

May 26, 2010
Tupper Lake Press

Nature Conservancy may try to delay June 10 case

The June 10 town highway department case to consider an easement across a narrow section of the Follensby Road owned by the Nature Conservancy may be delayed, if the road's owner has its way. Robert Sweeney, one of the attorneys representing the Adirondack Club and Resort project, learned this week from Jace Cullum, of the Glens Falls law firm of McPhillips, Fitzgerald and Cullum that he may make efforts through Justice David Desmarest's office to secure a temporary restraining order in the action.

The ACR developers are exercising their rights under Section 300 of the state highway law for a landowner to go to court to obtain a right of way to cross a neighbor's land or road. New Highway Superintendent Rick Dattola has set June 10 as the date to hear the case in local court here.

One of the ACR's proposed "Great Camp" lots on the Oval Wood Dish Corp. lands lies on the other side of the Follensby Road, so the future owners would need permission to cross it.

The case before a jury will be to determine whether or not the property is actually land-locked, and if so, what value should be placed on the right to access it.

In a memo to ACR Partner Mike Foxman this week Mr. Sweeney indicated that the Nature Conservancy apparently intends to do everything in its power to fight the access issue. A first step would be to delay the hearing.

Mr. Foxman can't explain the preservationist group's aim, saying "they can't possibly have a valid reason" for blocking the access. "The only reason I can see the Conservancy wants to spend a lot of money on lawyers is that it is working with the Adirondack Council to try to stop the project!"

"I think the Nature Conservancy's actions speak volumes of the organization's professed neutrality on the Big Tupper project," Mr. Sweeney said in his e-mail to his clients. Mr. Foxman agreed, saying the Nature Conservancy officials "are showing their true colors."

Attorney Jace Cullum said yesterday that he has not yet started any legal action on the case. "However everything is going to be considered!" He said the Nature Conservancy's sole aim is to "protect its property rights," and that it takes no position on the ACR development project.