



Strengthening the APA

IDEAS FOR A BETTER ADIRONDACK PARK

A special publication of the
ADIRONDACK EXPLORER





PHOTO BY CARL HEILMAN II

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Ideas for a better Adirondack Park

A special publication of the *Adirondack Explorer*
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BEGINNING IN JULY 2012, the *Adirondack Explorer* published a yearlong series of articles examining how well the Adirondack Park Agency is fulfilling its mission of protecting the Adirondacks. The series focused on the APA's regulation of the private lands that make up 55 percent of the Park.

Subjects included the future of open space; threats to water quality and shorelines; upland development; and sprawl. The series found that safeguards that once set the standard for progressive land-use planning must now be updated to ensure that the natural character and viable human communities of the Park survive for future generations.

Following the series, the *Explorer* hosted a daylong conference featuring presentations by regional, state, and national authorities. The conference sought to generate ideas about how to keep the Park a special place for generations to come.

This booklet reprints the series as well as the *Explorer's* coverage of the conference and our editorial urging action on key findings of that symposium, particularly the use of conservation-development principles; regulations to control storm-water runoff and other threats to water quality; and the need for the state to give the APA the staff and budget it needs to do its work.

We hope that this publication will give policy-makers and the general public the information they need to turn this investigation into action.

—Tom Woodman, Publisher, *Adirondack Explorer*

ABOVE: **Lake George from First Peak in the Tongue Mountain Range.**

PHOTO BY CARL HEILMAN II

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COVER PHOTO: The High Peaks from Adirondack Loj Road by Carl Heilman II

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The APA preserved open space in a development proposed for Highland Farm in Keene

PHOTO BY NANCIE BATTAGLIA

A new era for the Adirondacks

FORTY YEARS after the signing of historic legislation protecting the Adirondacks from exploitation and overdevelopment, we have arrived at another key moment for the Adirondack Park. Safeguards that once seemed to set the standard for progressive land-use planning must now be updated if we are to ensure that the natural character and viable human communities of the Park survive for future generations.

A yearlong series of *Explorer* articles assessed the effectiveness of Park protections, particularly the role of the Adirondack Park Agency in overseeing development of the private lands that constitute more than half of the nearly six million acres in the Park. In September, we followed up on that series with a conference on “Strengthening the APA.” This event convened regional and national experts to look at what we can do in coming years to better protect critical environmental features like water bodies, open space, and important wildlife habitat.

The conference concentrated on constructive proposals for how to move forward, not on disagreements with four decades of sometimes contentious policy decisions.

Both the *Explorer* articles and the conference point to three broad areas where we need to modernize and bolster protections, and to one overarching need. That need is for the state to adequately fund and staff the APA. The agency must have a realistic budget to fully step into its intended role as leader in Park-wide planning. It needs enough staff to work with local governments to develop their own strong and coordinated land-use plans. It needs the resources to understand

the cumulative impact of years of subdividing and building in the Park. And it has to have the personnel to enforce the conditions of its development permits. Without a larger staff, the agency will continue to be working with its hands tied behind its back.

The three areas that should be priorities as we look at ways to strengthen Park protection are:

- Consistently applying the principles of conservation development to allow for smart growth that combines environmental preservation and economic gain;

- Beefing up the protection of water quality and the restoration of that quality in areas where it has already been degraded; and

- Better controlling development on highly visible uplands to prevent scarring the natural vistas that help give the Adirondacks its special character.

CONSERVATION DEVELOPMENT

Conservation development relies on a detailed understanding of the environmental qualities of tracts of land that are being divided for construction. Its goal is to preserve important natural features, avoid fragmenting large acreages by scattering buildings across the landscape, and clustering construction in well-designed lots that minimize the need for long roads and utility lines.

The APA has applied these principles in some cases over the years, but the legislation that guides its decisions does not clearly define their use. And the agency has not felt that it has a mandate to require clustering, seeing the statutory language merely as a guideline.

As national planning authority Randall Arendt argued

at the *Explorer*’s conference, conservation development should be the agency’s default requirement. The burden should be on a developer to show why conservation development is not viable for a project, and only in those cases should the APA allow a different approach.

Another key to making effective use of conservation development is for the agency to require an ecological assessment of property that someone wants to subdivide and develop. The assessment of the environmental features and wildlife on the land must be done by certified experts working independently of the developer and before any lot plans are submitted. This scientific survey is the foundation for sound decisions, and without it neither the agency nor the developer can credibly claim to understand the impact of the project.

WATER QUALITY

When looking at water quality, we find a number of related threats that we must address.

“Storm-water runoff is the biggest threat to water quality,” Peter Bauer, executive director of Protect the Adirondacks, said at the conference. And it’s an area where, as with conservation development, APA standards are not defined clearly enough or pursued aggressively enough. While the agency argues that it considers runoff and water-quality issues in its permitting process, without clearly defined jurisdiction and minimum standards its safeguards are vulnerable to inconsistent interpretation and weak regulation.

Water draining from often vast watersheds can carry phosphorous and other nutrients into lakes, leading to algae growth, underwater dead zones, and other degradation. It can also carry salt and other contaminants that create a long-term threat to water bodies that are at the heart of the Park’s natural environment as well as its economic viability. There is a crying need for

clear and strong standards requiring developers and homeowners to contain runoff and prevent pollution from faulty septic systems. We also must have plans to restore watersheds through revegetation and other strategies for fixing what has already been damaged.

UPLAND DEVELOPMENT

Finally we should protect the open lands stretching up the high slopes and ridgelines that form a stunning landscape that millions of people travel here each year to experience. Though these features embody the scenic beauty and natural character of the Park, the APA has limited authority to protect them from damaging development or conspicuous siting. As an example of what is possible, the agency worked with the town of Day in Saratoga County. Day, which rises on both shores of the Great Sacandaga Lake, amended its zoning law to make low visibility a requirement for building on slopes within view of the lake and roadways. It takes into account the design of a proposed building, related construction like outbuildings and roads, and the amount of vegetation that would be cut. We need to see this approach adopted for the Park as a whole.

None of these measures, not conservation development, storm-water runoff, or control of uplands development, is an unreachable goal or an abstract theory. Speakers at the *Explorer* conference described how the New Jersey Pinelands have mandated conservation development, how the Tahoe Regional Planning Agency has implemented regulations that are improving the water quality of Lake Tahoe, and, of course, how our own town of Day has put upland protections in place.

These are realistic goals for the Park’s private lands as we work to lead the Adirondacks into a new era of enlightened preservation.

—Tom Woodman, Publisher

KEY STEPS

Increase funding and staffing of APA in order to:

- Provide more help to local governments;
- Monitor and document cumulative impact of development Park-wide;
- Better enforce permit conditions.

Consistently apply the principles of conservation development by:

- Requiring independent ecological assessments of developments by certified experts;
- Clustering buildings to maximize open space and minimize infrastructure like roads and utilities.

Protect and restore water quality by:

- Clarifying APA jurisdiction over storm-water runoff and on-site sewage systems and setting minimum standards for developments;
- Requiring revegetation and buffering along streambeds and shorelines;
- Increasing building setbacks and lot widths along shorelines;
- Minimizing clearing on new lots near water bodies.

Control upland development by:

- Requiring low-visibility building design and construction on hillsides;
- Setting standards for minimal clearing of vegetation on upland building lots.

A park like no other

Decades of experience suggest the state needs to do more to protect shorelines, uplands, and the privately owned backcountry.

BY PHILIP TERRIE

IN THE ADIRONDACKS, we often point with pride to the extraordinary oddness of the Adirondack Park. From Manhattan's Central Park to California's Yosemite, Americans have gotten used to parks with neat boundaries enclosing a domain wholly owned by the people. Because the land within the boundary is public and that outside private, when you walk or drive across that boundary, you've gone from one sort of place to another. You have certain expectations outside that boundary, which are different from those you have inside.

But as we like to say up here, the Adirondack Park is a park like no other. Aside from invoking this peculiarity as an interesting factoid, however, what do we do with it? What defines this Park? Is it something other than a collection of all the acres (almost 6 million of them, roughly half in the public Forest Preserve and half in private hands) inside a blue line on a map of New York State.

A little over forty years ago, the Temporary Study Commission on the Future of the Adirondacks, charged by Governor Nelson Rockefeller to consider how the state might protect whatever it was that defined the Adirondack Park, pondered this very question. Like most people, the commissioners found that it was the region's vast, largely undeveloped expanses of forested land that established the character, the identity, of the Park.

A term used at the time, with continuing utility, is "open space." People from around the world came,

and still come, to the Adirondacks because of our Park's open space. New Yorkers from the Bronx to Buffalo were proud of those undeveloped forests and perceived them to be something special, a matter of statewide concern. But only custom and always unpredictable market forces stood between the Park's

privately owned open space and massive, uncontrolled, unplanned subdivision and development.

It was open space that defined the Adirondacks. And it was open space, with all the aesthetic and ecological implications of that freighted term, that the Study Commission wanted to protect. In a series of articles published over a year, the *Explorer* examined the Park's privately owned open space—backcountry timberlands, shorelines, and wooded uplands—and asked whether it has in fact been protected and how its protections might be improved.

The commissioners believed that there was a way to both establish a clearer sense of regional identity and protect the forested character of the Park: this was the creation of

the Adirondack Park Agency, with authority to regulate what could happen to those forests, both public and private. Up until that time the state's attention had been toward the state-owned Forest Preserve, not the adjoining and often complexly intermixed private lands.

When the APA was created by the state legislature in 1971, the Park had existed for eighty years, and the



PHOTO BY SUSAN BIBEAU

Because of the way the plan had been written, most of the new construction in the Park was not even subject to APA jurisdiction.



PHOTO BY NANCIE BATTAGLIA

This home in Keene Valley is one of many that have cropped up on Adirondack ridges and hills in recent decades.

new agency was expected to provide more sense of Park-ness than had obtained before. With it, people in Chateaugay and Old Forge would for the first time have something in common. For some it was a sense of a shared future in a newly defined park; for others it was hostility to regional zoning and land-use controls imposed by the state. Court challenges, hopes for a protected future, a Park-wide feeling of optimism interspersed with a sense of victimization—all gave the Adirondacks a regional identity it had never previously possessed.

In the years since, development has continued, regulated, if at all, by a plan that even in 1973, when it was approved by the state legislature and signed into law, reflected compromise and dilution of the conservation goals of its authors. In the rough and tumble of the legislative process, shoreline restrictions and density guidelines were weakened. The result was a plan that

environmentalists had to accept as better than nothing, despite their fear that it would fail to adequately address potential threats to the scenic and ecological integrity of the Park.

Within a decade, it was clear that hopes for a permanent fix had not been realized. Because of the way the land-use plan had been written, most of the new construction in the Park was not even subject to APA jurisdiction. In 1989, Governor Mario Cuomo invited Peter Berle, former commissioner of the state Department of Environmental Conservation and, at the time, the president of the National Audubon Society, to chair a special commission to study the Park and prepare a comprehensive list of recommendations for how the land-use plan might be improved.

In April 1990, the Berle commission submitted a report, recommending sweeping changes needed to address the possibility "of unbridled land speculation

and unwarranted development that may threaten the unique open space and wilderness character of the region.” The proposals sparked a storm of controversy and none of them were enacted. As current APA board member Richard Booth, recalling this failure of will, observes, “Land issues are the third rail of state politics: no one wants to touch it.”

The problems with the Park Agency law that the Berle commission hoped to address have been outlined efficiently and depressingly in forty years of journalism and scholarship. We know, for example, that the shores of Adirondack lakes and rivers have been relentlessly devoured since the creation of the APA. Formerly natural shorelines are now lined with houses and septic systems.

In the Adirondacks most of the development that environmentalists care about—that is, construction outside the hamlets and villages—almost inevitably requires on-site sewage disposal, involving a septic tank and a drainage field. New York law governing such arrangements is among the weakest in the nation, and water quality has deteriorated. Replacing natural vegetation with lawns adds to water problems. On Lake George, for example, waters once world famous for their crystalline clarity are now showing the impact of runoff from fertilized lawns and inadequate sewage disposal. And nothing in the law says that the Park Agency should consider such deterioration of water quality when assessing applications for further development. If a lot exists, it probably will be built on, even

when there are too many houses on the lake already.

With developable shorelines disappearing, new houses are popping up on hillsides and ridges. If you drive around Keene Valley, Lake Placid, or Lake George—almost anywhere where high ground can provide a view—and look up, you’ll likely see opulent palaces of ostentation where a generation ago you would have seen only trees. At night, the conspicuous lights from these homes detract from the dark sky. And the scenic implications are just part of the story: there

are also problems with erosion and storm-water runoff, both from the structures themselves and from the steep access roads.

The two classifications of private land with the tightest restrictions, Resource Management (RM) and Rural

Use (RU), were the focus of conflict right from the start. They constitute much of the vast backcountry of the Park, forested expanses whose roadless, undeveloped, open-space character has always defined the Park’s fundamental essence. Divide these lands, lay out roads, clear vegetation, build houses—however far apart—and you’ve forfeited forever what makes the Adirondack Park a special place.

Thankfully, much of this land remains undeveloped. But various studies—and simple observation—tell us that houses are being built, slowly perhaps, but built nonetheless. What’s truly amazing is that no one knows how many houses have been constructed in the backcountry since the APA’s land-use plan was adopted. Given that building has occurred in all of the Park’s 103

“Land issues are the third rail of state politics: no one wants to touch it.”

—Richard Booth, APA commissioner



The construction of homes and the clearing of trees along shorelines—such as here on Lake George—has detracted from the natural quality of lakes and streams throughout the Adirondack Park.

PHOTO BY SETH LANG



The APA’s land-use plan fails to take into account the proliferation of lands protected by conservation easements, such as those in the Kunjamuk River valley. PHOTO BY PHIL BROWN

towns and villages over the past forty years, however, it’s evident that the Park is a very different place today from what it was in 1973.

One estimate tells us that about seven thousand new housing units have been erected in the backcountry since 1973. Is that too many? That depends on whether you’re a town supervisor worried about your tax base or an environmentalist concerned with wildlife habitat and the open-space character of the Park. You may think one house is no big deal, but it is actually one of many. We don’t know the cumulative impact of this development, and the land-use plan is not designed to stop it.

At the very least, if we are to do a reasonable job of protecting what remains of the wild character of the Park, we need to know what has been built and where. And we need to know the condition of undeveloped lands remaining in private ownership. In assessing the status of undeveloped RM and RU lands, moreover, the APA needs to consider a category of land that did not exist—at least not in significant acreage—in 1973. These are the conservation-easement lands. The state now owns easements on roughly eight hundred thousand acres. This means that although the lands

and forests remain in private hands and, in most cases, logging operations continue, the development rights have been extinguished.

This is a huge achievement, but the state needs to do a better job monitoring these lands to make sure they’re managed properly.

Any assessment of RM and RU lands should deal with specifics. Who owns the land? What is its condition? Which parcels are most in need of protection? The APA can use this information to determine what development is permissible and where it should be allowed to occur. Advances in geographic information systems (GIS) and ecological knowledge make this a much-easier task than it would have been in the 1970s.

A recent study by the Wildlife Conservation Society showed that new housing in the backcountry, even if scattered, disrupts the populations of certain species of birds. Species less able to tolerate man-made structures, activities, and pets are less likely to be found within two hundred meters of houses, while species that appear to adapt well to an altered environment show up more frequently. This means fewer wilderness species like black-throated blue warblers and more adaptive species like northern cardinals. The obvi-

Certain Adirondack species, such as the rusty blackbird, do not fare well near development.

PHOTO BY JEFF NADLER



ous conclusion is that the Park Agency needs greater authority for requiring developers to cluster houses when building in the backcountry, rather than spreading them out on large lots.

Environmental activist Peter Bauer suggests that we also need—in addition to a thorough assessment of open-space lands—a sharp focus on water quality. How has shoreline and upland development affected lakes and streams? What can be done to address the growing problems of unmonitored sewage disposal and runoff from lawns, roofs, and roads? Why are New York laws dealing with on-site sewage disposal so weak? In many jurisdictions around the country, when a property changes hands—through gift, sale, or inheritance—local law mandates an inspection of any septic system by a licensed engineer and amelioration, if necessary. Why is this not the case throughout the Adirondacks?

Behind all discussions of the Adirondack Park Agency's regulatory powers—weak or tyrannical, depending on your politics—rests the contentious issue of what development really means for a rural economy.

The hot item on the stove right now is the Adirondack Club and Resort proposed for Tupper Lake—approved by the APA in January 2012 after many years of heated debate. (The preservation group Protect the Adirondacks and adjacent landowners have sued to stop it. As of the printing of this booklet the case has not been resolved.) Will such a development help to solve the undisputed economic woes of Tupper

Lake? Will other ambitious projects, which seem inevitable once such a precedent is established, help other communities escape the economic doldrums so devastating throughout rural America? If so, we're faced with a stark choice—between protecting open space or improving the economic circumstances of deserving people in towns like Tupper Lake.

But what if that's a false dichotomy? What if these massive developments won't deliver as promised? It's impossible to predict the future, of course, but every-

one pondering these issues in the Adirondacks can learn from the experience of other places facing similar challenges.

Hal Rothman's *Devil's Bargains* (1998), for example, should be required reading for every politician and development booster in the Adirondacks. It recounts a dreary pattern in Colorado towns where

rapid development of resort communities repeatedly led to a host of predictable problems: environmental degradation, labor strife between ski-slope owners and their low-paid employees, rents so high in ski towns that year-round residents are pushed farther and farther away from where they work, endless contention pitting one faction of a town against another (something already familiar to Tupper Lake), the subjection of an entire town to the whims of a single, autocratic developer, resentments harbored by older residents against newly arrived outsiders. In Vail, Colorado, which Rothman studied closely, the "quality of life was excep-

as an employee became progressively less desirable."

As Blake Harrison points out in his excellent *The View from Vermont: Tourism and the Making of an American Rural Landscape* (2006), when a rural landscape turns to serving the needs of people from outside the area, whether via a second-home culture or through ski resorts, everything about a once-stable town changes. Taxes go up—not down, as boosters relentlessly predict—as infrastructure demands multiply. The nature of work may change, but the overall standard of living does not. Rural economic realities persist, while the old town is gone. In Vermont, around rapidly developed ski resorts, "public officials and citizens complained of rising rates of crime, violence and alcohol abuse." Resort economies exacerbate seasonal employment cycles and low wages and demand a labor force that is "part-time, unskilled, and poorly paid." For every year-round resident in Vermont who sees the new economy as a blessing, there's another who sees it "as a cursing and a blight on the state."

But we know that further development will happen here, and it should be clear by now that the Park Agency law is not up to dealing with it appropriately.

Behind much of the criticism of the Adirondack Park Land Use and Development Plan, concerning its failure to provide adequate safeguards for open space, lies one overarching theme: the plan does not (how could it?) address the specific realities of each parcel of land, large or small. Of course, the idea that development should be appropriate for the land where it occurs is implied in any zoning plan; it's in the very spirit of zoning. But it must be spelled out in precise, unambiguous terms, and the Park Agency must be given the explicit authority to enforce it. This is the concept of "conservation development."

Conservation development is a simple idea, and it's already here, although not sufficiently deployed. Conservation development means accepting that development will occur but then making sure it's done right. In the Adirondacks, this means better protections for shorelines and higher-elevation sites, clustering of houses in the backcountry, maintaining and restoring water quality, and preserving wildlife habitat. These considerations can be applied to the remaining developable Adirondack lands. It's only a matter of will. ■

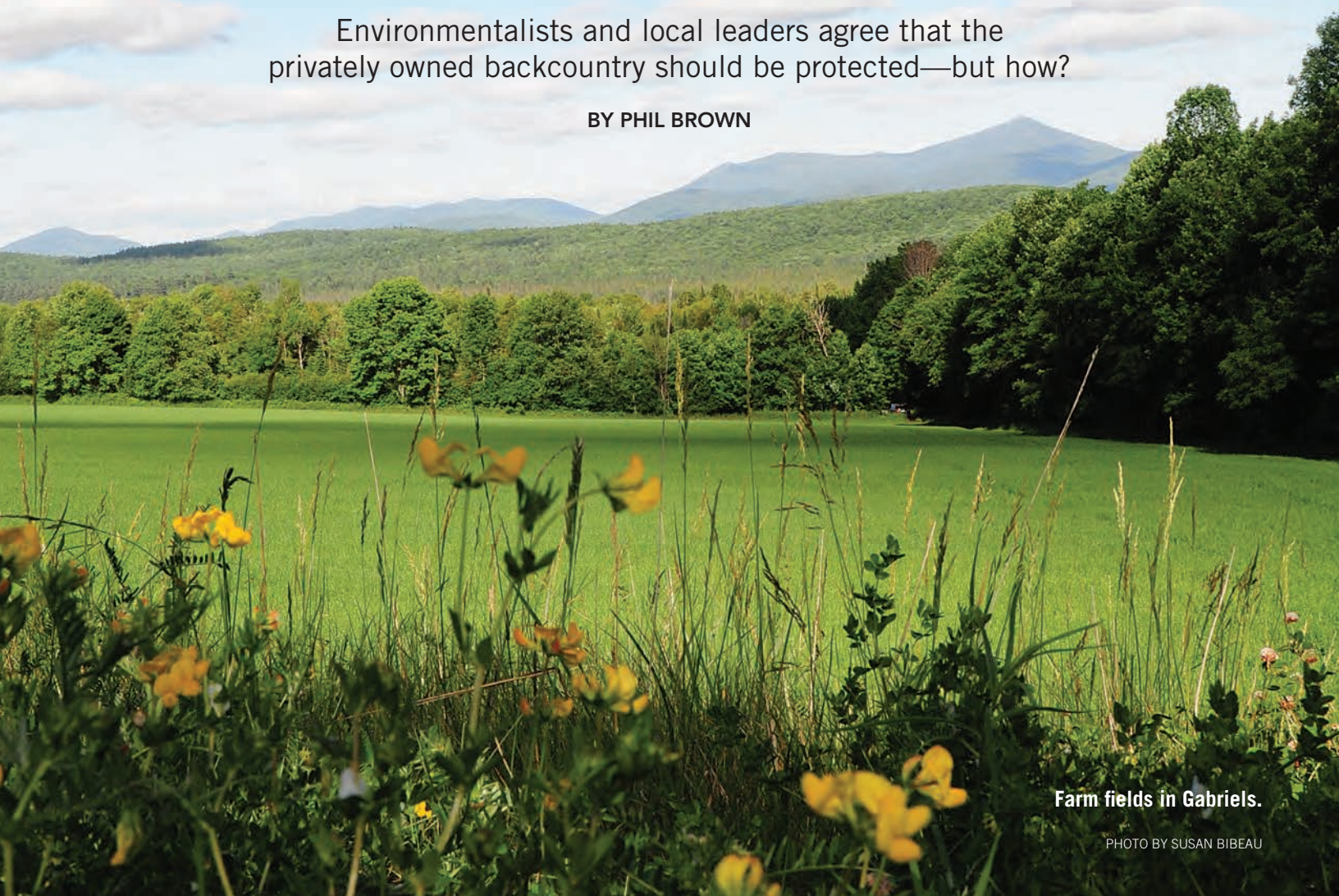
Developers want to build the Adirondack Club and Resort near the Big Tupper Ski Area. PHOTO BY CARL HEILMAN II



The future of open space

Environmentalists and local leaders agree that the privately owned backcountry should be protected—but how?

BY PHIL BROWN



Farm fields in Gabriels.

PHOTO BY SUSAN BIBEAU

FORTY YEARS have passed since Governor Nelson Rockefeller, while signing a law regulating development in the Adirondack Park, declared to the reporters and conservationists in the room, “The Adirondacks are preserved forever.”

He had some reason for optimism. The Adirondack Park Land Use and Development Plan represented a leap forward in conservation, a bold attempt to preserve the beauty and wild character of a vast region that encompasses both public and private lands.

Four decades later, preservationists question whether the law has the teeth or the state has the will to provide the lasting protection the governor promised.

Written by the fledgling Adirondack Park Agency (APA), the plan established zoning classifications,

building densities, and allowable uses for private lands. It was based on the research of Rockefeller’s Temporary Study Commission on the Future of the Adirondacks, the same panel that a few years earlier had recommended creation of the Park Agency.

Some observers considered the private-land plan flawed from the get-go. Willsboro lawyer Peter S. Paine Jr., one of the plan’s authors, said compromises had to be made to win the support of state legislators. Most notoriously, shoreline regulations were loosened four times, allowing far more waterfront development than planners thought wise.

“It was unfortunate in some respects and realistic in some respects,” Paine said of the wheeling and dealing in Albany. “We got it through.”

But the Adirondacks were far from saved. And so

two decades later, another governor, Mario Cuomo, appointed another commission to try to save them again.

In 1990, the Commission on the Adirondacks in the Twenty-First Century issued a report containing 245 recommendations for preserving the Park’s wild lands, revitalizing its communities, and streamlining its administration. But the document met such fierce resistance from local officials and residents that Cuomo essentially disowned it.

The Rockefeller and Cuomo commissions shared many concerns, but perhaps chief among them was that the privately owned backcountry would be divided into lots and sold for residential development. This remains a fear today, especially after the APA’s decision in 2012 to approve the massive Adirondack Club and Resort (ACR), a mix of condos, town houses, single-family homes, and rustic lodges to be built on timberlands in Tupper Lake.

Bob Glennon, a former executive director of the APA, contends that the ACR decision opens the door for residential development throughout the Adirondack backcountry, especially lands classified as Resource Management. “These most remote, most fragile, most biologically rich of the private lands are of the Park’s very essence. We have a Park Agency which simply doesn’t get it. Unless and until it does, all these critical lands are at risk,” said Glennon, who now serves on the board of Protect the Adirondacks, which is suing the APA over the resort proposal. (As of this printing the lawsuit has not been resolved.)

Backers of the project challenge the notion that similar resorts will pop up all over the Park. They argue that the ACR site is unusually suited for a year-round resort in that it includes a downhill ski area, borders a golf course, and has access to a big lake and major river. “The ACR project is unique,” said Brian Towers, president of the Adirondack Association of Towns and Villages. “You’re not going to see one of these in every community by any stretch of the imagination.”

Whatever happens in Tupper, two basic questions remain about the privately owned backcountry: Is it adequately protected by the Land Use and Development Plan? Is the APA administering the plan in a way that will protect the backcountry?

All told, private landowners hold title to about 3.2 million acres, about 55 percent of the entire Park. Most of this land, about 2.5 million acres, is classified as “open space”—forests, fields, floodplains, large wetlands. Together with the Forest Preserve, these lands lend the Park its wild character, and so protecting them is seen as crucial to the Park’s future.

The Land Use and Development Plan assigns the open-space lands to the two most restrictive zoning categories: Rural Use and Resource Management. Both RU and RM lands are largely forested. Taken as a whole, Resource Management encompasses the most ecologically important private lands: vast road-less tracts in the wilder parts of the Park, often abutting major parcels of state-owned Forest Preserve. Rural Use lands are found in more-settled parts of the Park, such as the Champlain Valley, and are more likely to be divided by roads.

According to the land-use plan, the primary uses of Resource Management include forestry, agriculture, and outdoor recreation. Single-family homes are listed as a secondary use. The primary uses of Rural Use are mostly the same, but they also include single-family homes. Multi-family homes are listed as a secondary use in Rural Use. By and large, commercial

and industrial enterprises are not allowed in either classification. Thus, when environmentalists warn about threats to the backcountry, they are speaking mostly of residential development.

Under the land-use plan’s density guidelines, property owners can build up to seventy-five homes per square mile on Rural Use lands, which works out to an average of one residence every 8.5 acres. On Resource Management, they can build only fifteen homes per square mile, or on average one every 42.7 acres. Such lots might seem huge in comparison with residential lots in cities and suburbs, but under a full build-out, the zoning densities would allow developers to construct well over a hundred thousand homes in the backcountry—a scenario that environmentalists say would undermine the Park’s wildness and ecological integrity.

PROTECTION WATERED DOWN

George Davis, who served the Rockefeller commission as an ecologist, wishes the APA had prohibited all residential development on Resource Management land to keep the forest intact for the benefit of wildlife and the logging industry. Peter Paine, however, said those who wrote and negotiated the land-use plan never would have gone so far.

“I don’t think you can do an outright ban without running into constitutional issues,” Paine said. Landowners, he noted, could sue on the ground that the ban amounted to an illegal “taking” of their property rights.

In the draft of the land-use plan, the APA recommended allowing only ten houses per square mile on Resource Management, or one every sixty-four acres. “In negotiations with the governor and legislature,

“Nine out of ten houses are built outside hamlets. That’s unsustainable.”

—John Sheehan, Adirondack Council



Environmentalists say preserving farms and forests is vital to the Park's future. PHOTO BY NANCIE BATTAGLIA

this was watered down to fifteen per square mile, or one every forty-three acres," Davis said. "Rockefeller needed to make compromises to get votes in the Assembly." He added that the Rural Use guidelines also were relaxed, though not as much.

Paine said the preliminary zoning map also was altered after meetings with town leaders, resulting in greater zoning densities in many places. "It had a lot more Resource Management than the current map, and it had more Rural Use," he said.

Eventually, Davis tried to strengthen backcountry protections when he became executive director of the Commission on the Adirondacks in the Twenty-First Century. In its report, the panel set forth an Open Space Protection Plan that called for adding, over time, nearly 655,000 acres to the Forest Preserve and for protecting the remaining privately owned backcountry through conservation easements, stricter zoning, and a scheme for steering development closer to hamlets. The panel also proposed a one-year moratorium on all development on Resource Management and Rural Use lands.

"The number of structures currently allowed in resource management and rural use areas, estimated at 156,000, must be drastically reduced," the report declared.

Under Davis's plan, owners of Rural Use and Resource Management lands would be allowed to build only one principal structure for every two thousand acres. In return for lost development rights, they

would receive transferrable development rights, or TDRs, that could be sold to the state or to owners of property in areas with less-restrictive zoning (those classified as Moderate Intensity and Low Intensity). The number of structures that could be built in the backcountry would indeed be drastically reduced from 156,000—to somewhere between ten thousand and fifteen thousand.

Opponents said the TDR scheme was too complicated to work and attacked it as "two-thousand-acre zoning." Among other things, they questioned the fairness of transferring development rights (and thus economic opportunities) from one part of the Park to another. Paine thinks the critics had a point. "George has enormous vision, but he has no sense of political realities," he said.

A LACK OF DATA

The failure of the Cuomo commission to get its agenda enacted means the protections for Rural Use and Resource Management have stayed essentially unchanged since 1973, when the Land Use and Development Plan was adopted. It's difficult to gauge how well the protections have worked because the Adirondack Park Agency does not keep a tally of homes built on these lands.

Nevertheless, some information is available. In 1990, there were about fourteen thousand principal structures on Rural Use or Resource Management lands,

Privately owned lands classified as Resource Management and Rural Use, the green and yellow lands in the map at right, comprise 2.5 million acres and account for much of the Park's wild character.

The brown lands in the map below are private lands protected by conservation easements. A comparison of the two maps reveals that the vast majority of the easement tracts are classified as Resource Management, the most ecologically important of the private lands.

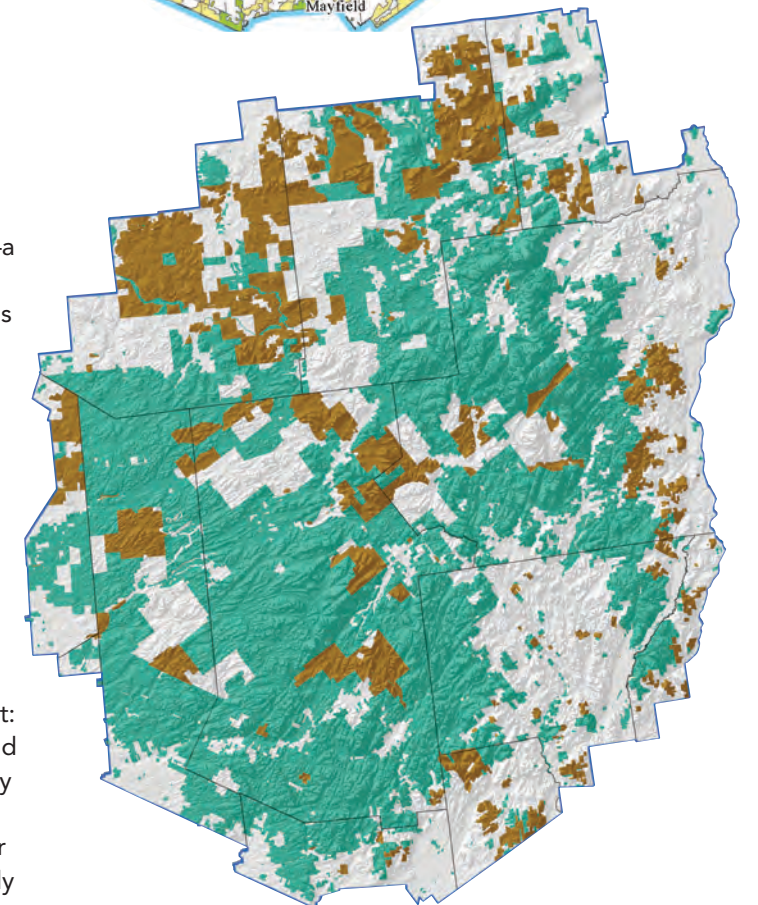
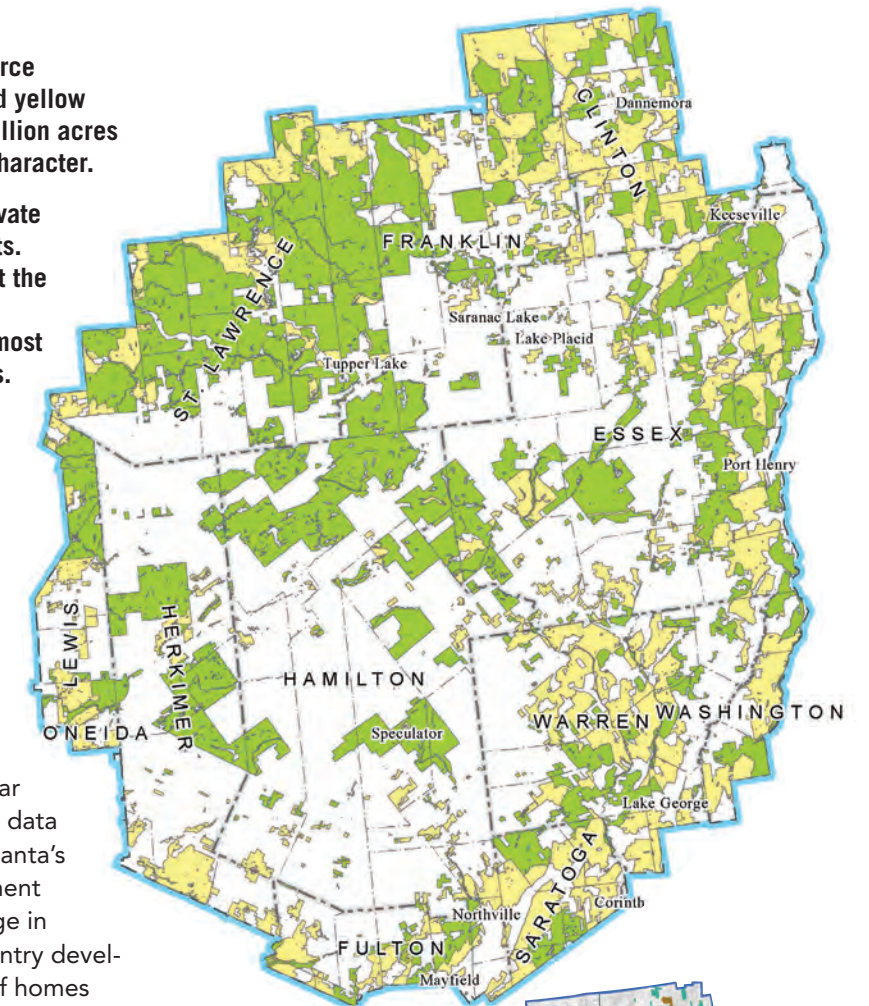
MAPS COURTESY OF APA

according to the report of the Cuomo commission. In 1993, John Banta, then the APA's director of planning, analyzed residential growth and found that over the previous five years more than six thousand new homes were built in the Park. Of these, roughly 30 percent were built in the backcountry: 1,366 in Rural Use and 555 in Resource Management. That works out to about 380 homes a year in the backcountry (although RU and RM data were not available for Warren County). Banta's report says the overall pace of development was about 20 percent higher than average in those five years. If this is true of backcountry development too, then the average number of homes built in the backcountry each year from 1973 to 1992 would have been about 320.

In 2001, the Residents' Committee to Protect the Adirondacks issued *Growth in the Adirondack Park*, which analyzed development in the ten years after the Cuomo commission. It found that 820 to 850 structures were added to the Park each year—a slower pace of development than Banta had reported. The RCPA did not break down the figures by zoning classification. If, as in Banta's analysis, 30 percent of the development occurred in RU and RM areas, then 250 structures a year were built in the backcountry.

Based on these two reports, it appears that, on average, 250 to 320 homes were added to RU and RM lands each year since 1973. Assuming the pace of development has not changed, 9,750 to 12,480 homes have been constructed in the backcountry since the adoption of the Land Use and Development Plan.

Is this a lot or a little? Here's one way to look at it: since the Cuomo commission, up to seven thousand homes have been built in the backcountry—roughly half of the total that would have been allowed by the panel's Open Space Protection Plan. In another two decades, the commission's proposed limit likely



will be surpassed. But here's another way to look at the numbers: at this rate of development, the theoretical full build-out under the existing regulations will not occur for four centuries.

Actually, the build-out scenario would not be quite as bad as the Cuomo commission feared. Since 1990, the largest timberlands in the Park—those once owned by International Paper, Champion International, Domtar, and Finch, Prunyn—have all been sold to the state or protected by conservation easements that prohibit subdivision and development. As a result of these and other land deals, the state has purchased 104,000 acres for the Forest Preserve and protected another 717,000 acres by easements—virtually all in RU and RM areas. (The figures do not include easements held by land trusts and other private organizations.)

How many building rights were extinguished by these land deals? It's impossible to say, since the APA does not keep track of this information. Judging by a map of easement lands, however, the vast majority of the acres preserved were in RM areas. If, say, 80 percent of the acreage was classified RM and the rest was RU, then almost thirty-five thousand building rights have been retired. In addition, the state has plans to purchase sixty-five thousand acres of former Finch, Prunyn land and fourteen thousand acres surrounding Follensby Pond—retiring another 1,850 or so building rights.

Based on these calculations, roughly 112,000 building rights remain on Rural Use and Resource Management lands—still far more than the Cuomo commission wanted to allow. George Davis warns that if nothing is done, the wild character of the backcountry will be eroded over time. "People in the future will never have known the wilderness we enjoy now," he said.

How likely is a full build-out? Roger Dziengeski, a vice president of Finch Paper, says owners of large tracts of timberlands are unlikely to sell their lands for development. To do so, he points out, would flood the real-estate market with forestland parcels and lower their value.

Colin Beier, an ecologist at the New York State College of Environmental Science and Forestry, thinks the scenario is something of a straw man, given that the region is losing population. "Could it happen?

Anything could happen," he said. "But are we trending in that direction? It seems like we're trending in the opposite direction."

If build-out were to happen, though, the forest and wildlife habitat would be changed forever. "Is the Park going to turn into North Jersey? Probably not. But you will have impacts, and these impacts will be discernible," Beier said.

Ecological impacts could occur well before full build-out, especially if development is not done right, according to Michale Glennon, a biologist with the Wildlife Conservation Society. Yet neither she nor Beier could say how much land needs to be protected to ensure the survival of all the wildlife and plant species in the Park. "I don't know if anyone can answer that question," Glennon remarked.

Glennon (who is the daughter of Bob Glennon) is one of the few scientists to study how backcountry development affects wildlife in the Adirondacks. She said it's not only the presence of houses that alters habitat—it's also the roads and driveways, the lawns, the lights, the noise, the traffic, even the owners' pets. Her research on birds suggests that development forces out woodland specialists and attracts generalists such as blue jays that thrive around humans.

Development also affects reptiles and amphibians. Glennon said roads act as barriers for migrating turtles,

salamanders, and frogs. It also fragments the habitat of wide-ranging mammals. If the backcountry is fragmented, she said, the Park will be less hospitable to animals that many conservationists want to see restored—the Canada lynx, wolf, and mountain lion.

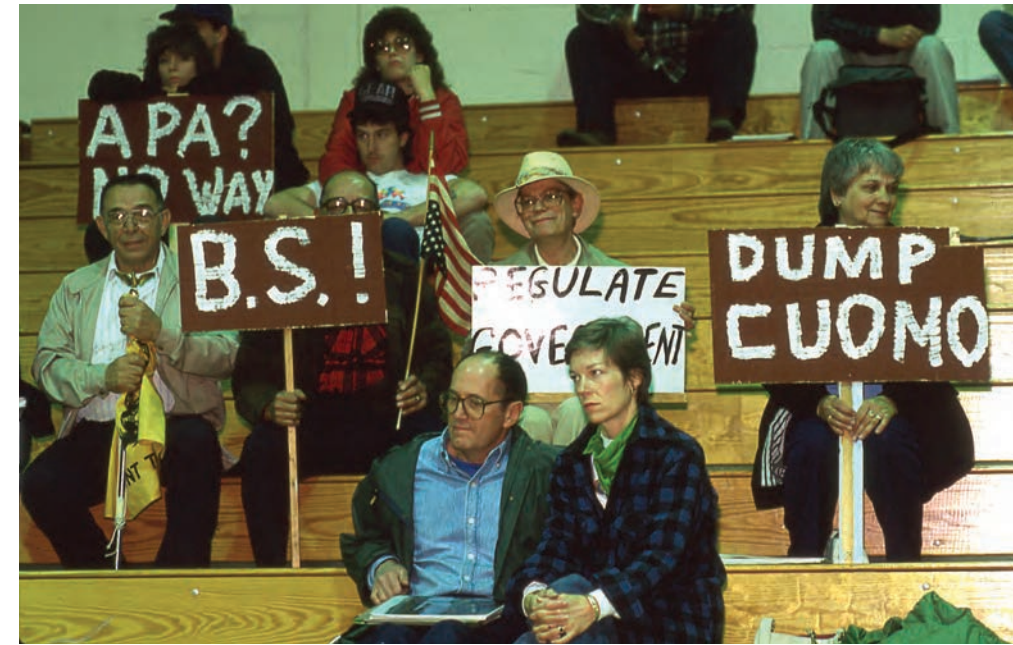
Glennon said the backcountry would be better protected if the APA required developers to cluster homes rather than spread them throughout the landscape. "If we get to full build-out, without question our biological communities will change," she said. "If done well with minimal road development, the impacts would be much less."

Development in the backcountry also has aesthetic impacts. People are drawn to the Park for its natural beauty, whether enjoyed from a mountaintop or behind a windshield. If the scenery is mucked up, environmentalists say, the tourism industry will suffer. Sometimes it takes only one house, plopped in the middle of a vista



PHOTO BY SUSAN BIBEAU

Peter Paine helped write the Land Use and Development Plan in the early 1970s.



Many protesters brought placards to the Cuomo commission's hearing in Saranac Lake in 1990.

PHOTO BY NANCIE BATTAGLIA

or on a ridge, to spoil a postcard view. More often, though, development creeps along roadsides, marring otherwise green corridors.

In 1980, just seven years after adoption of the land-use plan, an APA task force called roadside sprawl "certainly the greatest danger facing the open space character of the Adirondack Park." The panel noted that 960 miles of roads—or 44 percent of the Park's total—ran through Rural Use or Resource Management lands. In contrast, only 11 percent was bordered by Forest Preserve and thus protected from development.

Twenty years later, sprawl remained a major concern of *Growth in the Adirondack Park*, the report by the Residents' Committee. Indeed, it concluded that the two fundamental weaknesses of the APA Act are the laxity of the shoreline regulations and the inability to control roadside development.

By and large, the report said, the land-use plan was achieving its goal of channeling development away from the backcountry. But all was not rosy. "While new development is lighter in Resource Management Areas, it is occurring throughout Rural Use Areas, especially along roadsides," it said. (Evidently, people are more apt to build on an 8.5-acre lot than on a 42.7-acre lot.) The Residents' Committee called on the APA to establish a clustering policy for RU and RM lands and develop guidelines for making sprawl less visible.

John Sheehan, spokesman for the Adirondack Council, said sprawl is still a big problem. "Nine out of ten houses are built outside hamlets. That's unsustainable," Sheehan said. "Not all of that occurred on

RM and RU, but a great deal of that land has been impacted by this."

Over time, he warned, development along existing roads will spoil the scenery and construction of new roads will fragment the forest. "Even low-density development in the Park's wildest places causes permanent harm," he said. "Just placing the houses farther apart doesn't mean you're protecting wildlife. ... You can say the space in between the houses is still forest, but it is forest that is hemmed in by roads, with the coming and going of motorized traffic."

Like other environmental activists, Sheehan would like to see more protections for the privately owned backcountry. The Adirondack Council is not pushing specific solutions, but it wants to start a dialogue with

local governments. Historically, local officials have opposed stricter land regulations, but they may have a common interest with environmentalists in seeing timberlands conserved for forestry, an important part of the region's economy.

"We feel strongly that we need to keep the working forests working," remarked Fred Monroe, executive director of the Adirondack Park Local Government Review Board, which monitors and advises the APA.

Brian Towers of the Adirondack Association of Towns and Villages agrees. "If they're working forests, I'd rather see them remain as working forests," he said.

In most cases, they said, local governments would support the purchase of conservation easements to protect logging lands. Timberland owners benefit from easements in two ways: they get a one-time infu-

"We need to keep the working forests working."

—Fred Monroe, Local Government Review Board



The timber industry remains an important part of the regional economy.

PHOTO BY
NANCIE BATTAGLIA

sion of cash for selling their development rights and they thereafter pay lower taxes since they no longer own those rights. (Local governments do not lose tax revenue because the state makes up the difference.)

Monroe and Towers also favor the use of transferrable development rights to steer growth away from timberlands. “TDRs are going to be part of the conversation on how we protect the backcountry,” Towers said.

This might seem surprising since Monroe and other local officials opposed the TDR scheme proposed by the Cuomo commission. Under the commission’s plan, which was never adopted, owners of backcountry lands would be able to sell TDRs to owners of land in more settled areas anywhere in the Park. Thus, a landowner in St. Lawrence County, in the northern Adirondacks, could sell development rights to a landowner in Warren County, in the southern Adirondacks. Under this scenario, Monroe said, Warren County would benefit at St. Lawrence County’s expense.

“What we objected to at the time was not the concept itself, but the fact that it was Park-wide,” Monroe said.

SENATOR BACKS TDRs

In 2012, state Senator Betty Little, who represents most of the Park, introduced a bill that would authorize TDRs to be bought and sold, but only within a given town. Under this proposal, the number of development rights in each town would not change. Monroe and Towers supported the bill, asserting it would conserve timberlands and allow more growth near hamlets. “Many of the hamlets are pretty much built out,” Monroe said.

Environmental activists opposed the legislation,

contending that its purpose and wording were vague. David Gibson, a partner in Adirondack Wild, argued that it might benefit developers who want additional building rights, but not ordinary landowners. “If it’s trying to do TDRs, it just fails,” he said.

Because of the environmentalists’ objections, the Assembly did not consider the bill, but Little may offer a different version. “I don’t think their concerns are insurmountable,” Little spokesman Dan MacEntee said, “so this is something I fully expect we will pursue in the future.”

In any case, observers say it’s a good sign that environmentalists and local officials agree on the value of protecting backcountry lands and—in concept, at least—on two mechanisms for doing so: conservation easements and transferrable development rights.

There are other ways to preserve the backcountry, some more controversial than others. Peter Bauer, who wrote the Residents’ Committee report, said the first step should be a study of RU and RM lands to assess their relative importance, especially in light of recent Forest Preserve and conservation-easement purchases. Such a survey would enable officials to focus conservation efforts on the most significant lands. “We don’t know the conditions of the RM and RU lands in terms of their ecological value,” said Bauer, now executive director of Protect the Adirondacks.

Following are some other ideas that environmentalists would like to see on the table:

■ **Super RM Areas.** Peter Paine said this concept has been kicked around for years. The aim is to place greater protections on lands within Resource Management that are especially valuable or ecologi-

cally sensitive. The lands would still be classified RM, but development would be limited to, say, five buildings per square mile instead of fifteen.

■ **Financial incentives.** John Sheehan said tax policies could be used to channel growth to hamlets. On the one hand, a person might be charged a hefty fee for building a home in the backcountry. On the other, someone who builds in a hamlet would get a tax break.

■ **Diluting densities.** Bauer contends that undevelopable lands, such as wetlands and steep slopes, should not count when figuring the number of homes permitted on a property. In effect, this would reduce the building density of a tract targeted for development. Bauer noted that this has long been a principle of conservation-minded planning.

■ **Clustering.** Bauer and others

also say the APA needs to have a policy requiring developers to cluster homes when building on RU and RM lands and clear guidelines that define clustering. The goal is to reduce a development’s footprint on a given tract, leaving most of the land in open space.

Of course, policies and regulations do not implement themselves. Environmentalists say it’s also vital to have an APA staff and board willing to use their authority to protect the backcountry, and they give the current agency a failing grade.

“I doubt that in the minds of the leadership of the APA that Resource Management and Rural Use lands possess any special significance,” Bauer said.

He also said the Adirondack Club and Resort is only the latest backcountry project that the APA has approved without requiring the developer to cluster houses. Back in the 1980s and early 1990s, he said, the agency forced developers to build in clusters to protect open space. Those precedents—at Oven Mountain, Veterans Mountain, and Butler Lake—were ignored by later APA boards, he said.

Sheehan echoed this complaint. “Our attempts to get the agency to choose the clustering option have been met with resistance,” he said. “Developers don’t want to do it, and the staff doesn’t want to make them do it.”

The Land Use and Development Plan is not silent on clustering. It says single-family homes can be constructed on RM lands “on substantial acreages or in small clusters.” Likewise, it says residential development on RU lands will be allowed “on large lots or in relatively small clusters.” Yet, despite the urging of environmentalists, the APA has never developed a clustering policy.

In its lawsuit, Protect the Adirondacks contends that the Tupper resort, most of which would be built on RM

land, fails to meet either the “substantial acreages” or “small clusters” criterion. In its answer, the APA maintains the criteria are only guidelines and that a developer doesn’t necessarily have to follow either.

But Paine, who helped write the land-use plan and took part in the political negotiations before its passage, said the alternative of substantial acreages or small clusters was intended to be a mandate. “It’s not a guideline; that’s the law,” he said.

Paine, who also was one of the APA’s first commissioners, said the agency’s approval of the Tupper Lake resort represented a failure in its mission to protect open space. “The Resource Management language [in the land-use plan] is just tough enough to preserve open space if the Park Agency has the balls to do it,” he said.

“We’ve seen in the Tupper Lake situation an agency completely without balls. That never would have happened in our time. We would have insisted on clustering.”

APA DEFENDS RECORD

Because of the lawsuit, APA spokesman Keith McKeever would not discuss the Adirondack Club and Resort, but he asserted that existing regulations are adequate to protect the backcountry and denied that the agency has fallen down on the job. “Every project permitted goes through a rigorous review and is permitted with conditions to ensure impacts from development are minimized,” he said.

The future of open space in the Adirondacks will depend on how policymakers address three questions: How much development should be allowed? Where should it take place? What kind of development is appropriate?

These are tough questions, but the Adirondack Park is large enough to accommodate both preservation and development, according to Kim Elliman, head of the Open Space Institute. “In a region that’s depopulating there should be few land-use conflicts,” he said.

Last year OSI calculated the amount of developable land in the Catskills after excluding public lands, privately owned open-space lands such as farms and forests, and environmentally sensitive lands such as stream corridors and wetlands. “Even after you took all that away, 40 percent of the land remains developable,” Elliman noted.

If a similar study were undertaken in the Adirondacks, he expects that it would likewise find that the region has plenty of room for smart growth. “The issue in the Adirondacks is not a lack of developable land,” Elliman said, “but where people want to build on that land.” ■

“Our attempts to get the agency to choose a clustering option have met with resistance.”

—John Sheehan, Adirondack Council

Weak law hurts shorelines



Critics say political compromises in the 1970s have led to a degradation of waterfront and water quality in the Adirondacks.

BY BRIAN MANN

ON A GRAY, rain-swept morning, environmental activist Peter Bauer points to the Lake George shoreline just outside the hamlet of Bolton Landing. From his boat we can see gleaming Gatsbyesque mansions rising above the lake one after another, divided by narrow strips of manicured forest. Lawns, paved patios, and seawalls stretch to the water.

Four decades after the Adirondack Park Agency was created and charged with overseeing development on private land, there is almost no natural vegetation left to provide wildlife habitat or absorb the lawn fertilizer, engine oil, and other pollution washed downhill by the rain.

"You see fewer trees than there would have been forty years ago, a hardening of the shoreline with seawalls, more grass lawn. The five-hundred-square-foot camp that was used in the summer is now a ten-thousand-square-foot mansion, built on a small lot as close to the water as they can get it," said Bauer, who later left the Fund for Lake George to become executive director of Protect the Adirondacks.

The building of vacation homes in the Adirondack Park has produced a rise in prosperity, creating construction jobs and funneling millions of dollars in property

taxes each year to remote mountain villages. But critics say far too much development has occurred on fragile shorelines, largely because APA zoning regulations crafted in 1973 were inadequate to protect them.

"Even as the Park Agency Act was heralded as this major accomplishment, it had flaws," Bauer said. "Unfortunately one of those flaws had to do with water-quality protection. And those flaws have festered. What's more, the rest of the world has innovated, moved on, progressed when it comes to water-quality controls, and a lot of that has not been put into practice here in the Adirondacks."

It wasn't supposed to work like this. The APA's website gives a sort of mission statement for its regional zoning rules, known as the Adirondack Park Land Use and Development Plan, saying the regulations are meant to "channel growth into the areas where it can best be supported and to minimize the spread of development in areas less suited to sustain such growth."

ABOVE: A house under construction north of Diamond Point on Lake George. COURTESY OF THE FUND FOR LAKE GEORGE

Scientists generally agree that the places in the Park least suited to intense development are shorelines. "For one thing, it's rare," said Curt Stager, a professor of natural resources at Paul Smith's College. "Waterfront only occurs where two habitats meet. They're fragile places."

Stager also noted that waterfront development has a dramatic impact on the scenery. In wooded backcountry, large homes can be hidden or screened. "If you build your house in the woods, no one knows it's even there," he said. "But if you build it on the shore, it's like a billboard. You're advertising your presence to everyone boating, fishing, or sailing."

Despite the fragility of shorelines, the APA land-use plan, approved by the state legislature in 1973, created setbacks of only fifty to seventy-five feet for most waterfront development. Moreover, critics say the legislature failed to mandate enforceable restrictions on tree and shrub cutting that would have reduced the visual impact of homes.

"I think the largest single

vulnerability to the Adirondack Park in the long term is shorelines," said former APA Chairman Curt Stiles, who stepped down in 2011 after leading a partially successful effort to strengthen the regulations. "Weakness in the existing rules exacerbates the problem, and we've only nibbled at the edges [in terms of reform]."

The numbers are telling. The vast majority of private land in the Park is zoned Resource Management or Rural Use. Developers can build up to fifteen homes per square mile on RM lands and seventy-five homes per square mile on RU lands. That works out to average lot sizes of 42.7 acres and 8.5 acres, respectively. In contrast, most Adirondack shorelines are zoned Low Intensity or Moderate Intensity, classifications that

permit average lot sizes of 3.2 acres and 1.2 acres, respectively.

But special rules developed for shorelines actually allow even more development in Low and Moderate Intensity areas, with minimum lot sizes roughly half the size required for building parcels away from the waterfront. Stager said this is the opposite of what most scientists would recommend.

"You definitely want more protection for shorelines," he said, "and there are a bunch of ecological reasons why"—to reduce storm-water runoff and siltation, for example.

Because the legislature limited the agency's jurisdiction over shorelines, local governments have control over the vast majority of waterfront development. But many towns lack the staff, the expertise, or the interest to protect shorelines. Indeed, many communities lack planning and zoning boards and haven't adopted detailed development codes.

"I think there was an idea that capable local governments would see the self-interest in keeping water bodies clean," said John Banta, a retired senior planner and senior attorney for the APA. "But I think money has spoken loudly. The compulsion not to say no to big money is very tough for local and state officials to resist."

Banta described the environmental impact of shoreline development on many lakes as "very significant" and added that the amount of tree and vegetation cutting allowed along shorelines is "shocking." He noted that even massive waterfront homes often avoid APA oversight. "It's a question of jurisdiction," he said. "Often the decision to do the right thing is left up to the homeowner and the developer."

The weaknesses in shoreline protections can be

"I think there was an idea that capable local governments would see the self-interest in keeping water bodies clean."

—John Banta, former APA senior planner

Curt Stager has studied Adirondack lakes for twenty-five years. PHOTO BY KARY JOHNSON





Waterfront owners often cut most of their trees to obtain a view of the lake. PHOTO BY SUSAN BIBEAU

traced to political horse-trading that took place during the drafting of the land-use plan and its accompanying zoning map. Even before the second-home boom of the 1990s and 2000s, waterfront real estate was far more valuable than backcountry parcels. George Davis, who was deputy director of the APA in 1973, recalls intense pressure to relax the proposed regulations to allow more development.

Even before the zoning plan and map were presented to the legislature, the minimum lot width for many waterfront lots was cut from 200 to 150 feet. “There was a lot of nervousness among the lawyers. I lost that particular battle,” Davis said. “We came up with a map that I was still pretty happy with. We compromised a bit on shorelines, but it was still quite good.”

Then pro-development and local-government groups lobbied to loosen setback and lot-width rules even further. Republicans in the Assembly, then the majority party, forced Governor Nelson Rockefeller to compromise again. The zoning maps were changed repeatedly, placing more shorelines in areas classified as Low Intensity or Moderate Intensity. In some cases, long strips of shoreline were included in Hamlet areas, where the APA has almost no oversight. The minimum lot width in Moderate Intensity zones was reduced to just one hundred feet, allowing builders to put houses on “piano key” lots along lakeshores. In Hamlet zones, lots need be only fifty feet wide.

Peter S. Paine Jr., a Willsboro attorney who helped write the land-use plan, recalls how the shoreline rules

were watered down. “I know exactly how it happened because I was there,” he said “There were negotiations in smoke-filled rooms in the small hours of the morning. I told them, ‘This thing has already been compromised enough,’ and they threw me out of the room. And then they proceeded to further weaken it.”

Andrew Halloran, who took part in the negotiations as aide for State Senator Ronald Stafford, has a very different perspective. He regards the shoreline compromises as a rare victory for the Park’s economy and property rights. “Someone who owned a few hundred feet on a lake, you were basically ruined financially if you had your development rights taken away,” he said.

Halloran argues that environmentalists’ concerns about shoreline vulnerability were overblown from the start. “They have concerns about everything, about travel corridors, about backcountry, about shorelines. That’s all there is,” he said.

That view is shared by real-estate developers in the Park who have turned waterfront sales into a multibillion-dollar industry. “Development has not been over the top. We are certainly not bothered by the development that has happened here,” said Rollie Gallo, who retired after selling vacation homes for decades in the Schroon Lake region. “We feel that the quality of life is very good.”

APA Chairwoman Lani Ulrich shares the view that the existing regulations are working well, arguing that “shorelines and water quality are definitely much better off because of the APA Act.” Ulrich acknowledged,

however, that the APA does not have jurisdiction over all shoreline projects.

During our boat tour of Lake George, Bauer pointed out stretches of waterfront where massive new homes are wedged into narrow lots. In a new trend, upland slopes are being dynamited away to create room for even more mansions. Yet the impacts of shoreline development are not only aesthetic. Scientists say lakes have seen a measurable erosion of water quality, a trend that appears to be accelerating.

“Lake George is the classic example,” said Stager, the Paul Smith’s professor. “If you go to certain parts of it you can already see the water-quality decline that is almost certainly due to shoreline development slowly eating away at the clarity of the water.”

Stager said unchecked shoreline development is compounded by other, relatively new environmental pressures that weren’t on the radar screen in the 1970s, such as global warming, invasive species, and storm-water runoff. “If a lake is already being stressed [by other factors], what might otherwise be a relatively small nudge amounts to a large push,” he observed.

Bauer said another fault in the land-use plan is that it lacks a mechanism for measuring and controlling the cumulative impact of development. The APA does not keep track of how many homes have been built on shores or the upland watershed of a given lake. They also don’t consider other environmental pressures. “Even if they have a lake with declining water quality,

[state officials can’t ask] ‘Will this be the straw that breaks the camel’s back?’ That’s a failure of the regulatory structure,” he said.

Indeed, observers say the science and policy of shoreline protection in the United States has changed greatly since the 1970s. States like New Hampshire, Maine, and Washington—and even some communities in the North Country—have adopted waterfront rules far more sophisticated than those administered by the APA.

The town of Queensbury, for example, which includes part of the southern Lake George watershed, has implemented tough storm-water codes to prevent

new construction projects and new homes from adding to the runoff reaching the lake. Developers are required to prove that projects will not “lead to a diminution of water quality, an increase in erosion or an increase in stormwater runoff from the site either during or following development.”

Efforts have been made over the years to reform the state’s

own shoreline rules for the Park. In the 1980s, runoff—some of it from new development—triggered algae blooms on Lake George, Upper Saranac Lake, and Little Wolf Pond. Spurred partly by those concerns, Governor Mario Cuomo created the Commission on the Adirondacks in the Twenty-First Century to assess the overall effectiveness of the APA Act and propose changes.

The final report contained what amounted to a sweeping indictment of existing shoreline regulations.

“Lake George is the classic example. If you go to certain parts of it you can already see the water-quality decline.”

—Curt Stager, Paul Smith’s professor



A riprap wall interrupts the natural shoreline.

COURTESY OF THE FUND FOR LAKE GEORGE



A landowner cleared this parcel to the shoreline on Lake George's Assembly Point. COURTESY OF THE FUND FOR LAKE GEORGE

It recommended designating as "critical environmental areas" all land within 660 feet of shorelines and called for increasing lot sizes and setbacks within these areas. Furthermore, it proposed a yearlong moratorium on development so stricter regulations could be adopted.

These and other recommendations were fiercely opposed by local-government and pro-development leaders, who worried that stricter regulations would derail an accelerating real-estate boom. The Cuomo administration backed off; it eventually proposed a modest tightening of restrictions for undeveloped waterfront, but the plan died in the legislature.

Banta, who joined the APA in 1979, said the failures of the Cuomo commission left him doubtful that major changes in the Land Use and Development Plan are possible. "It would be a fundamental re-engineering of the Park Agency," he remarked. "I do have regrets, but I'm not sure that I see any other path than the one we were on after 1973."

When Stiles was APA chairman, he managed to push through regulations in 2008 and 2010 that place some limits on the expansion of old cabins that were built prior to the adoption of the Land Use and Development Plan. Before those reforms, small cabins could be rebuilt as mega-mansions with only cursory environmental reviews. The new rules also restrict the

size and design of new boathouses.

But Stiles concedes that those changes were relatively minor and the agency is still left with few tools to enforce the regulations. "There's no enforcement force out looking for violations, and the Park is so vast," he said. "As the state cuts back resources, those things get cut just like anything else. I think we were as aggressive as we could be in pursuing and trying to remediate shoreline problems."

Stiles pointed out that the legislature has not given the APA enforcement powers, so any fines or legal action must be pursued through the state attorney general's office, a process he describes as unwieldy.

Asked if significant reforms are possible, Stiles answers cautiously: "I think it's feasible if you can coalesce people who think protecting the environment is important. The problem is that

there are people who see the beauty of the Park, but they don't see the fragility of it."

There is a bright spot. Although regulations haven't changed, many shorelines have been protected by large land-conservation deals. Over the past two decades, the state has preserved about nine hundred thousand acres in the Adirondacks, through either additions to the Forest Preserve or conservation easements that prohibit development. As a result, hundreds

"Development has not been over the top. We are certainly not bothered by the development that has happened here."

—Rollie Gallo, retired Schroon Lake realtor

"The problem is that there are people who see the beauty of the Park, but they don't see the fragility of it."

—Curt Stiles, former APA chairman

of miles of shoreline on lakes, ponds, and rivers will remain unspoiled.

Banta said those land deals should be taken into account in any assessment of the Park's success in protecting waterfront. "I think you have to think about the Park as a very large place that is [nearly] 50 percent Forest Preserve. Many water bodies already have extraordinary protections," he said.

But without stricter regulations, Banta and others say development will continue to erode shoreline integrity and water quality—a conclusion that finds support in a report on the website of the state's Lake George Park Commission. The report declares that runoff from development "has been extensively studied and found to contain grease, oil, lead, suspended soils, chlorides, plant nutrients and fecal coliform bacteria" and warns that deltas of sediment "have formed with alarming speed at stream mouths and storm sewer outfalls."

Scientists have also confirmed the existence of an expanding "dead zone" in the southern end of Lake George, where pollution has so diminished the oxygen supply that native fish can no longer thrive.

Stager said crisis events—dead zones, algae blooms, the loss of wetlands and other habitat—are inevitable

as more and bigger homes are built. "It will continue," he said. "We don't even know all the impacts that we can get from these developments. You have sewage and fertilizer and habitat loss, but there are others too, like the impact of increased motorboat traffic, that don't have a firm scientific basis yet."

Environmentalists offer a number of suggestions for reforming the APA Act:

- Require that houses be better screened from view.
- Increase the distance of shoreline setbacks and lot widths.
- Limit the portion of a parcel that can be cleared of vegetation and covered by impermeable surfaces.
- Restrict the amount of storm water allowed to run into nearby waterways.
- Toughen restrictions on development along rivers and streams, which have become more desirable to developers as available lakefront grows scarce.
- Give the APA the authority and capacity to find and punish lawbreakers.

Paine, who has developed shoreline properties in Willsboro and Chesterfield, said such rules wouldn't stop development, only reshape it. "I've seen in my own experience what can be done if things are done properly. We imposed very stringent rules on ourselves, no building within 250 feet of the shore, no cutting within 125 feet. You can paddle on our lake today and not be conscious of the fact that there are nine houses around it, and our water quality remains very good," he said. ■



Critics say laws exacerbate the problem of storm-water runoff.

PHOTO BY NANCIE BATTAGLIA



Highlands at risk

Critics say existing regulations are inadequate to stop upland development from marring the natural beauty of the Adirondack Park.

BY KIM MARTINEAU

IN A FIELD BORDERED by forested hills and rocky ridges, Dan Plumley unfurled a zoning map of the Adirondack Park. The color-coded map was a reminder of how much private land lay before him, and how potentially fleeting the natural views from Marcy Field could be. He pointed to a bald patch on Corliss Point above the valley, where lights from a house inconspicuous by day blaze into a flying saucer at night, one of many signs that growth in the backcountry is creeping higher.

"Hundreds of thousands of people drive by on this road every year," said Plumley, gesturing toward Route 73. "They see this view and think it will always be there. I'm here to say that the way this land-use plan is being implemented, the transcendental beauty and ecologi-

cal integrity of this scene is in jeopardy."

With available lakeshore land disappearing, more people are turning to the uplands of the Adirondacks to build their dream vacation home. Four decades after the Adirondack Park Agency was created to manage development of private land in the Park, the standards for building at higher elevations remain inconsistent. The APA regulates projects above 2,500 feet, but less than 1 percent of private land sits that high. The result is that the APA and a patchwork of local governments decide piecemeal what gets built in the hills, putting the Park's overall scenic character at risk.

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ABOVE: A new road leads to the building site of a large home overlooking Lake George. COURTESY OF THE FUND FOR LAKE GEORGE

For instance, while the town of Day regulates building on the hills above Great Sacandaga Lake, the town of Hadley next door has no zoning rules at all. "I would hate to drive around the lake and see bare areas with houses on the mountains," said David Cox, a retired engineer who heads Day's planning board. And yet, without a coordinated Park-wide plan to address building in the uplands, the number of bare patches in the hills is growing year by year. Farsighted actions in Day and other communities could be undone by towns with little or no zoning.

To look closely at Plumley's map is to appreciate how much private terrain exists in the Park, and how many McMansions could fit into the wild scenery that draws more than 7 million visitors each year. The downside of upland development is not just a loss of majestic views. Building on steep slopes and at higher elevation causes erosion and raises the risk of septic-system failure, potentially degrading water quality in the streams and lakes below. Homes built into the hills may also be vulnerable to sliding, depending on soil type and weather. The landslide that heavily damaged two homes on Keene's Little Porter Mountain in spring 2011 has been partly attributed to the glacial soils below becoming saturated from several seasons of heavy rain and snow.

The growth in hillside development has been well-documented on Lake George and in Keene, but examples can be found around the Park: Great Sacandaga Lake, Crane Mountain, and the Fulton Chain of Lakes, among other places. On a drive through Essex County, Plumley, a partner with the environmental group Adirondack Wild, identified half a dozen homes perched prominently on hills. In Elizabethtown, a large home loomed over the hamlet, visible from Route 9N miles away. In Jay, a vacation home near the top of Black Mountain Road welcomed visitors with a sign at the driveway: "Whiteface Views Welcome." In Keene, Plumley stopped at the town dump to show off the view of the Great Range. A metal roof sparkled on the horizon, marring a vista that draws Plumley's congregation to the site each spring to celebrate Easter Mass. "How much that house detracts from the view is open to debate," he said. "But you have to remember, this is not a town resource alone. This is a Park resource."

How widespread is the problem? With no one tracking upland development, much less able to define it, it's hard to say. The words *upland*, *ridgeline*, and *hillside* do not appear in the APA's land-use rules. When reviewing project proposals, it is up to local government or the APA to make a judgment about a project's

relative elevation and impose restrictions to protect views and water quality. "When you talk about upland development it's not like the shoreline where you can define what's broken," said John Banta, a former attorney and planner for the APA.

Evidence of good and bad decisions abound. Most of the Park's backcountry uplands in private ownership are zoned Resource Management or Rural Use, the APA's most restrictive land-use categories, which allow only low-density development. APA approval is needed to create subdivisions in either area, but while approval is needed to build a single home on RM land, that is not the case for RU land: if a landowner meets the 8.5-acre lot requirement and forty-foot height limit, the APA may have no power to impose the restrictions it normally applies to higher-elevation homes, including non-reflective windows and roofing, natural paint colors, downward facing lights, and limited tree-clearing. Planning decisions are left to the towns when the APA lacks jurisdiction, and some of the more conspicuous upland homes in the Park exist in towns without comprehensive zoning, such as Elizabethtown and Keene.

The loophole was not intentional, said George

Davis, the APA's deputy director at its start in 1973. In the beginning the agency expected that each town would develop a zoning plan to regulate lands outside hamlets. But a majority of towns continue to lack the resources or political will to create a comprehensive zoning plan with planning and zoning boards to administer it. Just 17 percent of the Park's 103 towns and villages have an APA-approved land-use plan (though more than three-quarters now have some form of zoning).

Local government plays a powerful role in shaping growth, and the uplands are no exception. Towns and villages approve more than half of all development that occurs in the Park, according to a study of 1990s growth trends by the Residents' Committee to Protect the Adirondacks.

Westport on Lake Champlain is one town that guards its views closely. In its recent approval of a private club on the former Bessboro Farm, the planning board laid out strict conditions for preserving vegetation on the bluffs above the lake. The town's code-enforcement officer will make sure promises are kept. "This particular piece of shoreline is pristine and, practically speaking, undeveloped, and the community would like to keep it that way," said Bill Johnston, the board's chairman.

"I would hate to drive around the lake and see bare areas with houses on the mountains."

—David Cox, Day Planning Board



A house perched above Keene Valley looks out toward the Great Range.

PHOTO BY GEORGE EARL

Just over the town line in Elizabethtown, with no zoning beyond the hamlet and no land-use boards, code-enforcement officer John Hudson splits his time between Elizabethtown, Jay, and Keene. When asked about the house overlooking the hamlet, Hudson tried without success to locate the file in the paper records he inherited a year ago after taking the job.

The APA provided a fuller picture. After receiving a complaint about the house on Mohawk Way, the agency investigated and found that owners Daniel and Gayle Alexander had built their home taller than the forty-foot limit. Once it had the power to intervene, the APA was able to negotiate a settlement. In 2008, the Alexanders agreed to plant trees and shrubs to screen their house, bring their septic system up to code, and pay a \$2,500 fine. As the vegetation grows in, the house should become less noticeable, said APA spokesman Keith McKeever.

Plumley, of Adirondack Wild, argues that the regulations should be changed so that the APA automatically reviews projects like this from the start. "These issues only come up when a McMansion goes up in a highly visible place, but this is happening all over the backcountry. Land is being carved up without adequate review."

The town of Webb, home to much of the Fulton Chain of Lakes, has struggled to handle heavy development pressure with limited resources. Many of the seasonal homes built on the steep slopes above First, Second, Third, and Fourth lakes, an area known as Hollywood Hills, are built on tiny lots that predate the town's zoning law. Mudslides have been a problem, said zoning-enforcement officer Andrew Getty. He also worries that accumulated septic-system releases and storm-water runoff are polluting the lakes below with

nutrients and silt. At budget time, Getty asks the town board each year to fund an environmental study, but the estimated cost, more than \$250,000, is prohibitive in a town under intense pressure to keep taxes down.

In the meantime, hillside construction has moved elsewhere, including above Big Moose Lake. A nine-thousand-square-foot mansion under construction will soon be visible from the water and Martin Road. "Right now it's just a big hole in the mountain, but as soon as the roof goes up I'm sure this office will start getting calls," said Getty.

Not everyone sees a problem in the uplands. "We have a reverse development problem: nothing is coming here and everything is going away," said Edinburg Supervisor Jean Raymond, whose town abuts Great Sacandaga Lake.

Nor does everyone mind seeing houses dotting the hills. "I'm not sure why it offends people, [but] I know it does," said Chester Supervisor Fred Monroe, head of the Adirondack Park Local Government Review Board. "I'm just happy to see people enjoying a nice view."

Many designers and developers, too, fail to see the fuss.

"You have this beautiful mountain range and there may be this little speck in the trees," said Michael Bird, an architect in Saranac Lake. "Are you going to complain because 1 percent of your view is now marred by something that wasn't there before?"

The complaints may not be aired publicly, but privately, many locals grumble. In Johnsbury, a home perched on a ledge off Crane Mountain Road is visible from the hiking trail and summit. A house on Mount Pisgah, near the village of Saranac Lake, can be seen from miles away on Lower Saranac Lake. On Lake George, homes climb the hills of Bolton on ladder-like

rungs. In some cases, slopes have been blasted away to squeeze them onto narrow, piano-key-shaped lots, said Lake George Waterkeeper Chris Navitsky. Waterkeeper and its parent organization, the Fund for Lake George, have filed several lawsuits to try to halt sprawl's upward advance. Most recently, Navitsky sued Bolton for approving a steep, mile-long driveway up Pinnacle, a prominent ridge where a developer wants to build three homes. The Lake George Land Conservancy hopes to buy the property before it is developed.

So far, only Day has tackled the problem head-on. Working with the APA, the town mapped its scenic vistas from Great Sacandaga Lake, as well as from South Shore, North Shore, and Kathana roads, and imposed limits for building in those areas. Homes above the lake and more than

fifty feet from the road must be painted natural colors, use non-reflective windows and roofing, and keep or restore natural vegetation as screening.

Momentum to protect the views in Day grew after a local landowner cleared part of Gray Hill and put a trailer on top. When a second house followed, the town took action. "I wouldn't want to live in a town without zoning," said Day's longtime supervisor, Mary Ann Johnson. "You could have a beautiful house on the lake and a pig farm next door."

"Are you going to complain because 1 percent of your view is marred by something that wasn't there before?"

—Michael Bird, architect

The APA in 1973 was given the monumental task of implementing and enforcing a land-use plan covering over 3 million acres. With five code officers (down from six), the agency has not been shy about enforcing the law. In 2011, after a seven-year legal battle, the APA forced Daniel and Margaret Spiegel to tear down their ten-thousand-square-foot home in the Fawn Ridge development overlooking Lake Placid. Siding with the APA, a state judge ruled that the Spiegels broke the

rules by building their house too tall and too close to a slope and by cutting too many trees. In court, the Spiegels argued that many of their neighbors had done the same. When asked if further enforcement actions were planned at Fawn Ridge, McKeever the APA spokesman, declined comment.

The APA says it works to minimize the environmental impact of projects on steep slopes and at higher elevation through its permitting process, while also holding the power to deny a project. The best way to address upland development, McKeever says, is by helping towns develop comprehensive zoning laws and allowing landowners to transfer building rights from backcountry lands to areas more suited to development.

But environmentalists say the agency and its board could do more to limit growth in the uplands. Among

Vacation homes and access roads scar a steep mountainside above Keene Valley. PHOTO BY GEORGE EARL





Homes have popped up on many hillsides near Lake George. PHOTO BY BARRY LOBDELL

other things, they contend the agency should pay greater attention to the storm-water runoff generated by carving roads and homes into steep slopes. In 2010, the APA approved the construction of seven homes served by a steep access drive above Lake George in the town of Bolton. Navitsky, the Lake George waterkeeper, says the APA should have required more stream and wetland protection by limiting the level of grading and excavation. “The APA does not look at storm-water management, which can have great impacts on the watershed,” he said.

In August, the APA board approved a subdivision on 1,336 acres off Styles Brook Road in Keene on the historic Highland Farms bordering the Hurricane and Jay Wilderness Areas. Two of the thirteen lots are considered upland and will require an open-space plan to protect views and water quality when they are developed, said McKeever. But some environmentalists say the board should have required a master plan and set aside open space at the outset, while it still had leverage and the land was under one owner.

On his tour of Essex County, Plumley stressed several times that he is not against development. “The point is how can we have development while preserving scenic values, habitat connectivity, and water quality?”

Environmentalists and others have various ideas for

protecting the Adirondack highlands. The most far-reaching, an outright ban on ridgeline development regardless of elevation, may not be politically feasible. A more palatable alternative could be a Park-wide scenic-protection plan similar to Day’s that sets restrictions on building at higher elevations.

A number of cities around the country and at least one state have tried to discourage upland development, or at least make it less visible. In 1983, North Carolina became the first state to pass a ridge-protection law, after condos were built on the top of Sugar Mountain, a ski resort in the Blue Ridge Mountains. Homes above three thousand feet or five hundred feet above a valley must go through a review process that includes a thirty-five-foot height limit.

In Santa Fe, houses in the foothills and ridges of the Santa Fe Mountains must stay within a fourteen-foot height limit and use non-reflective surfaces in earth-tone colors. Pitched roofs are banned, and the city is about to impose even stricter tree-clearing limits for driveways. “Part of the reason property values are so high is that we’ve preserved something,” one city council member told the *Wall Street Journal*. “If we build on all the ridgetops, people won’t come out here.”

In Teton County, Wyoming, home of the Grand

Tetons, houses proposed in the scenic district go through a “skyline review” to make sure they won’t be seen from the road. Homeowners’ associations may write even stricter rules into their covenants. “People pay a lot of money to get a view of the Tetons, and once they get it they want to make sure nothing will obstruct that view,” said Shawn Means, the county’s planning-services coordinator.

With approval from the state legislature, the APA could create a similar Park-wide scenic-protection plan. Governor Mario Cuomo’s Commission on the Adirondacks in the Twentieth-First Century recommended as much in 1990. The legislature could also close the loopholes that allow single homes to be built in backcountry RU lands without APA review.

But few developers would like to see an APA with expanded powers. The rules already add cost and delay to construction, often without demonstrating a clear environmental benefit, said Bird, the architect, citing the downward facing lights that cut down on light pollution but may require homeowners to install twice as many lights to see down their driveway.

Governor Andrew Cuomo (the son of Mario) and the legislature are also unlikely to support an expanded role for the APA. “Most recent governors have not wanted the APA to push its authority,” said Dick Booth, an APA board member and Cornell University professor who is often the lone vote against development projects, including Highlands Farms most recently.

One long-term solution for protecting the Adirondack uplands is for the state to buy lands that are most at risk and add them to the Forest Preserve. The Park land-use plan identifies thirty-seven scenic views that have yet to be protected. “If the state can’t do it, the towns ought to consider buying some of it

themselves,” said John Sheehan of the Adirondack Council.

In the last decade, in fact, the state has added more than 150,000 acres to the Forest Preserve through fee purchase and protected nearly 750,000 acres through conservation easements. Scenic easements are another, cheaper strategy. The Adirondack Council has long advocated giving landowners a tax break in exchange for protecting vistas from development. Unlike conservation easements, scenic easements do not give the public access to private lands—making them more attractive to landowners and cheaper for the state to buy. The downside is that some people may not see the benefit if access is denied.

Another approach is to give towns more technical support to make better land-use decisions. “The local government role is an untapped resource in the Adirondacks,” said Banta, the former APA attorney.

One widely embraced idea is for the APA to bring back its popular planning-training program for local officials. “People miss it,” said Monroe. “They weren’t trying to force anything on the community.”

With more support, towns can decide for themselves what they want to look like. “If you leave it up to local government, town A can say, ‘I can’t bear anything with high elevation.’ Town B can say, ‘I like it,’” Monroe added. “They can each do it their own way.”

Towns could also offer incentives for developers to reuse land that has already been developed. Better to redevelop existing lots on Lake George than carve into the relatively pristine slopes, said developer John Michaels. “There’s so much property in disrepair, so many motels no longer making money, that I don’t see why we would cut down trees for new development,” he said. ■

“I wouldn’t want to live in a town without zoning. You could have a beautiful house on the lake and a pig farm next door.”

—Mary Ann Johnson, Day supervisor



A house sticks out on a forested ridge overlooking Jones Pond.

PHOTO BY BARRY LOBDELL



What makes this a park?

Environmentalists want the state to do more to protect and enhance the region's identity as a special place.

BY KIM MARTINEAU

THE ADIRONDACK PARK is more than double the size of Yosemite and Yellowstone National Parks combined, but its greatness is not always apparent. Silver lakes and dark woods beckon from some roadsides, while lawns and driveways interrupt the wild scenery from others. With its mix of private and public land, the Adirondacks have always had something of an identity problem.

Four decades after the Adirondack Park Agency (APA) was created to oversee development on private lands, the Park is still in search of a coherent look.

Brown road signs with yellow lettering suggest to visitors they are in a special place. But are signs enough?

"The Adirondacks mean nothing if you don't know you're in a park," said George Davis, who led the state's Commission on the Adirondacks in the Twenty-First Century in 1990. "Where else do you have 6 million acres of [largely] forested land? Not this side of Minnesota."

The commission proposed a series of recommendations to make the Adirondacks more park-like, including establishing an Adirondack Park Administration to oversee planning of both private and public lands and an Adirondack Park Service that would manage the public lands.

Recognizing that many tourists experience the Adirondacks primarily through their windshields, the commission also set forth recommendations to reduce signage, write design standards for necessary signs, open visitor centers at the Park's main entrances, create pull-offs at scenic overlooks, and protect backcountry views.

In short, the commission sought to fix the Adirondack Park's identity problem by making it look more like a park and by managing it more like a park.

The panel's report, however, ran into a buzzsaw of opposition, and its recommendations were largely shelved. As a result, critics say the region's park-like character remains at risk—from roadside sprawl, shoreline construction, and upland development, among other things. They note that the Adirondack Park outpaces other rural communities in new construction, with little thought given to the cumulative impact of this development.

"The park aesthetic is important because it's a sense of a wild landscape that's different from the rest of

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 ABOVE: At an intersection in Ticonderoga, sign clutter and sprawl replace scenic vistas. PHOTO BY SETH LANG

New York and the Northeast," said Peter Bauer, executive director of Protect the Adirondacks. "We have a Park Agency that is unwilling to confront the problem."

But APA spokesman Keith McKeever says preserving the Adirondacks' natural beauty is at the forefront of the agency's mission. "APA approves all new land use and development with conditions to ensure the scenic appeal of the Adirondacks is not diminished," he said. "The Adirondack landscape is the foundation of a vibrant tourism economy which is economically critical for many Adirondack communities and businesses."

Indeed, the APA can point to some success stories. A decade ago, environmentalists feared that cell-phone towers would sprout up across the Park, creating eyesores that would be visible from highways and mountaintops alike. To date, more than a hundred cell towers have been installed in the Park, but few are noticeable due to strict design standards. The first to go up, a cell tower disguised as a pine tree dubbed "Frankenpine" on a ridge above Lake George, is nearly impossible to pick out among the real trees.

"The APA was proactive," Bauer said of the cell-tower policy. "Too bad they haven't identified other issues of equal concern."

The APA, however, has no control over most development in the Park. Towns and villages approve nearly 60 percent of new homes and businesses, yet many municipalities lack planning or zoning boards or detailed development guidelines. The authors of the

1971 APA Act, which created the agency, expected that the towns would eventually take responsibility for planning. Forty years later, less than a fifth of the towns have an APA-approved land-use plan.

"It's a big disappointment," said Lake Placid attorney Bill Kissel, the agency's first counsel and one of its former commissioners. "I've met the second and third generation of our adversaries from those days who say the Park is really important and positive, but it hasn't translated into an interest to develop planning and zoning."

The agency's oversight of development is defined in the Adirondack Park Land Use and Development Plan, enacted in 1973 and incorporated into the APA Act. Its authors intended to steer development away from the relatively pristine backcountry—lands zoned Rural Use or Resource Management—to hamlets where roads, sewers, and other infrastructure already existed. But the plan, watered down after intense lobbying from developers and local officials, has proven to be only partially successful.

Just nine years after the APA's creation, an agency task force in 1980 identified roadside sprawl as "the greatest danger facing the open space character of the Adirondack Park." The task force noted that just 11 percent of state highway in the Park was bordered by the forever-wild Forest Preserve, leaving most of the rest vulnerable to unsightly development. It found that nearly half of the state-road corridors lacked any effective

Brown road signs are a small indication to motorists that they are in a park. PHOTO BY SETH LANG



tive development controls. "Action is needed if they are not eventually to lose their distinctive character," the task force warned.

Just as the Twenty-First Century Commission would do a decade later, the APA panel offered many ideas for preserving roadside aesthetics, such as screening development, minimizing the amount of development, purchasing scenic easements that would restrict development, and toughening sign laws.

George Nagle, who wrote most of the report, doesn't believe any of the task force's recommendations were adopted. "I don't think the agency took the whole thing seriously," said Nagle, who was an APA policy analyst at the time.

Nagle thinks that the problem has only worsened in the intervening three decades.

In 2001, the Residents' Committee to Protect the Adirondacks issued another warning about roadside sprawl. In a report examining growth trends in the 1990s, the RCPA found that development often took place along roads even in Rural Use and Resource Management areas.

Bauer, who wrote the RCPA report as the group's executive director at the time, said sprawl is most visible on roads entering the Park from the Plattsburgh, Glens Falls, Saratoga, and Albany regions—the very arteries that give many visitors their first

impressions of the Park. "The Park's visual landscape should be seen as an asset for tourism and economic development, but it's not," he said.

The APA does recognize the importance of roadside scenery. In the early 1970s, two staffers drove around the Park and cataloged thirty-seven vistas (identified as black dots on the agency's land-use map) where the state might want to construct scenic pull-offs. To date, however, few pull-offs have been built, and environmentalists say little has been done to protect the views from development.

After driving to their campsite or hotel, many tourists experience the Adirondacks from a canoe or boat on the water. Sadly, critics say, the Park's natural beauty also has been marred by excessive development along lakes and rivers.

During the negotiations over the Land Use and Development Plan, proposals to limit development on

waterfront were loosened to permit smaller building lots and narrower shoreline setbacks. The changes to the legislation ensured not only that there would be more development, but also that the development would be more visible.

"Shoreline sprawl was practically built into the act," said Dave Gibson, a partner in the environmental group Adirondack Wild.

Often waterfront development is visible from roads as well. Several years ago, for example, a modest home on the outskirts of Essex was replaced with a five-bedroom mansion. A stockade fence now blocks

roadside views of Lake Champlain. On Schroon Lake, a wall of suburban-style town houses cuts off views of the lake for those driving through town.

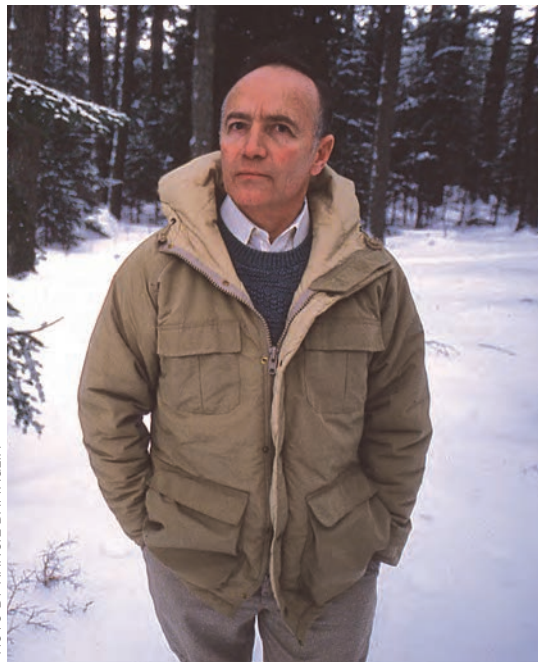
With many lakefronts now fully built out, development is creeping uphill, notably in Keene and along Lake George, but examples can be found throughout the Park. When the APA has jurisdiction and identifies scenic resources, it routinely requires homes to blend in with the landscape through the use of natural paint colors and non-reflective windows and roofing and by limiting tree clearing. But some of the most noticeable development on hills and ridges is occurring in Rural Use areas. If the homeowner

meets the 8.5-acre lot requirement, the APA usually lacks oversight.

All told, the APA Act would allow up to four hundred thousand principal buildings in the Park—including 156,000 in Rural Use and Resource Management, the open-space lands that contribute greatly to the Adirondacks' scenic character.

Given current development trends, it could take centuries for the Park to reach full build-out, but environmentalists warn that sprawl and poorly sited or stick-out houses are already diminishing the beauty of the landscape. They say more needs to be done to lessen the visual impact of development.

Because the APA doesn't track Park-wide growth, environmentalists worry that by the time sprawl registers fully on the public radar it will be too late. "They aren't making any more land, and many of these uses are difficult to revert back to a natural state and restore



George Davis led the state's Commission on the Adirondacks in the Twenty-First Century in 1990.



Condominiums on Route 9 block passing motorists' view of Schroon Lake. PHOTO BY SETH LANG

ecologically," said Ann Ruzow Holland, a planning consultant in Willsboro.

Protect the Adirondacks is studying development patterns over the last decade, picking up where the RCPA left off.

Some believe the APA should be doing this work. "If the Park is a statewide resource, not just a concern of the town of Willsboro, Inlet, or wherever, it seems to me you need to keep track of the impact of development—both positive and negative," said Peter Paine, a Willsboro attorney who helped write the APA Act.

Many local residents and officials want more development and say current protections are adequate. They argue that new homes bring construction jobs and additional tax revenue to towns still recovering from the loss of mining and logging jobs. "It's a balancing act between preserving nature and giving communities a chance to pursue their own identity," said Nick Rose, executive director of CAP-21, a community-development agency in Old Forge.

Aesthetic concerns are not limited to development and the protection of scenic landscapes. The Twenty-First Century Commission also complained that sign clutter and power lines often detract from the aesthetic experience of travelers. It recommended burying power lines, but cost remains a major obstacle. When National Grid recently built a new transmission line to Tupper Lake, the company declined to bury it, citing the high price tag. "Sure it's unsightly, but some things

we learn to live with," said Curt Stiles, a former APA chairman.

As for signs, the Adirondacks are better off than most places: in 1924, the state legislature banned billboards inside the Park to keep the roads "open, clean and in good order for the good of society." As billboards disappeared from the landscape, visitors were treated to views of nature instead of ads for shaving cream and diners. "That makes a huge, immediately visible difference in how the countryside looks," remarked John Sheehan, spokesman for the Adirondack Council.

Nevertheless, the 1990 commission found that sign clutter was still a problem. A photo in its report depicts a phalanx of highway signs at a crossroads in Warrensburg, with the warning that excessive signage "can distract and confuse the motorist as well as impair the Park's beauty." The same phalanx of signs exists today. The panel also found fault with the proliferation and appearance of many commercial signs and proposed that design standards be written. For example, it said business signs in hamlets "should be fixed to buildings, be made from natural materials, avoid back lighting, and use color schemes harmonious with natural environments."

The recommendations went unheeded at the time, but today some towns are adopting sign laws to create their own rustic Adirondack look. Willsboro recently spent \$3,500 on new signs that feature a setting sun



sinking into purple mountains on a lake. Wilmington is phasing out the large, back-lit signs popular in the 1950s. “We don’t want to look like Route 3 in Plattsburgh,” said Supervisor Randy Preston. “We want down-to-earth signage with an Adirondack feel.”

Anyone who drives around the Adirondacks will notice the brown signs that identify hamlets, towns, roads, and rivers. George Davis borrowed this idea from National Parks. In the early 1970s, when he was the APA’s deputy director, he took the state’s transportation commissioner to Great Smoky Mountains National Park to show him how brown signs and rusted guardrails helped communicate an idea of man and nature in harmony. The state Department of Transportation agreed to bring both to the Adirondacks. With time, however, the rusted guardrails proved less durable than galvanized-steel guardrails. Since 2008, DOT has been phasing out the brown guardrails, but it’s experimenting in Wells and Tupper Lake with a coating that will gradually turn galvanized steel brown.

The Adirondack Park differs from National Parks in that visitors do not pass through a gate at the boundary. Often there is not even a sign. Sheehan, of the Adirondack Council, contends the state should erect prominent signs wherever roads cross the Blue Line. “Almost everybody enters the Park in a vehicle,” he said. “It would be helpful to remind people not only that they entered a special place, but that they ought to treat it that way too.”

The council also would like the state to open welcome centers at major entrances to the Park, including in or near Lake George, Mayfield, Forestport, and Plattsburgh. Sheehan said the centers could stock maps and brochures and inform the public about the Park.

“They wouldn’t have to be enormous,” Sheehan said. “They would be an opportunity for the state to establish regional tourism offices at the same time.”

Yet the state seems to be going in the opposite direction. In 2010, the state cut off funding for the APA’s two visitor interpretive centers, in Paul Smiths and Newcomb. For now, the centers are being kept alive by Paul Smith’s College and the State University of New York’s College of Environmental Science and Forestry. Sheehan argues that the state should resume funding and managing the VICs. “We are really

undermining the public’s understanding of the Park and making it more difficult for the state to share this wonderful model with the world,” he said.

In one of its boldest proposals, the Twenty-First Century Commission sought to overhaul the state’s management of the Park through the creation of an Adirondack Park Administration and an Adirondack Park Service. Essentially, the first entity would be a beefed-up APA, with the power to write performance standards for development and to review land-use decisions by local governments. The Adirondack Park Service would consist of all employees of the state Department of Environmental Conservation who work in the Park. It would be headed by an Adirondack Park superintendent.

As things stand, the Adirondack Park is split between two DEC regions, and each region covers large territories outside the Blue Line. Davis argues that the Park would be better served by a cadre of DEC workers focusing only on the Adirondacks. “They’d be committed to the Park,” he remarked.

Davis said the Adirondack Park Service could educate the public about the Adirondacks, in part by staffing information centers, and reinforce the notion that the Park is a special place. He envisions a corps of rangers wearing uniforms distinct from those worn by DEC rangers in other parts of the state. “It’d be just one more thing to make people feel they’re in a Park,” he said. ■

Suggested solutions

Environmentalists offer the following suggestions for protecting the Adirondack’s natural scenery:

- Create a planning-assistance program, funded by the state, so all towns and villages can develop land-use programs.

- Develop a clustering policy for Rural Use and Resource Management lands that would group houses together on shared driveways, leaving more land to be set aside for open space.

- Screen houses on lakes and roads by limiting tree clearing and requiring non-reflective building materials. Increase setbacks from roads and lakes.

- Continue to save open space through the purchase of land and conservation easements.

- In some cases, purchase scenic easements as a less-expensive alternative to conservation easements. These also forbid development but, unlike conservation easements, do not allow public access.

LEFT: Whiteface Mountain forms the backdrop of this view from Route 86 in Harrietstown. PHOTO BY SUSAN BIBEAU



Designing the Park

Environmentalists say the APA needs to update its regulations to incorporate “smart growth” principles.

BY KIM MARTINEAU

AS THE PROPOSED Adirondack Club & Resort in Tupper Lake wound its way through the approval process, two planning consultants separately recommended in 2008 that the Adirondack Park Agency require clustering of homes in the backcountry. Under a draft clustering policy written by one consultant, the resort’s “Great Camp” estates would have consumed 280 acres of forest instead of 2,800 acres.

“The same number of homes could have been constructed, but the project would have been largely concentrated near the [Big Tupper] ski area,” said Jeff Lacy, a consultant in Shutesbury, Mass., who proposed the policy on behalf of the Adirondack Council. “My guess is it would be under construction today rather than under review by a court.”

Environmentalists are calling for changes in APA

land-use rules governing how projects are designed and, more broadly, how lands are managed across the landscape. Under modern conservation principles, they contend, development and protection of the region’s wild character can go hand in hand.

“Everyone gets massively upset by something like Tupper,” said Mark Lapping, a planning professor at the University of Maine who has studied the Park extensively. “But what comes under the radar may be more significant: the lot-by-lot transformation of the region. A cottage here, a cottage there, decisions made by a thousand different people lead to death by a thousand cuts.”

ABOVE: An aerial photo taken several years ago shows development along the shoreline of Lake George and in the hills of Bolton. FILE PHOTO

The Adirondack Park Land Use and Development Plan was among the first land-use plans in the country to divide the landscape into ecological zones as a basis for deciding how intensively those lands could be developed. But it was not as strong as some had hoped. Zoning that encouraged dense construction on shorelines has led to declines in water quality and scenic views. Meanwhile, a failure to require clustered housing in the backcountry has allowed wildlife habitat to be carved up by roads, driveways, and lawns. One of the plan’s overarching goals was to preserve working farms and forests, but in forty years, vacation homes continue to sprout up on relatively pristine land while many of the Park’s historic hamlets continue to fade and lose population.

The land-use rules placed minimal restrictions in and around the hamlets, with the aim of steering growth to where schools, sidewalks, and services already existed. The rules placed the greatest restrictions on farm fields and timberlands by imposing large-lot zoning—an average of one house per 8.5 acres on lands zoned Rural Use and one per 43 acres on lands zoned Resource Management. But the lack of clear clustering guidelines has resulted in homes widely dispersed on the landscape rather than grouped on smaller lots to preserve more land in its natural state.

MANDATORY CLUSTERING

Randall Arendt, a nationally recognized planner in Brunswick, Maine, singled out the APA’s vague clustering provision as a major flaw in its land-use plan. In a presentation and subsequent memo in 2008, Arendt recommended that the APA adopt mandatory clustering to preserve the Park’s natural features and wildlife habitat. He also recommended that the agency require a special permit for subdivisions that lack open-space protections to discourage what he called “large-lot sprawl.”

“What does a person need a forty-acre backyard for in the Adirondacks?” he said in a recent interview.

A prominent advocate of “smart growth” (compact development that encourages land conservation, walkable communities, and reuse of old buildings), Arendt formulated his ideas while working in Britain. There, national planning rules passed after World War II have preserved a hard edge between town and countryside.

In his 1996 smart-growth bible, *Conservation Design for Subdivisions*, Arendt recommends preserving at least half of all buildable land on a parcel as open space. Important natural and historical features are set aside first; only afterward are houses and roads fit into the design.

“What does a person need a forty-acre backyard for in the Adirondacks?”

—Randall Arendt, land planner

These ideas were echoed in a 2008 draft clustering policy by Lacy, a freelance consultant whose day job is with the Massachusetts Department of Conservation and Recreation. Under Lacy’s policy, at least 90 percent of Resource Management lands would be preserved as open space, with houses placed on lots of 4.2 acres or less. Mandatory clustering would ensure that logging remain the “primary” use of RM lands as outlined in APA regulations, he said.

Though uncommon in the Adirondacks, conservation design can reduce site-development costs by a third, since roads and utility lines are typically shorter. It also can boost home values by providing walking trails and other shared amenities. In a 1991 study of housing trends in Amherst, Massachusetts, Lacy found that conservation-subdivision homes appreciated 2.5 percentage points more over a twenty-year period than homes on lots twice as large. Research also suggests that wildlife may face less disruption. In a 1997 study led by Colorado State University scientist David Theobald, researchers found that four times as many homes could be built and yet cause less disturbance to wildlife if they were clustered instead of spaced far apart.

Outside the Adirondacks, conservation development has helped save a considerable amount of open space. Nationally, 8.5 million acres of private land have been protected this way, according to a 2011 study led by Cornell University researcher Jeffrey Milder. In York, Maine, the local land trust works with the planning board to decide what lands to protect in a conservation-subdivision proposal. In New York, the Hudson Valley towns of Goshen and Gardiner require developers building in sensitive areas to leave, respectively, at least 50 percent or 80 percent of the land as open space.

Clustering and open-space preservation are now also mandatory in parts of the pine barrens of southern New Jersey. “It gives the towns and the Pinelands Commission discretion to say what development should look like,” said Carleton Montgomery, executive director of the Pinelands Preservation Alliance.

The downside is that clustering is not always an option in slow-growth regions, such as the Adirondacks, where developers are less likely to build multi-home subdivisions. In the Adirondacks, it’s cheaper and quicker to sell off houses along existing roads, one at a time, said Richard Lamb, a planning professor at the State University College at Plattsburgh.

Nonetheless, a few developers have implemented conservation-design principles. In Johnsbury, the



Houses and roads have fragmented the forests along Averyville Road outside Lake Placid. FILE PHOTO

680-acre Oven Mountain subdivision was designed for sixty-three homes, leaving 83 percent of the land in open space, including Oven Mountain and Oven Mountain Pond. In Long Lake, the Brandreth Park Association—comprised largely of descendants of Benjamin Brandreth—set aside 95 percent of its 8,700-acre property as open space.

Forty homes are clustered near the north end of Brandreth Lake, and the association has the right to build eighty more over several decades. “People didn’t want to peer outside and see houses all around the lake,” said Rick Findlay, a retired architect who lives near Boston and married into the family.

Spaced 150 feet apart, the homes may seem close to non-family members. But even a one-acre lot in the Adirondacks can feel secluded, said Arendt. “It’s difficult to sell people on small lots in the western states because of the wide-open spaces, but in the Adirondacks, you have a lot of trees and varied terrain to maintain privacy,” he said.

In his book, Arendt recommends that lakes, streams, and uplands be kept undeveloped, but the desire to build in such scenic locales often overrides preservation concerns. In the Adirondacks, environmentalists

have criticized the APA for not requiring houses to be grouped farther away from sensitive shorelines.

The developer of Stickney Point on Union Falls Pond north of Saranac Lake will keep half of his three-hundred-acre property wild, but all eighteen homes will sit on relatively narrow lots, ranging from three acres

to twenty acres, extending to the water. The APA approved the project in 2006. In an unsuccessful lawsuit against the developer, environmental groups argued that the houses should have been clustered to better protect the shoreline.

That same year, some environmentalists also objected to the Adirondack League Club’s plan to

build twenty-five homes along remote Woodhull Lake west of Old Forge. Though 83 percent of the 1,200-acre property will be kept as open space, most of the houses will be built on relatively narrow parcels strung out along the shoreline. Some two dozen people asked the APA for a public hearing to discuss their concerns, but the request was denied.

Dan Plumley, one of the partners in Adirondack Wild, believes that greater public input early on would have led to better site plans at Stickney Point and Woodhull Lake as well as the Adirondack Club and Resort lands in

“When driving through the Adirondacks there are very distinguishable edges that mark hamlet boundaries”

—Keith McKeever, APA spokesman

Tupper Lake. “We feel the agency should have a tool for early scoping that brings the public in before developers set their plans in stone,” he said.

Randall Arendt agrees. In his review of the APA land-use plan, he recommended a greater role for the public early in the project design phase. Under what he calls an expanded “sketch plan” process, developers would meet with interested parties before drawing up engineering plans in an attempt to address concerns and forestall later objections.

APA spokesman Keith McKeever defended the agency’s record on clustering and its review process. He credited the agency with ensuring that “the vast majority” of subdivisions preserve open space.

PROTECTING THE BACKCOUNTRY

In the last two decades, the state has gone a long way toward preserving the backcountry. Nearly a million acres of timberlands have been saved, mostly through conservation easements. It is unclear how many building rights have been extinguished and how many are left as the APA does not track growth in the Park. But the easements have preserved working forests while opening up new land for hiking and hunting.

Peter Bauer, executive director of Protect the

Adirondacks, said this track record shows that easements are the best way to save what’s left of the privately owned backcountry. “Going forward, that’s the most viable strategy,” he said.

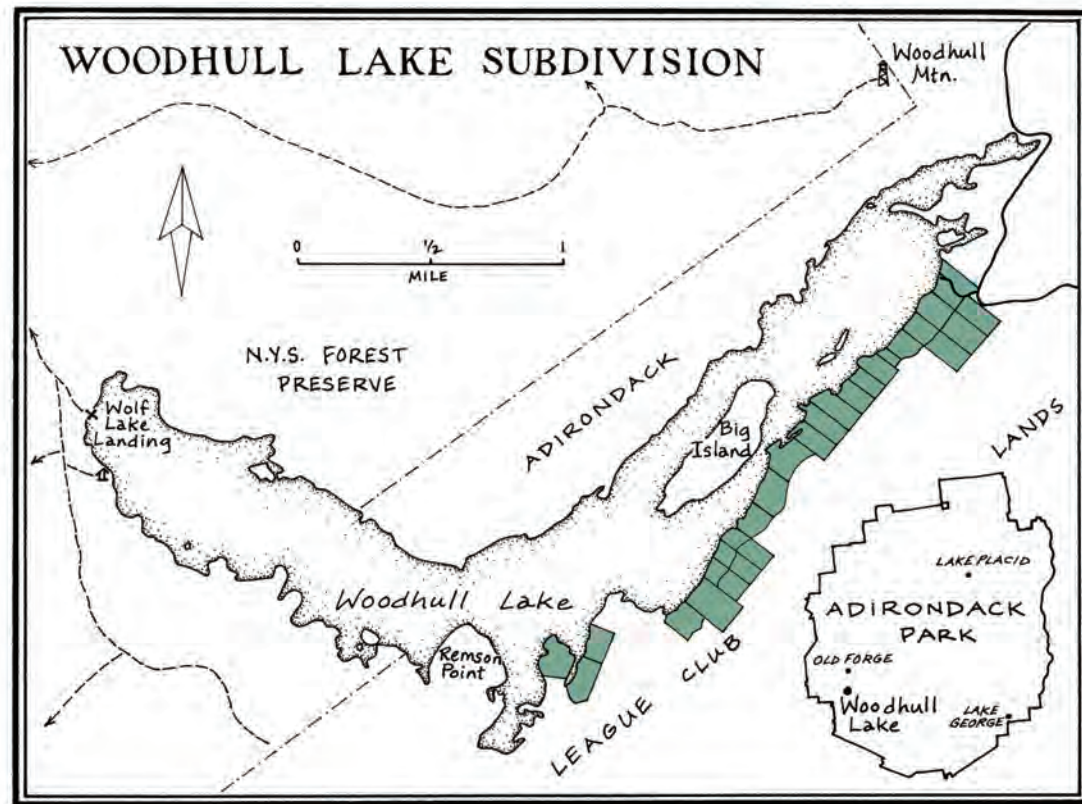
The APA Act was designed to steer growth toward the hamlets, but today nine out of ten homes are built outside settled areas—on lakeshores, country roads, and in formerly roadless forest. “You can incentivize clustering, but there’s no magical way to force people into the hamlets if they want lakeshores and remote settings,” said Michael DiNunzio, a retired conservation ecologist in Plattsburgh. “You need culture, services, jobs to draw people into the hamlets.”

A logging and mining economy put communities like Port Henry and Tupper Lake on the map in the 1800s. Today, the Park’s busiest hamlets—Lake Placid, Old Forge, Lake George—are defined by tourism, with restaurants, hotels, public beaches, theaters, and other amenities to draw visitors. The land-use plan’s fatal flaw was its lack of an economic-development plan to make depressed regions vibrant again, said Mark Lapping, the Maine professor. An economic vision, he added, might have helped the state achieve more of its environmental goals.

“It was entirely necessary to be aggressive in protecting this unique environment, but they forgot to recog-

The Adirondack Club and Resort wants to build “Great Camps” near Mount Morris in Tupper Lake. PHOTO BY NANCIE BATTAGLIA





In 2006 the Adirondack Park Agency approved a subdivision on Woodhull Lake that critics said failed to adequately protect the shoreline.

MAP BY NANCY BERNSTEIN

nize that 130,000 people live in the Park, and they have rights too," Lapping said. "I'm not just talking about land rights, but the right to a future of potential and promise."

In an attempt to fix this oversight, the State Commission on the Adirondacks in the Twenty-First Century proposed a community-benefit corporation that would revitalize the hamlets by building water and sewer systems, affordable housing, and community facilities. A tax on luxury-home sales would fund the improvements. More recently, the Adirondack Council and others have advocated for incentives to bring new development to the hamlets.

The APA says that it favors transferrable development rights as a way to steer more growth toward the hamlets and that it supports state programs that have allowed hamlets to invest in growth-enabling infrastructure. On balance, the agency contends that its land-use rules have adequately controlled sprawl and preserved a hard edge between town and countryside. "When driving through the Adirondacks there are very distinguishable edges that mark hamlet boundaries," said McKeever, the APA spokesman.

SAVING THE LAKES

The APA Act's great compromise resulted in weakened protections along the shorelines. Today, many lakes are ringed by camps, boathouses, docks, and lawns rather than woods, detracting from the scenery

and threatening water quality. What little undeveloped waterfront is left may be too expensive for the state to buy.

So what else might be done?

Around the country, regions focused on protecting drinking-water quality have developed rigorous scientific standards to control watershed development. In the New Jersey Highlands, which supplies drinking water to half the state, water-quality measurements and a detailed understanding of the landscape's carrying capacity are central to the planning process. The Highlands Council's Regional Master Plan requires clustering in sensitive areas, with up to 90 percent of land left as open space. The plan also sharply limits how much land can be paved over and built upon and places a three-hundred-foot buffer around lakes and streams.

On Lake Tahoe, which straddles Nevada and California, stringent controls for new development were passed after the lake began losing its fabled clarity in the 1960s. In a two-stage process, lands around the lake were mapped according to their relative fragility. Stringent controls were placed on lands deemed least suitable for development: steep slopes and wetlands. In the 1970s, the Tahoe Regional Planning Agency established water-clarity and environmental standards that remain the basis for development decisions. The standards included limits on nutrients associated with sewage and storm-water runoff. "We haven't

turned the corner, but the rate of diminished clarity is slowing," said Robert Twiss, an environmental planning professor at the University of California, Berkeley.

In Tahoe of the 1960s, as in the Adirondacks of today, no one knew precisely how much growth was taking place. Twiss assigned his students to study the tax maps. By counting individual parcels they discovered that at least nineteen thousand vacant lots had been approved. It was an astonishing number that spurred the Tahoe Regional Planning Agency to curtail growth. "That's a story that needs to be told—how much growth is still in the pipeline," said Twiss. "You can't sit back and wait for the agencies to do this."

The APA's apparent lack of long-term planning is a sore point for environmentalists. It was also flagged by Arendt in his review. He recommended that the APA, not the state department of Environmental Conservation, administer the state's open-space plan for the Adirondacks. He agreed that one agency should oversee development regulations and open-space preservation for consistency. "You need to know what you've got, what you'll miss in ten years if it's gone," he said.

ROBUST PLANNING FROM THE TOWNS

Adirondack towns make most of the land-use decisions in the Park, approving nearly 60 percent of new projects, according to a 2001 study by the Residents'

Committee to Protect the Adirondacks. Yet, more than 80 percent are still without APA-approved land-use plans. When views are at stake and the APA has oversight, the agency can ensure that houses are set back from the road and water, earth tones and non-reflective building materials are used, outdoor lights face down to protect the Park's dark skies for stargazing, and septic systems are properly sited. But many towns lack the will or expertise to impose similar restrictions, creating a piecemeal effect on the landscape.

One bright note: some towns without APA-approved land-use plans have nonetheless adopted rigorous development controls. In drafting its 2003 master plan, Inlet decided to bypass the APA's "bureaucratic" language but in recent years has developed progressive subdivision and septic-system rules. "If we want the town to maintain its character we need to actively work at that," said David Scranton, a photographer and former planning board chairman.

There is room for significantly more development if it occurs in the right places, environmentalists say. "I can't imagine a future in which people don't want to have a home in the Adirondacks," said Michale Glennon, a biologist at the Wildlife Conservation Society. "Do we have a right to say, 'We can live here, but you can't? I worry more about the location of where things go rather than density.'" ■

"I can't imagine a future in which people don't want to have a home in the Adirondacks."

—Michale Glennon, Wildlife Conservation Society

Development on watershed slopes can endanger water quality. FUND FOR LAKE GEORGE



Ideas for a better Park

At *Adirondack Explorer* conference, speakers call for strengthening the APA in order to protect water quality and the region's wild character.

BY MAL PROVOST

THE ADIRONDACK PARK AGENCY is facing a critical time of public evaluation. Has it fulfilled its original mandate to protect millions of woodland acres and thousands of miles of waterways in the Adirondacks? Or has it fallen short, pressured by development interests and weakened by outdated regulations and inadequate funding?

These questions will not be put to rest easily, if ever. Local governments, developers, state authorities, environmentalists, and ordinary citizens will continue to struggle with competing interests and old grudges even as they face a growing number of challenges.

At a conference sponsored by the *Adirondack Explorer*, called "Strengthening the APA," various experts discussed strategies for protecting the Park's

water quality and wilderness character.

The conference participants included experts from the Adirondacks and as far away as Lake Tahoe and the New Jersey Pinelands. More than 150 people attended, including several APA officials.

The conference included two panel discussions, a morning session on water quality and an afternoon session on land use. The keynote speaker was Randall Arendt, one of the foremost proponents of conservation design, an approach to development that seeks to preserve open space and ecological integrity. There also were presentations by Philip Terrie, the Adirondack historian; Keith McKeever, the APA communications director; and Willie Janeway, the executive director of the Adirondack Council. Other highlights included an

individual interview with Assemblyman Dan Stec and a joint interview with Jim Frenette and John Collins, both former APA chairmen, and Bill Kissell, a former APA counsel and commissioner.

Terrie, the first speaker, said the state has done a good job of protecting half the Park, through acquisitions for the forever-wild Forest Preserve and through conservation easements. "But what about the other half?" he asked. He went on to say that shorelines, the uplands, and the privately owned backcountry are inadequately protected against development.

"Private shorelines have largely been lost over the last forty years," he asserted.

McKeever, who followed Terrie, said the APA's Land Use and Development Plan, enacted in 1973, is designed to channel growth to appropriate areas in the Park, which he described as conservation design on a regional scale. He also offered examples of developments that were radically altered by the APA to protect open space. "We are and have been practicing conservation subdivisions for a long time and on a regional scale," he said.



"There is no constitutional right to sprawl"

—Randall Arendt, keynote speaker

WATER QUALITY

During the morning forum, Peter Bauer, executive director of Protect the Adirondacks, and Chris Navitsky, the Lake George Waterkeeper, identified storm-water runoff as the main threat to water quality in the Adirondack Park.

Bauer said that the APA Act, because of political compromises during its making, "actually channels development onto lakeshores." Roads, driveways, and lawns, he said, serve as "perfect conduits" for silt and pollutants such as fertilizers, pesticides, salt, and oil. Among other things, the runoff contributes to aquatic plant growth and algae blooms.

Although 95 percent of the watershed around Lake George is forested, Bauer said the storm-water runoff from the remaining 5 percent that is intensively developed is damaging water quality. He predicted that the runoff problem will worsen as climate change brings more rain and warmer, wetter winters.

And yet, he said, the words *storm water* appear nowhere in the APA law. "Now is the time to act if we're going to protect the most important economic asset in the Park, which is water," he said.

In a short rebuttal afterward, McKeever said the APA does take storm-water runoff into account when it reviews development proposals.

Navitsky said developers should be required to "build to the land," disturbing it as little as possible and minimizing storm-water runoff. Where appropriate, he added, basins can capture runoff and let it seep into the ground. And he recommended that developers pay a fee for impacts to water quality.

Julie Regan, external affairs chief of the Tahoe Regional Planning Agency, explained how federal, state, and local officials have worked together to restore the water quality of Lake Tahoe, which straddles the California-Nevada border. The basin came under severe stress as a result of a development boom in the 1960s that followed the Squaw Valley Olympics.

It took many years of wrangling, she said, but eventually

"a common vision did emerge." Now, there are sewers throughout the watershed and all wastewater is exported out of the basin. As a result, the lake's clarity, still quite remarkable, is gradually improving.

In response to a reporter's question, Regan said her agency has a staff of sixty-eight to oversee an area of five hundred square miles. In contrast, the APA has a staff of fifty-eight and oversees some nine thousand square miles.

Eileen O'Conner, director of environmental health for New York's Cayuga County, discussed her county's law requiring that all septic systems be inspected periodically—a law passed after the closure of beaches in the Finger Lakes region due to coliform pollution. Homeowners pay private companies a fee—usually \$60 to \$80—for the inspections. She said Cayuga is the only county in the state to require septic-system inspections.

LAND USE

After a lunch break, Randall Arendt gave a thirty-minute presentation on developments around the country that have incorporated the principles of conservation design. The basic idea is to soften the impact on the natural environment



LEFT: Over 150 people attended the *Adirondack Explorer* conference in Paul Smiths. PHOTO BY PAT HENDRICK



Critics say homes built in the uplands mar the scenery. This house is in Keene Valley. PHOTO BY GEORGE EARL

and wildlife. This is done by, among other things, clustering homes to minimize the need for roads and driveways and setting aside most of the land in a development as unbroken open space.

“There is no constitutional right to sprawl,” remarked Arendt, who has written several books on conservation design.

He urged the APA to adopt conservation-design principles as the baseline for planning.

The APA Act does give the agency the authority to require clustering when subdivisions are proposed on private lands classified as Rural Use or Resource Management. However, it also allows, as an alternative, building on large lots.

Arendt asserted that the large-lot approach, known as low-density development, is not advisable as it fragments the landscape without regard to the effects of roads, tree cutting, lighting, and other intrusions on the otherwise wild habitat.

He said planners and developers should take the following four steps before ground is broken:

- Identify conservation areas, such as wetlands, important wildlife habitat, and steep slopes, where no development should occur.
- Identify suitable sites for clustered homes within the remaining land.
- Map roads and trails.
- Draw the subdivision lots.

Arendt said a good cluster development will not compromise the privacy of homeowners. He added that conservation design usually is less expensive, because it requires less infrastructure.

In the forum on Conservation Development and Design that followed, Michale Glennon of the Wildlife Conservation Society said great strides have been made in conservation biology since the APA’s creation in 1971. She urged the APA to map the various habitats in the Park and identify those most in need of protection.

“We’ve got the rocks and ice [the high summits] pretty well protected, but it’s not ideal habitat for many species,” she said.

Glennon also voiced support for conservation design. Before a project is approved, she said, an ecologist should inspect the site with an eye toward identifying natural resources and wildlife habitat that should be left undisturbed.

Carleton Montgomery, executive director of the New Jersey Pinelands Preservation Alliance, said conservation design is required in his state’s pine barrens when development occurs in lands zoned Forest Area or Rural Development Area. “If you want to see clustered development, it has to be mandatory in some fashion,” he remarked.

Montgomery said the rules set development densities and lot sizes and encourage the preservation of contiguous forestlands. Builders must make use of existing roads and situate development in proximity to other housing projects. Well-designed projects are

allowed to exceed normal development densities.

Dave Gibson, one of the partners in Adirondack Wild, contended that the APA already has the authority to mandate conservation design. He provided several examples where the agency used its power to force improvements in subdivision layouts. These included Butler Lake in 1991 in the town of Ohio, Oven Mountain Estates in 1995, and a project in Horicon in 2004 (which was also cited by McKeever).

The problem, he said, is that the Adirondack Park Agency doesn’t always require developers to follow conservation-design principles. Regarding the Adirondack Club and Resort approval, he said, “The APA did not follow precedent.”

The town of Day overlooks Great Sacandaga Lake and has taken steps (with APA assistance) to preserve its uplands from unsightly development. In 2005, the town adopted an ordinance that puts a number of building restrictions on its mountainsides and ridges.

For example, it limits the amount of tree cutting and requires homeowners to paint their houses natural colors.

“Our greatest asset is our beautiful mountain scenery,” Dave Cox, chairman of the town planning board, told the conference.

Cox said town residents are largely supportive of the law.

“Our greatest asset is our beautiful mountain scenery.”

—Dave Cox, Day Planning Board

THE WRAP-UP

Later in the afternoon, the conference heard from two former APA chairmen, James Frenette and John Collins, and Bill Kissell, a former APA commissioner and counsel. They were interviewed as a group by *Explorer* Editor Phil Brown.

Frenette made the point that controversy over development in the Adirondacks is nothing new. In 1968, before the APA existed, a proposal for a huge vacation-home development near Tupper Lake was aborted after running into opposition from state officials and others. Noting that government decisions often create controversy, Frenette said the APA must do a better job explaining its mission to the public. “Educate people as to what you’re trying to do,” he said.

Kissell said the agency has been understaffed and underfunded throughout its forty-two years. “I’d like to see the day when we have a governor and legislature that step up to the plate” by giving the agency the resources necessary to fulfill its mission, he said.

Collins said the APA has acted more aggressively in the past, using its authority to enforce cluster zoning and waterfront setbacks on developments. But he said the agency has great leeway in its decisions, so

the Park would be better off if stronger environmental safeguards were written into the APA Act.

Willie Janeway, the head of the Adirondack Council, gave the day’s final talk, asserting that the economic health of the Park is linked to its environmental health. Ten million people visit the Park each year, he said, attracted by its natural beauty and wild character.

“We don’t need a study to tell us what to do,” he said, adding later: “We need to build a better Adirondack Park. If we all work together, we can do it.”

WHAT’S NEXT?

The reforms suggested by the participants—such as better managing storm-water runoff, mandating conservation design, and restricting upland development—might necessitate changing the APA Act or at least adopting new regulations.

Assemblyman Dan Stec, a former Queensbury supervisor, warned during the conference that local

governments may be apt to resist more regulations, so it’s important to get local support for any proposed changes. He also questioned whether the state and local towns have the money to implement and force new regulations.

“The elected officials in

those towns are more concerned about the economy. They’re not sure that more regulation is what’s needed for their towns. So it’s a conversation that we need to keep having,” Stec said in an interview with Brian Mann, a reporter for North Country Public Radio.

Contacted following the conference, Chester Supervisor Fred Monroe, who heads the Adirondack Park Local Government Review Board, expressed reservations about conservation design, saying it might be “good for wildlife, good for developers,” but might not be good for the average worker who wants to buy a home. “The question I ask is, what’s the impact on affordable housing?” he said. He pointed to Lake George, Lake Placid, and Old Forge as places where the price of housing is out of reach for average citizens.

Adirondack Explorer founder Dick Beamish said it’s time for a concerted push for APA reforms next year.

“There are now more than ninety thousand houses in the Adirondack Park, compared to sixty thousand when the APA plan took effect,” he said. “Subdividing, clearing, and building will likely continue at that rate far into the future.”

The APA’s job, Beamish added, is not to stop development, but rather to regulate it to prevent pollution and protect natural resources. “The agency needs our help in regaining its edge and fulfilling its purpose.” ■

Make your voice heard

Let your representatives know how you feel about strengthening the Adirondack Park Agency. Here is some contact information:

The Honorable Andrew M. Cuomo

Governor of New York State
State Capitol Building
Albany, NY 12224
(518) 474-8390
governor.ny.gov/contact/GovernorContactForm.php

Chairwoman Leilani Ulrich

NYS Adirondack Park Agency
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