

Hearing Record for:

# The Adirondack Club and Resort

Project 2005-100

## Issue No. 1 - Alternatives

Meeting of the Adirondack Park Agency

Ray Brook, New York

November 17, 2011



## **Issue No. 1**

*Is the natural resource protection (including visual, forest resource, habitat and other natural resource considerations) implicit in Resource Management land use area adequately protected [§805(3)(g)(2)]; are the proposed great camp lots “substantial acreage...on carefully and well designed sites?”* **Are there alternatives, and if so, what are the relative impacts on these resources?** Exhibit #87, Attachment B

### **Testimony:**

Jeff Anthony, Project Sponsor – April 27-28, 2011

Kevin Frank, Project Sponsor – April 27-28, 2011

Harry Dodson, Adirondack Council - April 26, 2011

Joel Russell, Adirondack Council - April 26, 2011, 918:14-

Mark Sengenberger, APA – April 26, 29, 2011

Exhibit 87: ALJ Issues Ruling November 16, 2010, Attachment B – Summary of Issues for Adjudication Exhibit

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## **Issue No. 1 – Alternatives**

## **APA Hearing Staff – Closing Statement:**

...design of the proposed project has not changed significantly since conceptual review by the Agency's Regulatory Programs Committee in 2004. Exhibits 1-6

Project Sponsor reviewed a no action alternative and three alternative designs to the preferred scheme. Exhibit 6, p.15

The Committee sought explanation why designs of different scales or magnitude were not selected and recommended the Project Sponsor work with staff on site-specific design alternatives. Exhibit 6, p.15

Project Sponsor has consistently sought Great Camp Lots on RM lands, though the size and configuration of those lots has changed over time.

Exhibits 1 (Conceptual Development Plan), 7 (Drawing MP-O), 40(Drawing MP-O), and 83(Drawing MP-O); April 26, 2011 Transcript, p.840, line 10 through p.841, line 1; Exhibit 81, pp.19-20

## **APA Hearing Staff – Closing Statement:**

In various submissions, the Project Sponsor has responded to the Regulatory Programs Committee and to Agency staff regarding the analysis of alternatives.

Despite these responses, staff have continued to question whether other project design alternatives exist that might have less impact and still achieve the Project Sponsor's land use objectives.

Testimony at the hearing showed the potential for other project alternatives. It also showed the difficulties of developing alternative designs taking into account land use boundaries and sensitive resources.

## APA Hearing Staff – Closing Statement:

As requested by the Regulatory Programs Committee, the Project Sponsor has worked with Agency staff throughout the review process, and even during the hearing process, to make more specific design changes to the proposed project:

High elevation residential development in RM was removed from the project:

- entire proposed East Ridge neighborhood;
- upper portions of the West Slopeside;
- upper portions of West Face Expansion.

The proposed Orvis Shooting School has been eliminated;

Eastern Great Camp Lots A and I have been combined into one 1,211.4 acre lot;

a forest management plan for the Great Camp Lots A-H will be developed and implemented;

Wastewater treatment proposals for Great Camp Lots have been modified.

## **Protect The Adirondacks! Inc. Post Hearing Brief and Closing Statement:**

There are feasible alternatives that would reduce the Project's undue adverse impacts.

The Protect The Adirondacks! Alternative:

...drastically reducing the size of the 39 Great Camp lots, which are proposed for RM lands.

If the Great Camp lots were reduced to about 2 to 5 acres for the smaller ones and 85.25 acres each for the 8 larger ones they would only occupy 837 total acres instead of about 3,600 total acres.

Not only would this alternative protect far more land, it would still meet the applicant's financial needs and would not adversely affect the marketing of the project.

Testimony of Joel Russell, Adirondack Council:

“Division into... ..so called “great camp” lots contradicts the directive to manage the resources. ...it frustrates management by dividing the property into individual ownerships...” (1)

“...the alternative plans prepared by the Adirondack Council, ...much more fully implement the Resource management goals of the APA Act.”(2)

“...lot sizes should be appropriate for the intended use of the land, which in the case of Resource Management in the Adirondacks is either quite small... ..or large enough to enable meaningful resource management... ..without fragmenting or perforating the resource.” (3)

“[the Council’s] alternatives have the proven marketing advantage... ..every residential unit... ..to have recreational access to almost all the project site.” (4)

(1) Pre-filed testimony of Joel S. Russell, pg. 7

(2) Ibid. Pg.8

(3) Ibid. 12

(4) Ibid. Pg. 27

Testimony of Harry Dodson, Adirondack Council:

“The ACR plan is based on an outmoded model of resort development... ..out of place in the Tupper Lake area and the Adirondack Park.

...patterns with dispersed segregated, auto-dependent uses have fallen out of favor... in the market place<sup>(1)</sup>

“The developer has claimed significant open space conservation consisting of undeveloped portions of private lots, but this subdivided acreage is not at all equivalent to conservation of the land intact...”

“The denser portions of the proposed ACR development adjacent to the ski area... fail to create a walkable and dynamic center” <sup>(2)</sup>

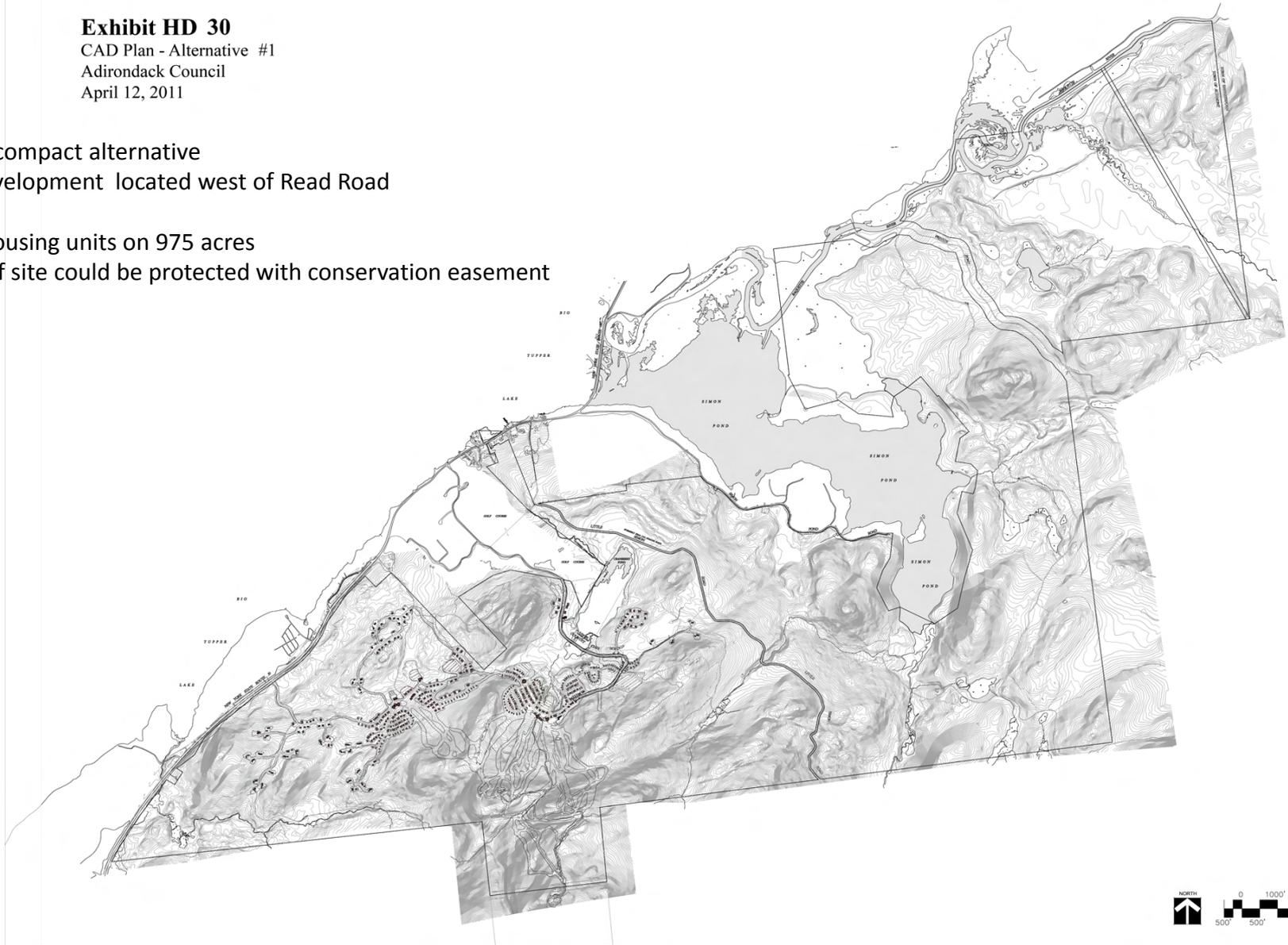
(1) Pre-filed testimony of Harry L. Dodson, Issues #1 and #3, pg. 6

(2) Ibd., pg. 7

**Exhibit HD 30**  
CAD Plan - Alternative #1  
Adirondack Council  
April 12, 2011

Most compact alternative  
All development located west of Read Road

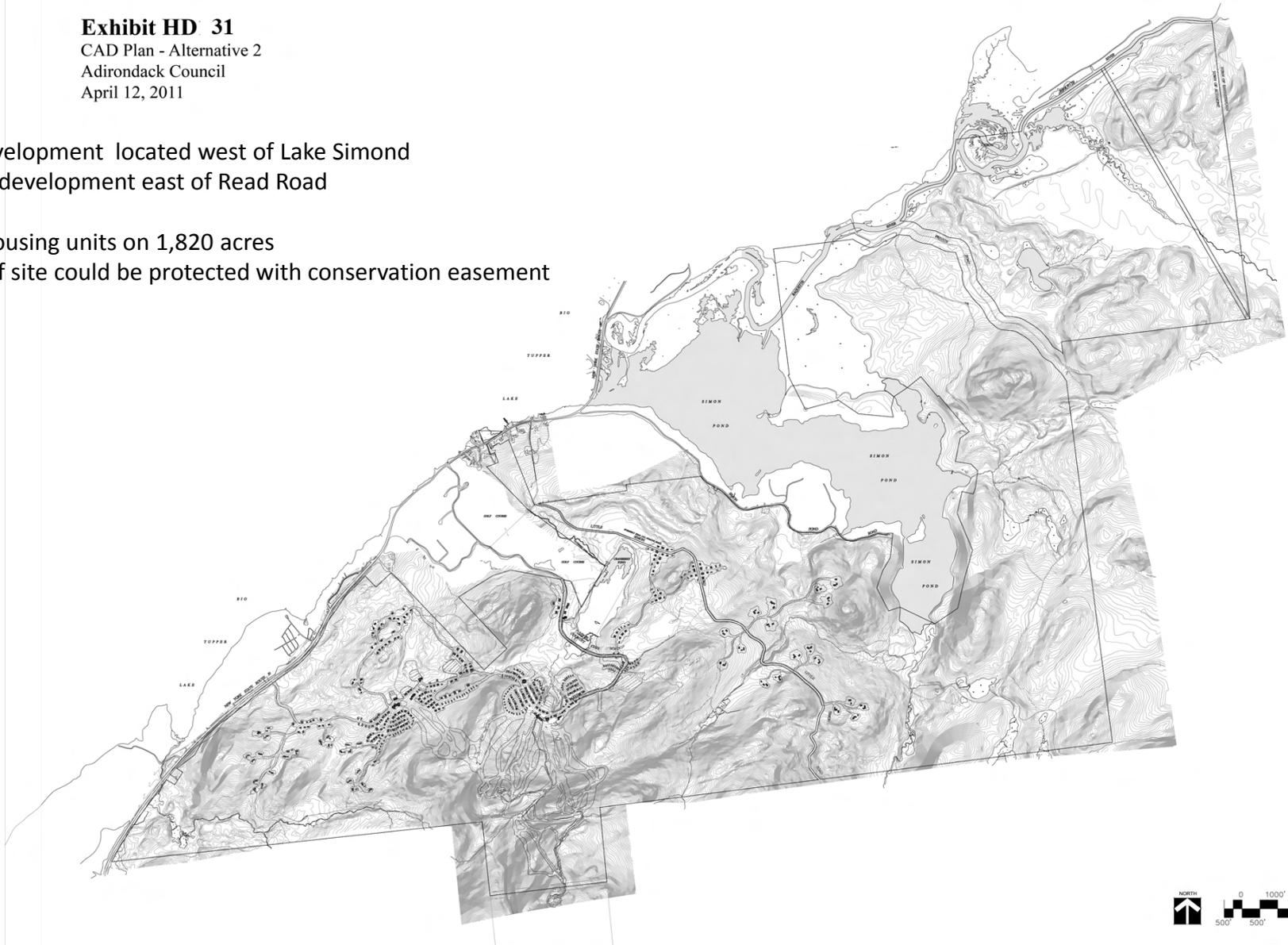
750 housing units on 975 acres  
80% of site could be protected with conservation easement



**Exhibit HD 31**  
CAD Plan - Alternative 2  
Adirondack Council  
April 12, 2011

All development located west of Lake Simond  
Some development east of Read Road

750 housing units on 1,820 acres  
61% of site could be protected with conservation easement

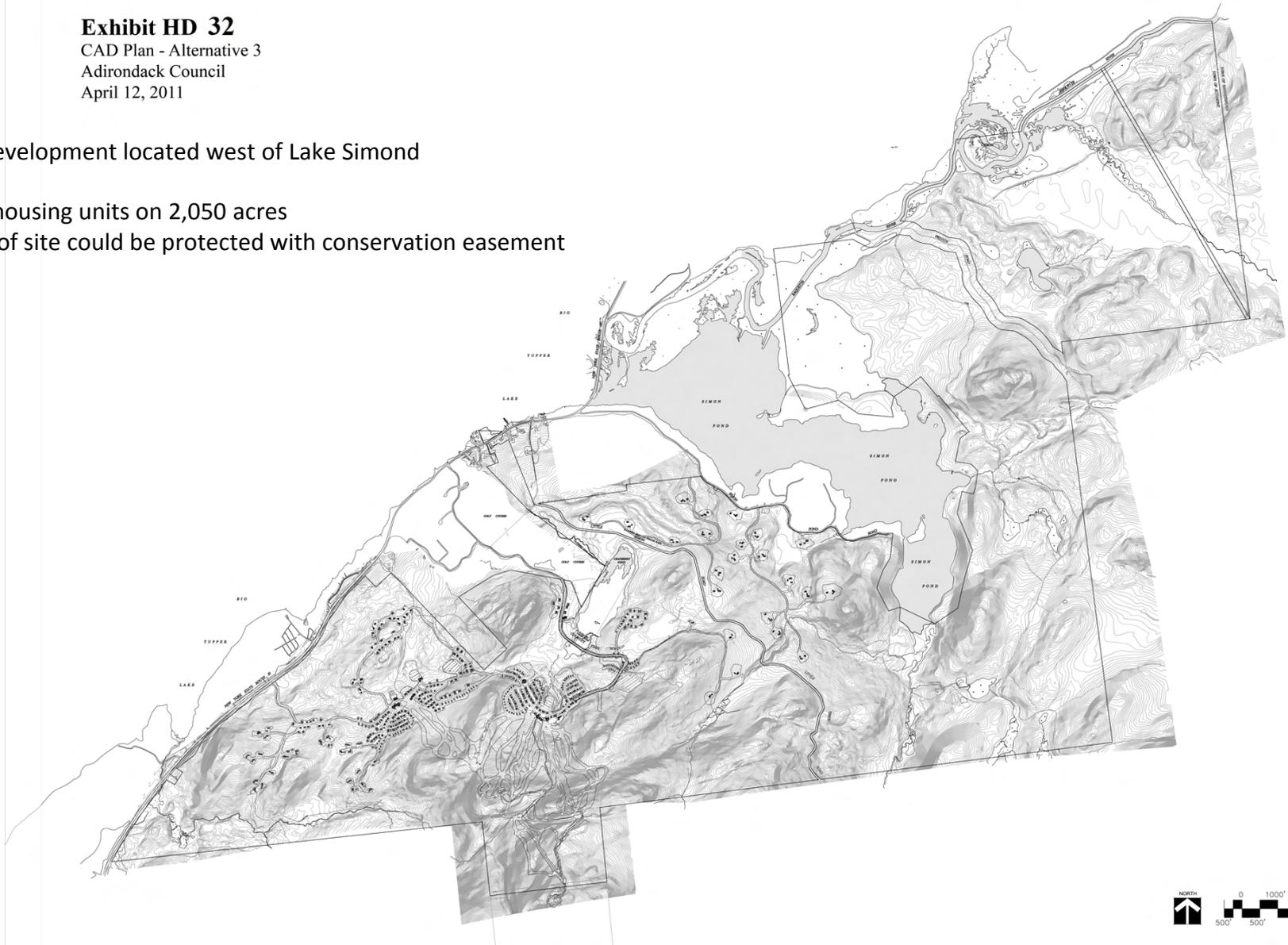


**Exhibit HD 32**  
CAD Plan - Alternative 3  
Adirondack Council  
April 12, 2011

All development located west of Lake Simond

750 housing units on 2,050 acres

58% of site could be protected with conservation easement



## Testimony of Harry Dodson, Adirondack Council:

“ [the project’s] Uses and building types are segregated into different areas of the site accessible primarily by car. ...[the]often redundant network of new roads connects this dispersed development, unnecessarily dividing and fragmenting the site...

“It [the project] could set a disturbing precedent for many other privately held forested mountain landscapes in the Park <sup>(1)</sup>

Suggested benefits of the alternative plans include:<sup>(2)</sup>

- reduce impacts to land
- reduce infrastructure costs
- reduce road length
- reduce long term management costs
- increase long term viability of project

(1) Pre-filed testimony of Harry L. Dodson, Issues #1 and #3, pg. 8

(2) Ibd., pg. 12

Testimony of Jeffery Anthony for Project Sponsor:

“Mr. Dodson presented as testimony what represents a contemporary... resort in today's standards. This is the core area of the Stratton Mountain Resort only...<sup>(1)</sup>

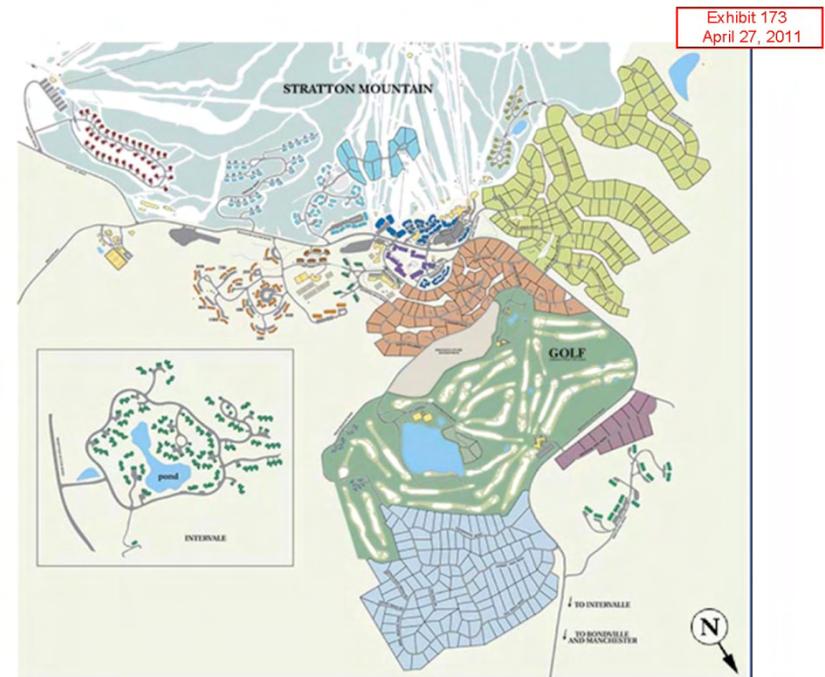
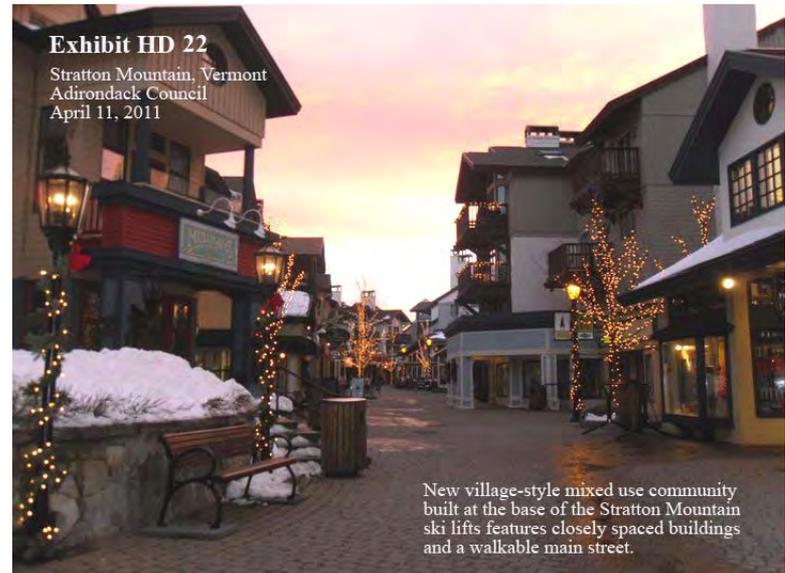
...by Stratton's master plan, there's much more to Stratton than just that core area.

the resort has transitioned into a series of clusters of different types of... ..neighborhoods...

This core community is very walkable, [at Stratton]. However, the way Stratton operates [it is using] satellite parking lots just as proposed A.C.R. and there's a shuttle service.

most of these residential developments [at Stratton] are not walkable to get to the base of the ski area where you would pick up a lift

(1) Testimony, Jeffery Anthony, April 27,2011, page 1207

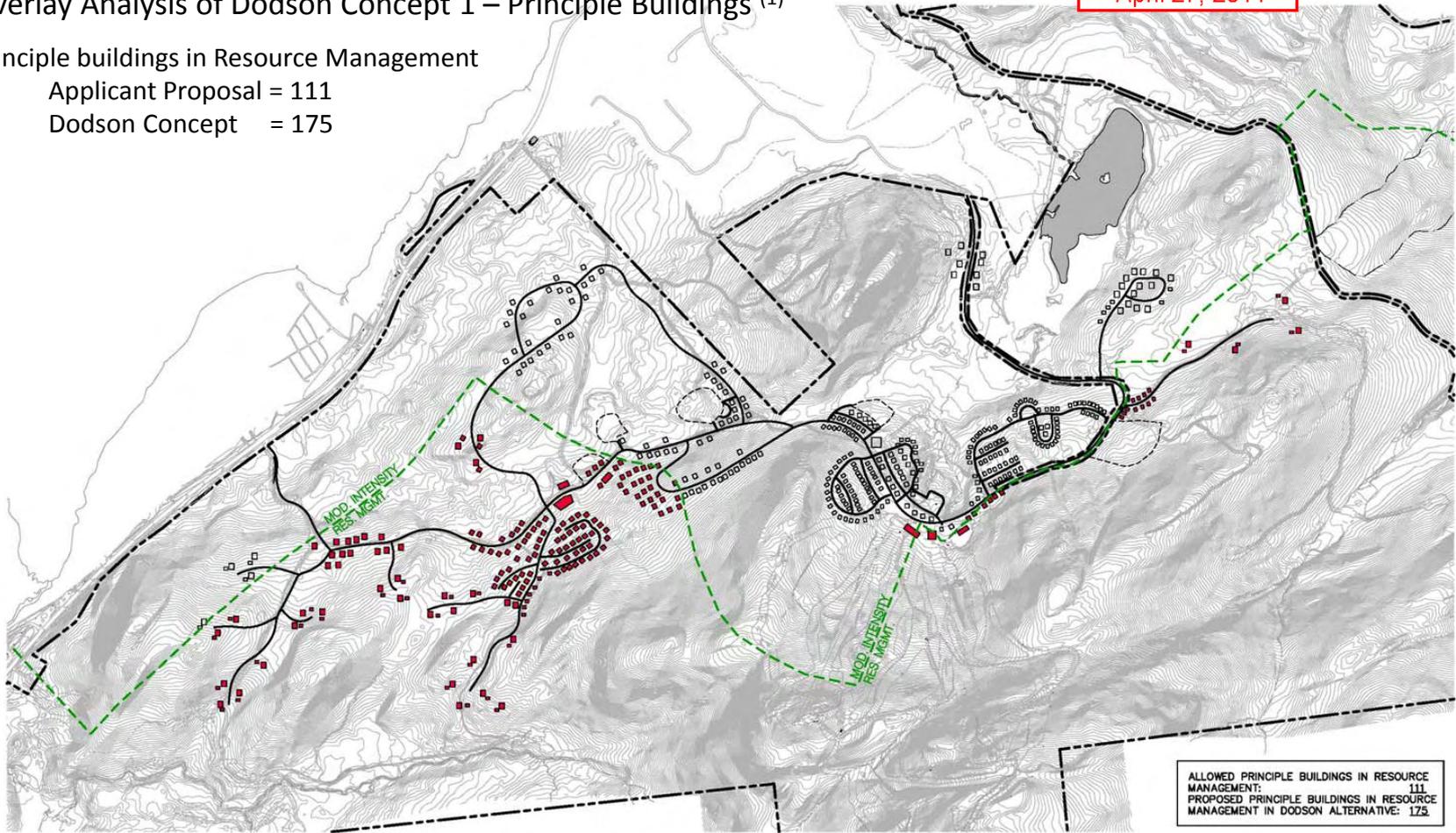


## Overlay Analysis of Dodson Concept 1 – Principle Buildings <sup>(1)</sup>

Principle buildings in Resource Management

Applicant Proposal = 111

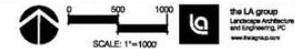
Dodson Concept = 175



THE ADIRONDACK CLUB AND RESORT- Overall Intensity Guidelines

Town of Tupper Lake, Franklin County, New York

April 25, 2011



(1) Testimony, Jeffery Anthony, April 27, 2011, pages 1239-1244

# Issue No. 1 – Alternatives

# Overlay Analysis of Dodson Concept 1 – Wetlands<sup>(1)</sup>

LEGEND	SYMBOL
WETLAND	
WETLAND IMPACTS	
• 27 BUILDINGS	
• 20,000 SF PARKING	

Wetland impact:  
27 buildings  
20,000 sf of parking area



**THE ADIRONDACK CLUB AND RESORT- Wetland Impacts**  
Town of Tupper Lake, Franklin County, New York

April 25, 2011

(1) Testimony, Jeffery Anthony, April 27,2011, pages 1245-1250

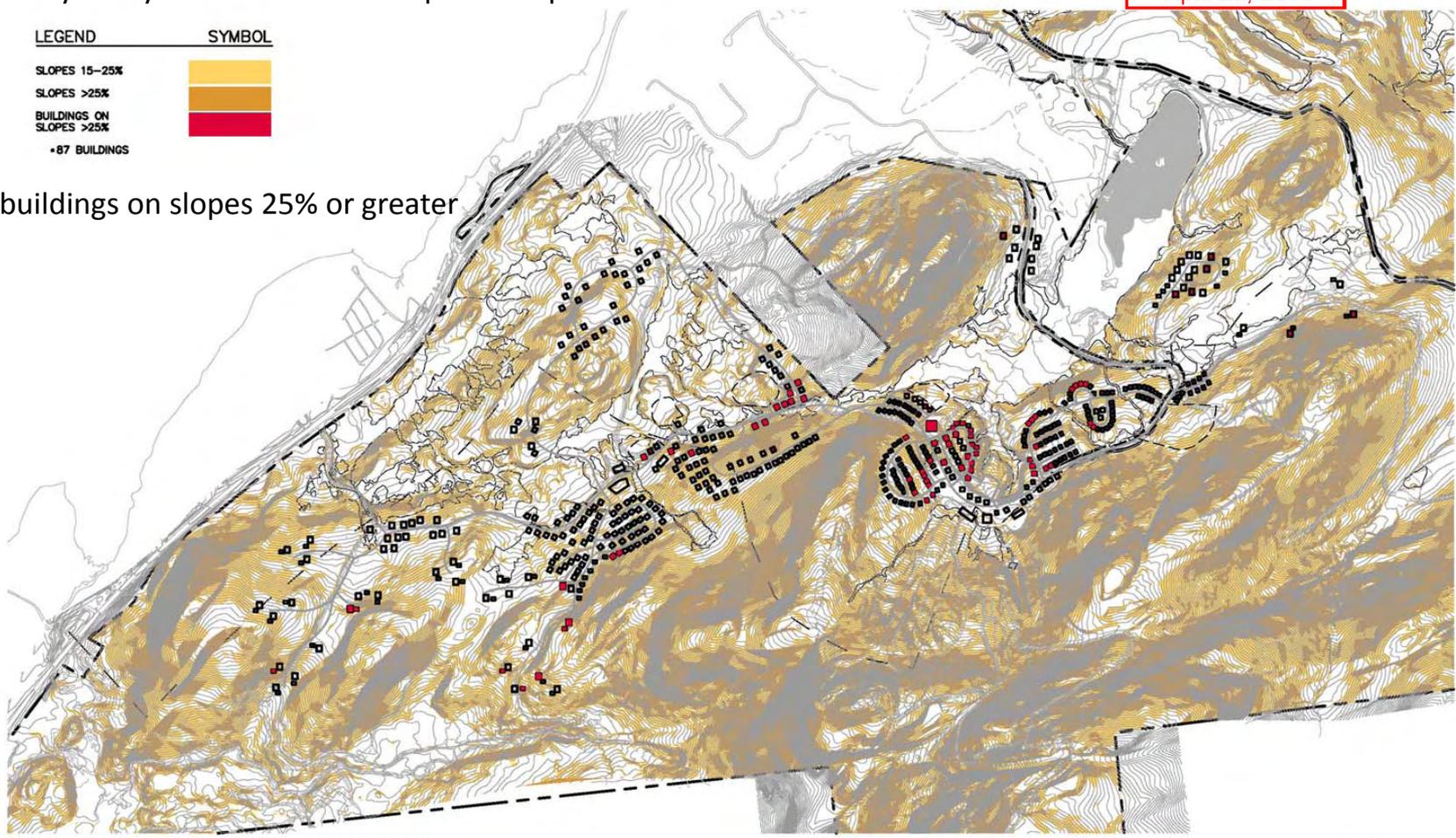
## Issue No. 1 – Alternatives

# Overlay Analysis of Dodson Concept 1 – Slope<sup>(1)</sup>

Exhibit 178  
April 27, 2011

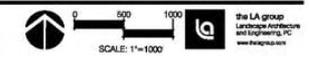
LEGEND	SYMBOL
SLOPES 15–25%	
SLOPES >25%	
BUILDINGS ON SLOPES >25%	
• 87 BUILDINGS	

87 buildings on slopes 25% or greater



THE ADIRONDACK CLUB AND RESORT- Slope Impacts  
Town of Tupper Lake, Franklin County, New York

April 25, 2011



(1) Testimony, Jeffery Anthony, April 27, 2011, pages 1251-1254

## Issue No. 1 – Alternatives

Testimony of Jeffery Anthony for Project Sponsor:

...what happens when you try to build it [the Dodson alternative]? ...everything is exacerbated once you try grading a project of this nature... and developing a storm water management plan.

These are very dense developments. The buildings are close together. ...to prove that they're constructible, you'd have to do a grading plan.

...with these buildings being so close on grades of twenty-five percent or more, ...with wetlands and drainways, my estimation is that you ... would grade a very high percentage of the land area within these clusters...

to build ...this project the way it's designed within these clusters, you would probably lose all evidence of natural characteristics... <sup>(1)</sup>

Q. So in your professional opinion as a landscape architect who designs these kinds of projects, is this a marketable design? A. No. <sup>(2)</sup>

(1) Testimony, Jeffery Anthony, April 27, 2011, pages 1253-1254

(2) Ibd., pages 1272-1273

## Testimony of Mark Sengenberger, APA:

...as one moves through the project review process, the focus tends to go from the larger conceptual overall layout down to more specific discussions about alternatives of specific components.

...the discussion of alternatives tends to get refined. And I think that's reflected in the multiple dozens of questions that staff asked about alternatives, both at the gross scale, in terms of alternative lot layouts -- are there alternatives to the large great camp lots, could development areas be moved closer to roads...

So, I think a careful reading of the record would show that those questions have been asked.

(1) Sengenberger Testimony, 4/29/11, pgs. 1657-1661

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# Issue No. 1 – Alternatives

## **Testimony of Mark Sengenberger, APA:**

“when we begin to look at alternatives, it's important to have as much information about those alternatives as possible to see if the alternatives being suggested, in fact, are feasible taking into consideration the information that the Agency typically looks at.”

...there are significant issues related to alternatives and that the alternatives analyses take a significant amount of time to develop.”

(1) Sengenberger Testimony, 4/29/11, pgs. 1663-1664

## **Applicant's Brief of the Hearing Record and Closing Statement:**

“... Site constraints limit development design options for the AC&R project. Applicant's project scale and design are reasonable and necessary...”

The project as proposed represents both “clustering” on carefully selected and well designed sites and the use of “substantial acreage” in its subdivision design for those lands located in Resource Management...”

“The project as proposed represents a very significant effort to both conserve and preserve open space in its resource management lands”