

Hearing Record for:

# The Adirondack Club and Resort

Project 2005-100

## Issue No. 1 – Open Space

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?*

Presentation by Executive Team is structured upon Hearing Staff Closing Statement, September 23, 2011

Open Space

Forest Resources

Habitat/Wetlands

Soils/Surface Waters/Groundwater

Substantial acreage/Carefully and well designed sites

Alternatives

The protection of visual resources on Resource Management lands will be provided under Issue No. 11.

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## **Issue No. 1 – Open Space**

## **Testimony:**

Colleen Parker, APA Hearing Staff

S. Jeffery Anthony for the Project Sponsor

Dennis and Brenda Zicha, Party-by-right

Adirondack Wild, Inc. (Russell, Kretser, Glennon)

The Adirondack Council, Inc. (Closing Statement)

## Relevant Facts:

The term “Open Space” not explicitly defined in the Agency Law or Regulation <sup>(1)</sup>

Development in the Adirondack Park (DAP) is Agency guidance providing:

analytical approaches and BMPs;

addresses the five permit decision criteria;

defines what open space is and how it should be protected;

*Includes several kinds of areas: 1) **areas of any size that exist or appear to exist in a virtually natural and undeveloped state**, including wooded and forested areas, natural fields, stream and river corridors, wetlands, lake shores, mountainous areas, plains and all other types of natural terrain; 2) **areas that have been developed for recreational uses** on cleared land; and 3) **cleared agricultural lands** both active and inactive. Open Space can be **owned either in common by the community or be part of lots owned by individuals***

<sup>(1)</sup> Colleen Parker pre-file testimony, Issue #1



## **Relevant Facts:**

**Type 1** shall lands on the Great Camp lots outside designated building envelopes.  
...provide **recreational opportunities for the lot owners**...

**Type 2** is the existing Big Tupper Ski Area. ...provide recreational opportunities to the **general public and Resort residents when the ski area and cross country ski trails are operating.**

**Type 3** ...those lands retained by the applicant. ...shall be available for **recreational use by Resort residents and guests.**<sup>(1)</sup>

(1) Applicants Closing Statement, September 23,2011, pg. 40

## **Relevant Facts:**

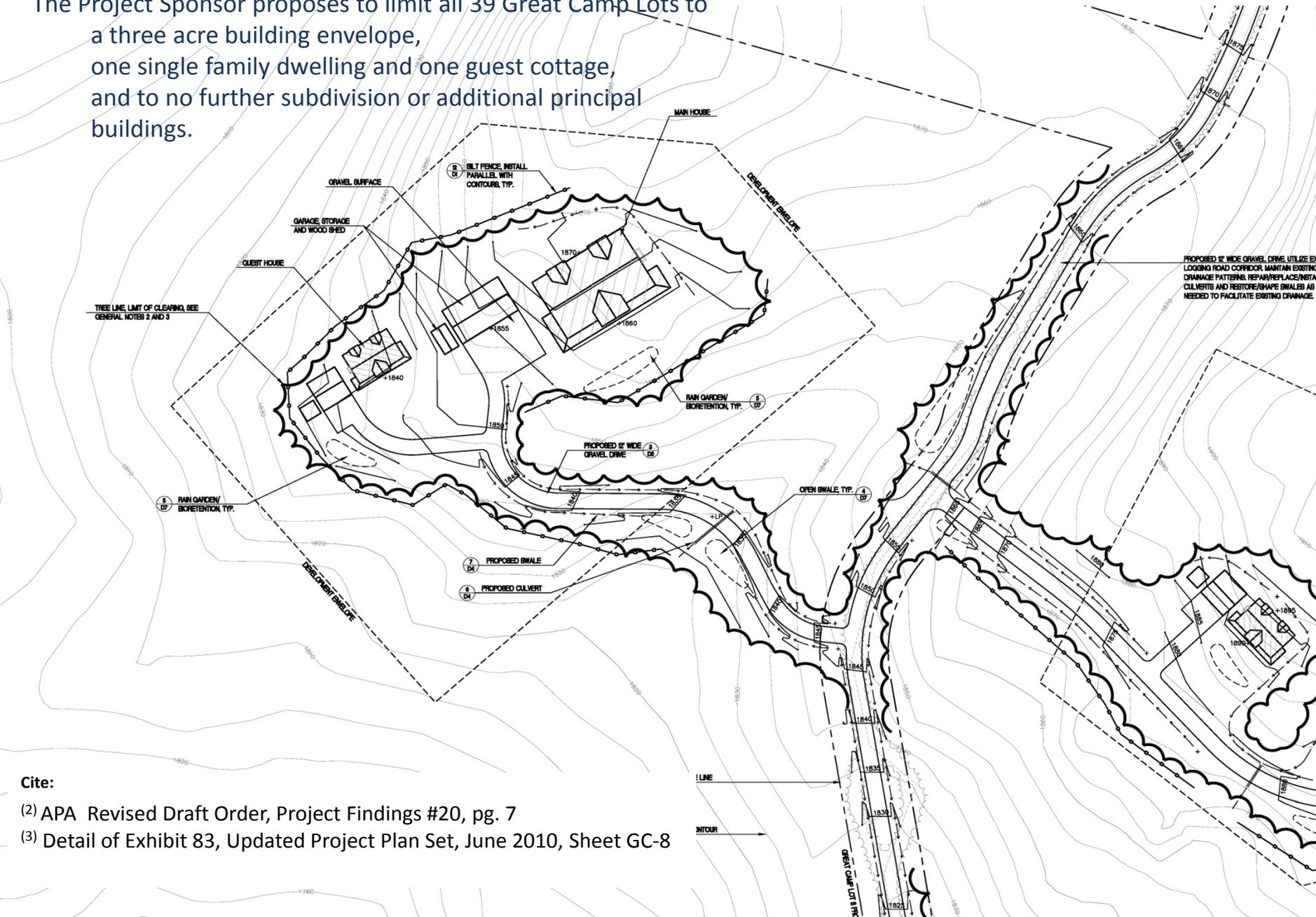
2,608 acres of the 2,635 acres of Type 1 RM Lands associated with Great Camp Lots A-H<sup>(21)</sup> will remain undeveloped<sup>(22)</sup> as shown on Drawing R-1, Exhibit 83(E-83)

Proposal for these lands will<sup>(23)</sup>:

deed restrict Great Camp lots to one principal building;  
no further subdivision.

# Great Camp Lots:

The Project Sponsor proposes to limit all 39 Great Camp Lots to a three acre building envelope, one single family dwelling and one guest cottage, and to no further subdivision or additional principal buildings.



### Cite:

- (2) APA Revised Draft Order, Project Findings #20, pg. 7
- (3) Detail of Exhibit 83, Updated Project Plan Set, June 2010, Sheet GC-8

## **Relevant Facts:**

Proposal also involves retention of approximately 1,277 acres of Type 2 and 3 RM Open Space Lands as shown on Drawing R-1, Exhibit 83

In Staff opinion:

all or most of these RM lands should be permanently protected

Project Sponsor has offered proposed deed restrictions to permanently preserve Type 2 and Type 3 lands from development <sup>(1)</sup>

these lands are characterized by: <sup>(27)</sup>

steep slopes  
shallow soils,  
high visibility  
sensitive conditions, and

include the area of the former proposal for the East Ridge neighborhood <sup>(28)</sup>

(1) APA Hearing Staff Reply, 10/23/11, attached letter: Ulasewicz to Van Cott, 10/23/11

## **Relevant Facts:**

Staff recommend the 28 unused RM principal building opportunities be allocated to the 34 acre area indicated in Attachment A. [\(A\)](#)

Together

2,608 acres RM lands on Great Camp, Lots A-H

1,277 acres retained RM lands [\(31\)](#)

3,885 acres Total RM lands remain as “Open Space”

This constitutes approximately 82% of the total 4,739 RM acres on Project Site [\(32\)](#)  
[\(Exhibit-240\)](#) [\(Exhibit-241\)](#)

Staff believe permanent protection of these lands from development would protect and minimize impacts to the RM open space resources [\(33\)](#)

## **Testimony of Jeff Anthony for the Applicant: <sup>(1)</sup>**

“...The eight most easterly Great Camp lots on the site are considered by the Applicant to be made up of “substantial acreage” These 8 Great Camp lots proposed for residential use range in size 111.3 acres to 1,211.4 acres.”

“...the 8 Great Camp lots east of Lake Simond exceed the statutory guidelines for overall intensity... from between 2.6 times and 18 times...”

“...When one factors in the limit of 3 acres of disturbed building area for each of these 8 parcels, 99.99% of the 2,244 acres will be preserved as open space...”

<sup>(1)</sup> Pre-filed testimony of S. Jeffery Anthony at Attachment A of the June 21, 2011 hearing transcript

## **Testimony of Jeff Anthony for the Applicant: <sup>(1)</sup>**

“The Great Camp lot layout has been reconfigured to provide for 31 smaller, clustered parcels;... [The] 28 Great Camp lots in Resource Management range from 18.6 acres to 34.7 acres...”

“...[the completed application proposed 24 Great Camp lots ranging in size from 52 acres to 149 acres (averaging 85 acres per lot)].”

“The intensity of development within Resource Management lands for these 28 parcels has been reduced by 38% from the allowable overall intensity guidelines... ...while preserving 89% (655± acres) of these... ...lots to open space...”

“All these 28 smaller lots... ...have been configured in consultation with APA staff after numerous field investigations.”

<sup>(1)</sup> Pre-filed testimony of S. Jeffery Anthony at Attachment A of the June 21, 2011 hearing transcript

## **Testimony of Dennis and Brenda Zicha:<sup>(1)</sup>**

“Forest lands subdivided for residential use creates conflict between home owner, forestry and recreational interests.”

“...proposed great camp lot sizes... ...inhibit both effective management of resources and preservation efforts.”

“Only modification of the layout or outright disapproval of these lots could truly preserve existing open space.”

(1) Post Hearing Final Statement – Dennis and Brenda Zicha, September 20,2011

## Testimony of Adirondack Wild:

“I would not consider houses on twenty-seven acres, even though... ..adjacent to each other to be clustered.”

“Because from the literature... ..clustering is when houses are in close proximity to each other on small – small spaces and that they have overlapping ecological impact zones... ..And those [proposed 27 acre lots] properties are not overlapping.”<sup>(1)</sup>

So merely saying that it’s the area away from where there are houses and driveways and, therefore, that it is “open space” in my professional opinion that doesn’t mean it is being managed for the purposes which the Act created resource management as a designation.”<sup>(2)</sup>

(1) Closing Statement of Adirondack Wild, testimony of Drs. Kretser and Glennon, September 23, 2011

(2) Testimony Mr. Russell, Transcript April 26, pg. 926

## **Testimony of The Adirondack Council:**

“...the development of the Great Camp lots east of Lake Simond will have adverse impacts upon the Resource Management lands and the open space...”

“...the Council has proposed those lots be eliminated...or in the alternative, that the project be phased from the base of the ski resort outward, delaying development of those outer areas...”

“...If however, the APA were to approve the eight Great Camp lots, it is essential that conservation easements and/or restrictive covenants be placed on each of the properties...”

<sup>(1)</sup> Closing Statement , The Adirondack Council, September 22,2011, pg. 33