



**Adirondack
Park Agency**

ANDREW M. CUOMO
Governor

TERRY MARTINO
Executive Director

STATEMENT OF FINDINGS

State Environmental Quality Review Act

NAME OF LEAD AGENCY AND PREPARER OF FSEIS:

NYS Adirondack Park Agency
Post Office Box 99
Ray Brook, NY 12977

PROJECT LOCATION:

Town of North Elba
Essex County

PROPOSED ACTION:

Amendment to the Official Adirondack Park Land Use and Development Plan Map in the Town of North Elba, Essex County (Map Amendment 2020-01) to reclassify approximately 32 acres pursuant to the Adirondack Park Agency Act, Section 805(2)(c)(1) from Moderate Intensity Use to Hamlet.

DATE OF ACCEPTANCE OF FSEIS BY LEAD AGENCY:

July __, 2020

DESCRIPTION OF THE ACTION

The Adirondack Park Agency (Agency) has received a joint application for an amendment to the Official Adirondack Park Land Use and Development Plan Map (Official Map) from the Town of North Elba, Essex County. The applicants have requested that approximately 34.5 acres be reclassified from Moderate Intensity Use to Hamlet.

The requested map amendment area is not defined by “regional boundaries” as required by Section 805(2)(c)(5) of the Adirondack Park Agency Act (APA Act) and described in the Agency’s Final Generic Environmental Impact Statement (FGEIS) on the map amendment process (August 1, 1979). Three alternatives that used regional boundaries were considered. Alternative Area 1 is 35.2 acres in size, Alternative Area 2 is 44.3 acres in size, and Alternative Area 3 is 32.0 acres in size.

Pursuant to the FGEIS, a Draft Supplemental Environmental Impact Statement (DSEIS) was filed on April 22, 2020. An online public hearing via Webex was held on May 15, 2020. The public comment period concluded on May 30, 2020 and comments were received from five individuals and organizations. On July __, 2020 the Agency accepted and filed a Final Supplemental Environmental Impact Statement (FSEIS).

This Statement of Findings is prepared in satisfaction of the requirements found in 6 NYCRR § 617.11 and 9 NYCRR § 586. As explained in the SEQRA Handbook (<https://www.dec.ny.gov/permits/6188.html>), “[f]indings provide a rationale for agency decisions, including any conditions to be attached to the agency's approval. Should an agency decision be challenged, findings also provide a record to help explain the agency's decision-making. The findings procedure allows each involved agency to consider the relevant environmental factors presented in the final EIS, and balance and weigh essential considerations, including the economic and social factors, in reaching its decision on its underlying jurisdiction.”

The APA must certify that, consistent with social, economic and other essential considerations from among the reasonable alternatives available, the preferred alternative is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable. This Findings Statement presents the Agency's consideration of potential significant, adverse environmental impacts associated with the recommendation to amend the Adirondack Park Land Use and Development Plan and Map by reclassifying lands from Moderate Intensity Use to Hamlet.

PROPOSED ACTION

The Agency proposes to reclassify a 32-acre parcel of land in the Town of North Elba, Essex County, from Moderate Intensity Use to Hamlet. The Agency has reviewed the character of the requested area and relevant land use classification determinants and determined that this area meets the character description, purposes, policies, and objectives of the hamlet classification under Section 805 of the APA Act.

Land use area determinants that support the reclassification of this area as Hamlet include public sewer service, proximity and accessibility to the existing Hamlet of Lake Placid, low to moderate slopes, and no significant physical, biological, or other characteristics that would pose limitations for development. The area is located adjacent to the existing Hamlet of Lake Placid and is readily accessible to the community via Barn Road, a Town road. Approximately 86% of this area contains slopes less than 15%, and there are no wetlands in this area.

The APA Act describes the character, purposes, policies, and objectives of the Hamlet classification, stating that Hamlet areas are the service and growth centers of the Park. They generally have a diversity of development and high level of public services and

facilities, and the delineation of Hamlet areas is intended to provide reasonable expansion areas. This map amendment would expand the existing Hamlet area, which is an existing service and growth center, and allow for a reasonable expansion that is supported by the community's services and facilities.

PUBLIC NEED AND BENEFITS

The Town of North Elba stated in its application that in the 47 years since 1973 when the original Adirondack Park Land Use and Development Plan Map was adopted, Lake Placid has experienced substantial residential and commercial development. The Town anticipates that the requested amendment would accommodate the continued necessary and natural expansion of development in Lake Placid.

FACTS AND CONCLUSIONS IN THE FSEIS SUPPORTING THE DECISION

In developing this findings statement, the Agency has reviewed and considered the FSEIS. The following findings are based on the facts and conclusions set forth in the FSEIS. The FSEIS documents the necessary information needed for its approval and adoption, consistent with the terms and conditions of the APA Act, SEQRA, 6 NYCRR Parts 617 and 618, 9 NYCRR Part 583, 9 NYCRR Part 586, and all other applicable rules, regulations, and policy.

ENVIRONMENTAL IMPACTS

The increase in the amount of allowable new development in Alternative Area 3 may result in significant impacts. Those impacts are described in the FSEIS and summarized as follows:

Developed Area Storm Water Runoff: Development at intensities permitted by Hamlet could increase runoff and associated non-point source pollution of wetlands and nearby

surface waters. Such problems arise when precipitation runoff drains from the land into surface waters and wetlands. Storm water runoff may introduce substances into waters resulting in increased nutrient levels and contamination of these waters. Excessive nutrients cause physical and biological change in waters which affect aquatic life.

The volume of runoff from an area is determined by the amount of precipitation, the filtration characteristics related to soil type, vegetative cover, surface retention and impervious surfaces. An increase in development of the area would lead to an increase in surface runoff to the landscape and nearby wetlands, due to the elimination of vegetative cover and the placement of man-made impervious surfaces.

Erosion and Sedimentation: Nearby surface waters and wetlands could be impacted by activities which tend to disturb and remove stabilizing vegetation and result in increased soil erosion and sedimentation. Erosion and sedimentation may destroy aquatic life, ruin spawning areas and increase flooding potential. Sedimentation can impact wetlands by reducing productivity, altering wetland habitat and eventually leading to the loss of wetlands by infilling.

Adverse impacts to flora and fauna: The proposed action to change to a less restrictive classification may lead to adverse impacts upon flora and fauna due to the potential increase in development adjacent to wetlands. An increase in development can lead to an increase in ecosystem fragmentation, degradation of habitat, and disruption of wildlife movement patterns. The pollution of surface waters, as discussed above, can also degrade wildlife habitat.

Impacts to Visual Resources: Many environmental impacts are often unnoticed in a community; however, visual changes occur rapidly and dramatically. Visual resources add a vital factor for any municipality. Whether or not people choose to visit, live or conduct business in a community depends to a great extent on their visual impression of the community.

The visual resources of Lake Placid and surrounding area define the Adirondack Park for many visitors and residents. Development placed on steeper slopes of the area without proper vegetative screening could have a negative impact on an otherwise aesthetically pleasing landscape. Development located on sections visible from the NYS Route 86 could impact the character and quality of open space associated with this resource.

MITIGATION MEASURES

The APA Act § 805(c)(2)(c) requires that the Agency must find that the "reclassification would be consistent with the land use and development plan, ... taking into account such existing natural resource, open space, public, economic and other land use factors and any comprehensive master plans adopted pursuant to the town or village law, as may reflect the relative development amenability and limitations of the land in question. The agency's determination shall be consistent with and reflect the regional nature of the land use and development plan and the regional scale and approach used in its preparation." The statutory criteria for map amendments balance the various physical, biological, and public resource considerations and provide development opportunities in areas with tolerant resources, thereby protecting the public interest. The application of statutory criteria and evaluation of alternatives is a means to mitigate potential adverse environmental impacts. The map amendment process includes an opportunity for public hearing and comment, which allows for consideration of environmental, social and economic impacts.

The public wastewater treatment system is operated by the Town, under a SPDES permit administered by New York State Department of Environmental Conservation (NYSDEC). Systems that operate under SPDES permits are subject to requirements that minimize the potential for significant environmental impacts, including monitoring,

reporting, and additional review of service area expansion, and can compel permittees to take corrective actions.

Finally, potential development within the map amendment area may require various approvals, including from the Department of Health, Department of Environmental Conservation, and the Adirondack Park Agency. Regulations and procedures governing these approvals would help to mitigate the identified potential adverse environmental impacts.

CERTIFICATION OF FINDINGS

HAVING CONSIDERED the above Findings of Fact and the FSEIS, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 and 9 NYCRR Part 586 implementing Article 8 of the ECL (SEQR) have been met;
2. Consistent with the social, economic and other essential considerations, from among the reasonable alternatives, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the impacts disclosed in the Final Supplemental Environmental Impact Statement.
3. Reclassification of Alternative Area 3 from Moderate Intensity Use to Hamlet would be consistent with the findings and purposes of Section 801 of the Adirondack Park Agency Act, the Adirondack Park Land Use and Development Plan, and the character descriptions and purposes, policies, and objectives of Hamlet areas set forth in Section 805(3)(c) of the Adirondack Park Agency Act and all applicable rules, regulations and policies.

Terry Martino
Executive Director
New York State Adirondack Park Agency

Date

DRAFT