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Tupper Lake resort mediation ends

By KIM SMITH DEDAM, Staff Writer

— TUPPER LAKE — Mediation meant to address multiple concerns over resort development in Tupper Lake has officially ended. The proposed 600-plus unit Adirondack Club and Resort will now move to adjudication, a hearing process requested by the Adirondack Park Agency more than two years ago.

STALLED

Mediation sessions, which were closed to the press and the public, began at the developers' request in spring 2007. But the talks stalled last July as developers and stakeholders worked toward elements of agreement on 10 unresolved issues in small, apparently informal, caucuses. Not everyone signaled agreement in the end.

'CHANGES MADE'

Lead developer Michael Foxman said he came away from the process pleased. "I am very satisfied with the result of the mediation," he said in an e-mail. "The town (Tupper Lake), county (Franklin), village (Tupper Lake) and Chamber of Commerce (Tupper Lake) and some others signed (a mediation agreement). The environmental groups did not, no surprise there. "A number of people we thought were opposed spoke up and indicated they were not necessarily opposed, but they had issues they would like to discuss further. We will try to accommodate them, but we did not think more mediation was required for that. I was pleased by many comments of people who did not sign. "We made changes (to the project) designed to reflect comments and information received during the mediation. We think the project is stronger for that." Changes to the project have not emerged clearly from private caucus. And no formal changes to project plans have been submitted yet to APA.

'ADVERSARIAL'

Environmentalists at the Adirondack Council were not pleased with the decision to end mediation. "It is unfortunate that the applicant has decided to abandon the cooperative approach agreed to by all parties to the mediation and instead wants to enter the more confrontational and adversarial adjudication," John Sheehan, spokesman for the Adirondack Council, said in a statement Tuesday. "The hearing will look very much like a court proceeding, with expert witnesses and testimony and attorneys both examining and cross-examining those witnesses." The Adirondack Council combined efforts with nearly 30 concerned Tupper Lake landowners in the mediation process.

They said many issues remain unresolved, chief among them questions of financing large real-estate development in a challenging economy.

The mediation agreement did not include “sufficient information to address the project sponsor’s current financial capacity to advance the project and reopen the (Big Tupper) Ski Center,” the council and landowners said.

BUFFER ZONE

Environmentalists also recommended six “great camp” lots on Oval Wood Dish property around the Ski Center — more than 2,727 acres, or almost half of the project property — be sold into a land trust or transferred for public ownership.

The acreage would provide a kind of buffer zone between developed areas and the wilderness Follenby Pond Park property, recently purchased by the Nature Conservancy for eventual addition to the state Forest Preserve.

“An outstanding opportunity also exists for the Town of Tupper Lake to acquire or otherwise obtain a tract that could serve as a public parking, interpretive and recreation area and the entry point for non-motorized access to Follensby,” the Adirondack Council and Tupper Lake landowners said in a closure statement.

CONCERNS

They also said mediation did also not achieve agreement concerning:

E Rights of existing logging operations, including ingress and egress to woodlots.

E Workforce housing and affordable community housing as a component of the project.

E Sustainable wastewater treatment plant at Cranberry Pond, which also is to supply water for snowmaking at the ski resort.

NEXT STEP

Foxman said the project would move forward to formal hearings.

“The APA and we would like to move the process along quickly. The next step is field work with and without the APA staff, revision of drawings and text to reflect the changes in the project and, thereafter, a pre-hearing conference followed by the adjudicatory hearing.”

No dates have been set for hearings to begin.

The proposed 6,000-acre Adirondack Club and Resort is the largest project ever planned for construction in the Adirondack Park.