project, seems in agreement.

APA Executive Director Terry Martino said in a news release that the new permit application protected “open space, wildlife and habitat resources” while also “meeting the marketability goals of the applicant.”

APA’s staff, including the lead on the project, Ariel Lynch, recommended the project be approved and determined that it would have “no undue adverse impacts to resources.”

The Woodward Lake project has been more than two years in the making, going through several iterations of where building lots would be located. There were also two public comment periods on the project during that time. Those resulted in 37 written comments, 32 of which were opposed to the project.

On Thursday, Reynolds gave a presentation addressing commenters who had suggested the APA’s permit application was not working and the conservation bill is needed.

Reynolds showed her interpretation of what the permit application could look like under the 2019-2020 version of the conservation design bill, versus the proposal board members had before them. In the case of Woodward Lake, Reynolds showed, the APA’s permit application provided greater protection to the land area than the conservation design bill would have.

For example, under the bill, Reynolds said, the developer could develop up to 301 acres and leave 758 acres undeveloped. Under the current proposal, however, about 37 acres will be developed with 1,032 acres left undeveloped.

New York Land and Lakes Development, staffers also pointed out, placed building lots at greater shoreline setback distances than required. They are leaving trees and other
vegetation around the lake except where paths from building lots will access the shore. The vegetative buffer, APA said, will protect the water quality of the lake.

Ernst was still doubtful about the project.

“I’m not holding a torch for conservation design or any bill,” he said, “but to leave that water body unbuilt is huge.” Early Adirondack development patterns didn’t adequately protect lakes, he said, “and you can’t go back.”

Ken Lynch, an APA board member and former official with the state Department of Environmental Conservation, said that he, too, struggled with how to get development farther from the lake and nearby streams and wetlands. He was satisfied, however, that the building setbacks were farther from the lake than mandated.

Zoe Smith, a board member and deputy director of the Adirondack Watershed Institute at Paul Smith’s College, asked if the staff had looked at reducing some of the developed space on the lake’s eastern shore.

“We can always entertain hypothetical changes here and there,” Cooper said, “but it still comes down to: Is this development, as proposed, meeting the standards and requirements of the APA Act and the APA regulations?”

On Friday, the meeting’s second day, the APA spent nearly three hours deliberating. Board members learned from staffers that they did not have the option to table the permit application, which had been deemed complete in December, because the legal timeframe would make the permit automatically authorized if not voted on by March 13.

Ernst said he wanted to see homes more clustered on the western side of the property, something environmental groups advocated for in their letters to APA. Board member Art Lussi said there’s no public access to the lake, so changing the development around it would not be protecting a wilderness experience for the public. But Ernst said he was trying to protect the water body, regardless of who gets to see it.

Smith asked the staff about what the ecological impact of the development would be, beyond the building lots, but no one had that answer. She said one of the fundamental principles of conservation design is the impact of a building beyond its footprint. That includes climate change, invasive species and water quality.
Board member Mark Hall also suggested he might have designed the project differently, but said he sees the board’s responsibility as “meeting the legal requirements that the agency has, versus some of our preferences.”

Smith said the board has been asked to interpret whether or not the subdivision would have an “undue adverse impact.” Ernst asked Cooper if there is any subjective judgment in determining “undue adverse impact.”

Cooper said the staff’s presentation had shown “we’ve met or exceeded” APA standards in this proposal.

Ernst suggested that the board might get more involved with a project before it’s “fully baked,” and Smith agreed.

“That’s a wonderful discussion for another day,” Cooper said.

The board approved the subdivision, all praising staff for the time and effort they put in over the last two years.

“I think there’s no room to say that this board has not properly vetted this project,” said Gerald Delaney Sr., executive director of the Adirondack Local Government Review Board. “Anyone who said that or says that in the future, they just need to come back and watch this meeting.”