

## Losing the high ground

Upland development mars the mountain scenery in the town of Keene.

By GEORGE EARL

The hike up the Brothers, three adjoining peaks near Keene Valley, affords striking vistas of the Great Range to the southwest—an uninterrupted expanse of forested slopes and rocky summits. But the view north, toward Little Porter Mountain, is broken by a cluster of big houses on a rocky cliff.

While hiking the Brothers in May, I counted about a dozen conspicuous houses along the ridge just below the summit of Little Porter. Some are perched atop rock faces that have been leveled with dynamite to make room for large suburban-style homes. A few of them sit near the 2,300-foot contour, nearly 1,300 feet above the hamlet of Keene Valley.

Residential sprawl is not what many visitors look forward to seeing from a mountaintop in the High Peaks Wilderness.

During the climb I met only two hikers: Patrick Town and Bill Brazzell, both from the Albany region. They regarded the homes as blights on the scenery.

Town pointed out a rambling mansion high on the cliff. “It’s not a little mountain chalet,” he said. “It’s a major edifice. It’s startling.”

“The mountain looks better when all you see is nature,” Brazzell added. “I wouldn’t mind if the state bought all the land.”

The houses on Little Porter are indicative of a larger trend, not only in the town of Keene (which includes Keene Valley), but throughout the Adirondack Park. With most of the Park’s privately owned waterfront already developed, the affluent are now turning to the next best thing: property on a mountain or ridge with a commanding view.

Opinions differ as to whether the trend is something to worry about, but there’s no doubt that it’s happening. At least one house on Little Porter was completed only a few years ago, suggesting that existing regulations have been unable to stop even the most jarring examples of upland development.

### Keene uplands

Keith McKeever, spokesman for the Adirondack Park Agency, said the agency often lacks jurisdiction over upland development, which means many approvals are left up to towns and villages. He added that the APA is looking at tightening regulation of the uplands, though he declined to reveal specifics. “It’s not on the top of our list at this point, but it’s something that has been discussed and that we are considering,” he said.

Peter Bauer, executive director of the Fund for Lake George, predicts that upland development will get worse in many Adirondack communities, including Keene. If left unchecked, he said, it will mar the scenic beauty of a town that bills itself as the Home of the High Peaks.

“If you add up the number of visually obtrusive homes that have been built in the last twenty years and replicate that in the next twenty years, you’d see a fundamental change in the character of the community,” Bauer said.

Because of its proximity to the High Peaks, Keene may be seeing more upland building than are most other parts of the Park. Over the past two decades, dozens of homes have popped up on ridges, mountain slopes, and hilltops in the town.

“I don’t like them; they stand out,” declared Dick Hall, the seventy-five-year-old owner of the Valley Grocery in Keene Valley, an old-fashioned market with worn floorboards and an ornate tin ceiling.

Keene uplands mapNot everyone shares his distaste for upland development. “I think it looks good,” said Bret Meyer, a builder from Keene Valley who stopped in the store for lunch. “I’m not opposed to it, and it’s not because of the line of work I’m in. No, I think it’s charming to see lights in the distance at night.”

Keene resident Tony Goodwin—a trail builder and guidebook editor—is not a fan of ridgeline homes or their light pollution, but he doubts that upland development will ruin the region’s vaunted scenery. “It doesn’t pose much of a threat because the state owns so much of the higher areas,” he said.

Moreover, Goodwin noted that many older homes in town stuck out when first built but are now hidden by trees that have grown up around them. He expects that most of the new homes eventually will blend in as well.

Others argue that it takes only one house to spoil a vista.

“One or two inappropriately placed buildings can have a huge impact on the wild character of an entire valley or viewshed,” said John Sheehan, spokesman for the Adirondack Council.

But it’s not just about the scenery. Critics say building on steep slopes leads to erosion and the silting of streams and rivers.

Hall complained that the construction of large homes on Little Porter diverted a small brook that supplied water to his camp. “After they built the places above me that had roads and everything, I had no water,” the grocer said.

Because digging a well would be too costly, he now collects water from his roof. He said erosion also silted a great trout hole on John’s Brook.

This doesn’t surprise Carol Treadwell, president of the Ausable River Association, who studied the environmental impacts of the Little Porter development. She discovered that the roads, driveways, and ditches altered the natural drainage, concentrating runoff and creating an express

route into John's Brook. As a result, more sediment reaches the brook, which feeds the East Branch of the Ausable.

"People don't think that their house on the top of a mountain affects the water quality in the river, but it does," Treadwell said. "Once you clear a site and increase impermeable areas, you increase storm-water runoff, and that is not reversible."

There's every reason to think upland development will continue in Keene. Although the state owns three-quarters of the land in the town, plenty of private land remains available for development, including many upland sites. The subdivision on Little Porter alone, known as Adrian's Acres West, has about twenty undeveloped lots, according to town records. (About 150 lots have already been built on.) Other upland areas that could be subdivided and developed can be found on Spread Eagle Mountain, East Hill, and Hurricane Road.

"I would guess you're looking at up to a hundred possibilities [for homes] in what you might call upland," said Tom Both, the town's former supervisor. "It may be more than that."

This summer, real-estate agents advertised a number of upland lots with mountain views. One teaser read: "Majestic views ... near the entrance to Spread Eagle trail overlooking Keene Valley." Another lot was extolled as "bordered by High Peaks Wilderness ... with panoramic mountain views available." A third promised "nice views to Hurricane Mountain, Chase's Notch and Crow Mountain."

While upland homes offer their owners great views, they can mar the view for everyone else. Critics argue that degrading the scenery runs the risk of undercutting tourism—the Park's biggest economic driver.

"Pristine valleys and mountain slopes are as much of an asset as having a factory in your town or some state facility that creates a lot of jobs," Sheehan said. "We have to save ourselves from the person with a suitcase full of cash who has the means to alter the character of the community overnight. Communities ought to be thinking about what the unspoiled views in their communities are worth, and whether they are worth protecting in perpetuity."

Keene's zoning regulations do emphasize the importance of protecting its upland areas, stipulating that "highly visible development on a ridgeline is not recommended." But critics say this guideline has failed to prevent the construction of obtrusive homes.

Pete Fish, a retired forest ranger, said he resigned from the town's planning board in frustration in the 1990s after builders continually ignored the board's recommendations and permit conditions. "If you violate anything, it's a piddly little fee," he said. "Wealthy people who are building these homes can thumb their nose and pay a little fine and say, 'Whoopie, there you go.'"

Fish criticized homeowners who, against the board's wishes, cut down lots of trees or built on highly visible ledges. "They're being arrogant about the placement of their homes," he said.

Keene's zoning laws were redrawn in 2003, partly in the hope of limiting the negative impacts of upland development. But Tom Both, the town's former supervisor, said the rules remain too vague.

"The law covers all the bases, but it really isn't very definitive," he said. "It does leave it open to interpretation; that's one of my objections. It depends on who's sitting on the planning board at the particular time."

Last winter, the board approved a 6,500-square-foot home near the bottom of Round Top, a small peak near Baxter and Hurricane mountains, two popular hiking destinations. "It's a biggie. You're going to be able to see that one," said Frank Slycord, who served as the town's code-enforcement officer for four and a half years before resigning this spring.

But Jacques Catudal, the property owner, said he is taking steps to hide the house from public view such as burying power lines, painting the exterior in earth tones, facing the windows north, and leaving most of the trees on the lot.

"I don't think that anyone will be able to see it, even from Baxter," Catudal said. "My wife and I also climbed Hurricane to check if the trees hid the site, and they did."

Catudal, who teaches a course at Drexel University called "Philosophy of the Environment," said he is well aware of the issues relating to upland development. "We have been absolutely judicious about following the spirit of the law," he said. "We are very interested in preserving the Adirondacks the way they are."

He thinks the regulations of the APA and the town are strict enough. "It's costing us a fortune to live within those rules," he said. "The only people I think could have an objection are those that believe there should be no more building at all."

William Paternotte, a seasonal resident from Baltimore, complains that he received unfairly negative press after he built a home in 2001 on Round Top that is visible from the summit of Baxter Mountain.

"We were annoyed because we felt we had done everything we could do to make it fit in," Paternotte said. "We had no intention of hurting the environment. ... We had taken extra measures to make our home blend in. It has a green roof with bark-on siding. We left trees in front of it. We protected ten building lots the developer had intended to develop."

Since Paternotte built the house, trees have started to grow in, partially obscuring the structure. However, it still can be seen from Baxter, and the sun glinting off the roof creates a glare in the forested hillside.

Both the Paternotte and Catudal houses needed permits only from the town. In most cases, a single house requires an APA permit only if its height exceeds forty feet or if it's built on land classified as Resource Management—the strictest of the APA's six zoning categories for private property. The houses in question are on land zoned Rural Use.

The APA also has jurisdiction over any house built above the 2,500-foot contour, but development almost never occurs at this elevation. In fact, Keith McKeever, the APA spokesman, could not think of a single house in the Park built that high—not even in Keene, nestled among the High Peaks.

The APA more often has jurisdiction over multiple-home subdivisions. However, the APA has no say over development in Adrian's Acres, because that subdivision was approved before the APA rules took effect in 1973. This is the case even though many of the homes were built long after 1973.

That mansion on the cliff that so upset the hikers on the Brothers? It was built around 1990 (before the town adopted its Site Plan Review Law in 1995). Another conspicuous house in Adrian's Acres was approved in 2006. It sits at the edge of a cliff at about 2,200 feet in elevation. A number of other homes can be seen in the uplands around town, such as on Corliss Point, Owls Head Mountain, Beede Ledge, and Flat Mountain.

Critics see these homes as eyesores. Nevertheless, Keene's planning board members say the town's regulations help protect the uplands without stifling growth. "The law at this point is good enough," said Lorraine Duval, one of seven board members. "Most home builders are eager to cooperate as much as they can."

Duvall said some homes built in the past would not pass muster today, including a house on top of Corliss Point, visible to motorists driving north on Route 73. She believes the planning board would insist that the owner build on a less-visible site on the mountain and take other steps to screen the home from view. (Thanks to tree growth and a new paint job, this structure is less conspicuous than it was a decade ago.)

If the law has a weakness, Duvall added, it's that it fails to deal with the cumulative effects of development.

One of the planning board members, Brian Crowl, is a contractor who is building an upland house for a client on Levi Lamb Road, on the east side of Route 73. A neighbor has complained that excavation for the project led to soil erosion. Crowl, however, insists he adhered to the town's regulations. "We need to follow the laws in the little green book," he said, referring to the town's Site Plan Review Law.

"That is not open to interpretation." He added that he sees no reason to change the law.

Crowl said he abstains from voting on projects that he has a stake in.

Environmental activists argue that the existence of conspicuous homes in the uplands around the Adirondacks is proof enough that regulations must be strengthened, both to protect vistas and to prevent erosion that harms water quality.

The Adirondack Council's Sheehan would like to see the state, land trusts, and perhaps municipalities purchase scenic easements that protect vistas from development while giving the landowners a tax break.

Sheehan also would like the APA to exercise more oversight over upland development. He contends the agency has the power to do that now, given its broad mandate to protect the Park's natural resources. Nevertheless, he said it would make sense to amend the APA law to grant the agency explicit authority to regulate upland development.

"It would be cleaner that way and less likely to be misinterpreted," he said. "That would be easier than every town doing it on their own."

Sheehan said the APA has the expertise to work with builders to protect scenery and prevent erosion. "Generally, developers don't mind making homes less visible as long as they still have a view," he said, "and these are not incompatible."

He added that it's unrealistic to expect the towns to control upland development on their own. Nearly forty years after the APA's creation, he said, only eighteen of the Park's 103 towns and villages have APA-approved land-use plans.

Sheehan said the council will ask the next governor (who will be elected this fall) to recommend legislation to amend the APA law.

Fred Monroe, executive director of the Adirondack Park Local Government Review Board, said he'd be "very skeptical" of giving the APA more regulatory authority. "We don't need the state controlling every aspect of residents' lives," he said.

Monroe added, however, that he would not object if the APA drafted model regulations, which the towns could adopt voluntarily, rather than imposed mandates from above. "If they do it as a top-down approach, they'll get a lot of resistance from local governments and residents," he said. "When it's bottom-up, people accept it better."

But as the experience of Keene suggests, homes that stick out can be built even in towns that adopt upland regulations.

During one visit to the town, I stopped at the Noon Mark Diner and struck up a conversation about houses on ridges and mountains with an elderly man who was a lifelong resident of the town. "They ruin the goddamn views for everyone else," he complained over a cup of coffee. "All you see is a big wall of glass sticking out of the side of the mountain. It's an eyesore. I'd like to go back to the good old days and have it country."