



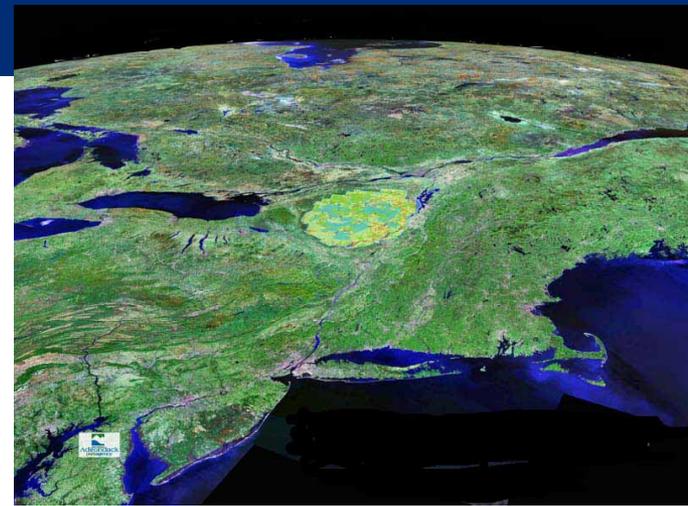
**Adirondack
Park Agency**

Large Residential Subdivisions

A 10-Year Review of Permits

November 16, 2022

APA Background



The Adirondack Park Agency Act

- Executive Law §§ 801 et seq.
- Agency regulations: 9 NYCRR Parts 570-576; 579-588

The Wild, Scenic and Recreational River System Act

- Environmental Conservation Law §§ 15-2701 et seq.
- Agency regulations: 9 NYCRR Part 577

The Freshwater Wetlands Act

- Environmental Conservation Law §§ 24-0101 et seq.
- Agency regulations: 9 NYCRR Part 578

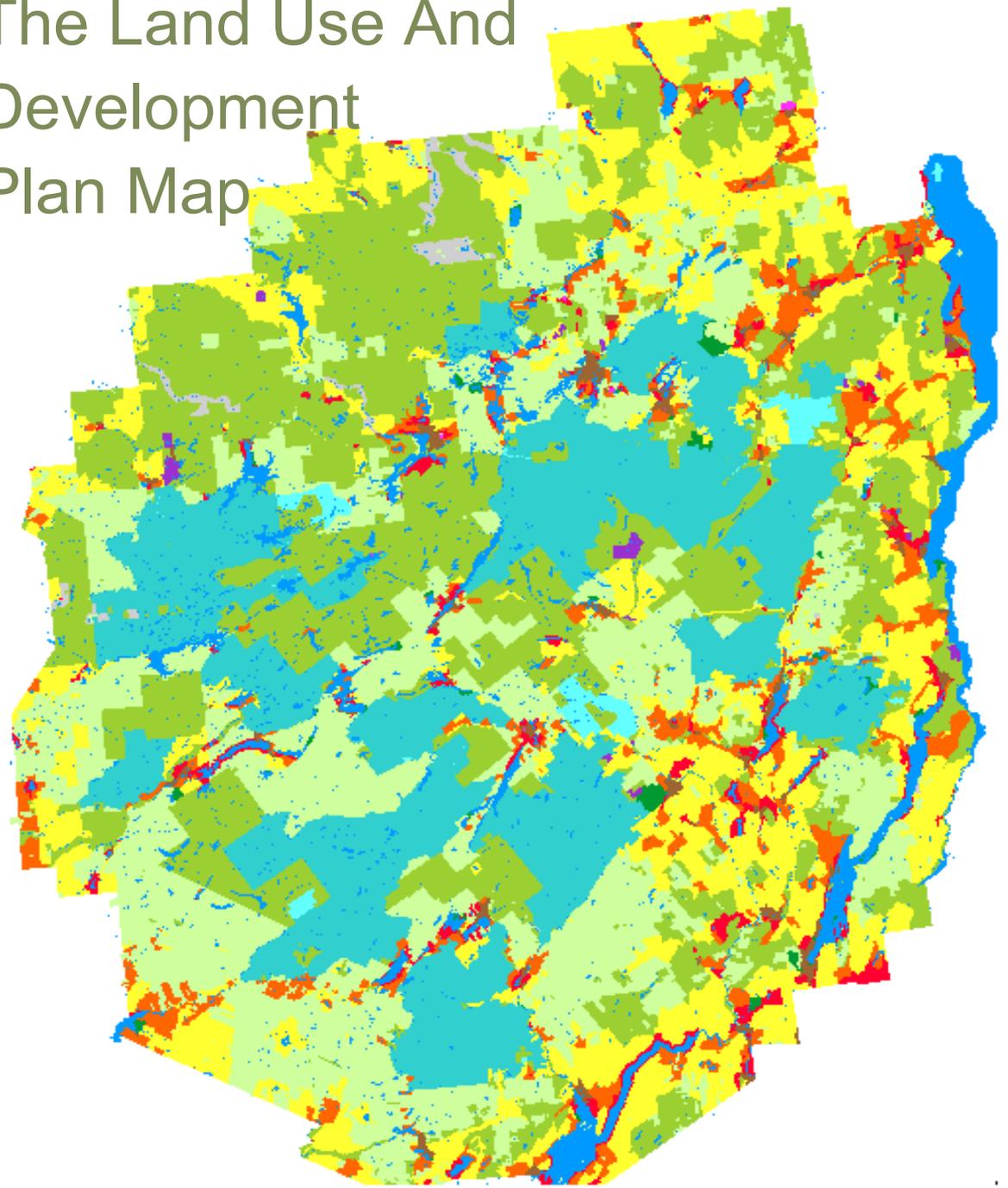
APA Act – Basic Purpose

“To insure optimum overall **conservation, protection, preservation, development and use** of the unique scenic, aesthetic, wildlife, recreational, open space, historic, ecological, and natural resources of the Adirondack Park.”



- APA Act § 801

The Land Use And Development Plan Map



Hamlet

Moderate Intensity

Low Intensity

Rural Use

Resource Management

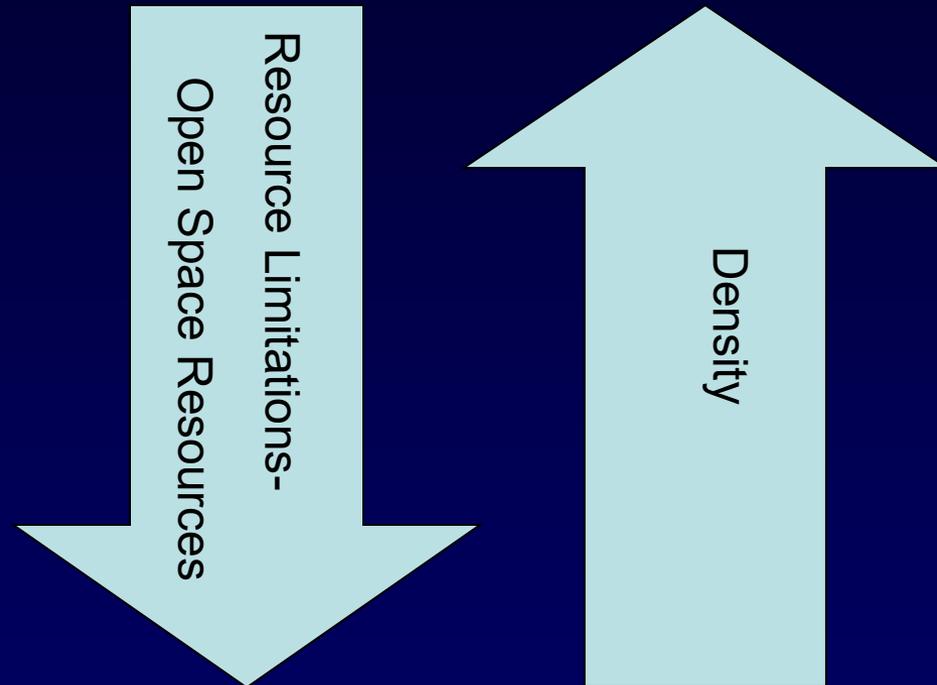
Industrial Use

Private Land Use Classifications



Existing Population Centers
Public Water and/or Sewer
Soils Suitable for Development

- Hamlet
- Moderate Intensity Use
- Low Intensity Use
- Rural Use
- Resource Management

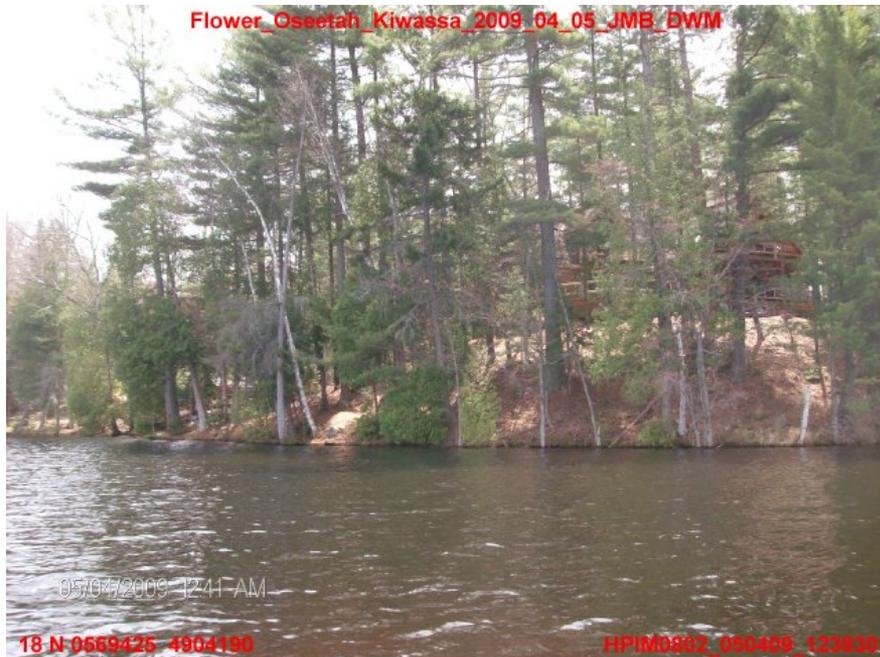


Wetlands
Severe Slopes
Agriculture

APA Permitting Background

“Any person proposing to undertake a ... regional project ... shall ... receive an agency permit therefore prior to undertaking the project.”

- APA Act § 809(2)(a)



APA Permitting Background

Subdivision:

- Any division of land
- Involving two or more lots, parcels, or sites,
- Whether adjoining or not,
- For the purpose of sale, lease, license, or any form of separate ownership or occupancy

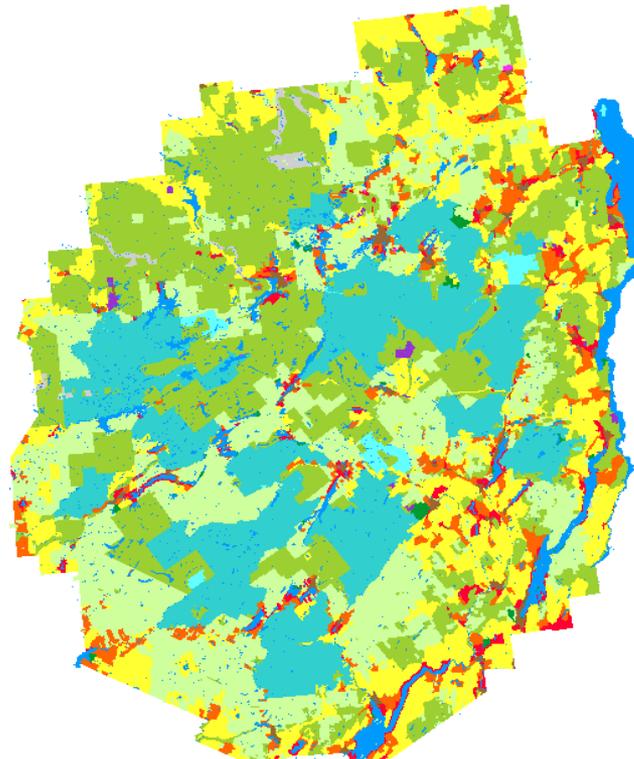
Regional projects (subdivision permit required):

- In Resource Management, river area, or critical environmental area
- Involving wetlands
- Creating a lot smaller than the minimum lot size
- Triggering the lot counting provisions...

Permitting Review – Approval Criteria #1

The project must be consistent with the land use and development plan

- The Agency has long held that this requirement is automatically met upon a finding of the remaining four criteria



Permitting Review – Approval Criteria #2

The project must be **compatible with the character description, purposes, policies, and objectives** for the land use area

– Descriptions and compatible use lists found in § 805(3)

- Primary compatible uses are “generally considered compatible with the character, purposes, policies and objectives of such land use area, so long as they are in keeping with the overall intensity guideline”
- Secondary compatible uses are “generally compatible with such area **depending upon their particular location and impact upon nearby uses** and conformity with the overall intensity guideline”

*** All uses are reviewed by staff under the secondary standard ***

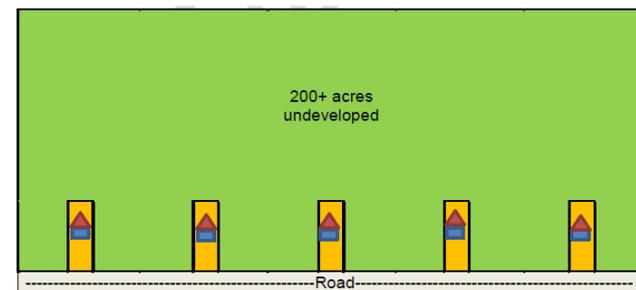
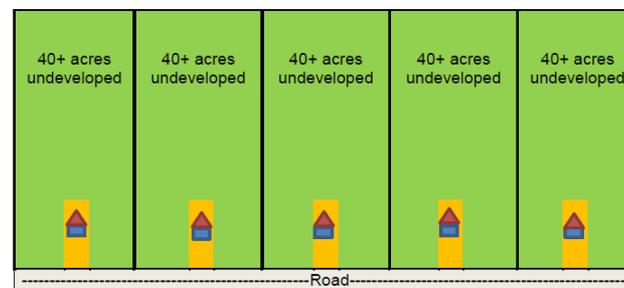
(A proposed activity that is on the primary or secondary list for another land use area but not for the land use area involved is presumed to “not be compatible with the character description, purposes, policies and objectives of such land use area,” with the burden on the applicant to demonstrate compatibility.)

Permitting Review – Approval Criteria #3

The project must be consistent with the **overall intensity guidelines** for the land use area.

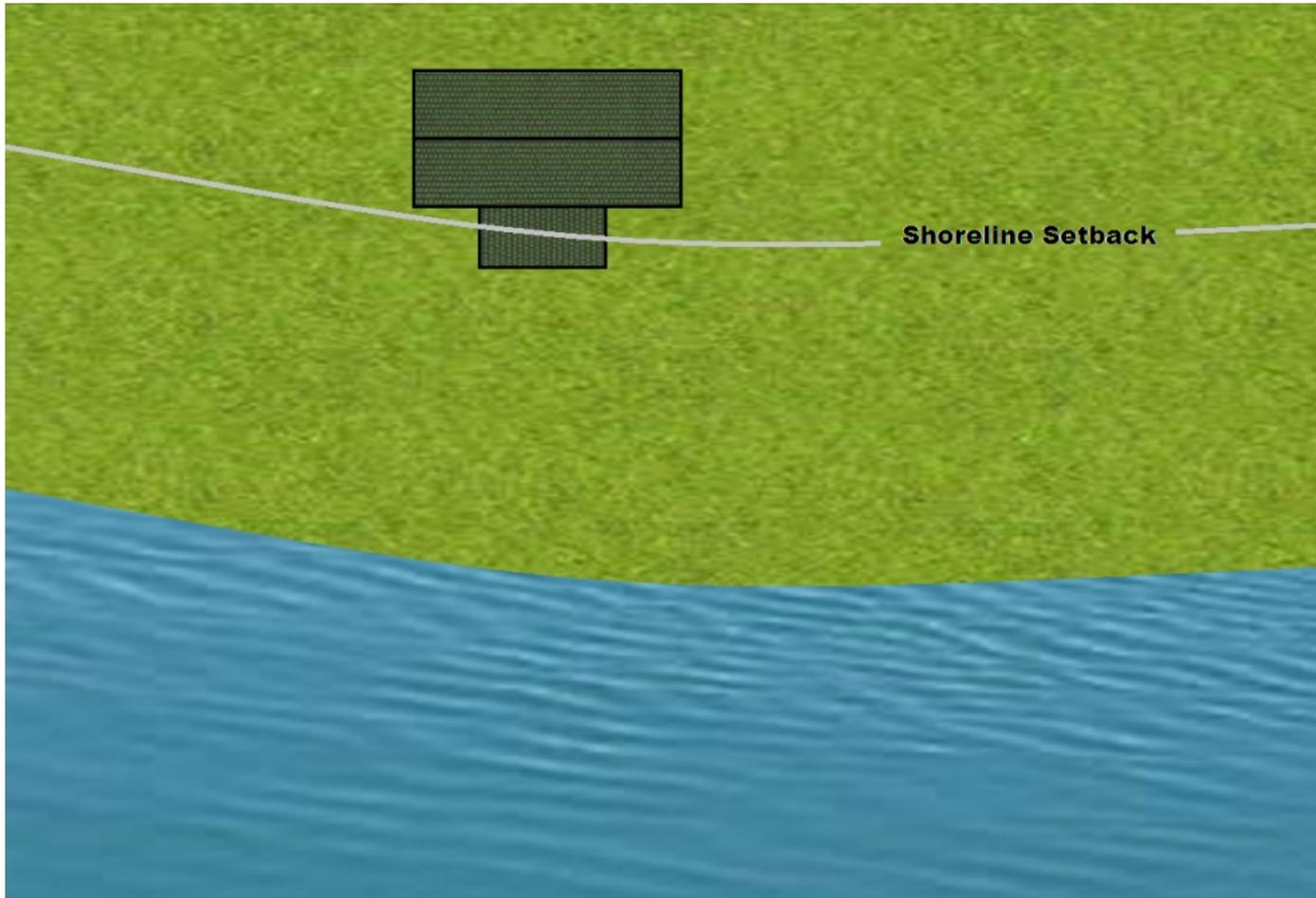
Moderate Intensity Use:	1.3-acres for each principal building
Low Intensity Use:	3.2-acres for each principal building
Rural Use:	8.5-acres for each principal building
Resource Management:	42.7-acres for each principal building

*** The density guideline isn't concerned with the size of proposed lots, but with the amount of development (and potential impacts) proposed on a site ***



Permitting Review – Approval Criteria #4

The project must comply with the shoreline restrictions.



Permitting Review – Approval Criteria #5

The project must not have an **undue adverse impact** upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational, or open space resources of the Park

- When making this finding, the Agency must take into account the **development considerations** of APA Act § 805(4)

The undue adverse impact finding may be made “taking into account the commercial, industrial, residential, recreational, or other benefits that might be derived from the project.” However, for the past decade or more, the Agency has made the undue adverse impact finding without needing to rely on the benefits analysis.

APA Act – Permitting

Every proposal, including every subdivision lot, is analyzed for...

- Visual and open space impacts
- Wildlife impacts, including habitat fragmentation
- Wetland impacts
- Forest management / agricultural uses
- Invasive species management
- Soils, slopes, water quality impacts
- Stormwater management
- Wastewater treatment
- Traffic, parking, governmental services....



Subdivision Resource Analysis

Specialist teams comprised of:

- Wetland Biologists
- Wildlife Biologists
- Soils Scientists
- Forest Management Specialists
- Freshwater Analysts
- Engineers
- Visual analysis experts

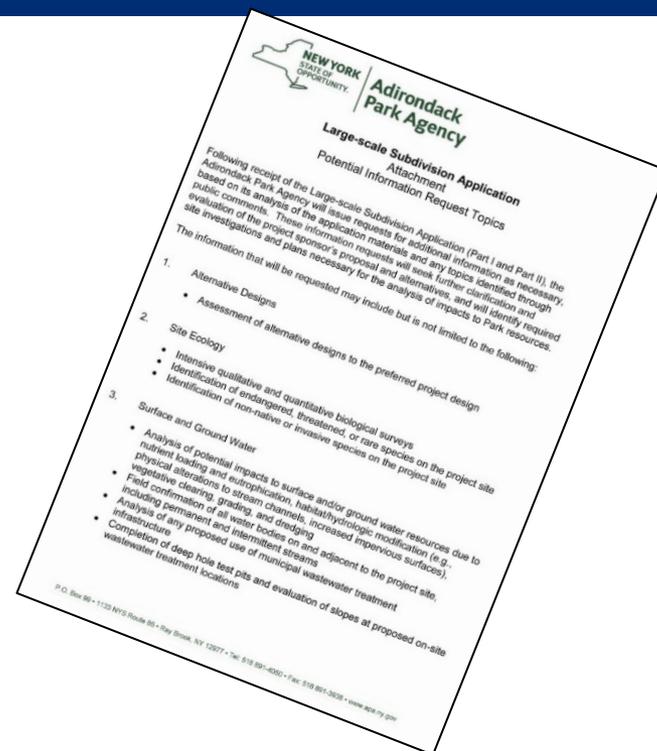


“Large-Scale” Subdivisions

New Permit Application- 2018

- Resource Management
- Rural Use
- Low Intensity Use

- 5 or more residential lots
- 10 or more residential lots
- 25 or more residential lots



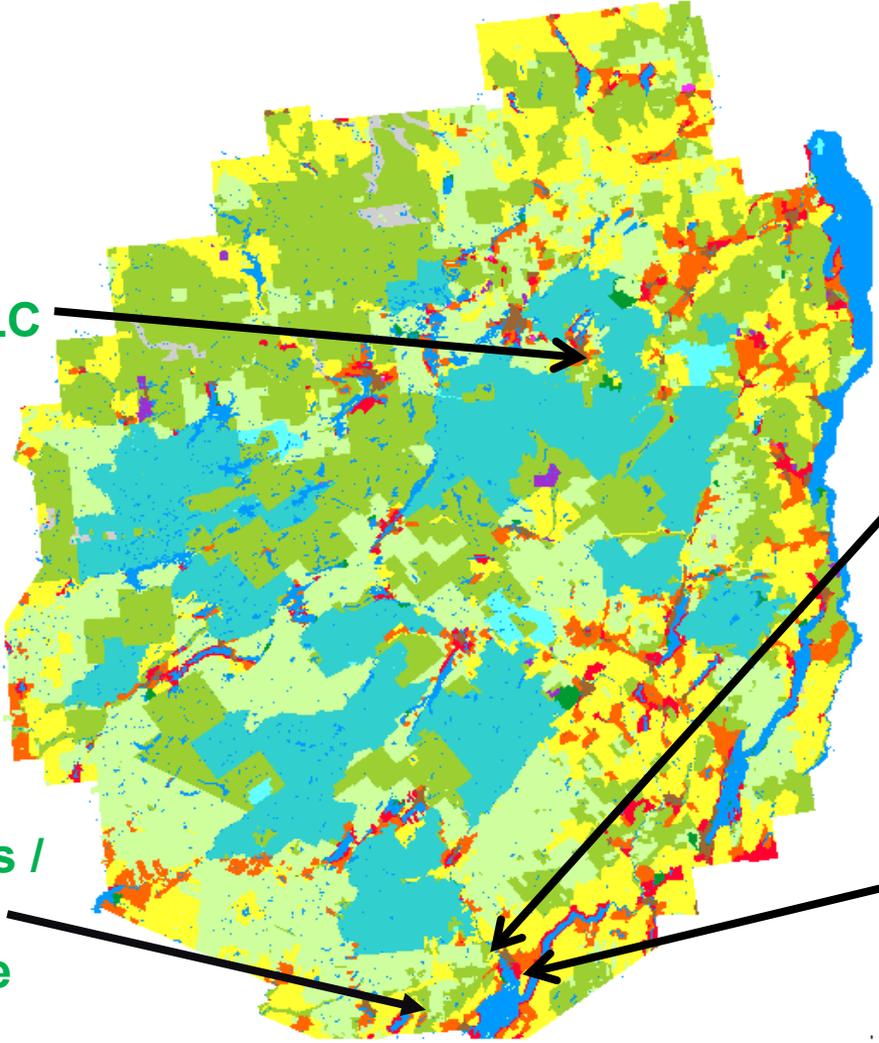
Large Residential Subdivisions, Past 10 Years

P2016-114
Barile Family, LLC

P2018-0123
NY Land & Lakes /
Woodward Lake

P2014-48
NY Land & Lakes /
Boy Scouts /
Woodworth Lake

P2014-181
P2018-207
Hopkins /
MGH Estates LLC



Resource Management

5 or more lots

Resource Management (5 or more lots)

Permitting approval criteria #3: The project must be consistent with the **overall intensity guideline** for the land use area.

Resource Management: 42.7 acres for each principal building

→ *The minimum amount of land required for the construction of five new single family dwellings in Resource Management is 193± acres*

Resource Management (5 or more lots)

2015: P2014-48, NY Land & Lakes / Boy Scouts / Woodworth Lake

- 1,001± acres RM (1,066±-acre total site, including LIU)
 - Does not include 53±-acres of lakes
- 22 new dwellings authorized; 24 pb rights extinguished
- Development allowed on 56± acres of RM (<6%)
 - Includes existing development, existing and upgraded road, and all new driveways, structures, and infrastructure
 - Development allowed on <6% of the total site
- Tree cutting restricted, dwellings prohibited on 945± acres of RM (94+%)
 - Tree cutting restricted, dwellings prohibited on 1,010± acres of the total site (94±%)
 - New cutting allowed only for firewood and approved timber harvesting; additional restrictions near wetlands, shorelines, road

2017: P2016-114, Barile Family, LLC

- 590± acres, all RM
- 15 new dwellings authorized; no remaining pb rights
- Development allowed on 34± acres (<6%)
 - Includes existing development, existing and upgraded road, and all new driveways, structures, and infrastructure
- Tree/shrub cutting prohibited on 556± acres (94+%)
 - New cutting allowed only for trail system on HOA lot
- Dwellings prohibited on 574± acres (97+%)



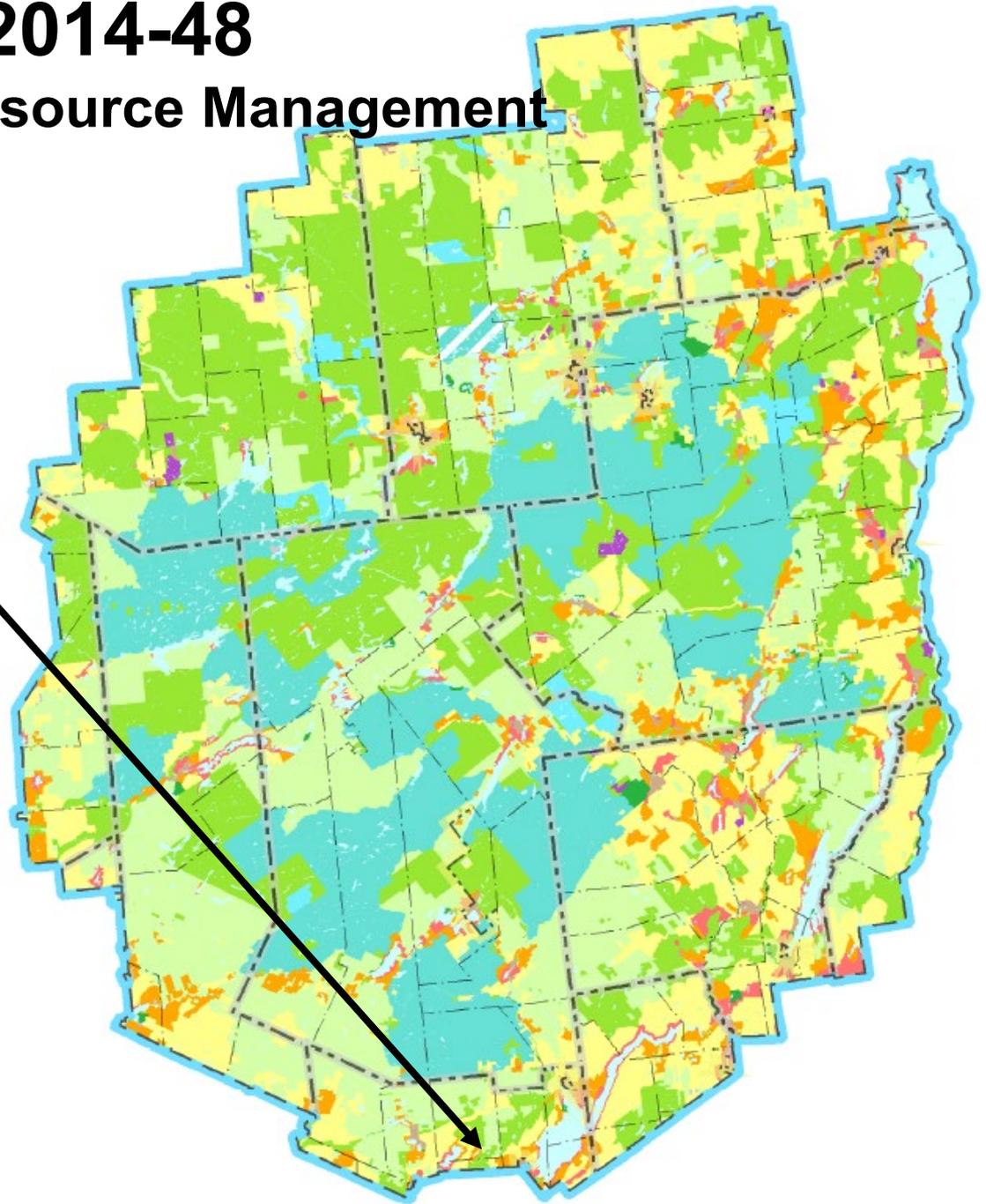
P2014-48

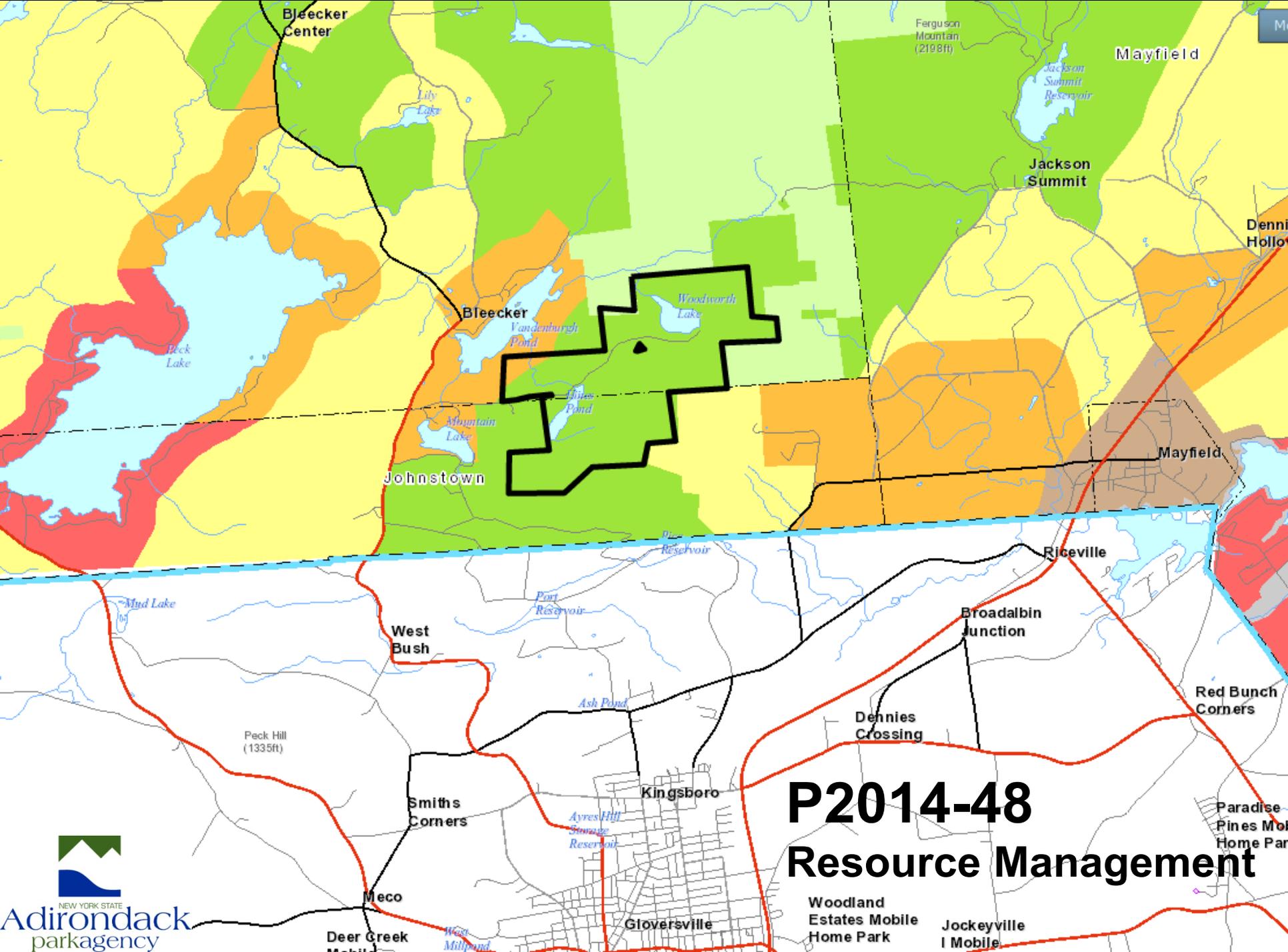
Resource Management

Project Site

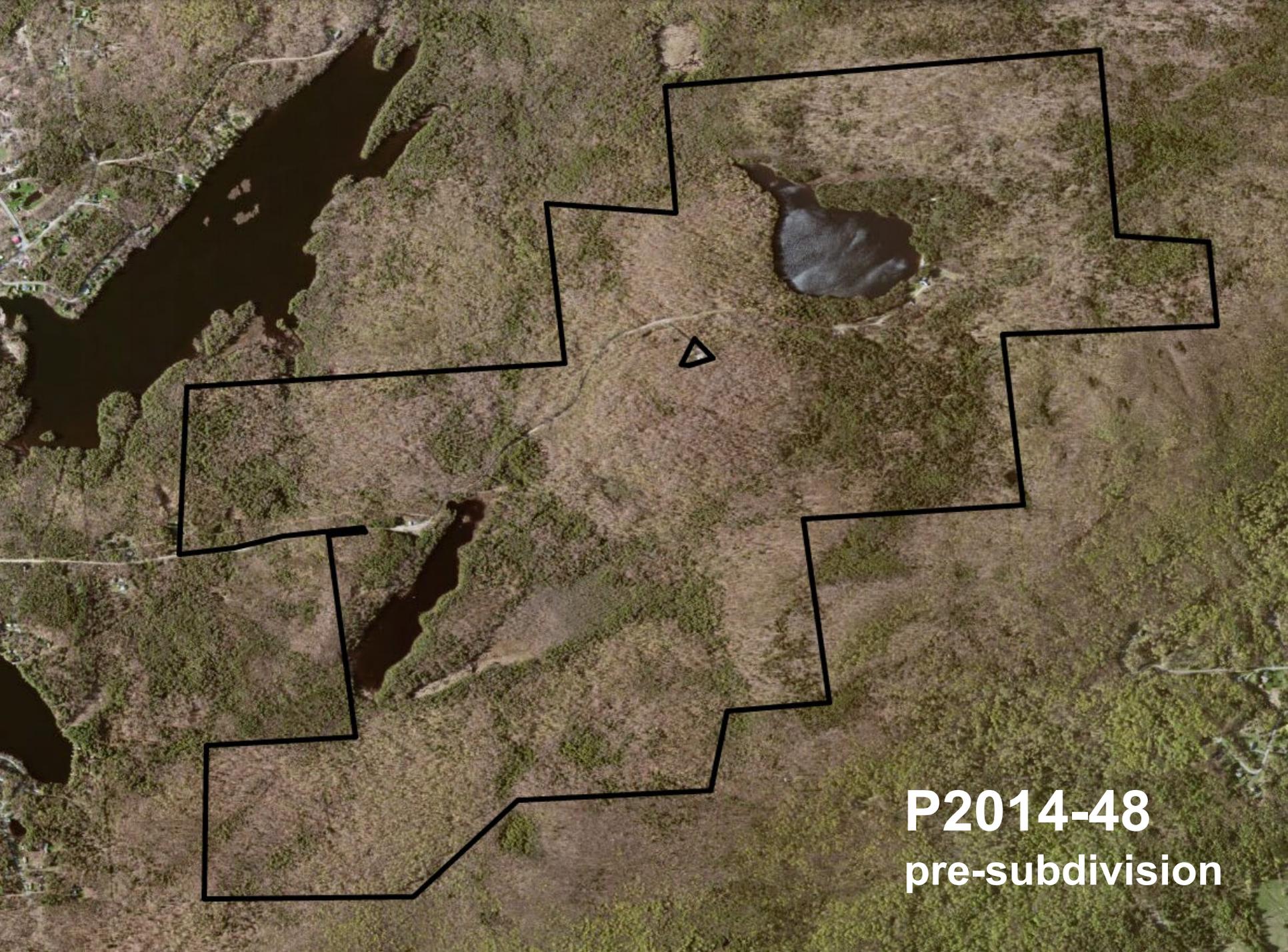
Towns of
Bleecker and
Johnstown

Fulton County





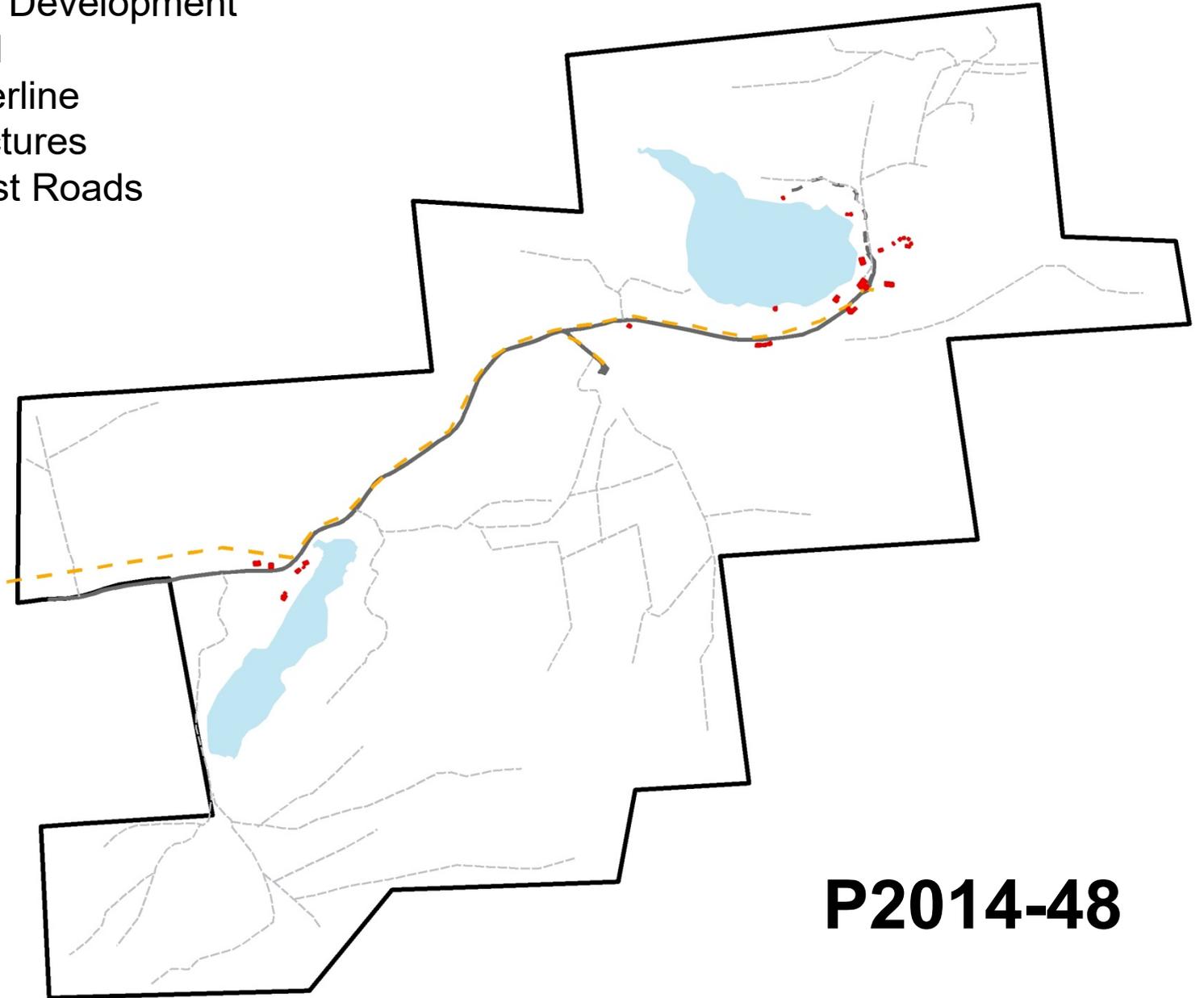
P2014-48 Resource Management



P2014-48
pre-subdivision

Existing Development

- Road
- Powerline
- Structures
- Forest Roads



P2014-48

Woodworth Lake Road



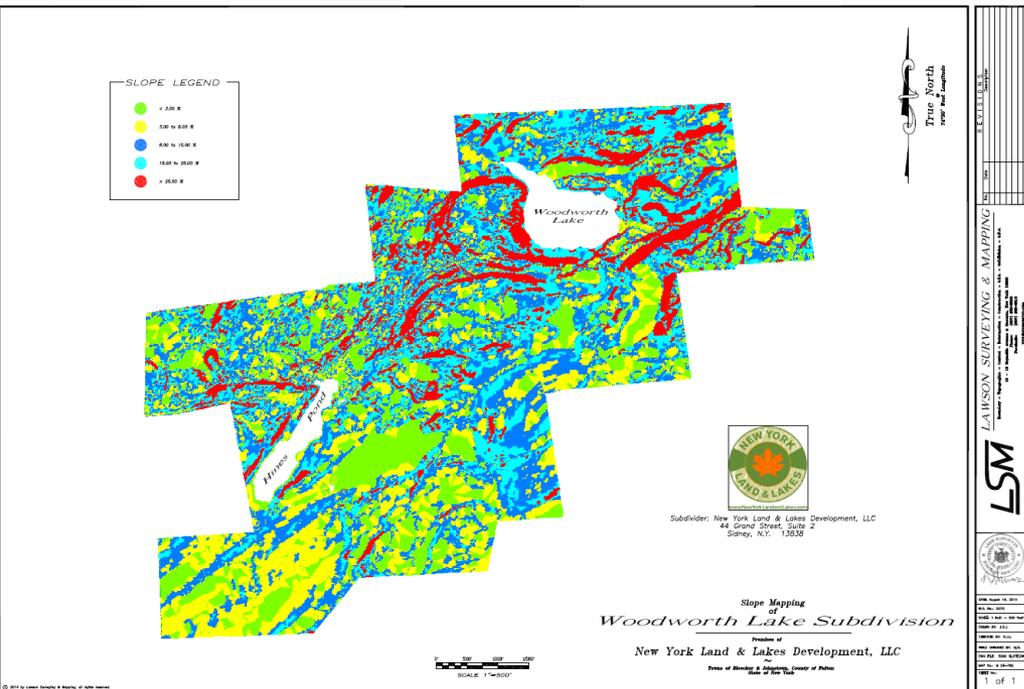
P2014-48

Woodworth Lake



P2014-48

Hines Pond and associated Value 1 wetlands



Steep slopes

Resource Management (5 or more lots)

P2014-48, NY Land & Lakes/Boy Scouts/Woodworth Lake

- 1,001± acres (not including the lakes)
 - 1,066±-acre total site, including LIU
- 22 new dwellings authorized
 - All 24 remaining pb rights extinguished
- No new roads; existing road upgraded
- Development allowed on 56± acres of RM (<6%)
 - Includes existing development, existing and upgraded road, and all new driveways, structures, and infrastructure
 - Development allowed on <6% of the total site
- Tree cutting restricted, dwellings prohibited on 945± acres of RM (94+%)
 - Tree cutting restricted, dwellings prohibited on 1,010± acres of the total site (94+%)
 - New cutting allowed only for firewood and approved timber harvesting; additional restrictions near wetlands, shorelines, road

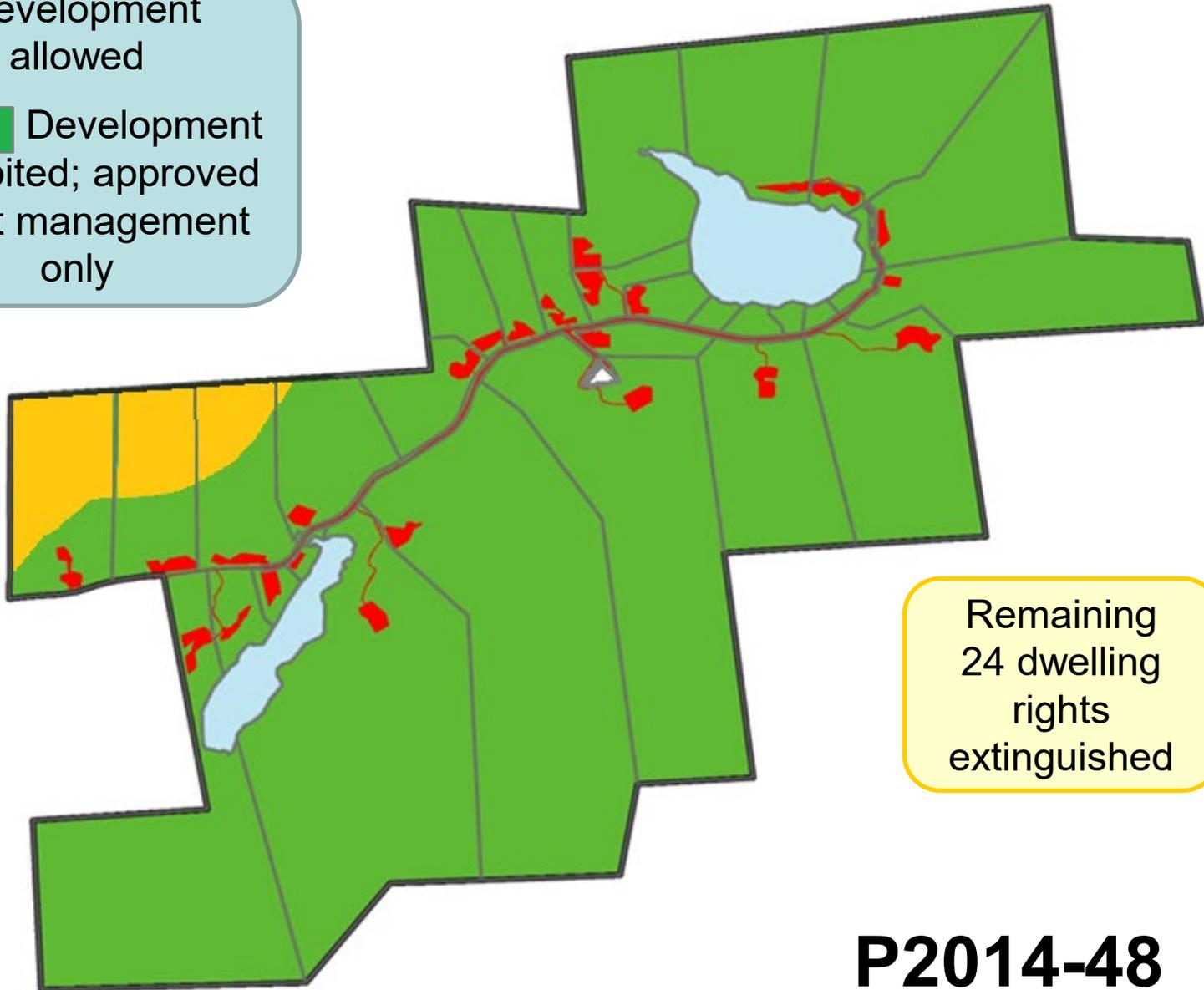




Development
allowed

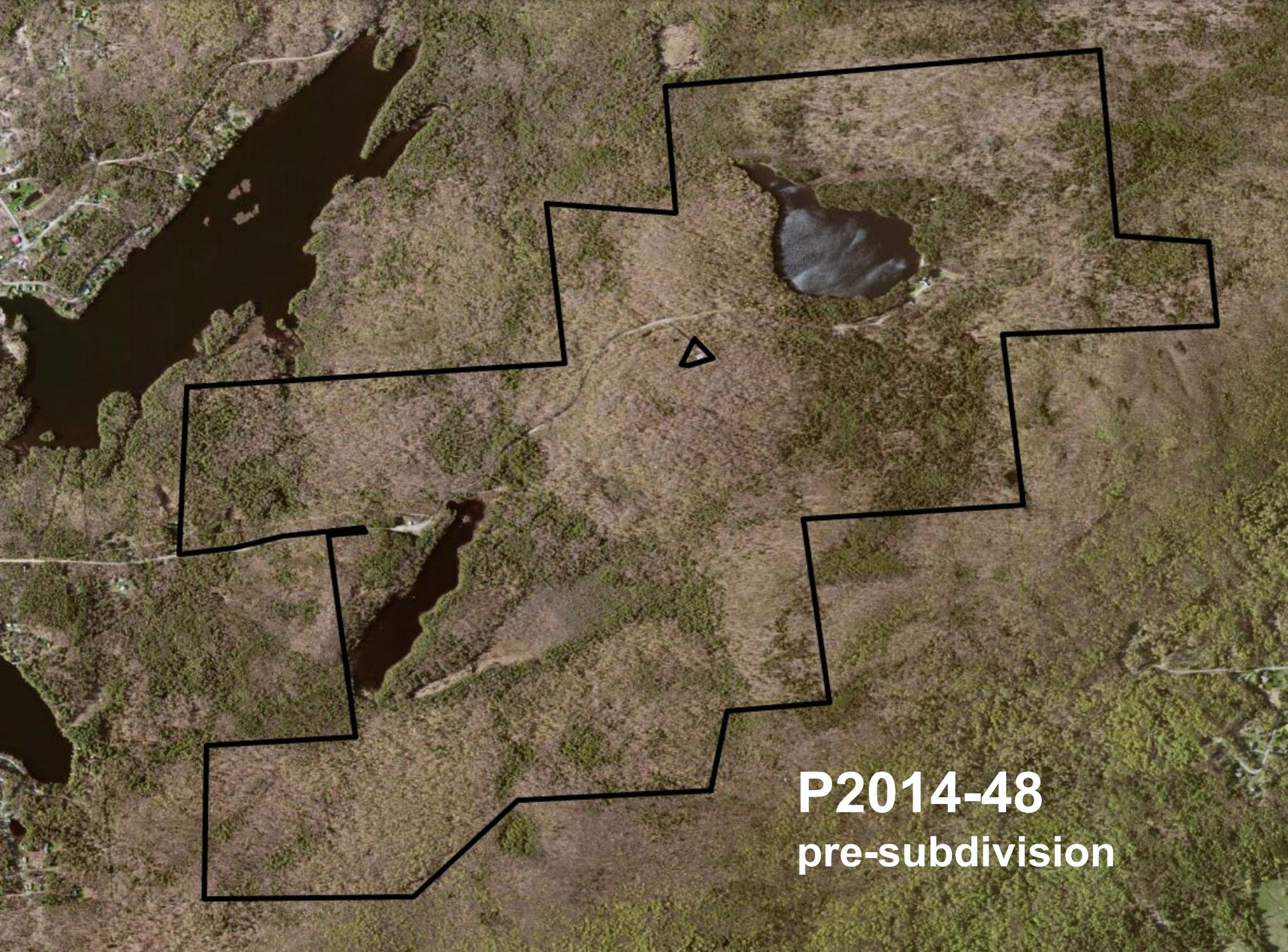


Development
prohibited; approved
forest management
only



Remaining
24 dwelling
rights
extinguished

P2014-48



P2014-48
pre-subdivision



P2014-48
in 2022

Google

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**P2014-48
in 2022**

Google

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Resource Management (5 or more lots)

2015: P2014-48, NY Land & Lakes / Boy Scouts / Woodworth Lake

- 1,001± acres RM (1,066±-acre total site, including LIU)
 - Does not include 53±-acres of lakes
- 22 new dwellings authorized; 24 pb rights extinguished
- Development allowed on 56± acres of RM (<6%)
 - Includes existing development, existing and upgraded road, and all new driveways, structures, and infrastructure
 - Development allowed on <6% of the total site
- Tree cutting restricted, dwellings prohibited on 945± acres of RM (94+%)
 - Tree cutting restricted, dwellings prohibited on 1,010± acres of the total site (94±%)
 - New cutting allowed only for firewood and approved timber harvesting; additional restrictions near wetlands, shorelines, road

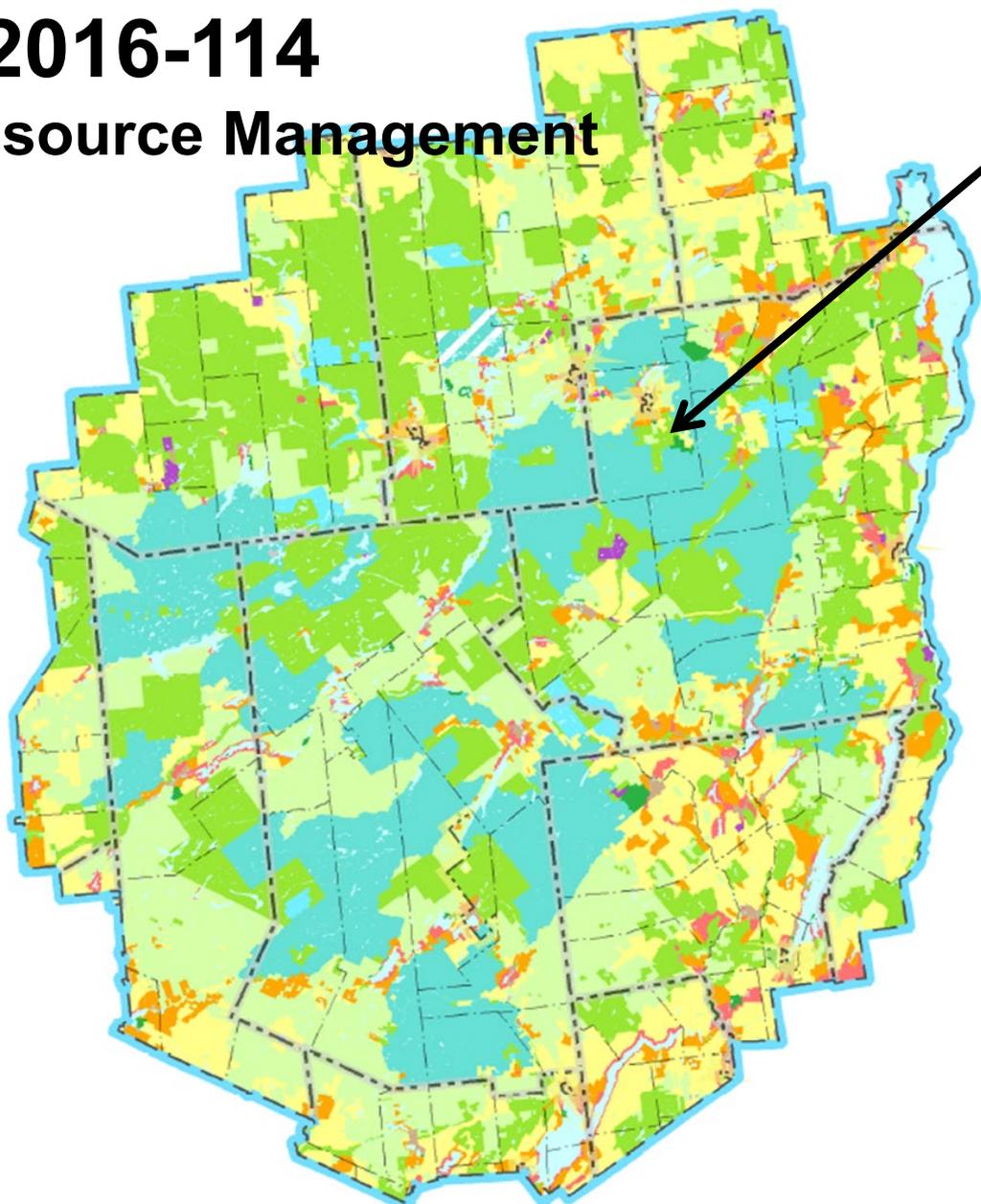
2017: P2016-114, Barile Family, LLC

- 590± acres, all RM
- 15 new dwellings authorized; no remaining pb rights
- Development allowed on 34± acres (<6%)
 - Includes existing development, existing and upgraded road, and all new driveways, structures, and infrastructure
- Tree/shrub cutting prohibited on 556± acres (94+%)
 - New cutting allowed only for trail system on HOA lot
- Dwellings prohibited on 574± acres (97+%)



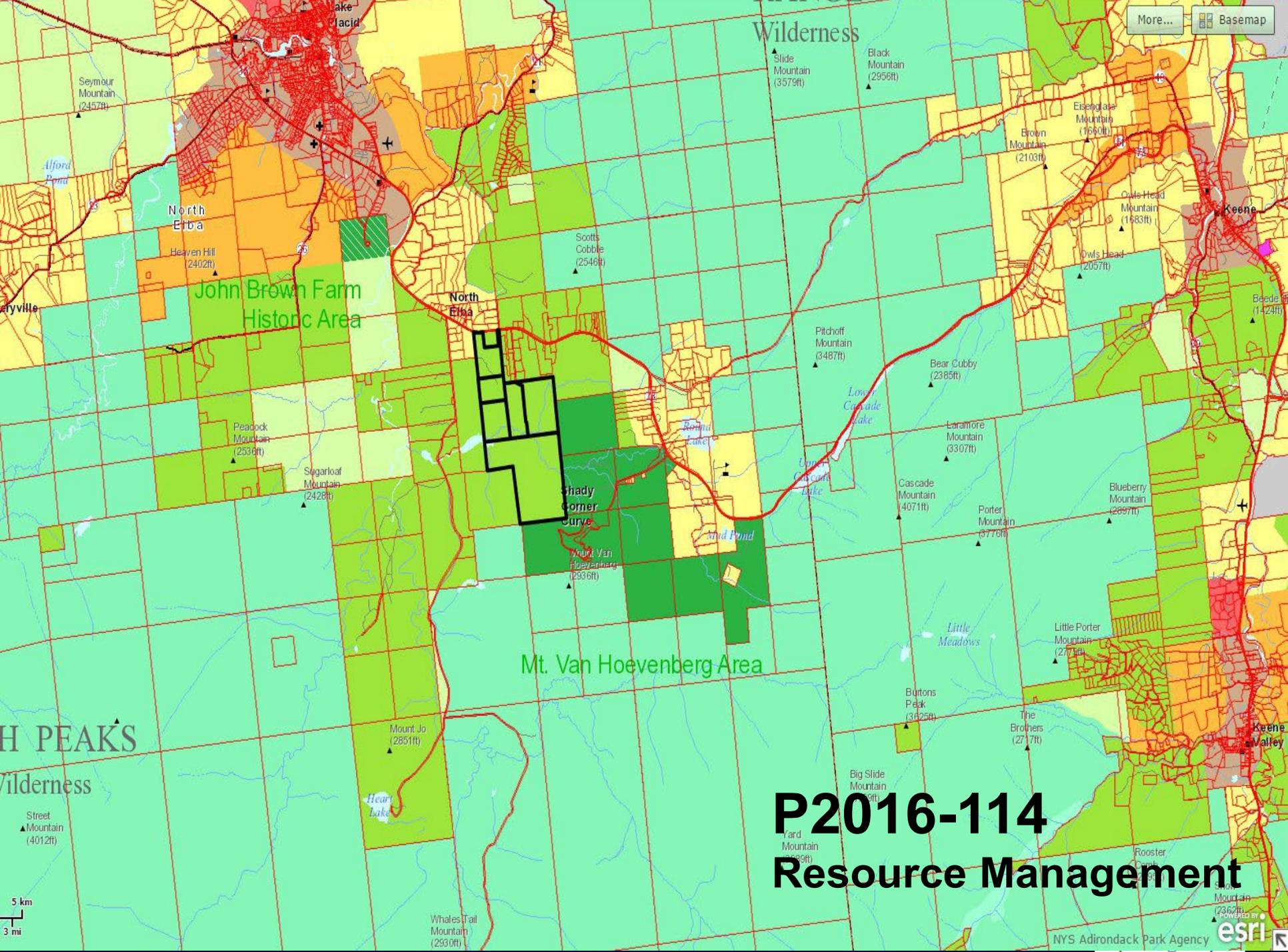
P2016-114

Resource Management



Project Location

Town of North Elba
Essex County



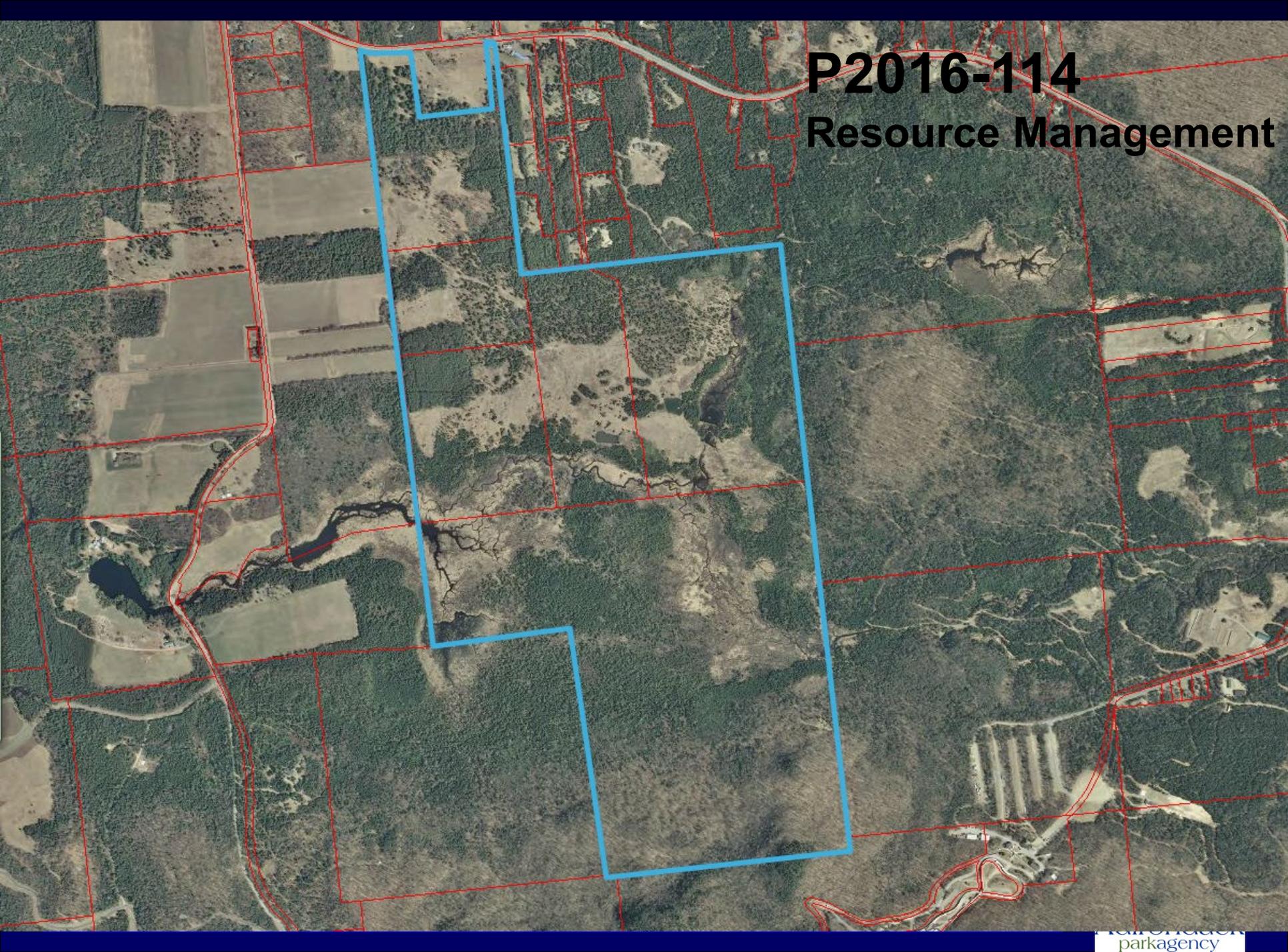
John Brown Farm
Historic Area

Mt. Van Hoevenberg Area

P2016-114 Resource Management

P2016-114

Resource Management





Two artificial ponds

08.01.2016



08.01.2016

North Meadow Brook and associated Value 1 wetlands

P2016-114



08.01.2016

Resource Management (5 or more lots)

P2016-114, Barile Family, LLC

- 590± acres, all RM
- 15 new dwellings authorized
 - No remaining pb rights
- Existing roads upgraded; new access from Rte 73
- Development allowed on 34± acres (<6%)
 - Includes existing development, existing and upgraded road, and all new driveways, structures, and infrastructure; also includes areas not developed but with selective tree cutting allowed
- Tree/shrub cutting prohibited on 556± acres (94+%)
 - New cutting allowed only for trail system on HOA lot

P2016-114

Resource Management

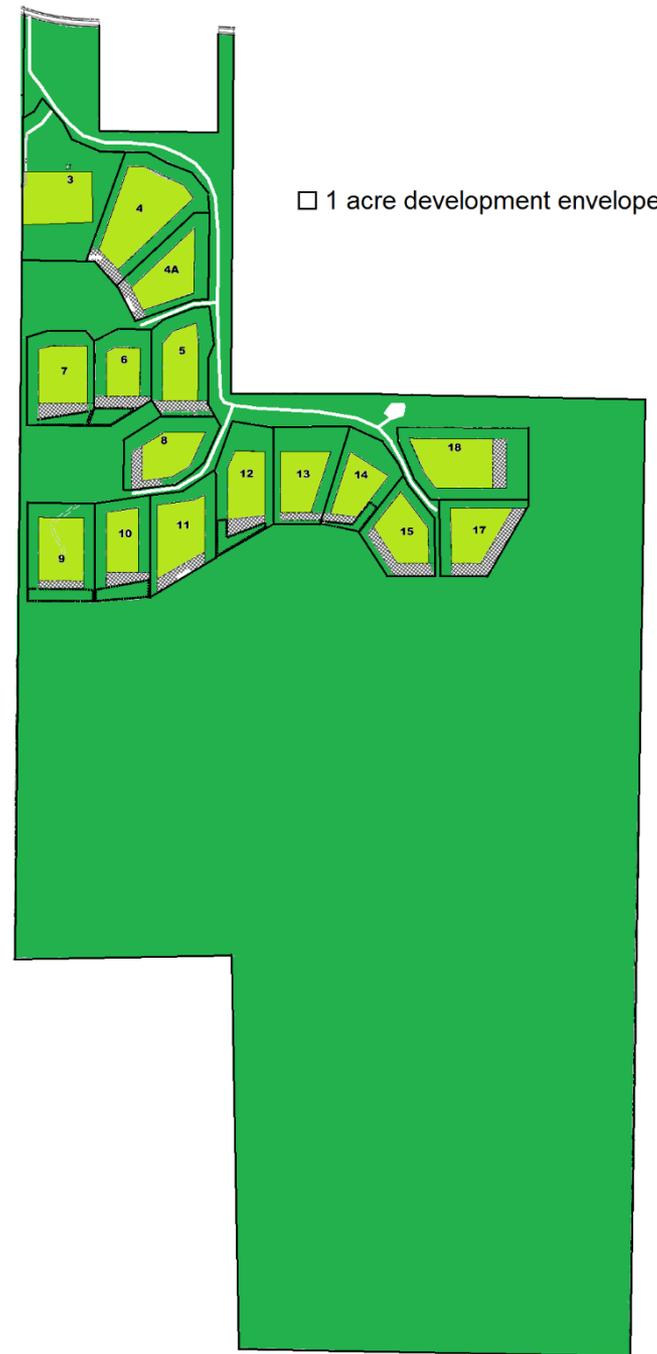
□ 1 acre development envelope

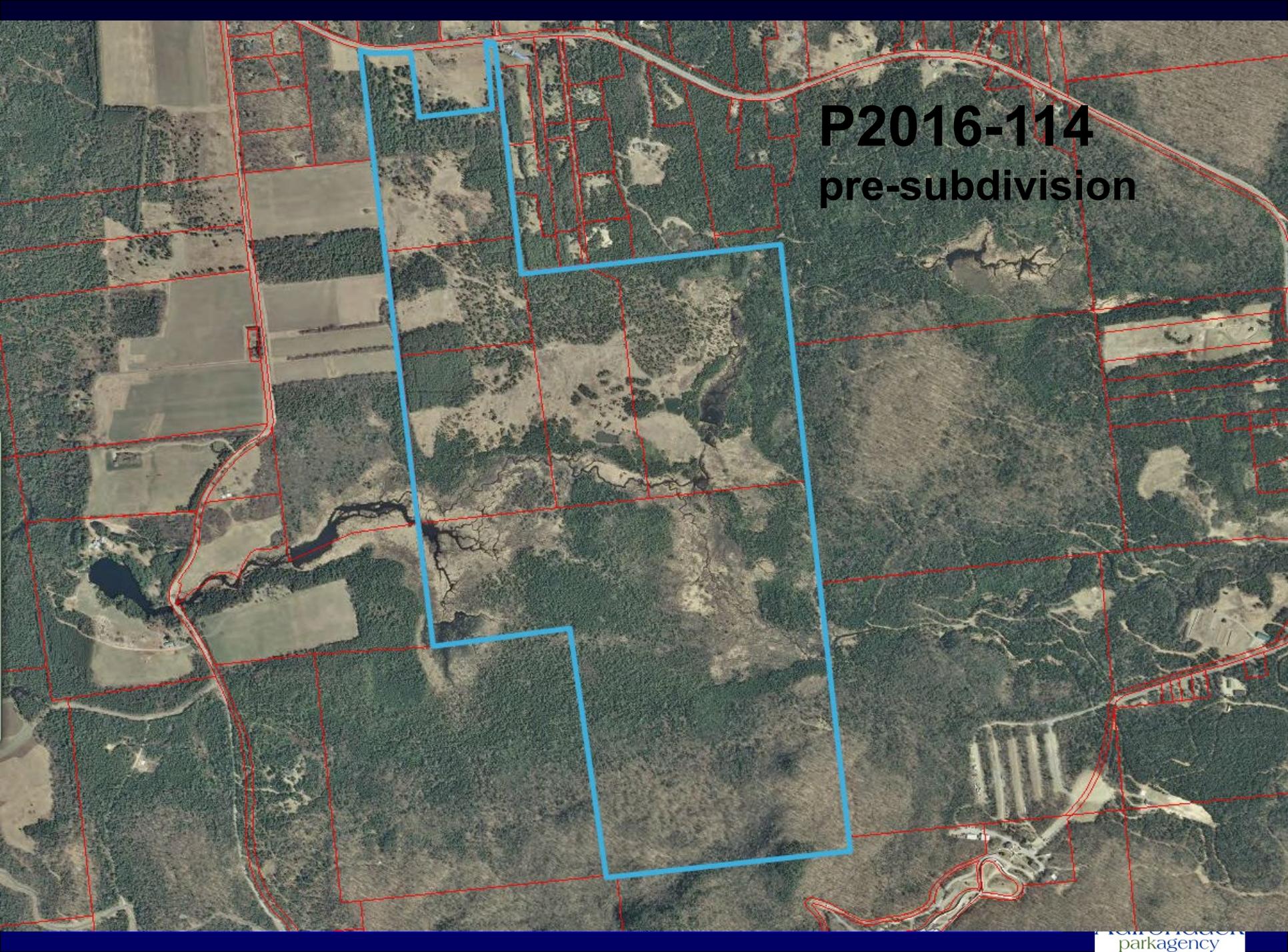
Development allowed

 Limited vegetative cutting allowed

 Development and vegetative cutting prohibited

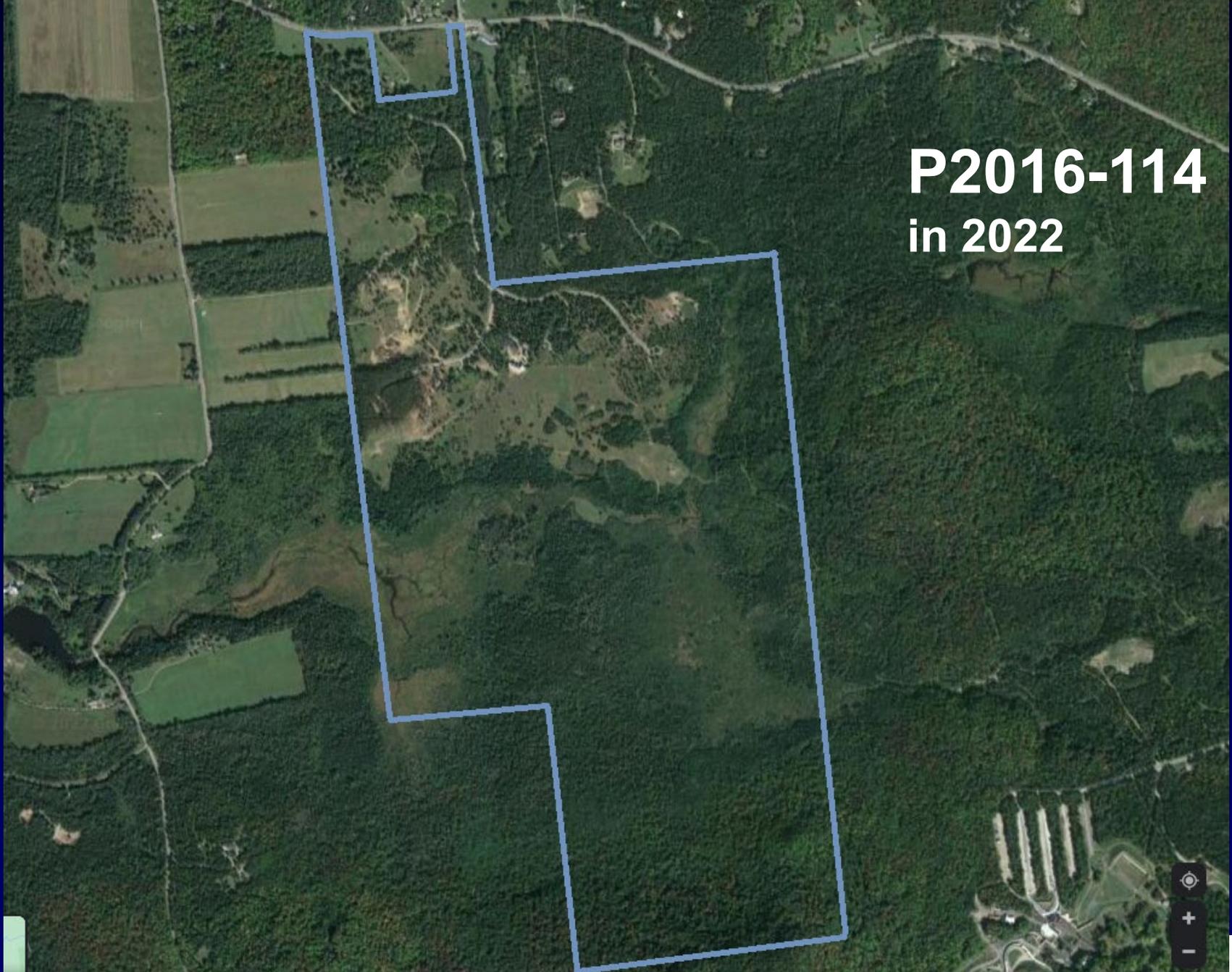
No PB rights remaining



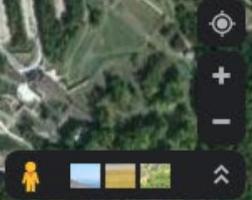
An aerial photograph showing a large land parcel outlined in blue. The parcel is irregularly shaped and contains a mix of green forested areas and brown cleared or agricultural land. A winding road or path is visible on the left side of the parcel. The surrounding area is divided into smaller lots by red lines, indicating a pre-subdivision. The text 'P2016-114 pre-subdivision' is overlaid in the upper right corner of the image.

P2016-114
pre-subdivision

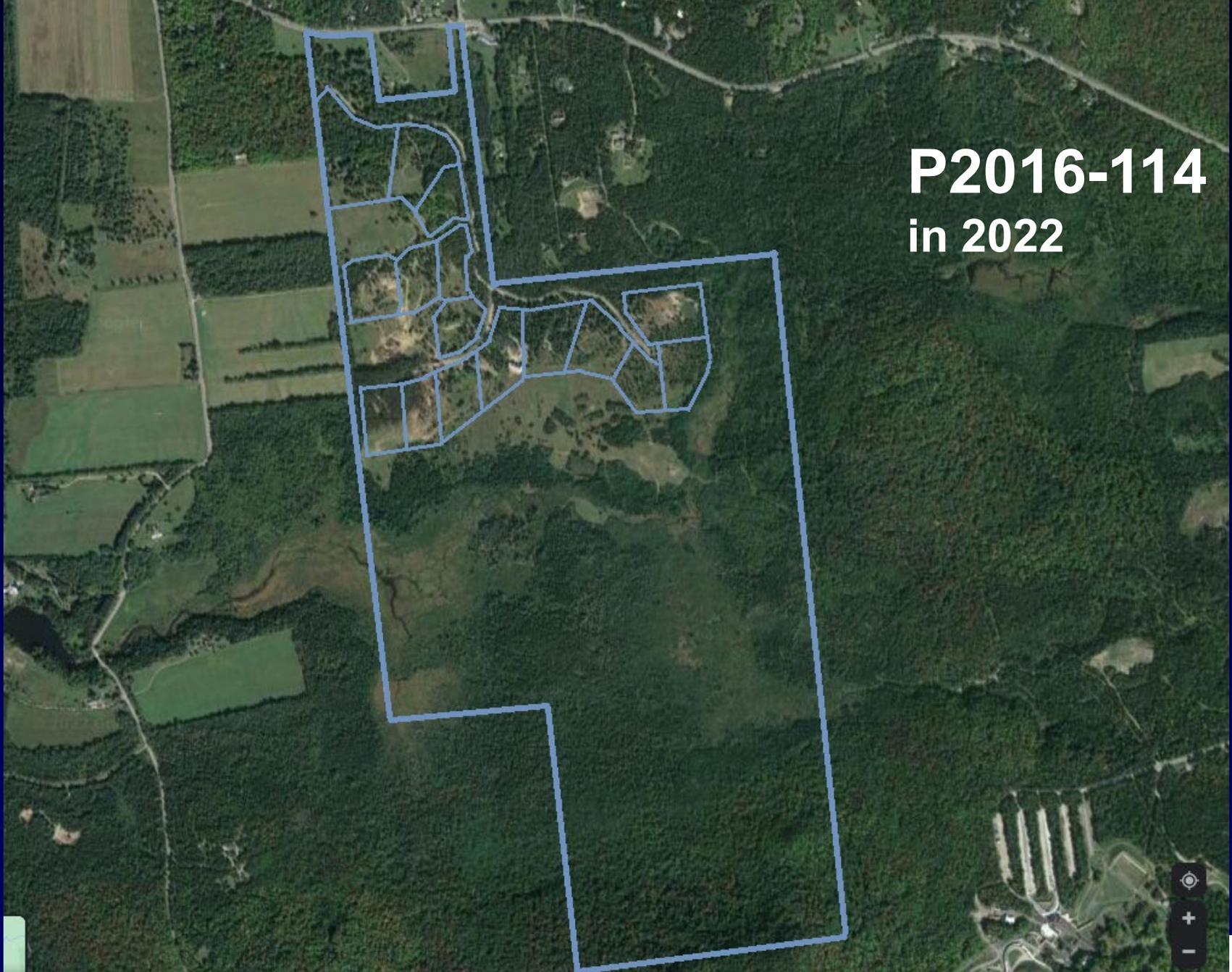
P2016-114
in 2022



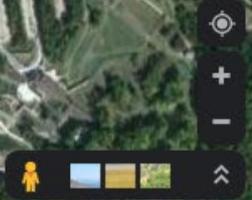
Google



P2016-114
in 2022



Google



Resource Management (5 or more lots) - Summary

Two permits, 1,591± total RM acres

- No new roads, existing roads upgraded
- 37 new dwellings authorized
 - Remaining 24 pb rights extinguished
- Development allowed on 90± acres (<6%)
- Permit required for any future development on 1,501± acres (94+%)
 - No more dwellings allowed
- Vegetative cutting restricted on 1,501± acres (94+%)
 - New tree cutting allowed only for firewood and approved timber harvesting on NY Land and Lakes/Woodworth Lake site
 - New cutting allowed only for HOA trail system on Barile site

Rural Use

10 or more lots

Rural Use (10 or more lots)

Permitting approval criteria #3: The project must be consistent with the **overall intensity guideline** for the land use area.

Rural Use: 8.5-acres for each principal building

→ *The minimum amount of land required for the construction of 10 new single family dwellings in Rural Use is 81± acres*

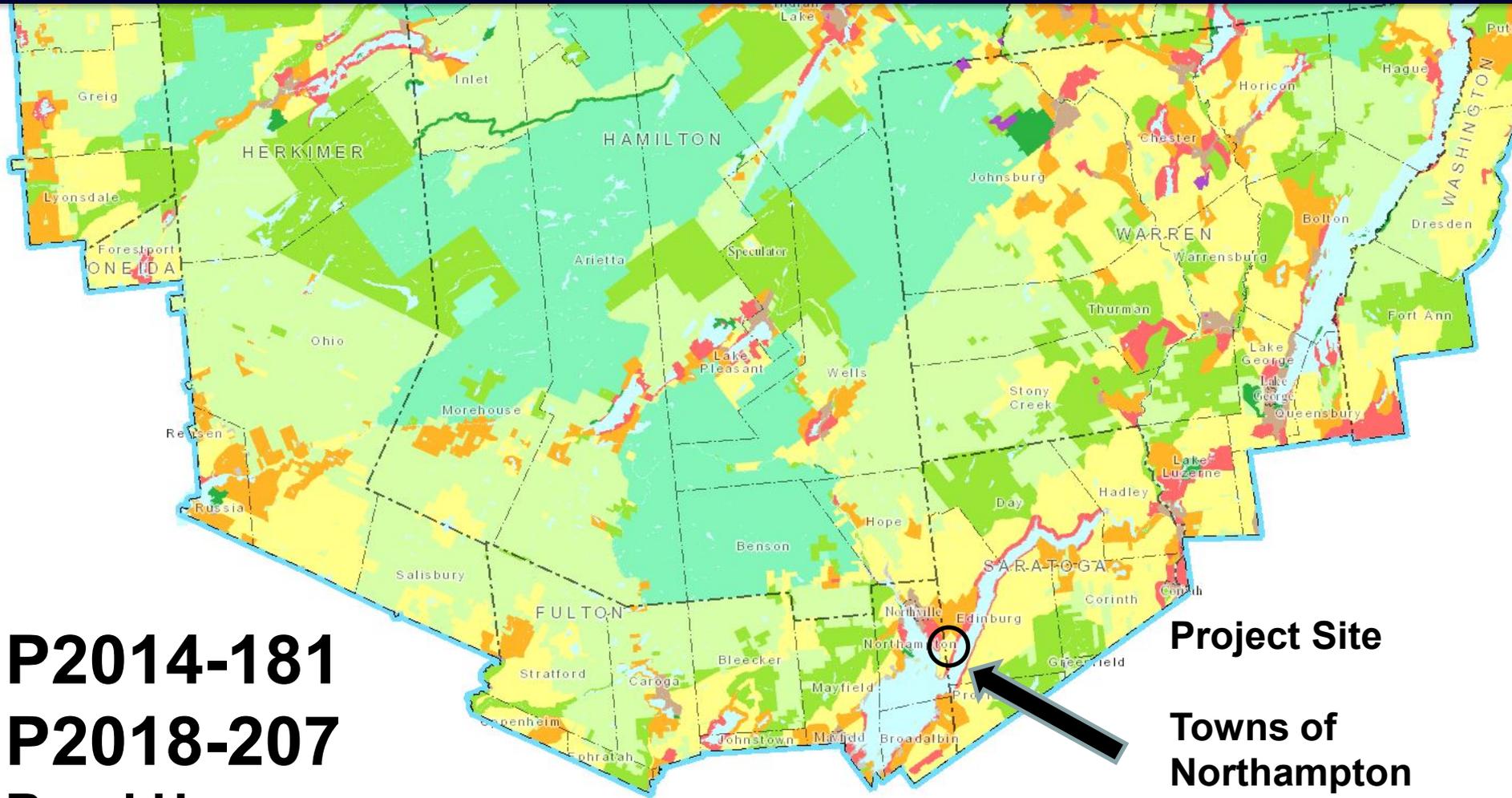
Rural Use (10 or more lots)

2015 & 2020: P2014-181 & P2018-207, Hopkins / MGH Estates LLC

- 182± acres, all RU
- 17 new dwellings authorized; 5 pb rights retained on 33 acres
- Development allowed on 15± acres (<9%)
 - Includes existing development, and all new driveways, structures, and infrastructure; no roads on site
- Dwellings prohibited on 134± acres (73+%)
- Vegetative cutting restricted, permit required for any future development on 167± acres (91+%)
 - No cutting at all except for firewood and footpaths

2021: P2018-0123, NY Land & Lakes / Woodward Lake

- 480± acres (1,070±-acre total site, including RM)
 - Does not include 100±-acre lake
- 30 new dwellings authorized; 37 pb rights extinguished
 - Two dwellings authorized in RM
- Development allowed on 35.4± acres (<8% of RU)
 - Includes existing development, the new subdivision road, and all new driveways, structures, and infrastructure
 - Development allowed on 37± acres of the total site (<4%)
- Tree cutting restricted, dwellings prohibited on 444.3± acres of RU (92+%)
 - Tree cutting restricted, dwellings prohibited on 1,032± acres of the total site (96+%)
 - New tree cutting allowed only for firewood, footpaths, and approved timber harvesting; additional restrictions near wetlands, shorelines

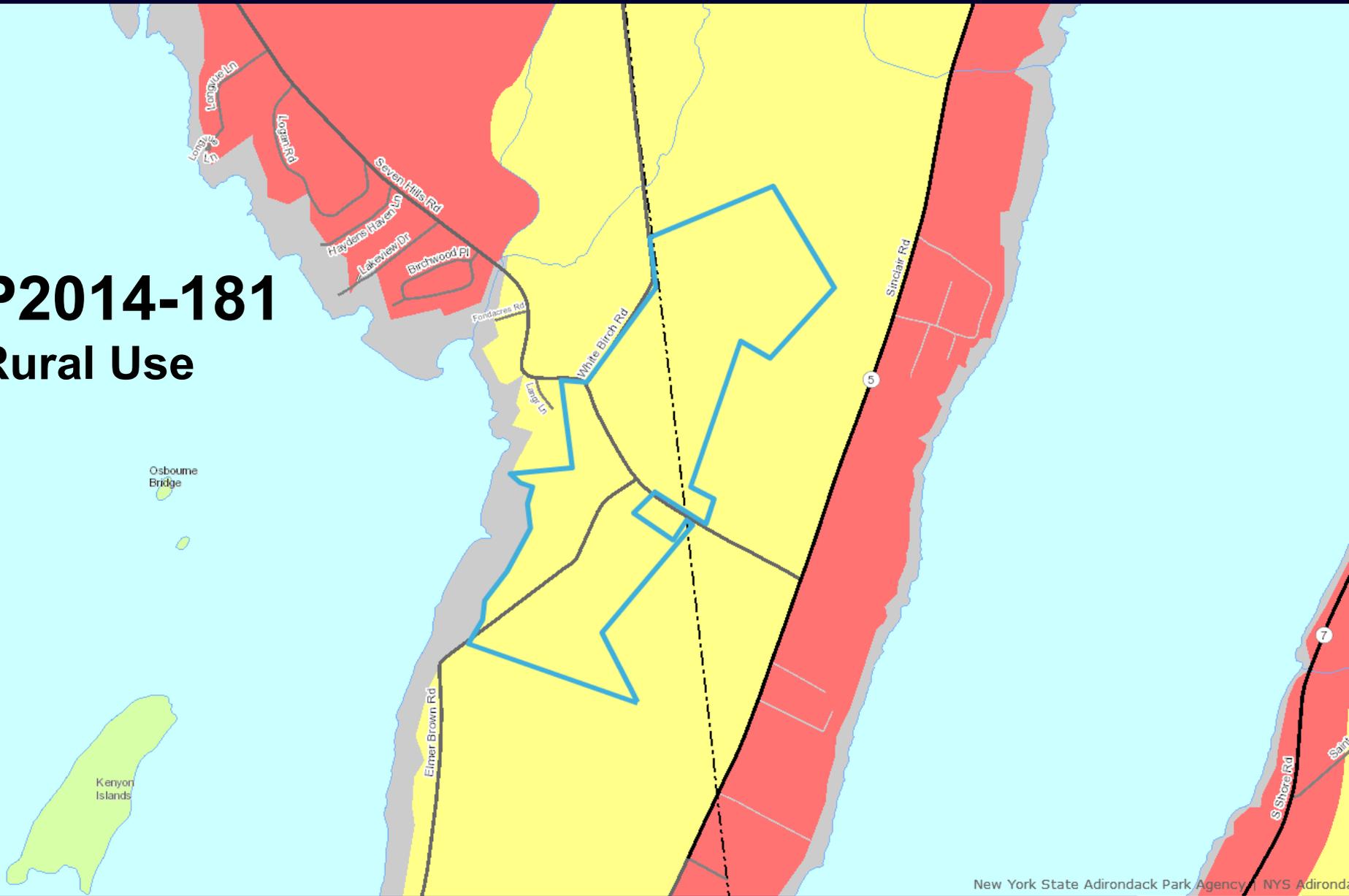


P2014-181
P2018-207
Rural Use

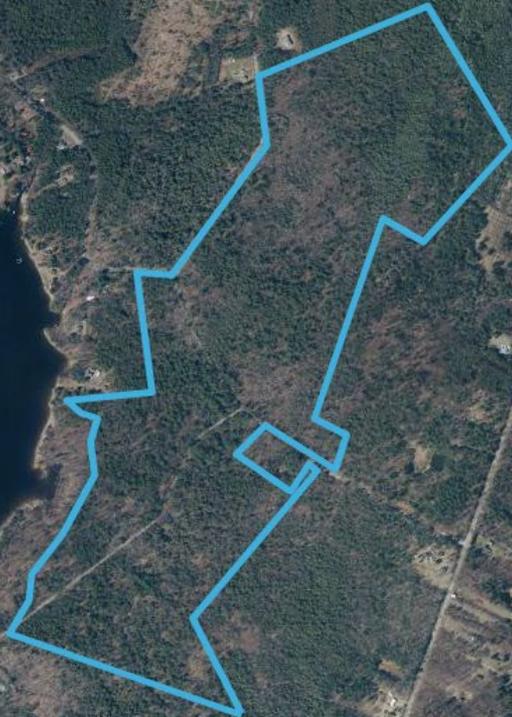
Project Site
Towns of
Northampton
and Edinburg

P2014-181

Rural Use



P2014-181
pre-subdivision



P2014-181

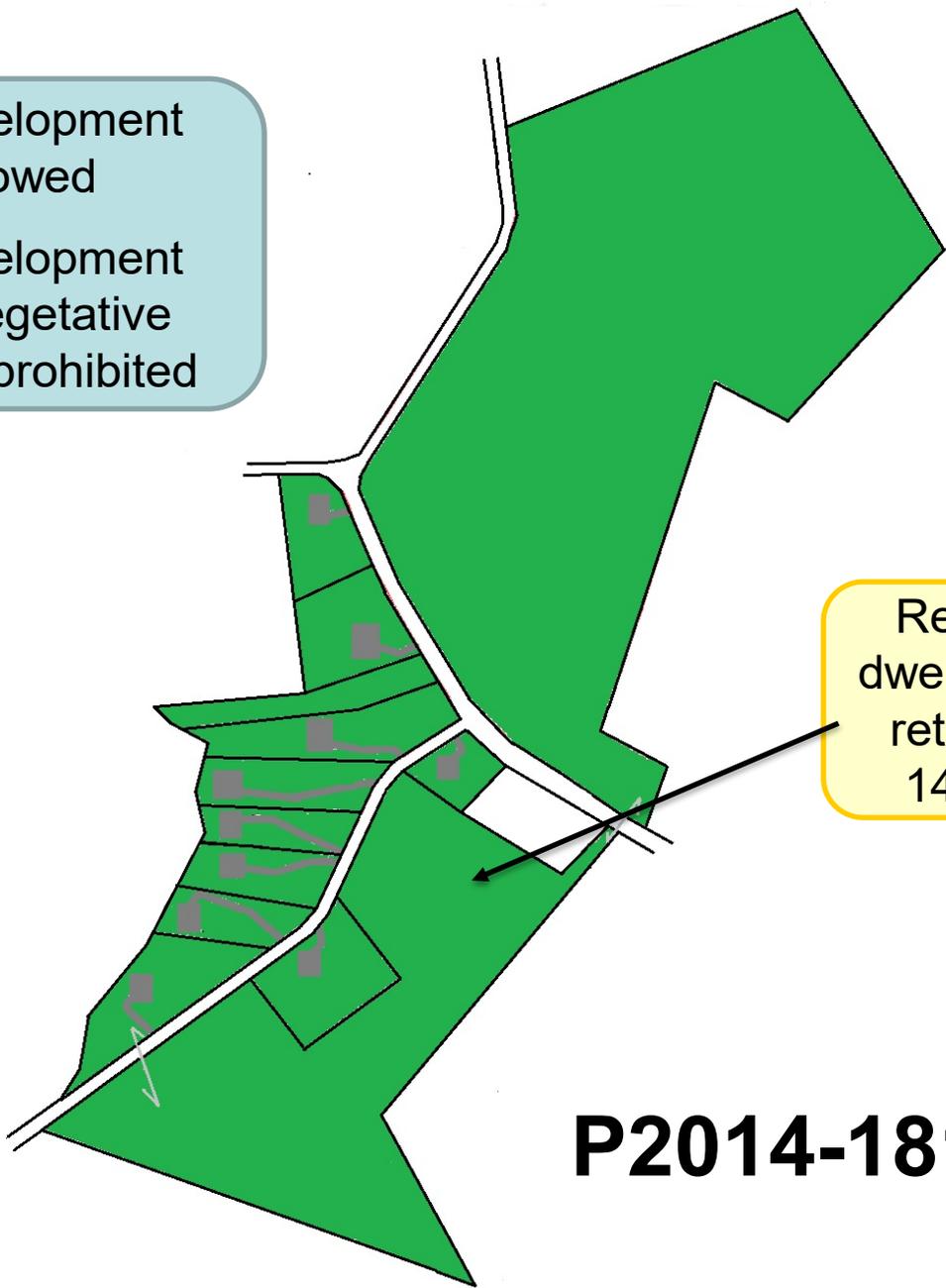


P2014-181



Wetlands –
Value 2

- Development allowed
- Development and vegetative cutting prohibited



Remaining dwelling rights retained on 144 acres

P2014-181

P2018-207
Rural Use

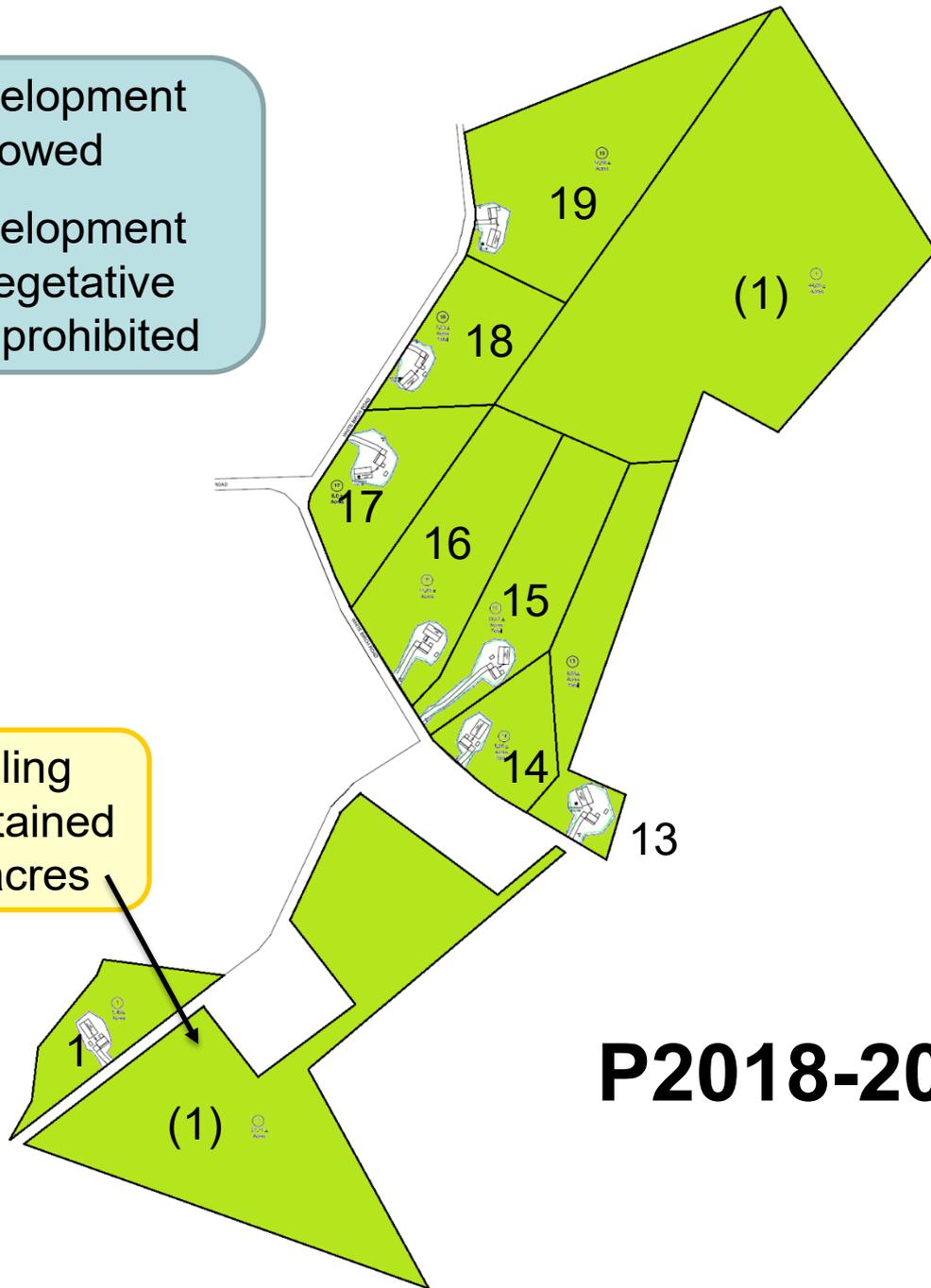
**Project site
in orange**



Development allowed



Development and vegetative cutting prohibited



5 dwelling rights retained on 33 acres

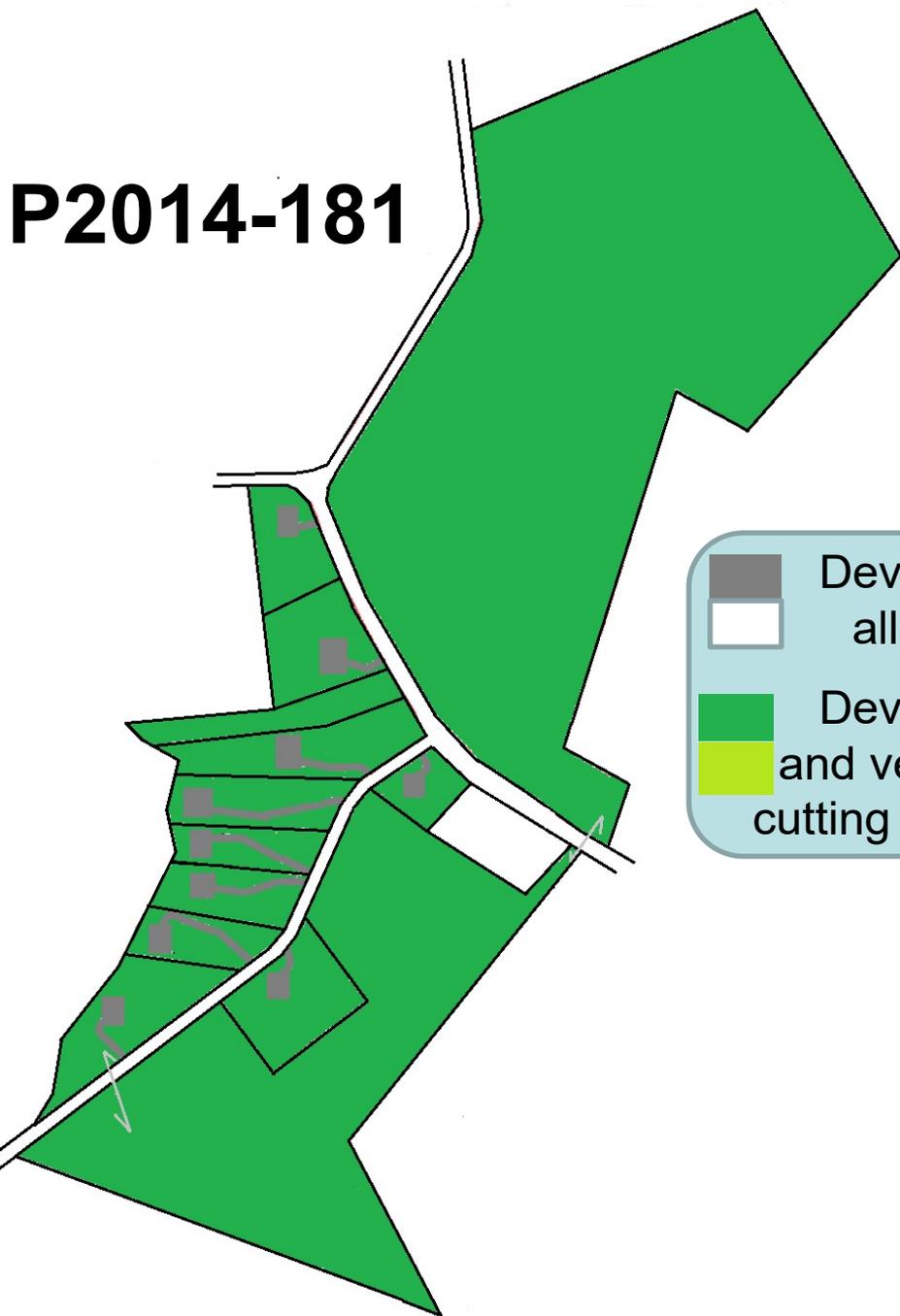
P2018-207

Rural Use (10 or more lots)

P2014-181 & P2018-207, Hopkins / MGH Estates LLC

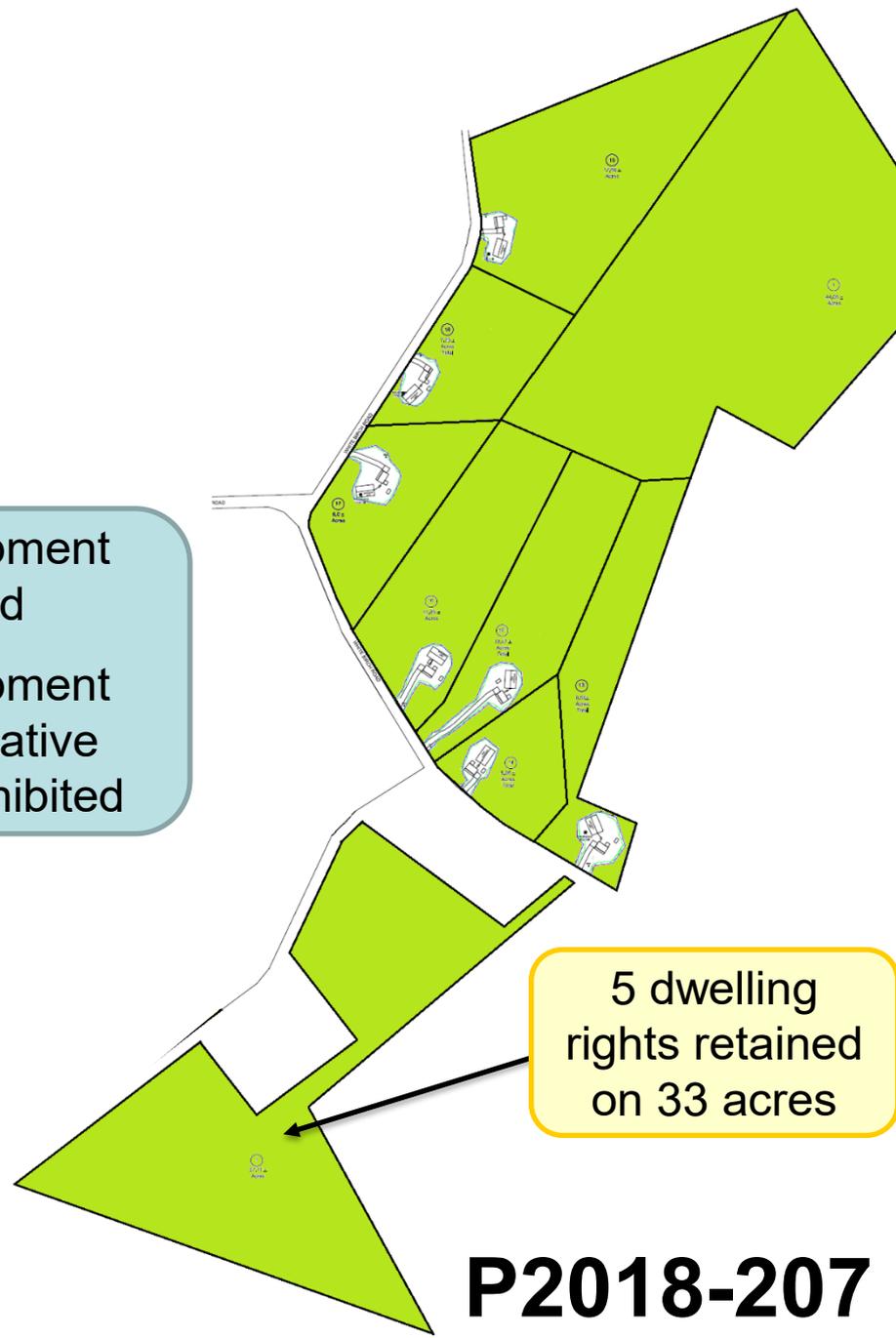
- 182± acres, all RU
- 17 new dwellings authorized
 - 5 pb rights retained on 33 acres
- No new roads
- Development allowed on 15± acres (<9%)
 - Includes existing development, and all new driveways, structures, and infrastructure; no roads on site
- Dwellings prohibited on 134± acres (73+%)
- Vegetative cutting restricted, permit required for any future development on 167± acres (91+%)
 - No cutting allowed at all except for firewood and footpaths on certain lots

P2014-181



■ Development allowed

■ Development and vegetative cutting prohibited



5 dwelling rights retained on 33 acres

P2018-207

P2014-181
P2018-207
pre-subdivision



P2014-181
P2018-207
pre-subdivision



P2014-181
P2018-207
pre-subdivision



Rural Use (10 or more lots)

2015 & 2020: P2014-181 & P2018-207, Hopkins / MGH Estates LLC

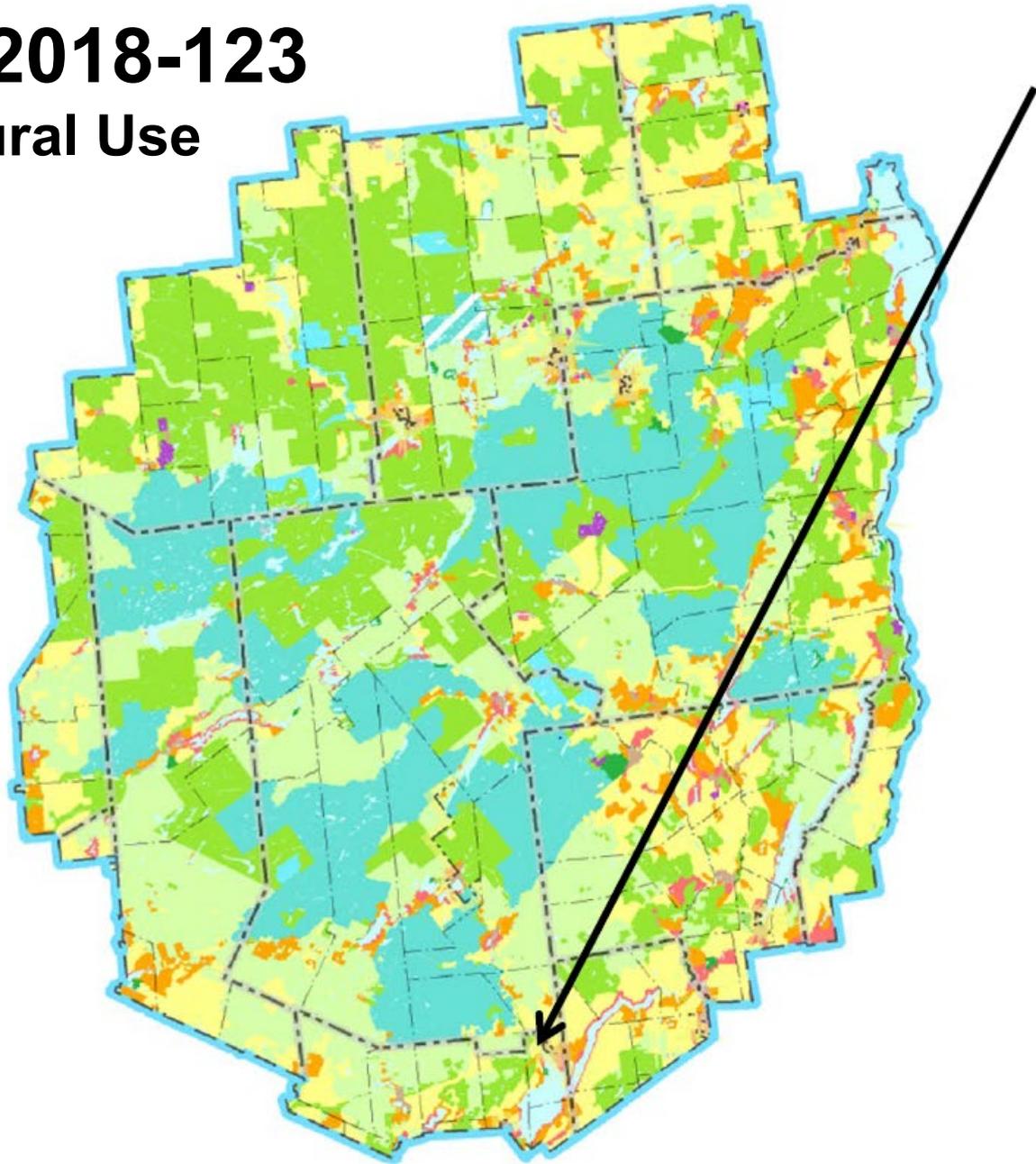
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 - No cutting at all except for firewood and footpaths

2021: P2018-0123, NY Land & Lakes / Woodward Lake

- 480± acres (1,070±-acre total site, including RM)
 - Does not include 100±-acre lake
- 30 new dwellings authorized; 37 pb rights extinguished
 - Two dwellings authorized in RM
- Development allowed on 35.4± acres (<8% of RU)
 - Includes existing development, the new subdivision road, and all new driveways, structures, and infrastructure
 - Development allowed on 37± acres of the total site (<4%)
- Tree cutting restricted, dwellings prohibited on 444.3± acres of RU (92+%)
 - Tree cutting restricted, dwellings prohibited on 1,032± acres of the total site (96+%)
 - New tree cutting allowed only for firewood, footpaths, and approved timber harvesting; additional restrictions near wetlands, shorelines

P2018-123

Rural Use



Project Location

Towns of Northampton and Mayfield

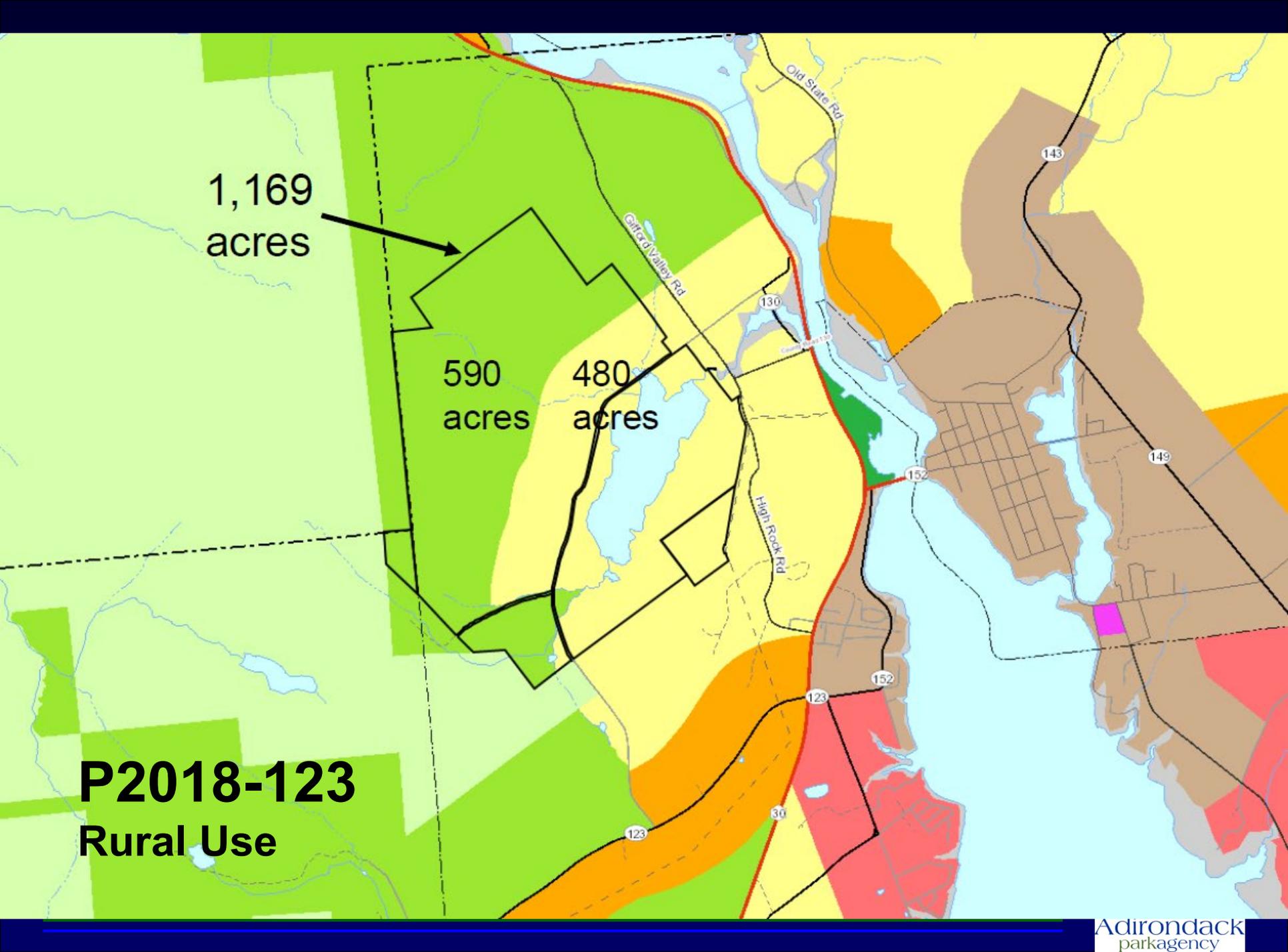
Fulton County

1,169
acres

590
acres

480
acres

P2018-123
Rural Use



P2018-123
pre-subdivision



P2018-123

in 2018

**Rural Use
in yellow**



Existing Development

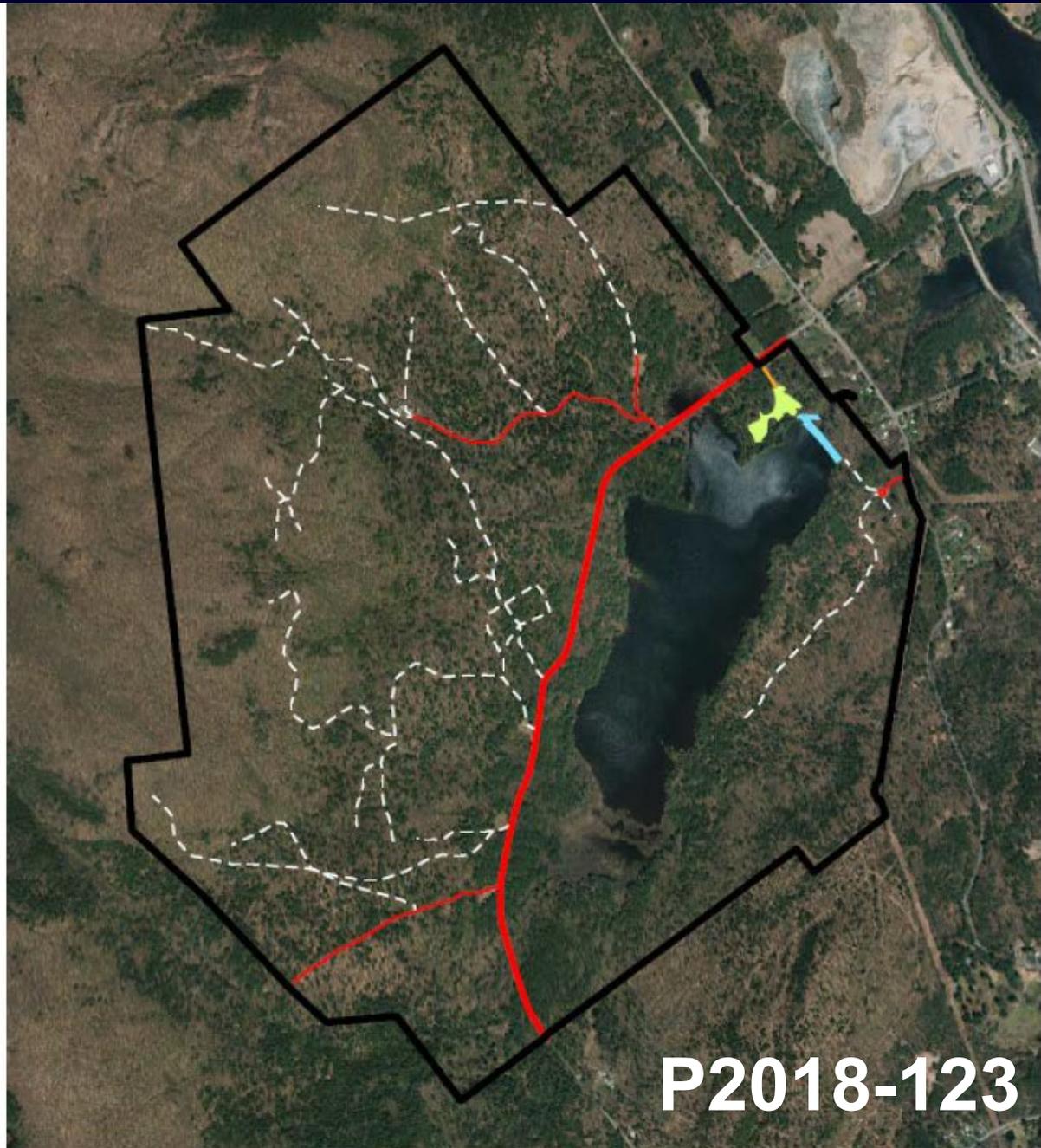
Town road

Dam

Single family dwelling
(clearing, driveway,
tennis court, dock)

Wood roads

Logging / skid roads



P2018-123

P2018-123

Collins-Gifford
Valley Road

10.23.2018

High Rock Road

09.26.2018



10.23.2018

Wood Roads

10.23.2018

Utility Corridor

09.26.2018

P2018-123



Woodward Lake



Woodward Lake Dam



Streams

Stream length
48,482± linear feet (9.2± miles)

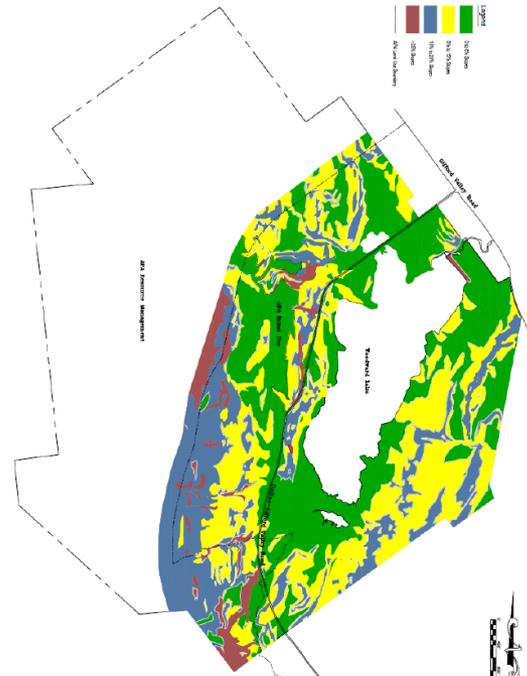


----- Intermittent Stream
----- Permanent Stream

Slope Map With Colored Categories

Legend

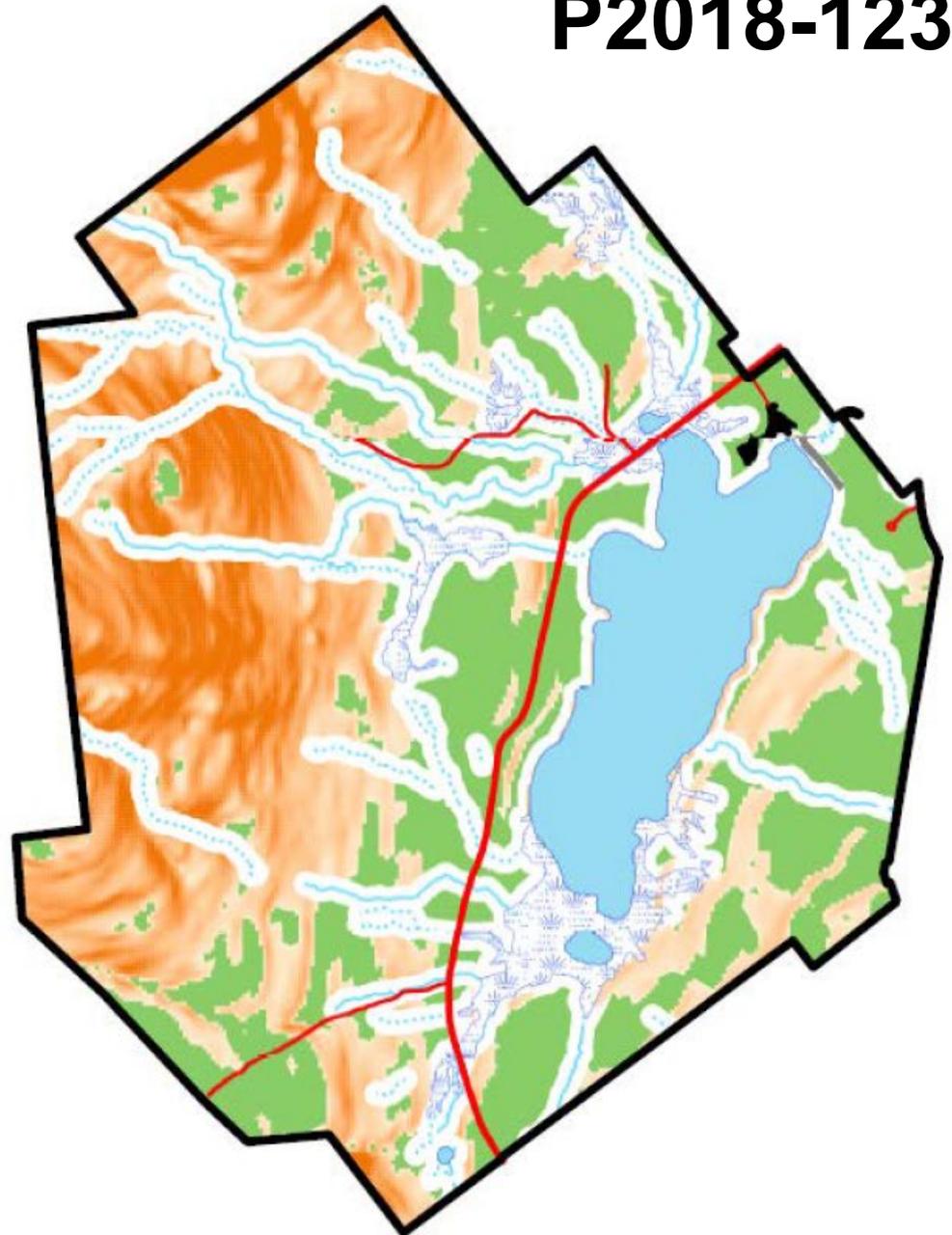
- 0 to 8% Slopes
- 8% to 15% Slopes
- 15% to 25% Slopes
- >25% Slopes
- APA Land Use Boundary



Wetlands

Site Limitations Composite Map

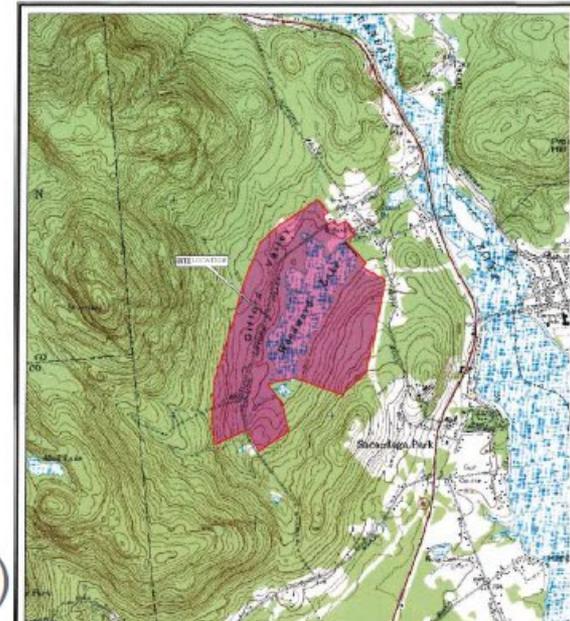
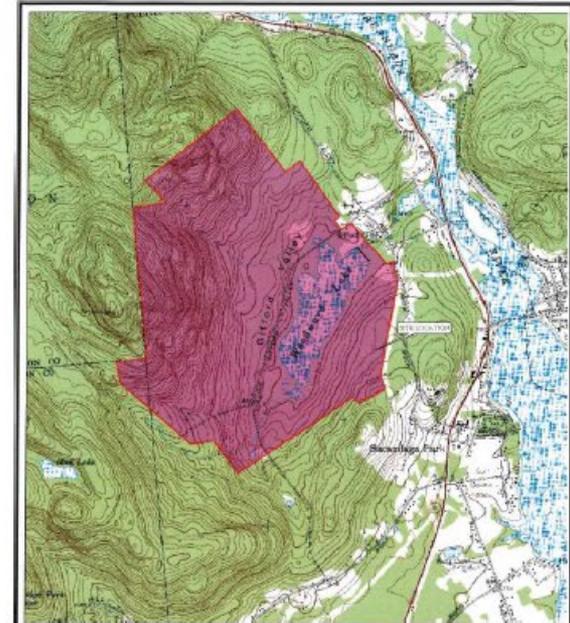
P2018-123



Biological Survey

- Agency Consultation and Literature Search
- Field Survey
 - Ecological Communities / Vegetation
 - Wetland Delineation Information*
 - Flora and Fauna Inventory
 - Invasive Species
 - Habitat Connectivity
- Endangered and Threatened Species

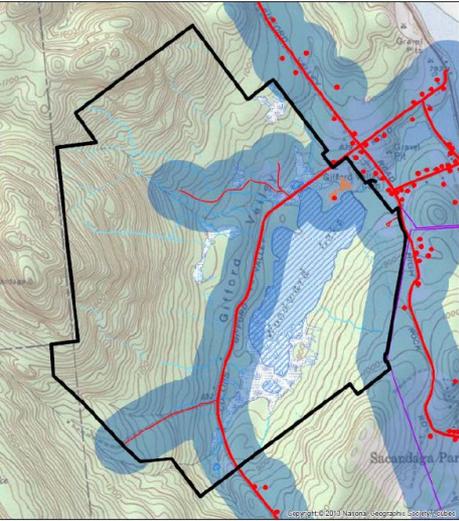
Project
Site



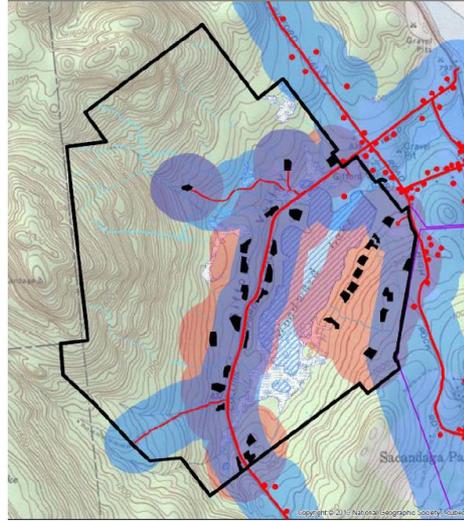
Review Area *
(aquatic resources)

P2018-123

Edge Effects Existing Development

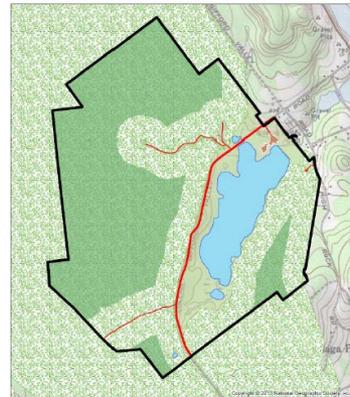


Edge Effects Existing and Proposed Dev.



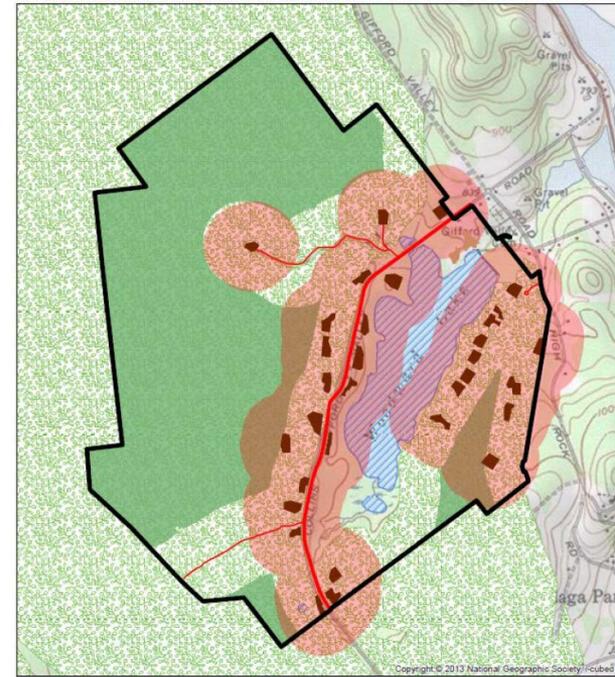
New edge effects of proposed development = 153± acres

Interior Forest



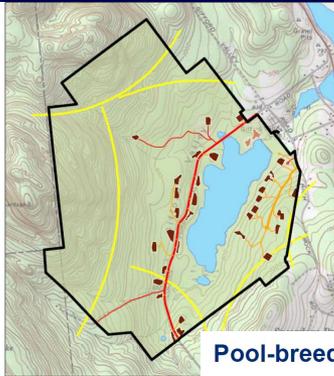
Forest Blocks
Interior Forest (> 200 m from edges)

New edge effects within interior forest = 64± acres



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Large Mammal Travel Routes

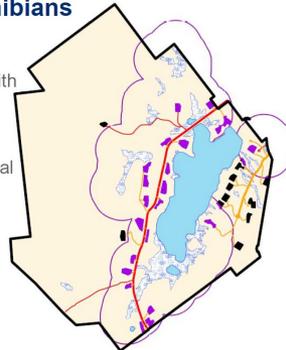


Pool-breeding Amphibians

Critical Terrestrial Zone
within 750 feet of wetlands with
pool-breeding amphibians

Goal:
Leave 75% of critical terrestrial
zone unfragmented with
undisturbed ground cover
(disturb < 25%)

Analysis:
Subdivision proposal meets
this goal



Rural Use (10 or more lots)

P2018-0123, NY Land & Lakes / Woodward Lake

- 480± acres (not including Woodward Lake)
 - 1,070±-acre total site, including RM
- 30 new dwellings authorized
 - Two dwellings authorized in RM
 - 37 remaining pb rights extinguished
- Development allowed on 35.4± acres of RU (<8%)
 - Includes existing development, the new subdivision road, and all new driveways, structures, and infrastructure
 - Development allowed on 37± acres of the total site (<4%)
- Tree cutting restricted, dwellings prohibited on 444.3± acres of RU (92+%)
 - Tree cutting restricted, dwellings prohibited on 1,032± acres of the total site (96+%)
 - New tree cutting allowed only for firewood, footpaths, and approved timber harvesting; additional restrictions near wetlands, shorelines

P2018-123

18-123

Development
allowed

Development
prohibited; approved
forest management
only

Remaining
37 dwelling
rights
extinguished



P2018-123
pre-subdivision



P2018-123
in 2022



Google



P2018-123
in 2022



Google



Rural Use (10 or more lots) - Summary

- Two permits, 662± total RU acres
- 47 new dwellings authorized
 - 37 pb rights extinguished on the NY Land & Lakes/Woodward Lake site
- 51± acres authorized for development (<8%)
 - Includes one new 2,000-foot road
- Permit required for further development on 612± acres (92+%)
 - No future dwellings on 577± acres (87+%)
 - 5 pb rights retained on 33 acres on the Hopkins/MGH site
- Vegetative cutting restricted on 612± acres (92+%)
 - No cutting at all except for firewood and footpaths on the Hopkins/MGH site
 - New tree cutting allowed only for firewood, footpaths, and approved timber harvesting on the NY Land & Lakes/Woodward Lake site

Low Intensity Use

25 or more lots

Low Intensity Use (25 or more lots)

Permitting approval criteria #3: The project must be consistent with the **overall intensity guideline** for the land use area.

Low Intensity Use: 3.2 acres for each principal building

→ *The minimum amount of land required for the construction of 25 new single family dwellings in Low Intensity Use is 79± acres*

Summary

APA Act – Permitting

Every proposal, including every subdivision lot, is analyzed for...

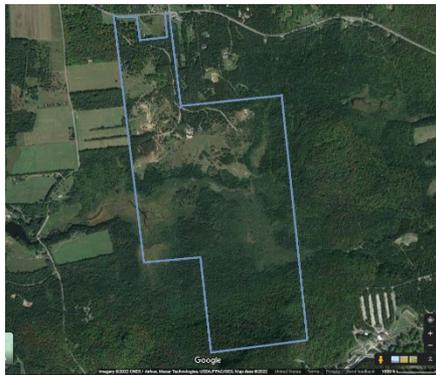
- Visual and open space impacts
- Wildlife impacts, including habitat fragmentation
- Wetland impacts
- Forest management / agricultural uses
- Invasive species management
- Soils, slopes, water quality impacts
- Stormwater management
- Wastewater treatment
- Traffic, parking, governmental services....



Large Residential Subdivision Permits

Summary – 10 years

- Four permits (2 RM, 2 RU) – 2,253± total acres
- 84 new dwellings
- 141± acres authorized for development (<6.3%)
 - Includes existing development
- Permit required for further development on 2,112± acres (93.7+%)
- No future dwellings on 2,079± acres (92.2+%)
 - 5 pb rights retained on 33 acres on the Hopkins/MGH site
- Tree cutting restricted on 2,112± acres (93.7+%)
 - New cutting allowed only for firewood, designated paths, and approved FMPs



Questions?