



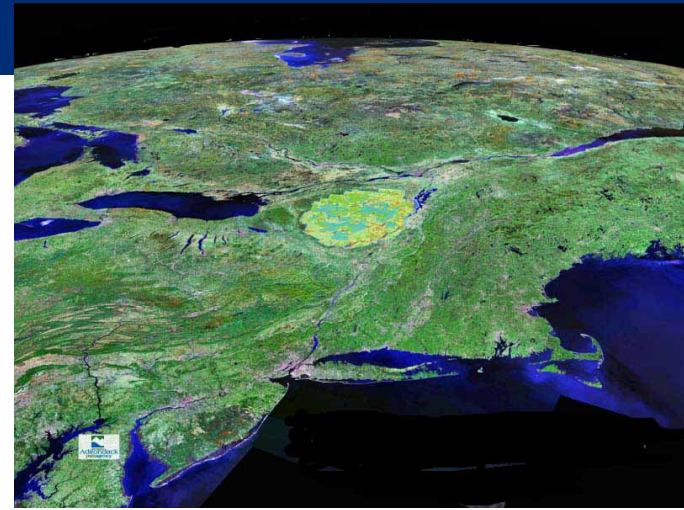
**Adirondack  
Park Agency**

# **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

## Private Land Use Classifications

Hamlet

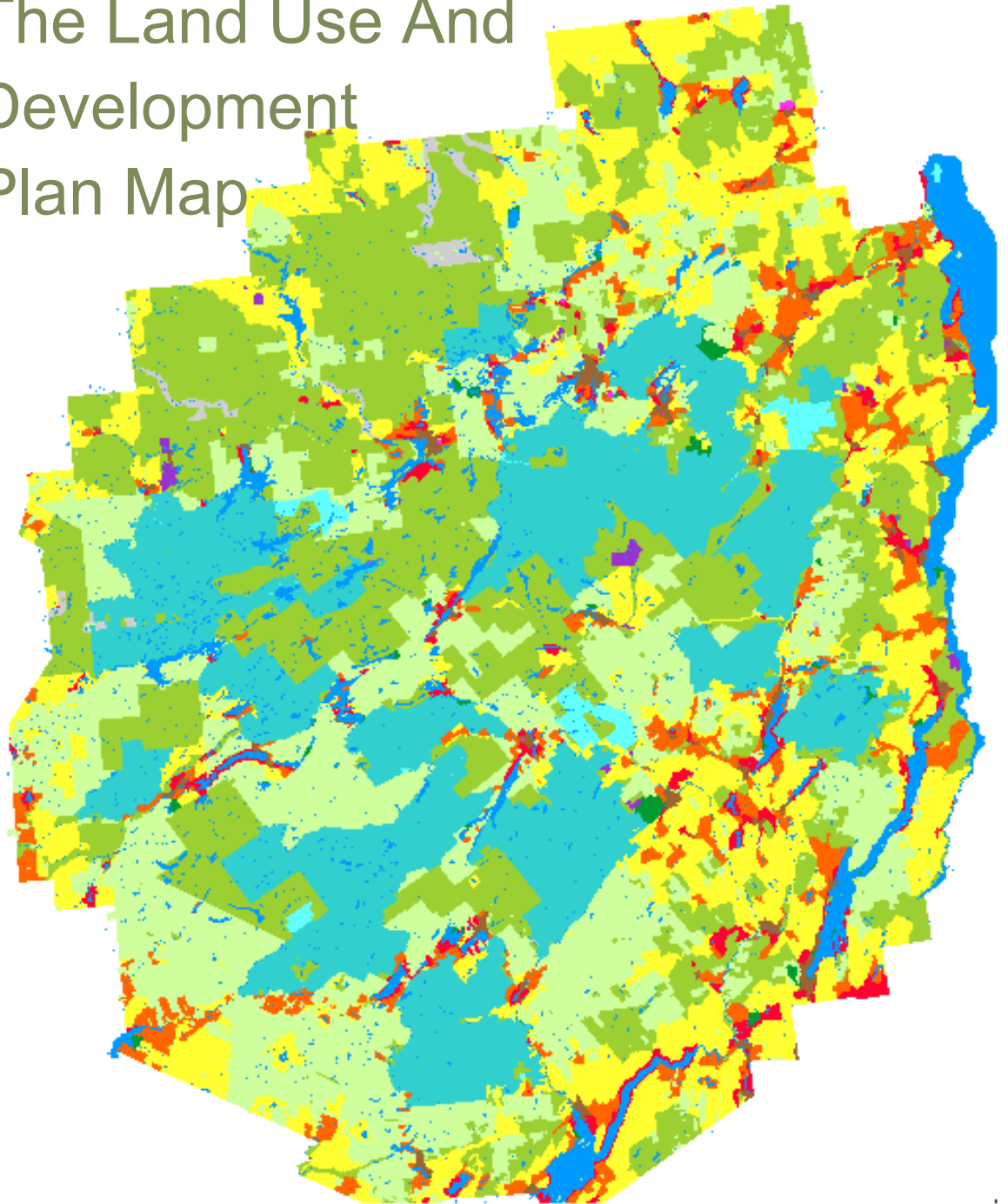
Moderate Intensity

Low Intensity

Rural Use

Resource Management

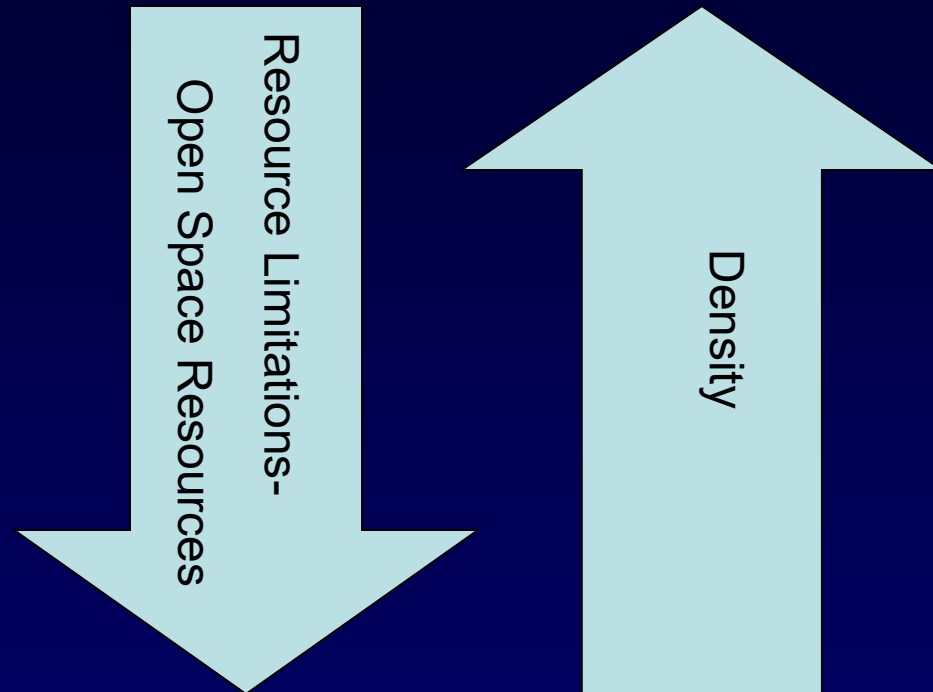
Industrial Use





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

Adirondack  
Park Agency



# 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

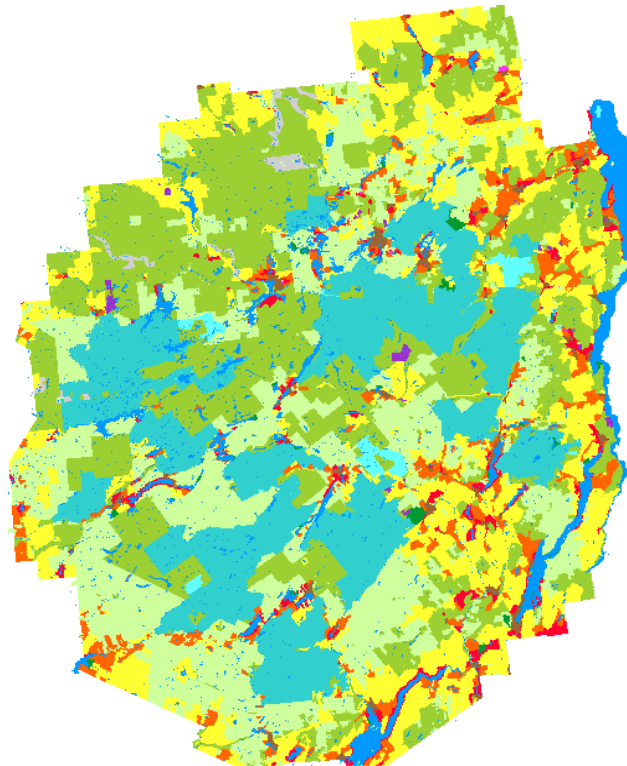
## Regional projects (subdivision permit required):

- 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 \*\**

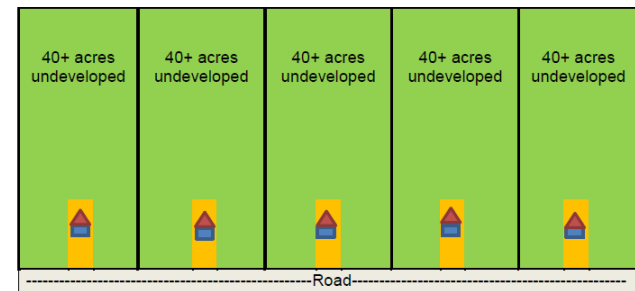
*(A proposed activity that is on the primary or secondary list for another land use area but not for the land use area involved is presumed to “not be compatible with the character description, purposes, policies and objectives of such land use area,” with the burden on the applicant to demonstrate compatibility.)*

# 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

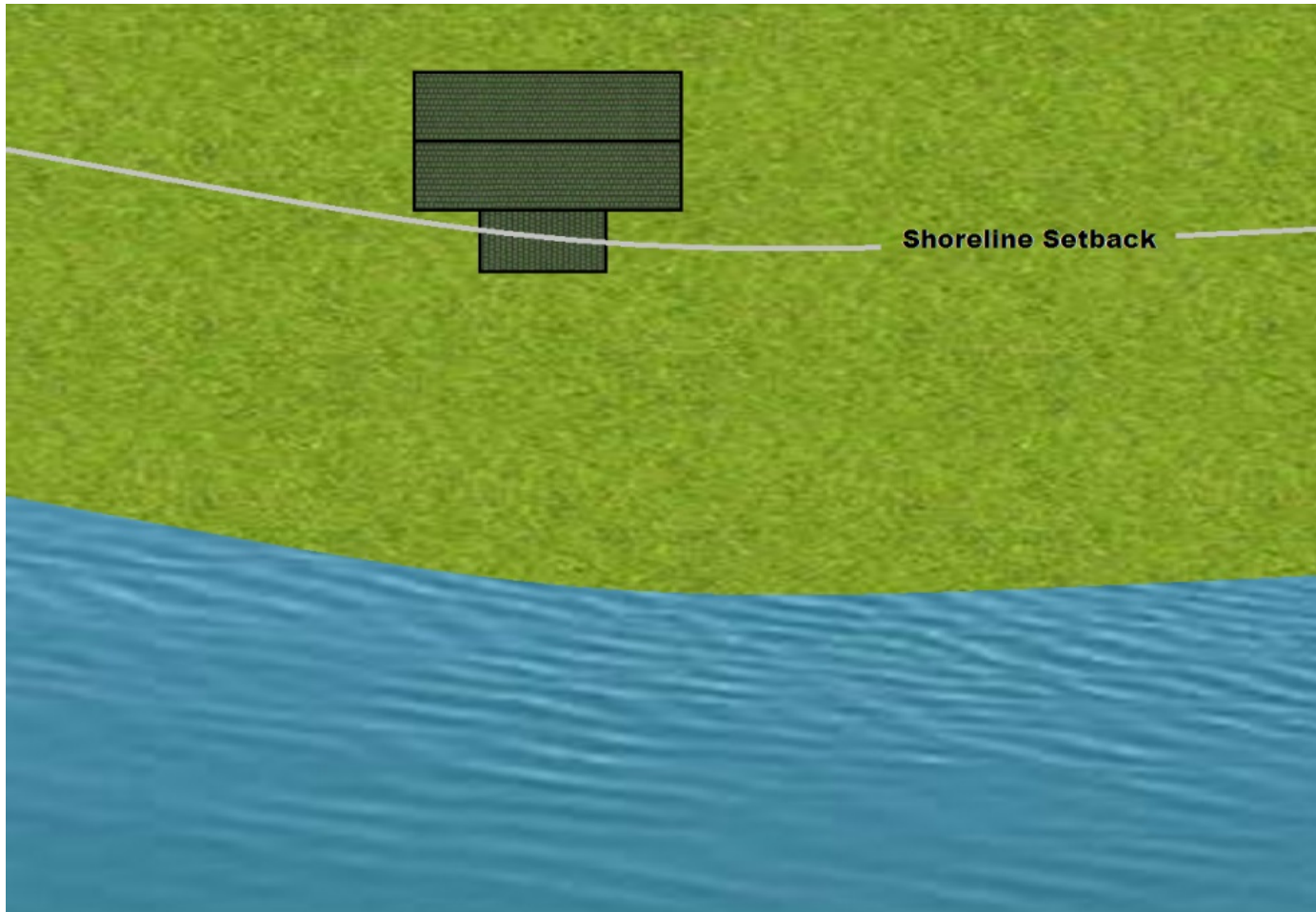
*\*\* The density guideline isn't concerned with the size of proposed lots, but with the amount of development (and potential impacts) proposed on a site \*\**





# 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

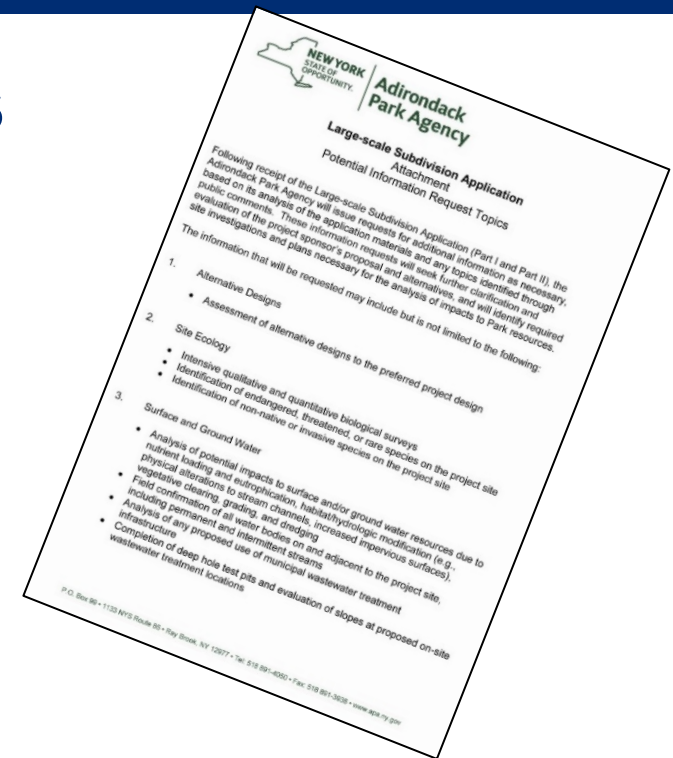


# “Large-Scale” Subdivisions

## 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



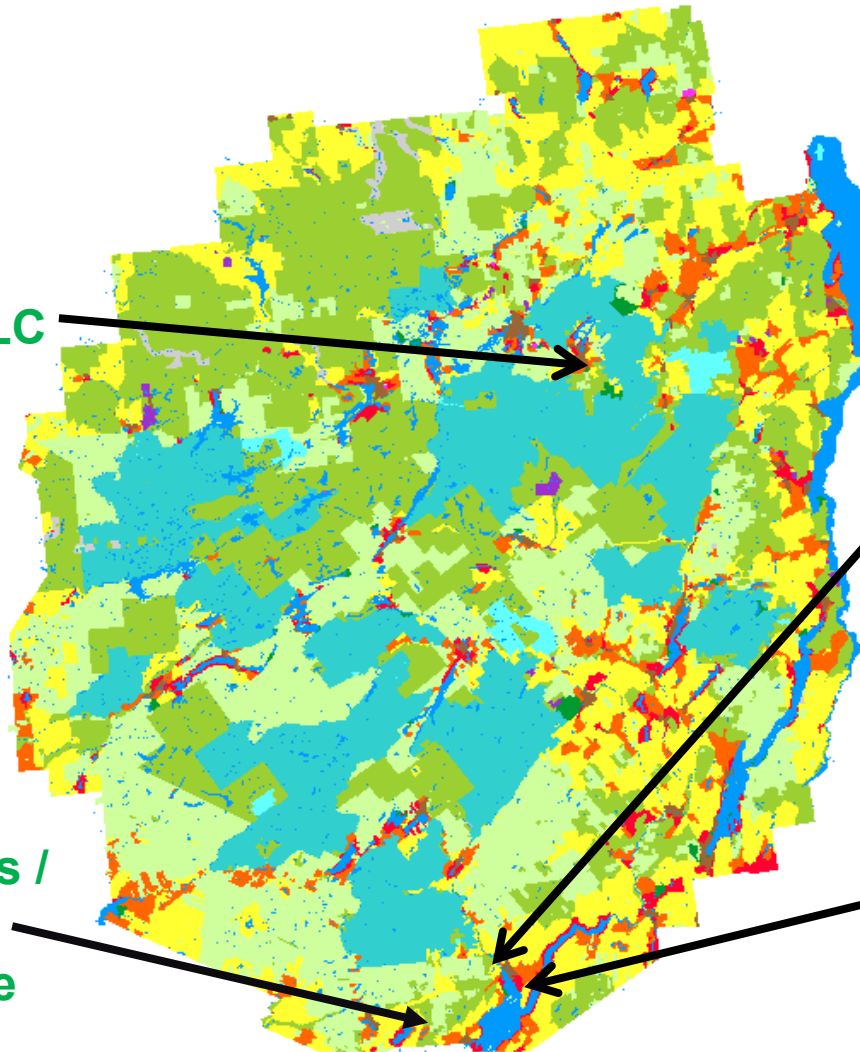
# Large Residential Subdivisions, Past 10 Years

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+%)

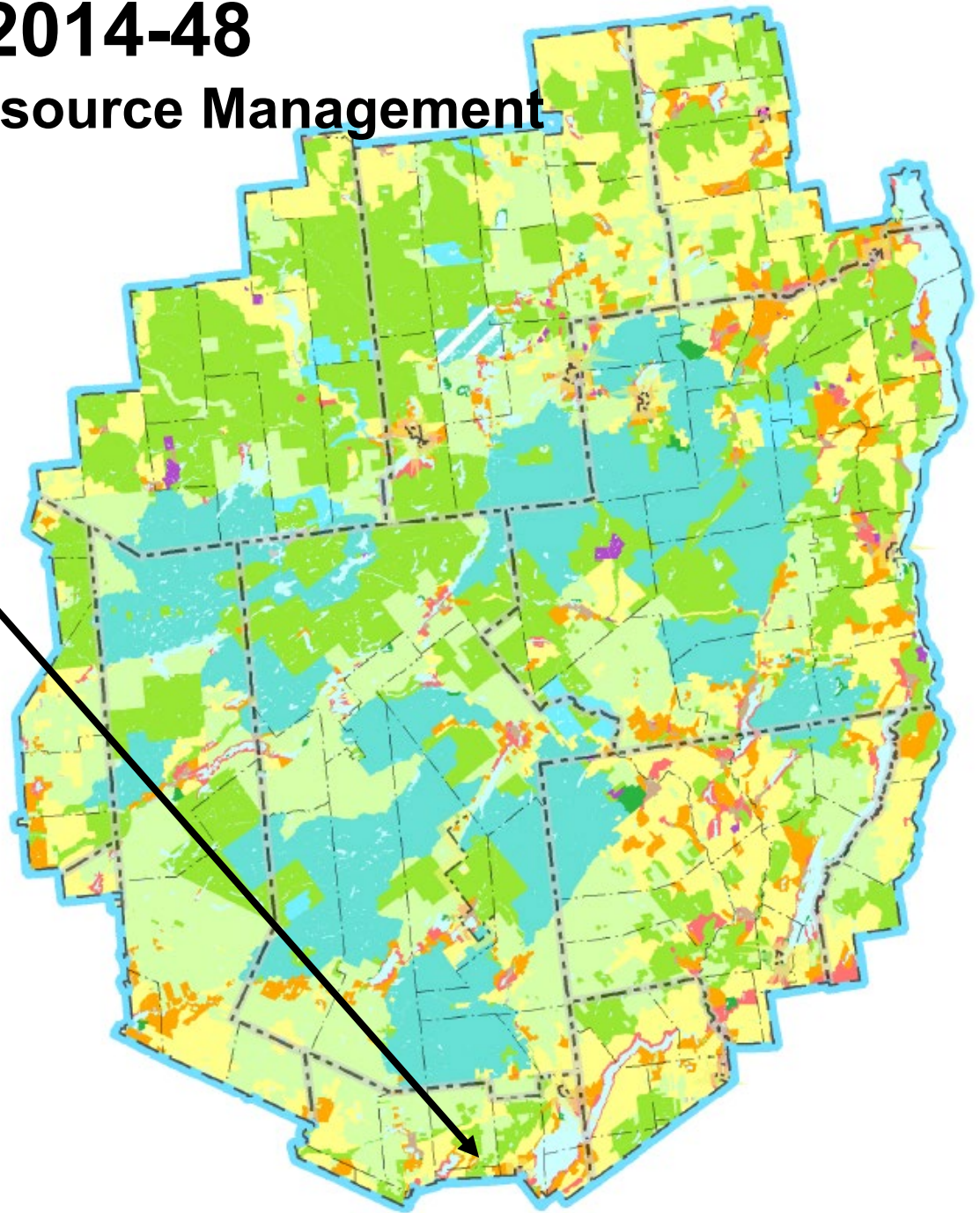
# P2014-48

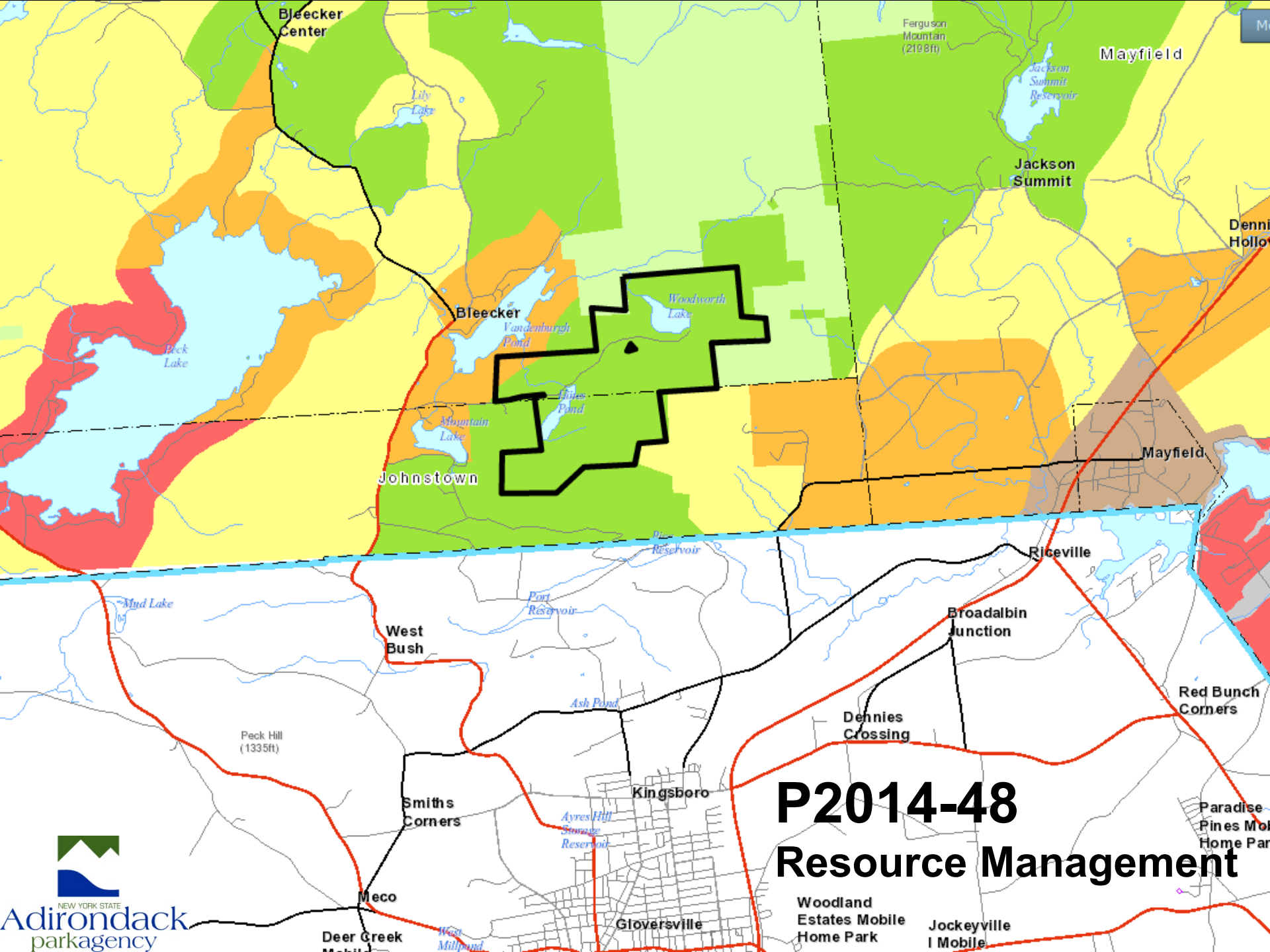
## Resource Management

Project Site

Towns of  
Bleecker and  
Johnstown

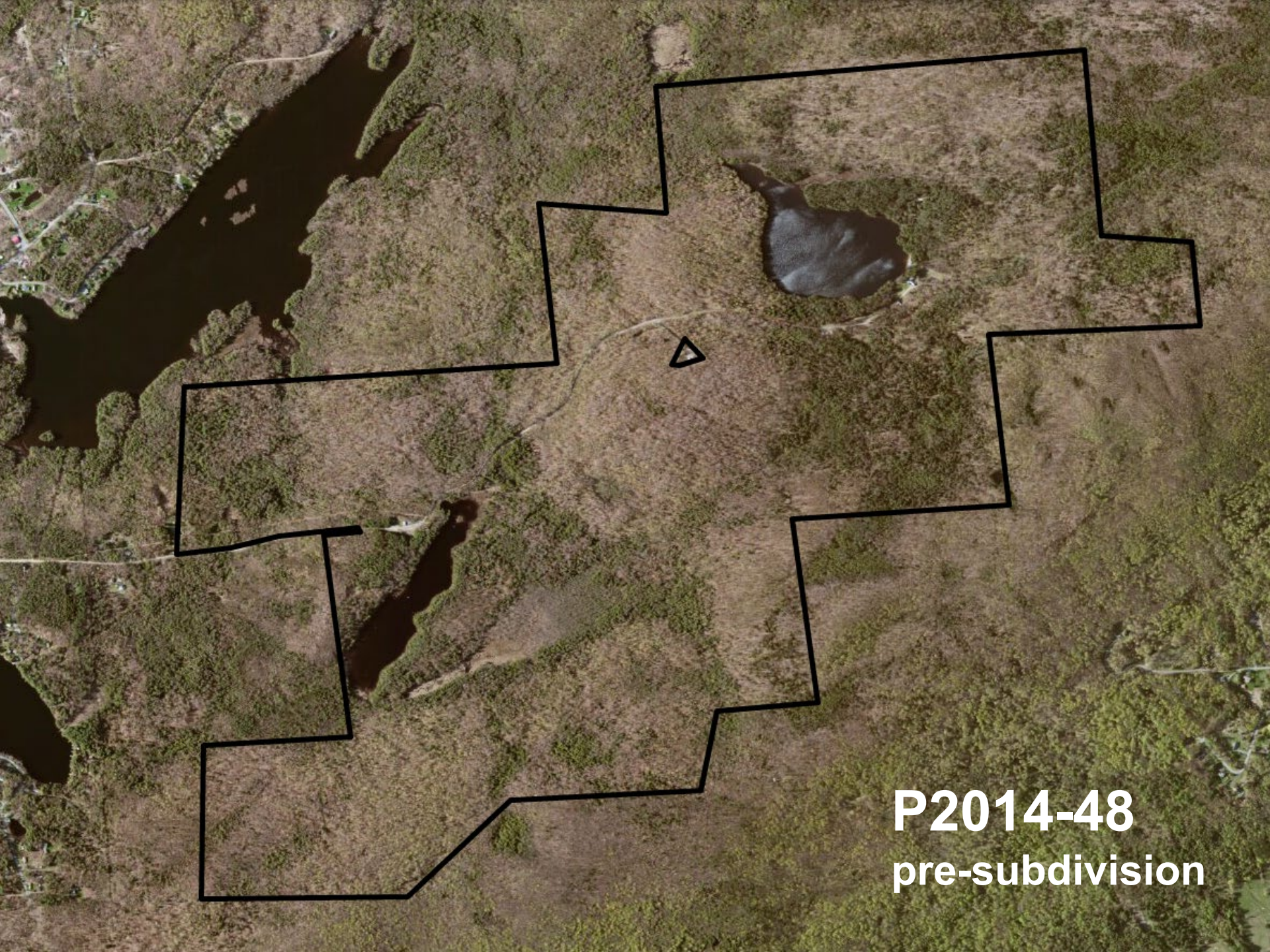
Fulton County





# P2014-48 Resource Management



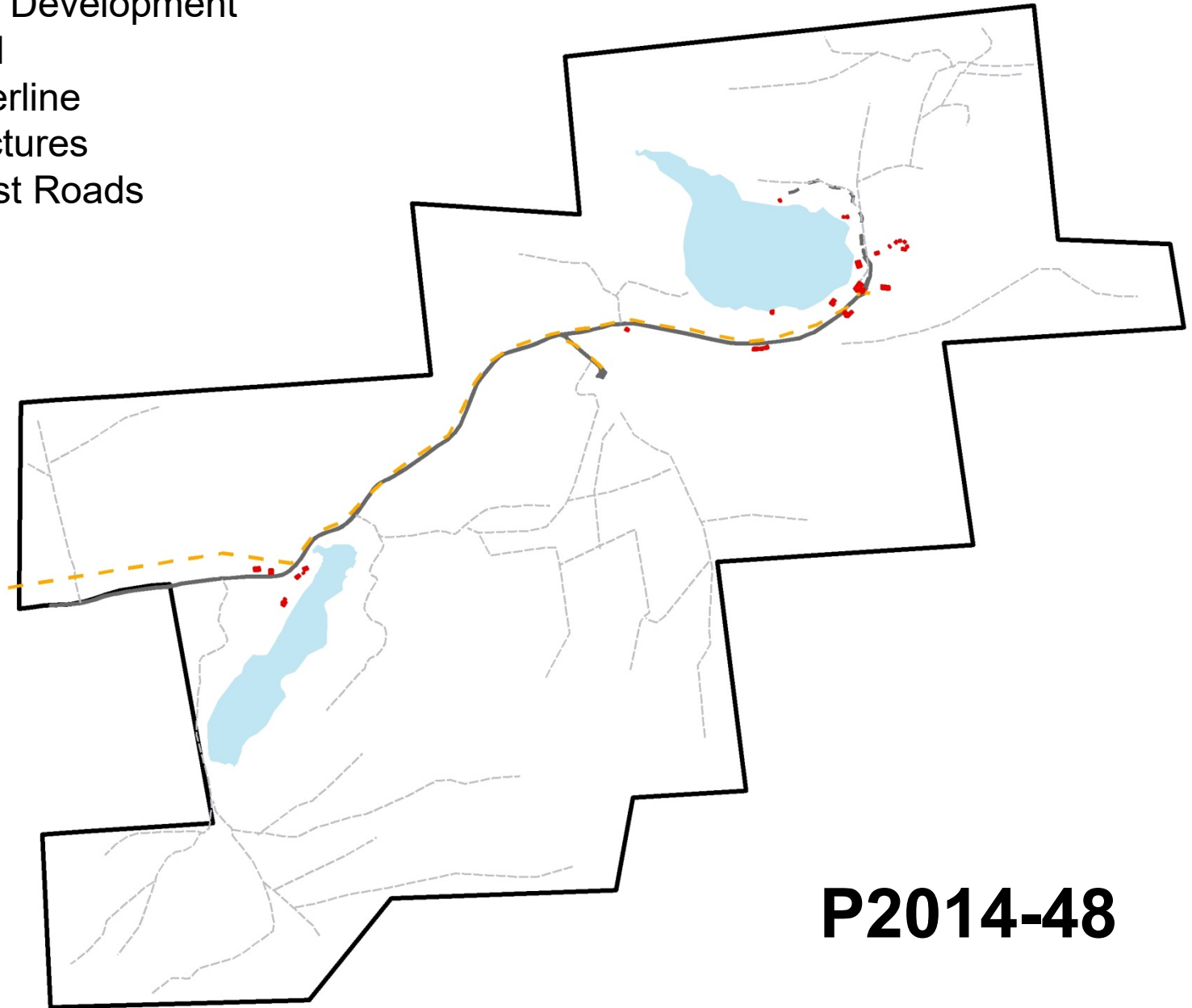


**P2014-48**  
**pre-subdivision**



## Existing Development

- Road
- Powerline
- Structures
- Forest Roads



**P2014-48**



# Woodworth Lake Road



**P2014-48**



# Woodworth Lake



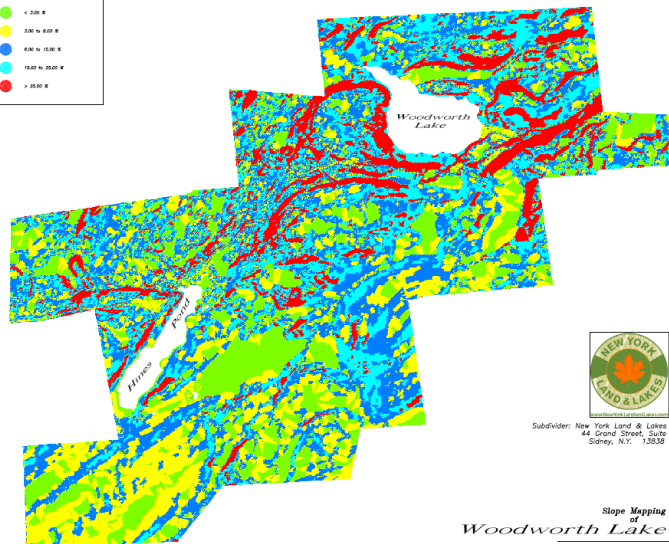
P2014-48

# P2014-48

## Hines Pond and associated Value 1 wetlands



## Steep slopes



Subdivider: New York Land & Lakes Development, LLC  
44 Grand Street, Suite 2  
Saratoga, NY 12850

*Slope Mapping of Woodward Lake Subdivision*  
New York Land & Lakes Development, LLC

State of New York, Department of Environmental Conservation

LAWSON SURVEYING & MAPPING	
100% Final Map	
Project: Woodward Lake Subdivision - Slope Mapping	
Client: New York Land & Lakes Development, LLC	
Date: 10/1/2014	
Scale: 1" = 200'	
Sheet: 1 of 1	
1 of 1	

# 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

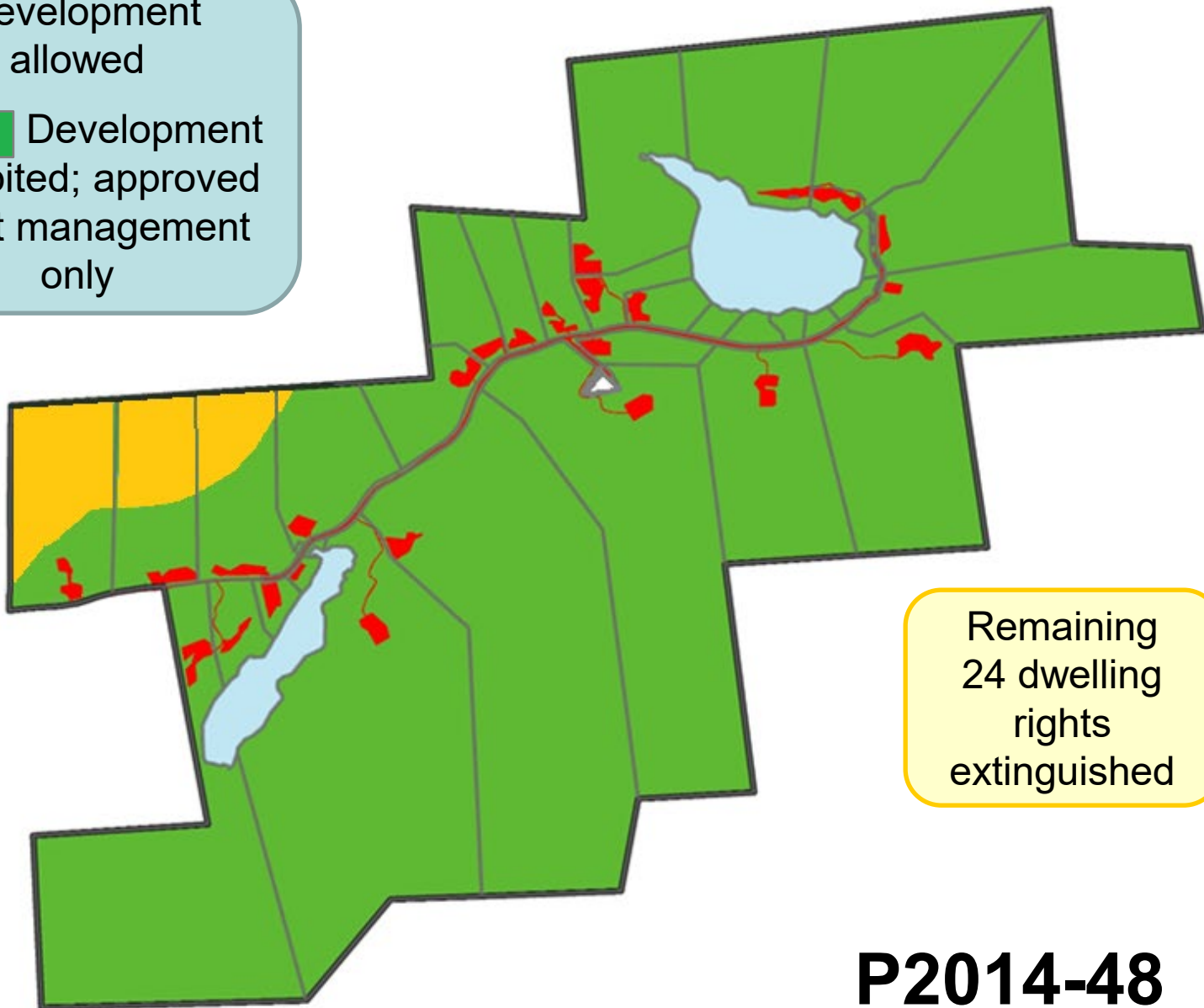




Development  
allowed



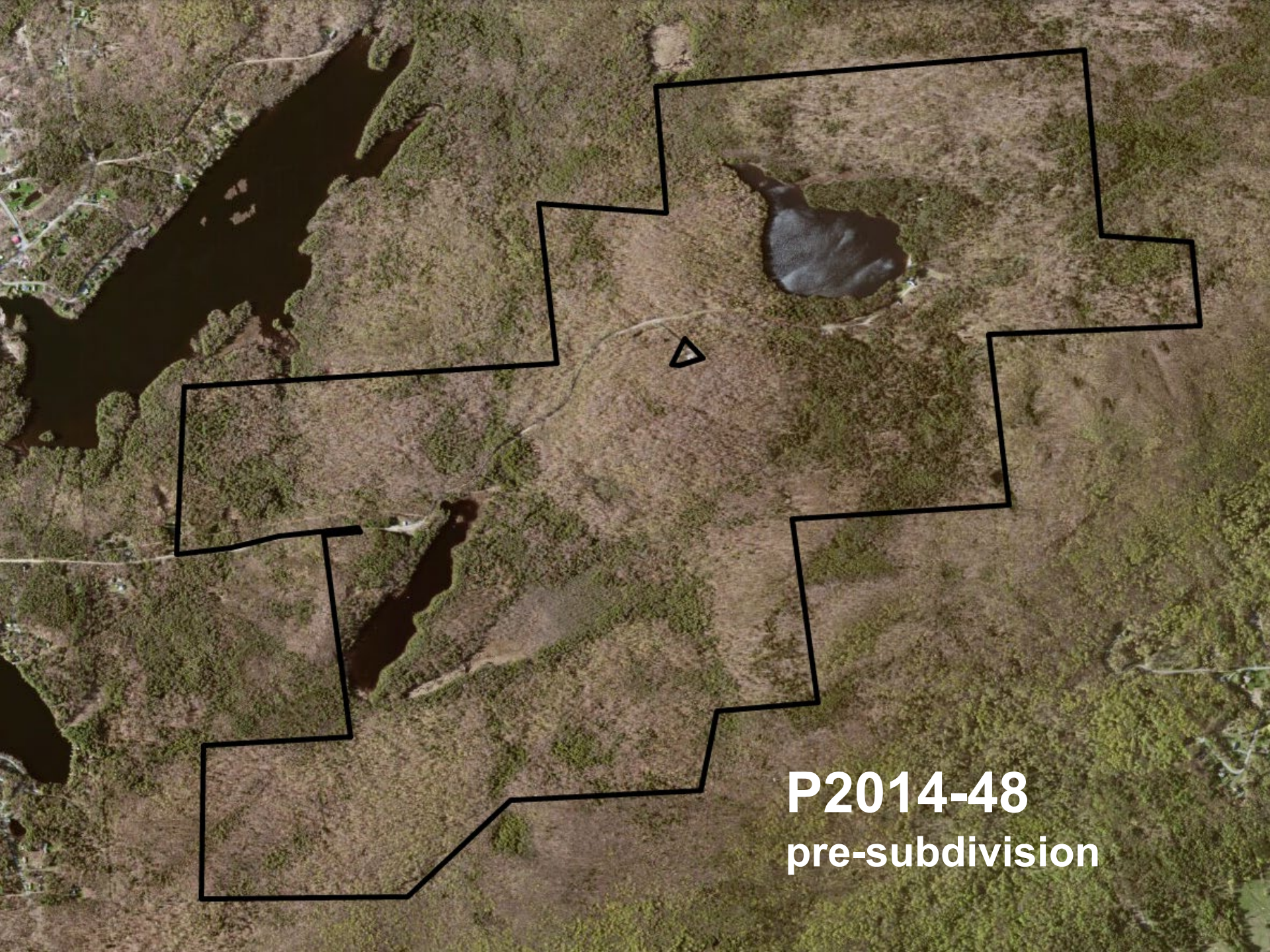
Development  
prohibited; approved  
forest management  
only



Remaining  
24 dwelling  
rights  
extinguished

**P2014-48**





**P2014-48**  
**pre-subdivision**





**P2014-48**  
**in 2022**

Google

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An aerial photograph showing a large land parcel outlined in blue. The parcel is irregularly shaped and contains a central lake. The surrounding area is a mix of green forest and brownish, cleared land. The text 'P2014-48 in 2022' is overlaid on the right side of the parcel.

**P2014-48**  
**in 2022**

Google

Imagery ©2022 CNES / Airbus, Maxar Technologies, New York GIS, USDA/FPAC/GEO, Map data ©2022 United States Terms

# **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**

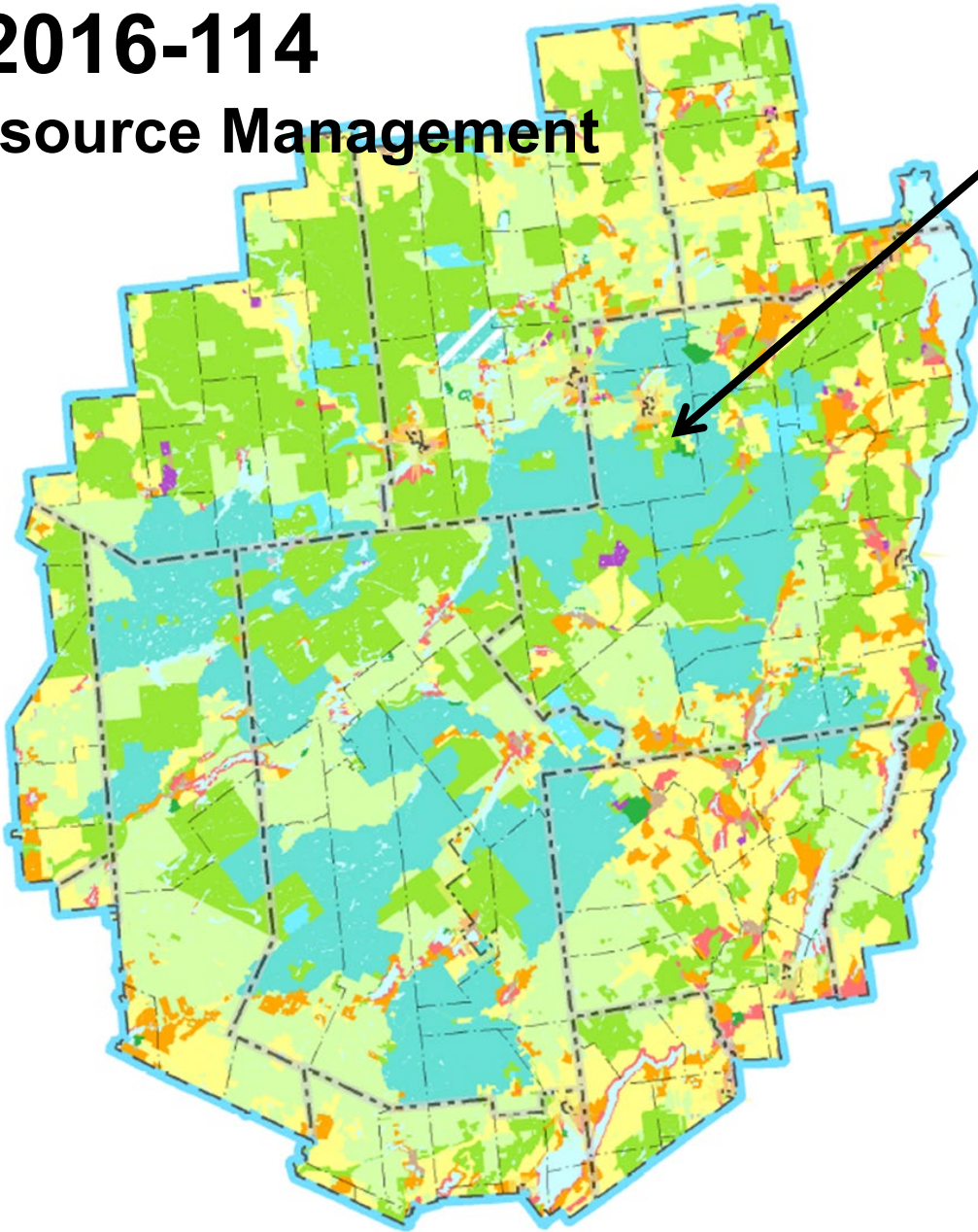
- 590± acres, all RM
- 15 new dwellings authorized; no remaining pb rights
- Development allowed on 34± acres (<6%)
  - Includes existing development, existing and upgraded road, and all new driveways, structures, and infrastructure
- Tree/shrub cutting prohibited on 556± acres (94+%)
  - New cutting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





# P2016-114

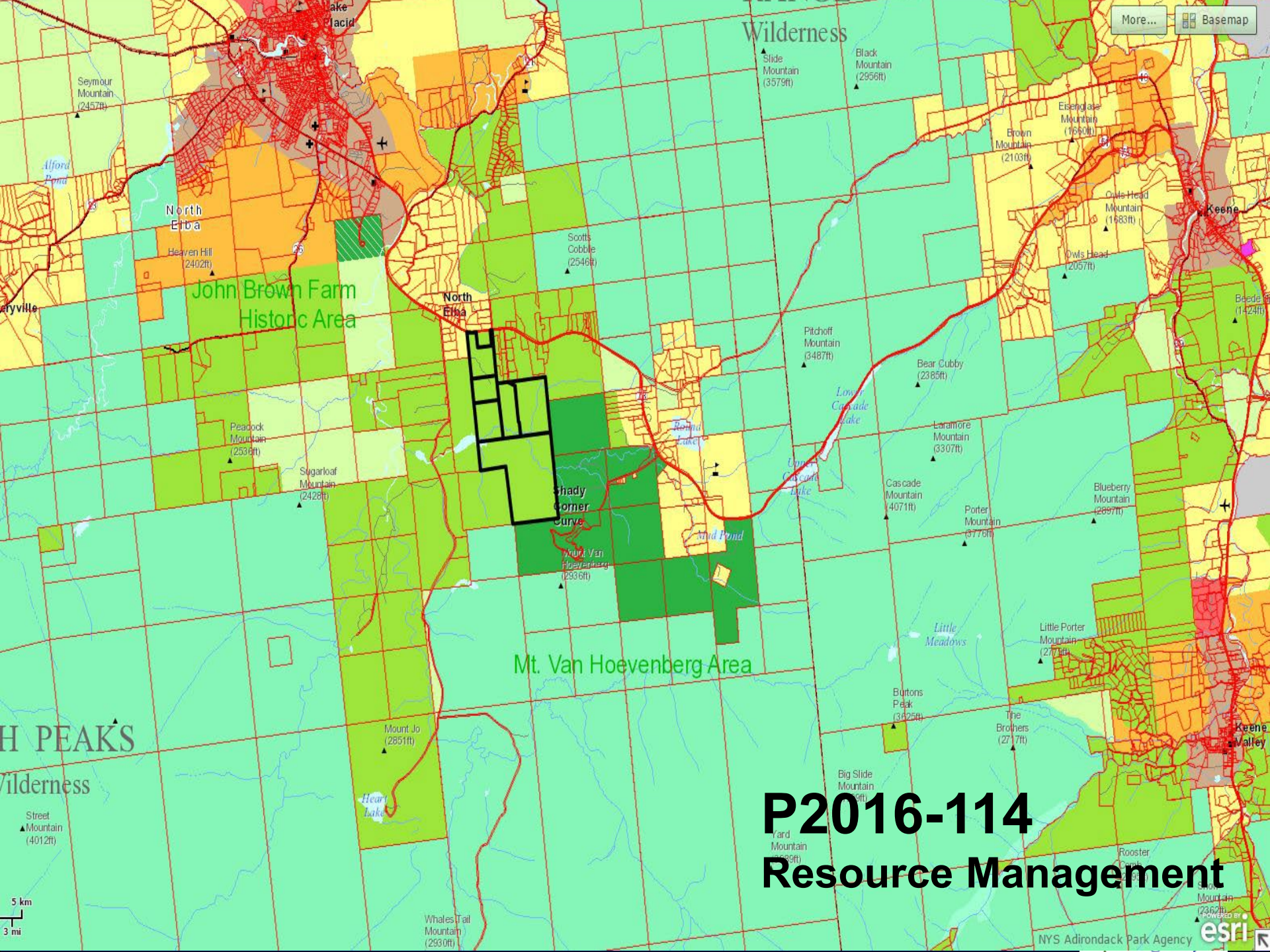
## Resource Management



## Project Location

Town of North Elba  
Essex County





Wilderness

Slide Mountain  
(3579ft)

Black Mountain  
(2956ft)

Brown Mountain  
(2103ft)

Essex Mountain  
(1660ft)

Owls Head Mountain  
(1683ft)

Owls Head  
(2057ft)

Beede Mountain  
(1424ft)

Pitchfork Mountain  
(3487ft)

Bear Cubby  
(2385ft)

Cascade Mountain  
(4071ft)

Porter Mountain  
(3776ft)

Blueberry Mountain  
(2897ft)

Little Porter Mountain  
(2719ft)

The Brothers  
(2777ft)

Burtons Peak  
(3625ft)

Big Slide Mountain  
(3100ft)

Yard Mountain  
(2939ft)

Rooster Mountain  
(2362ft)

Shook Mountain  
(2362ft)

Whales Tail Mountain  
(2930ft)

Mount Jo  
(2851ft)

Sugarloaf Mountain  
(2428ft)

Peacock Mountain  
(2536ft)

Heaven Hill  
(2402ft)

Seymour Mountain  
(2457ft)

John Brown Farm  
Historic Area

North Elba

Mt. Van Hoevenberg Area

Shady Corner

And Pond

Lower Cascade Lake

Bona Lake

Little Meadows

Lower Cascade Lake

North Elba

Keene Valley

Keene Valley

H PEAKS  
Wilderness

P2016-114  
Resource Management



An aerial photograph of a rural landscape. A large, irregular area is outlined in a thick blue line. This area contains a mix of green forested land and brown, cleared or agricultural fields. A winding road or path is visible on the left side, and a small pond is located near the bottom left. The surrounding area is divided into numerous smaller parcels by thin red lines. In the bottom right corner, there is a small building complex and some more cleared land.

**P2016-114**

**Resource Management**





Two artificial  
ponds



North Meadow  
Brook and  
associated  
Value 1 wetlands

**P2016-114**



# 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

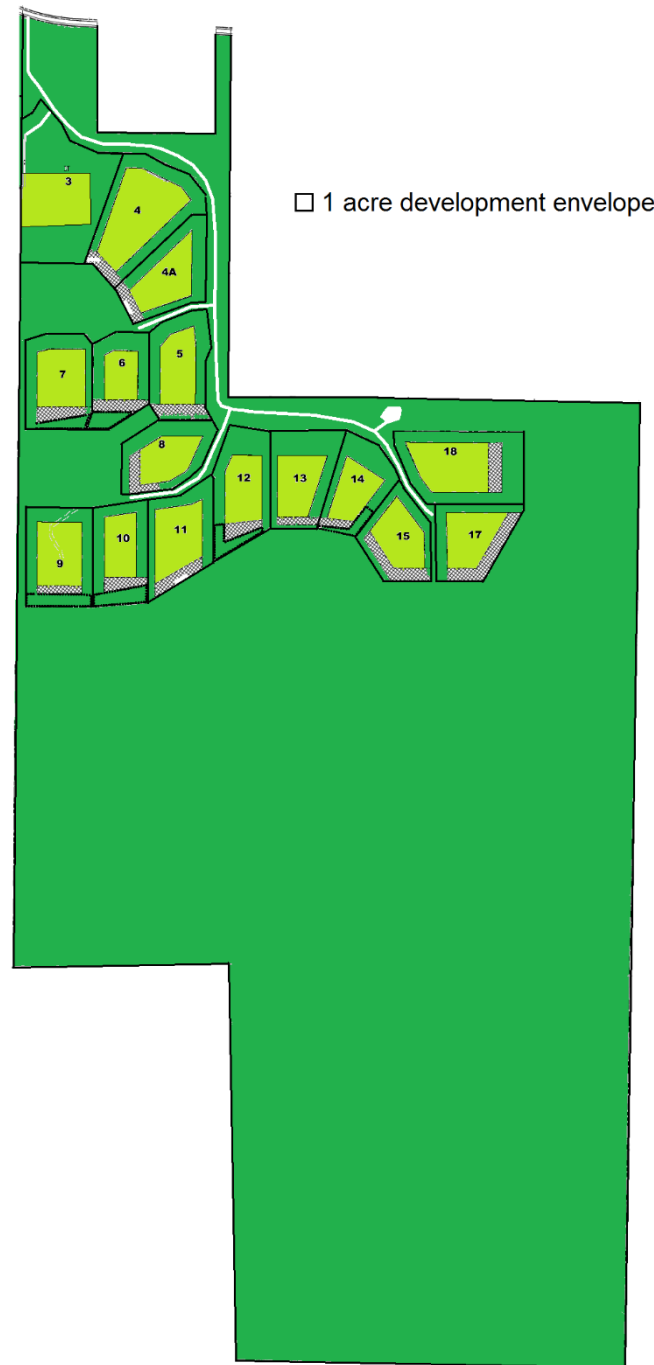
□ 1 acre development envelope

Development allowed

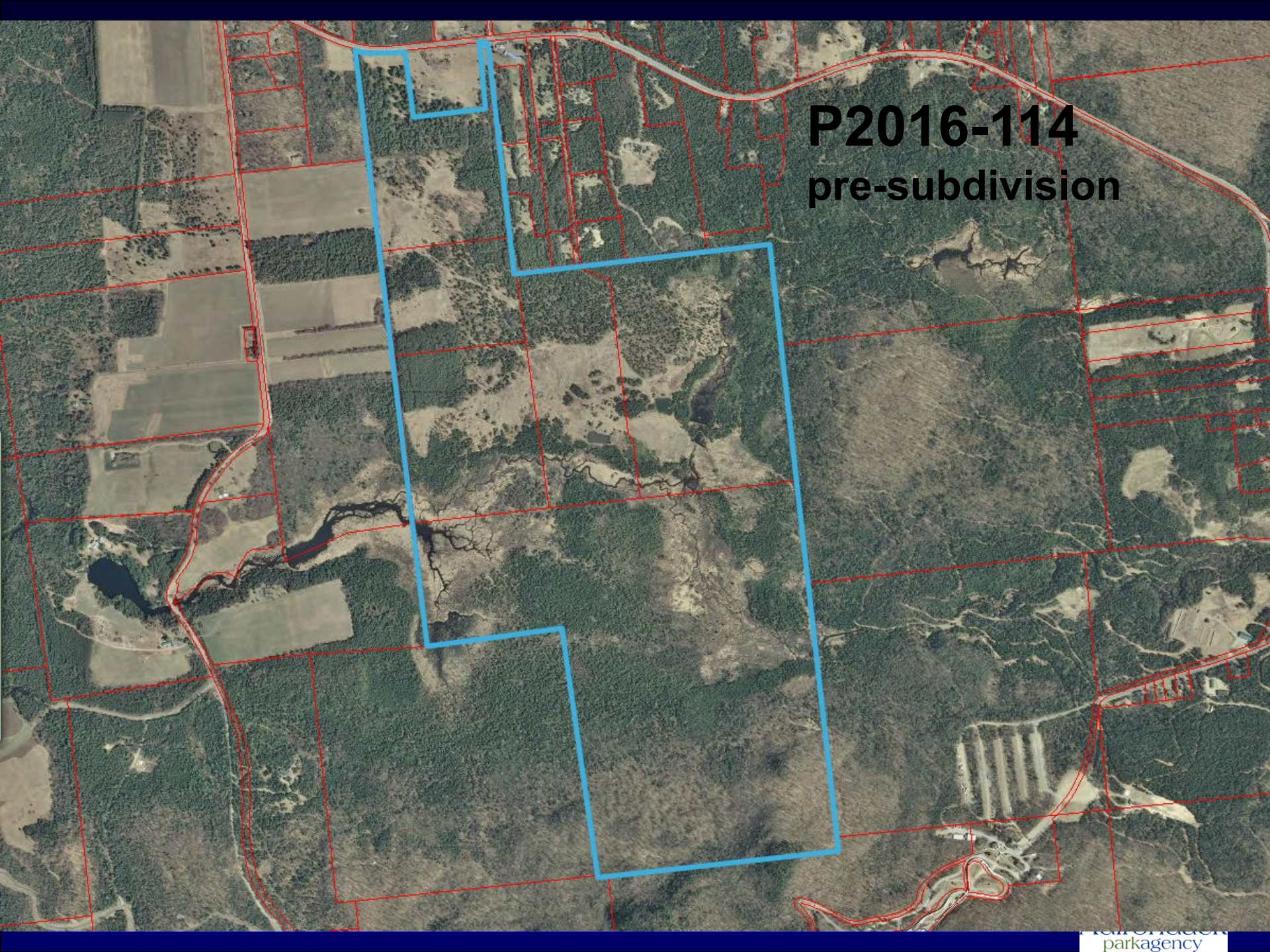
■ Limited vegetative cutting allowed

■ Development and vegetative cutting prohibited

No PB rights remaining





An aerial photograph showing a large, irregularly shaped area outlined in blue. This area is surrounded by a network of red lines representing property boundaries. The landscape is a mix of green forested land and brown, cleared or agricultural fields. A winding road or path is visible on the left side, and a small body of water is located in the lower-left quadrant. In the bottom right corner, there is a small building or structure. The text "P2016-114 pre-subdivision" is overlaid in the upper right corner.

**P2016-114**  
pre-subdivision



**P2016-114**  
in 2022

Google

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United States

Terms

Privacy

Send feedback

1000 ft

ack  
y



**P2016-114**  
**in 2022**

Google

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Send feedback

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## 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)

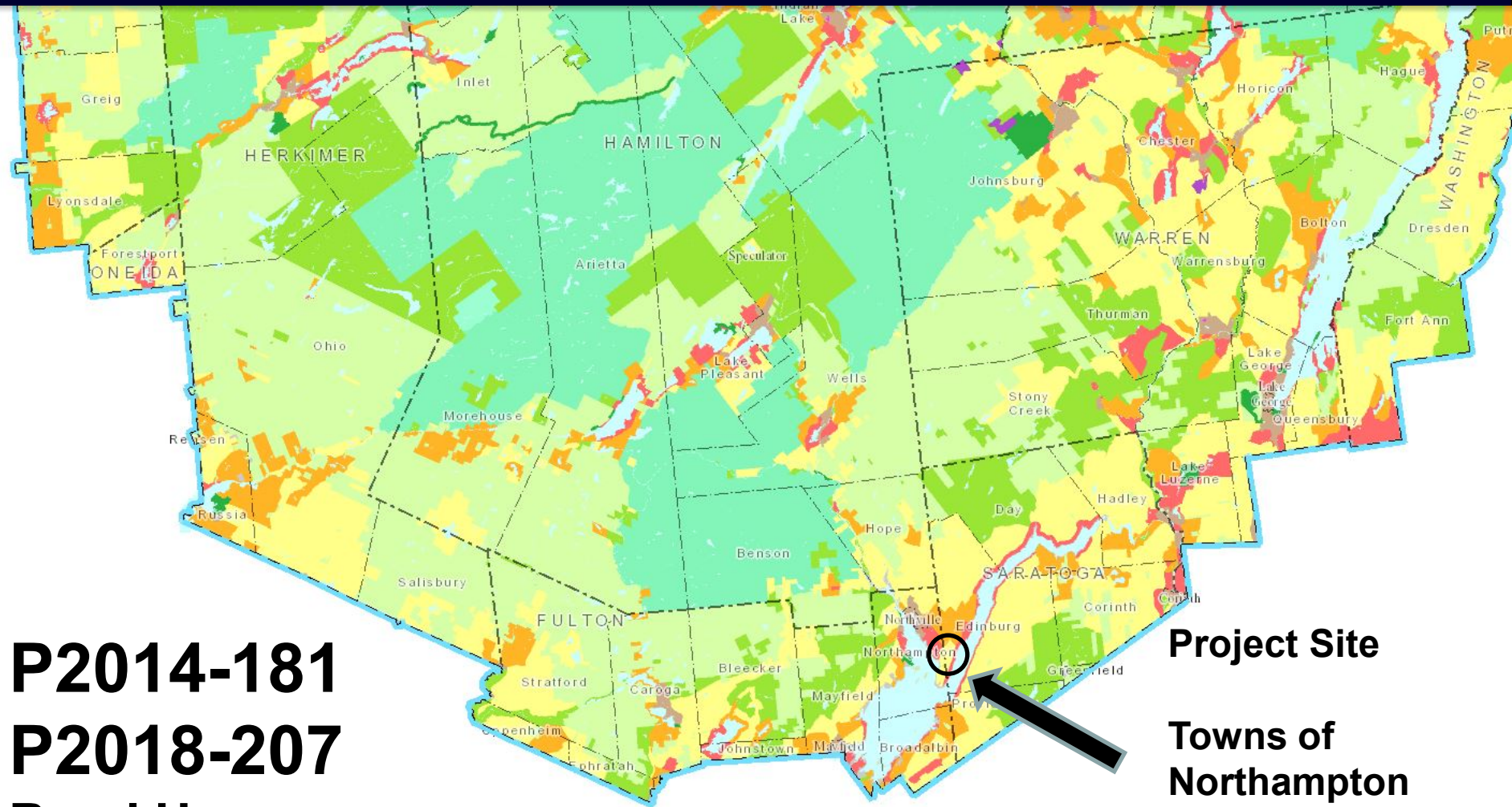
### **2015 & 2020: P2014-181 & P2018-207, Hopkins / MGH Estates LLC**

- 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

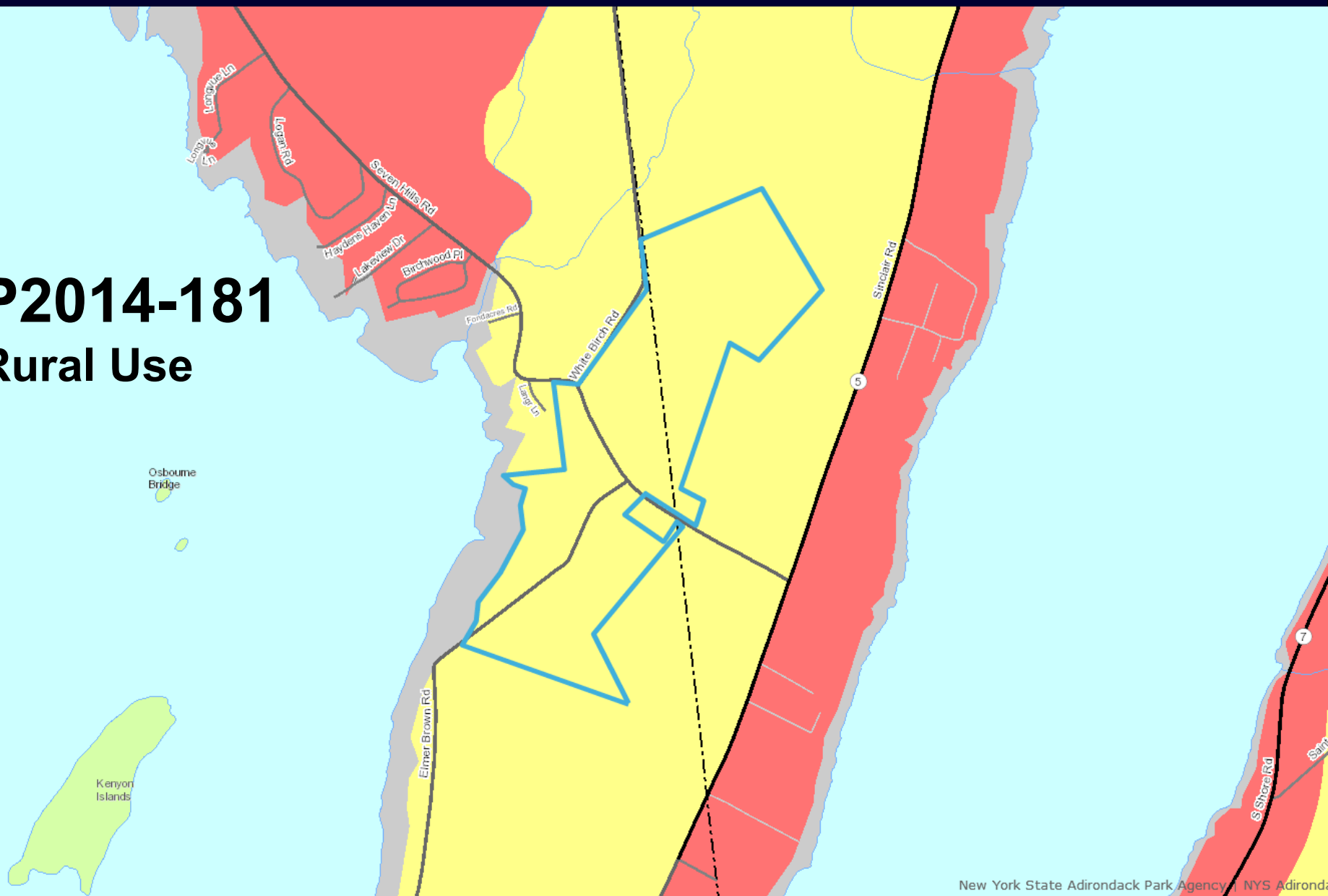
**P2014-181**  
**P2018-207**  
**Rural Use**



**Project Site**  
**Towns of**  
**Northampton**  
**and Edinburg**

# P2014-181

## Rural Use





**P2014-181**  
**pre-subdivision**



# P2014-181



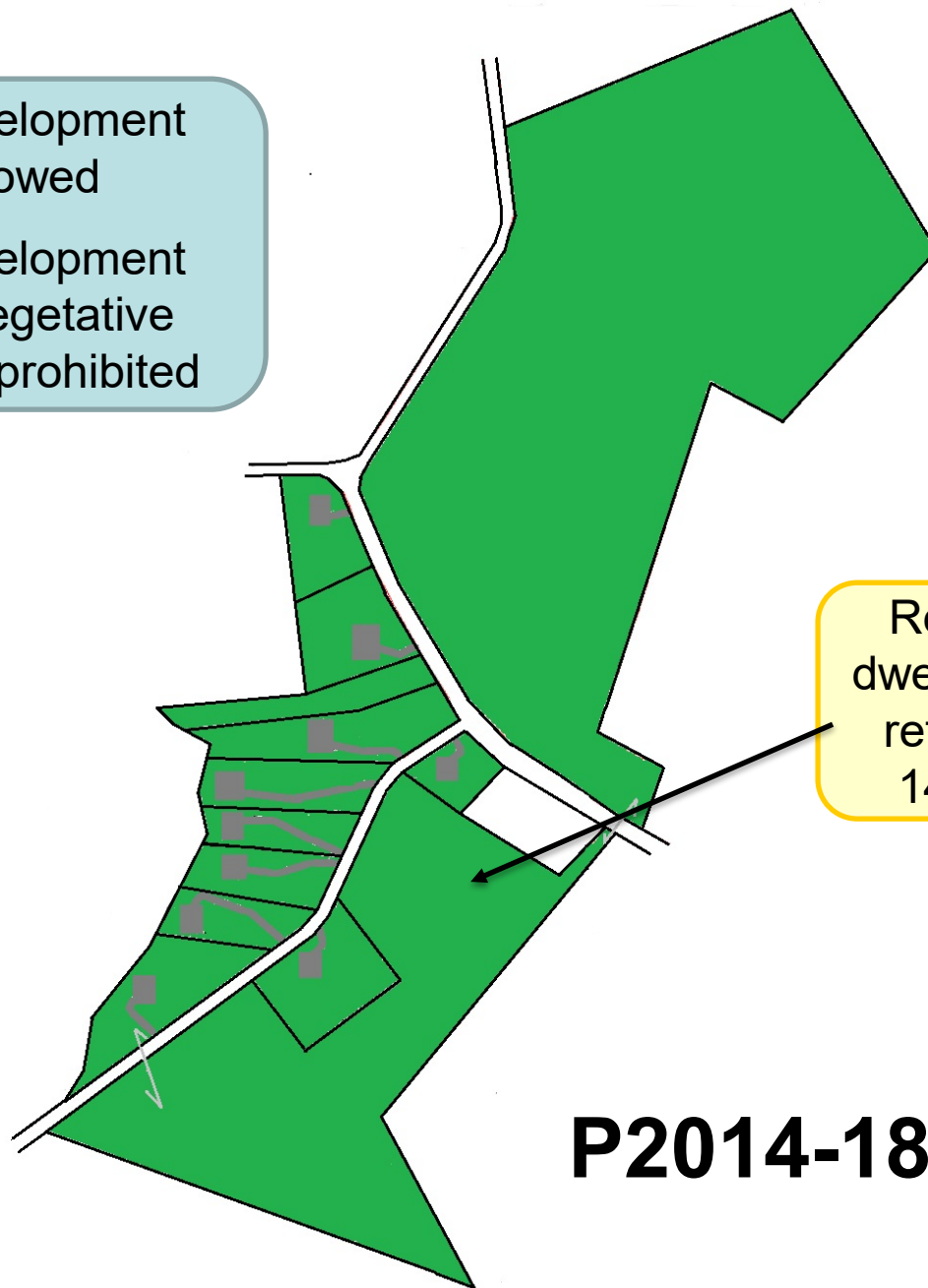


P2014-181



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 Vegetative Prohibited

Existing retained acres

19

18

17

16

15

14

13

(1)

1

(1)

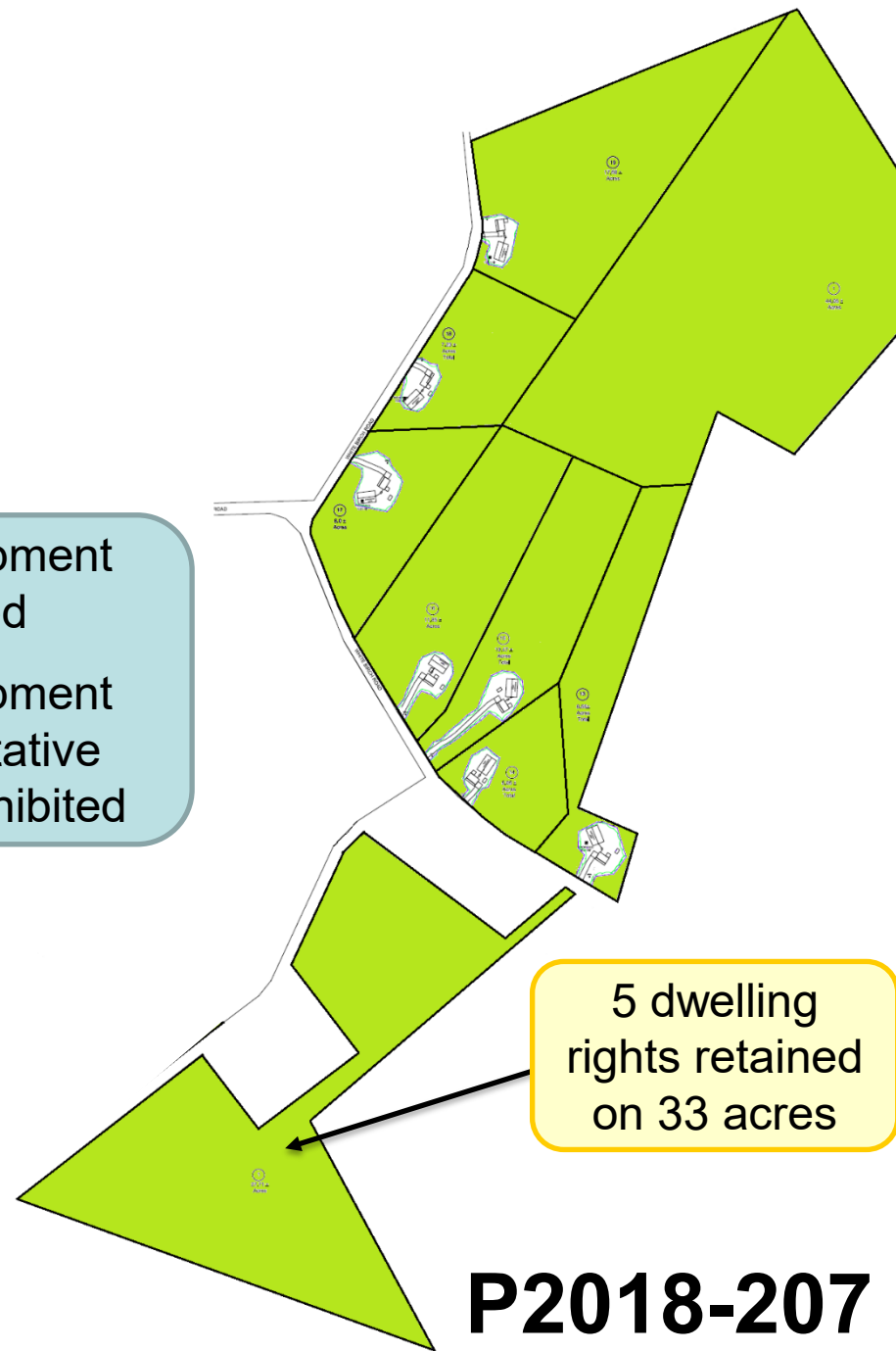
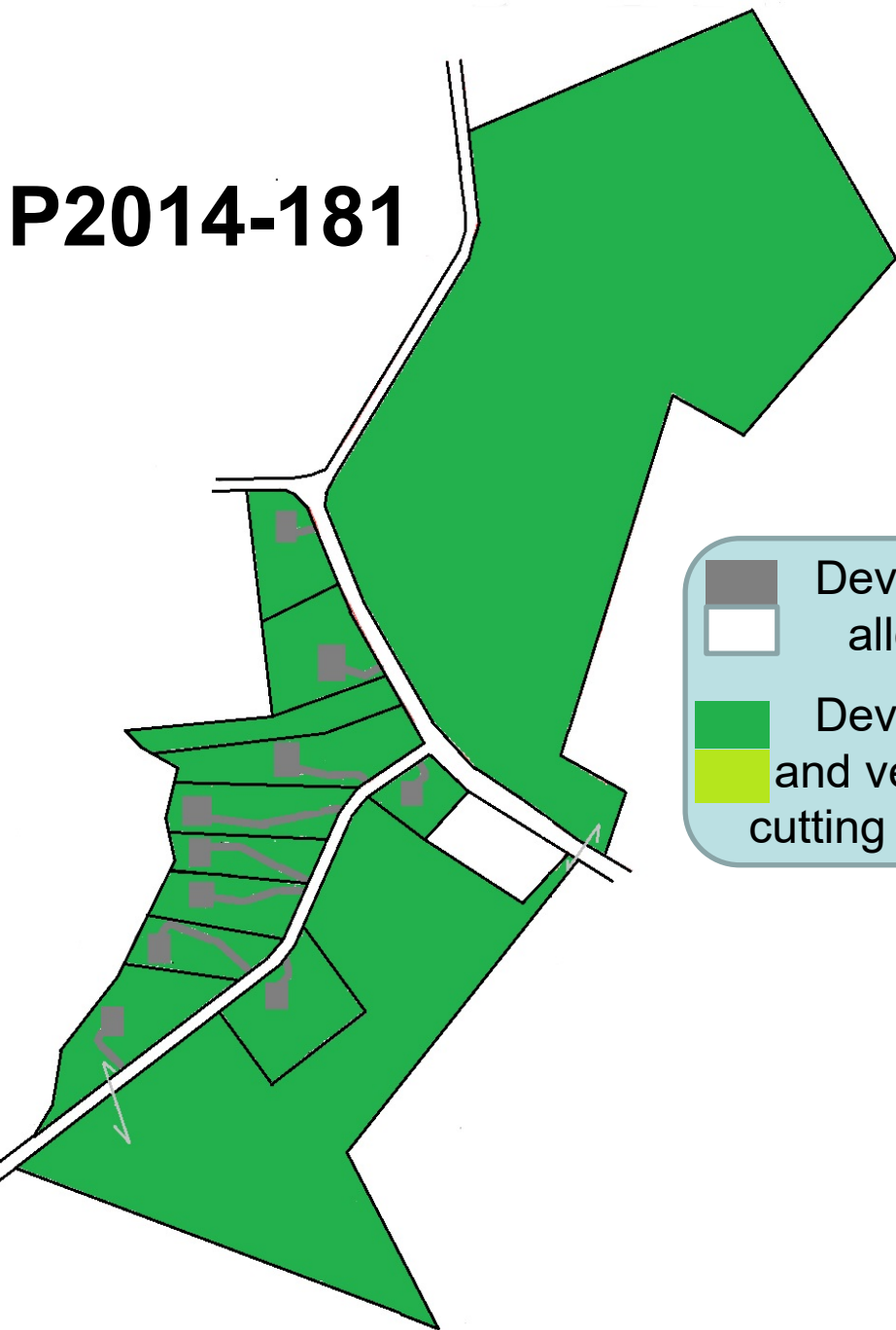
P2018-2020

## 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**



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**

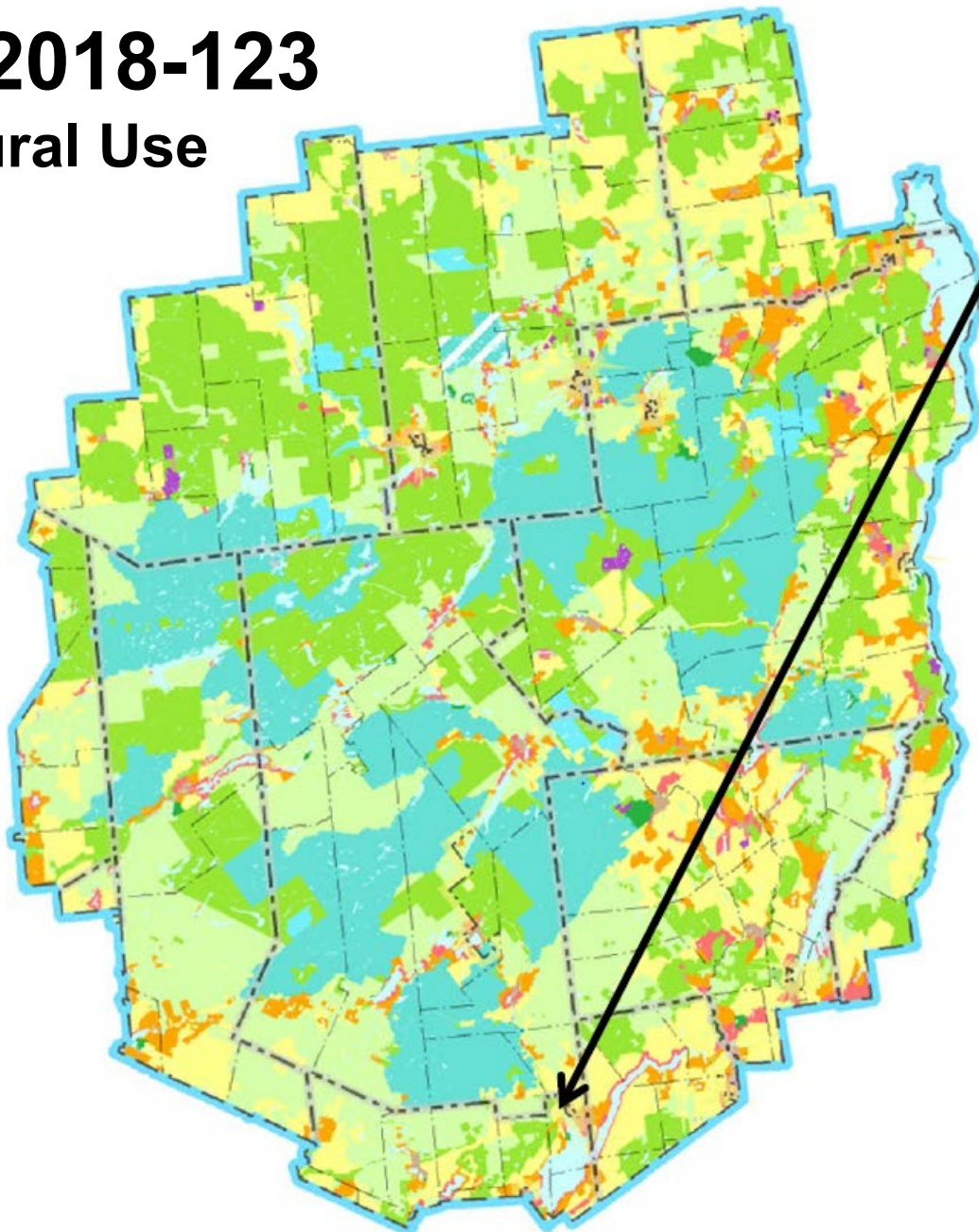
- 182± acres, all RU
- 17 new dwellings authorized; 5 pb rights retained on 33 acres
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  - New tree cutting allowed only for firewood, footpaths, and approved timber harvesting; additional restrictions near wetlands, shorelines

**P2018-123**

**Rural Use**



## **Project Location**

Towns of  
Northampton and  
Mayfield

Fulton County



**Adirondack  
Park Agency**



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

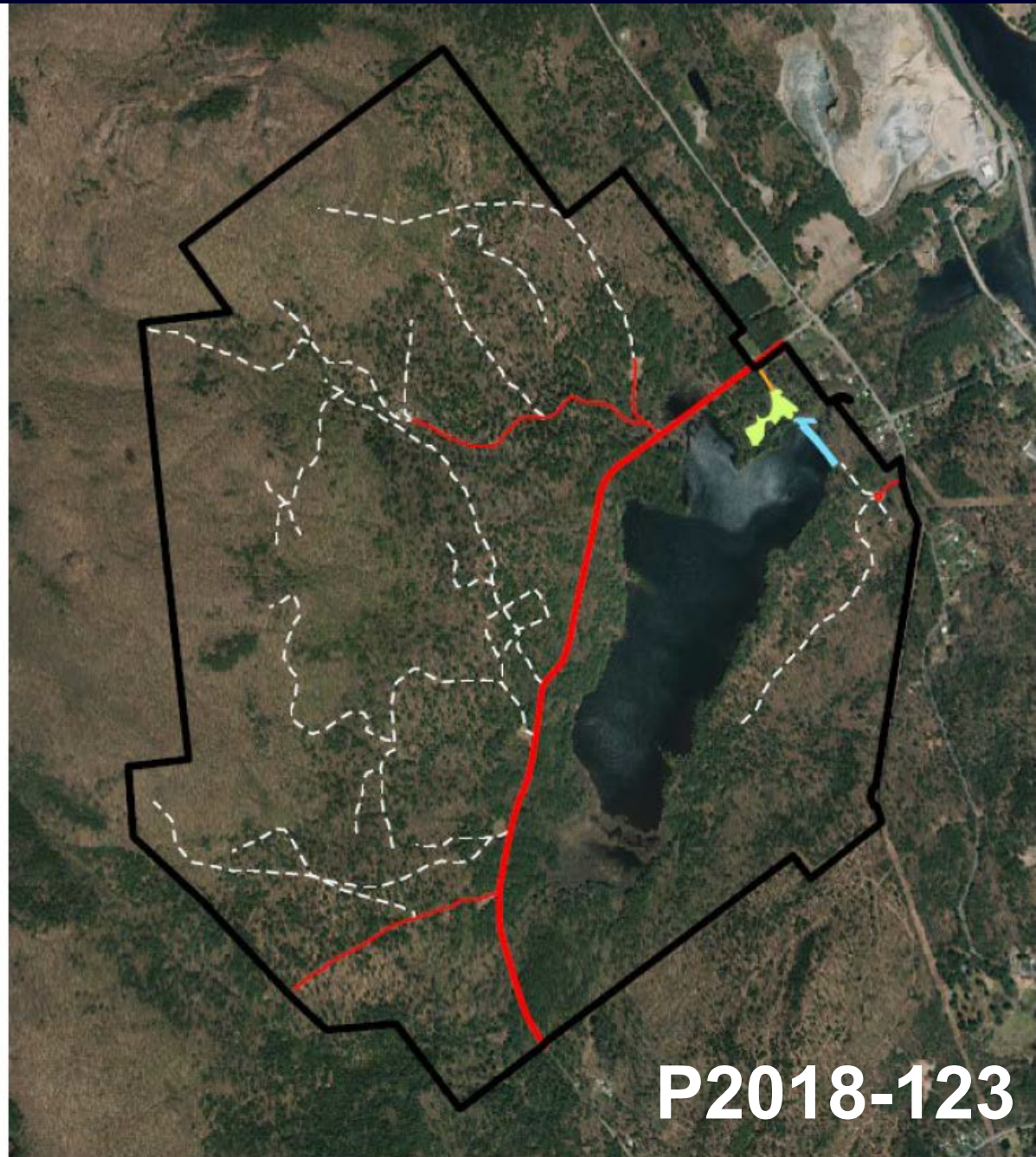
Town road

Dam

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

Wood roads

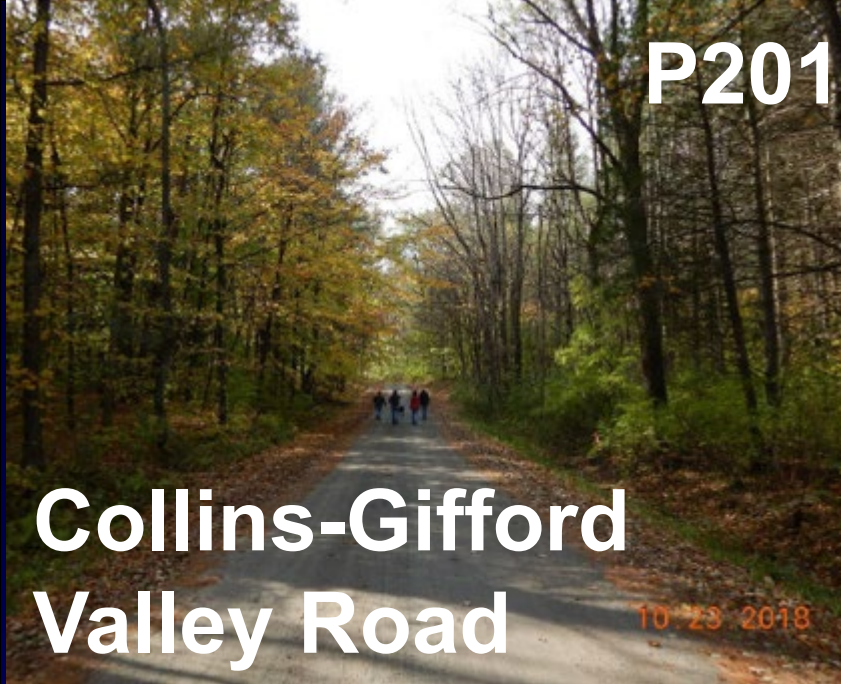
Logging / skid roads



**P2018-123**



**P2018-123**



**Wood Roads**



**Utility Corridor**



P2018-123



**Woodward Lake Dam**



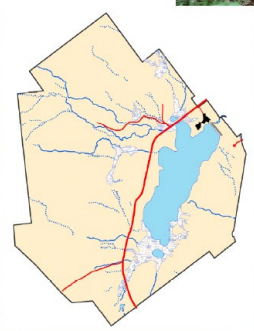
**Woodward Lake**





# Streams

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



..... Intermittent Stream  
— Permanent Stream

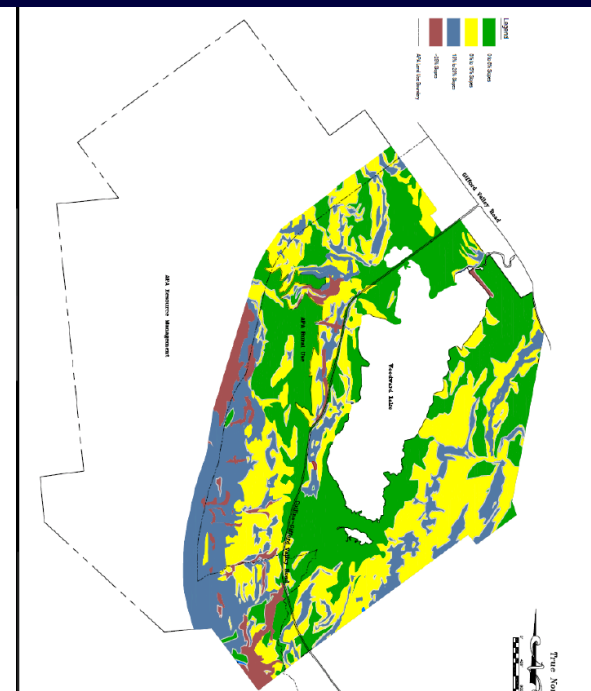
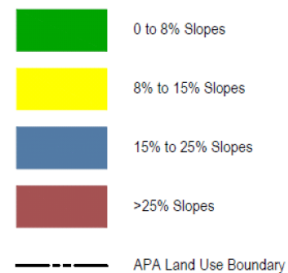


# Wetlands

# P2018-123

## Slope Map With Colored Categories

### Legend



# Site Limitations Composite Map

P2018-123

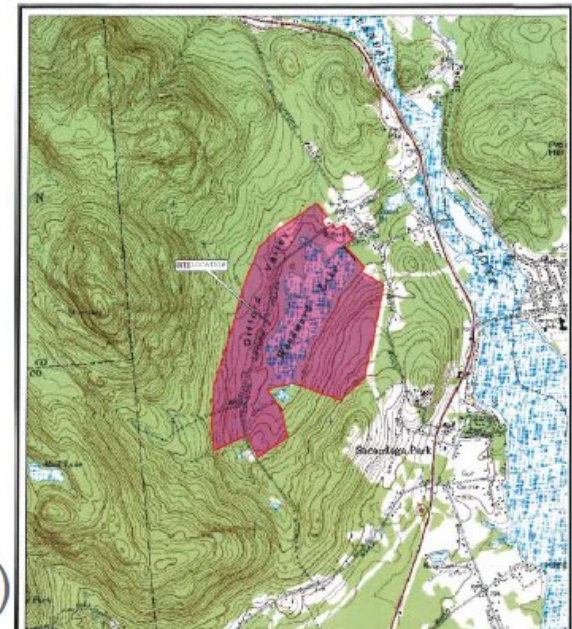
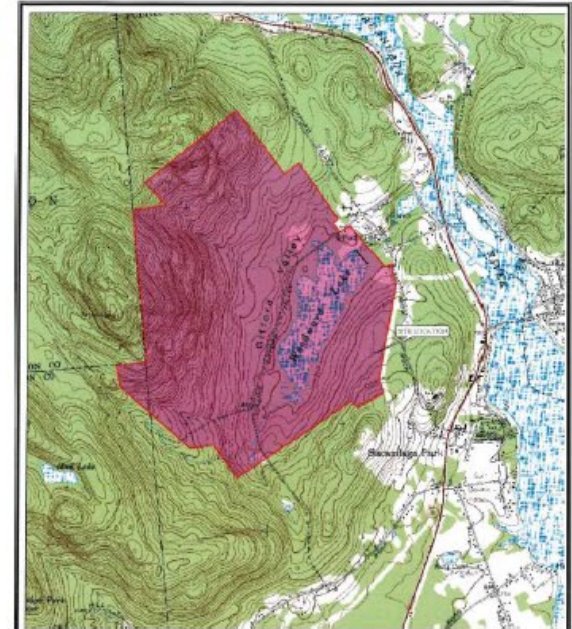




# Biological Survey

- 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



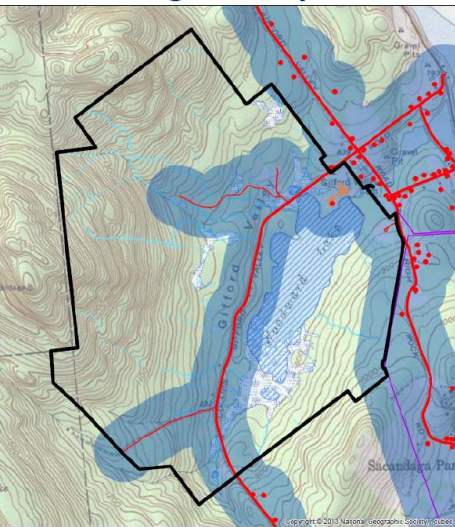
Review Area \*

(aquatic resources)

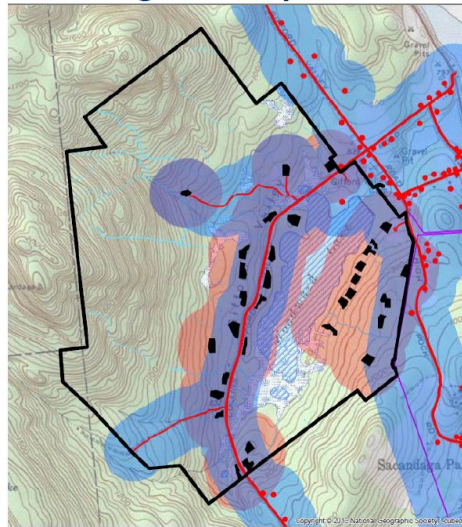
**P2018-123**



## Edge Effects Existing Development

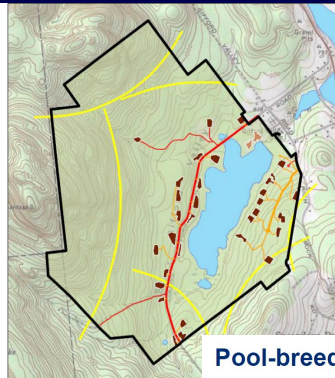
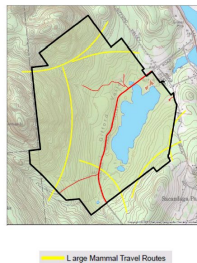


## Edge Effects Existing and Proposed Dev.



New edge effects of proposed development = 153± acres

## Large Mammal Travel Routes

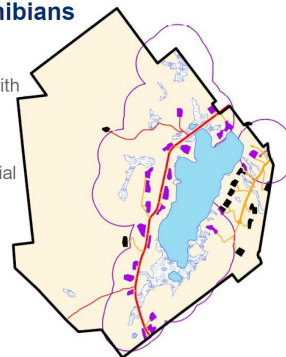


## Pool-breeding Amphibians

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

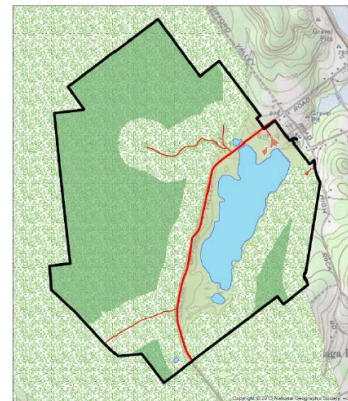
Goal:  
Leave 75% of critical terrestrial  
zone unfragmented with  
undisturbed ground cover  
(disturb < 25%)

Analysis:  
Subdivision proposal meets  
this goal



# P2018-123

## Interior Forest



Forest Blocks  
Interior Forest (> 200 m from edges)

New edge effects within  
interior forest = 64± acres





## 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





P2018-123  
in 2022



## 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?

