



D R A F T

In the Matter of the Application of

North Country Partners, LP

for an Amendment to the Official
Adirondack Park Land Use and
Development Plan Map

SEQR FINDINGS
STATEMENT AND ORDER

MA 2010-02

SUMMARY

On March 24, 2010, the Adirondack Park Agency received an application, pursuant to Section 805 (2)(c)(1) of the Adirondack Park Agency Act, for an amendment to the Official Adirondack Park Land Use and Development Plan Map to reclassify approximately 9.6 acres of land in the Town of Harrietstown, Franklin County, from Resource Management to Moderate Intensity Use.

To satisfy regional boundary criteria, Agency staff selected boundaries on its own initiative, pursuant to Section 805 (2)(c)(2) of the Adirondack Park Agency Act, to include lands of similar character within regional boundaries as required by Section 805 (2)(c)(5) of the Adirondack Park Agency Act and described in the Agency's Final Generic Environmental Impact Statement (FGEIS) "The Process of Amending the Adirondack Park Private Land Use and Development Plan Map," (August 1, 1979). The proposed map amendment is approximately 53.2 acres in size and is hereinafter referred to as the Proposed Map Amendment Area. The Agency considered two additional alternative geographic areas and two alternative classifications, and preferred reclassifying the Proposed Map Amendment Area to Rural Use.

Pursuant to the Final Generic Environmental Impact Statement (FGEIS), a Draft Supplemental Environmental Impact Statement (DSEIS) was filed on July 8, 2010. A public hearing was held on August 25, 2010 at the Harrietstown Town Hall. On _____, 2012 the Agency filed a Final Supplemental Environmental Impact Statement (FSEIS).

After review of the FGEIS, based upon the facts and conclusions in the DSEIS and FSEIS, as set forth following, and based upon the criteria set forth in Section 805 of the Adirondack Park Agency Act, the Agency approves this map amendment request.

At its regular monthly meeting in Ray Brook, New York on February 17, 2012, the Adirondack Park Agency adopted the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Proposed Map Amendment Area is generally describe as follows:

Beginning at a point at the intersection of the centerlines of Harfs Road and NYS Route 30; thence in a southwesterly direction, perpendicular to the centerline of NYS Route 30 to a point on the shore of Lake Clear; thence in a westerly direction along the shore of Lake Clear as it winds and turns for a distance of approximately 1,800 feet to a point on the centerline of an unnamed stream; thence in a northwesterly direction along said unnamed stream to a point on the State land boundary; thence in a easterly direction along the State/private land boundary; thence in a northerly direction, continuing along the State/private land boundary; thence in a easterly direction, continuing along the State/private land boundary to a point on the centerline of NYS route 30; thence in a southeasterly direction along the centerline of NYS Route 30 to the point of beginning.

2. The Proposed Map Amendment Area is not served by public sewer and a portion of the Proposed Map Amendment Area is served by a seasonal potable water system.

3. The Natural Resources Conservation Service provided a draft soil survey map for this area which identified three soil types in the area of The Proposed Map Amendment Area: Monadnock-Tunbridge-Tahawus complex, Becket-Tunbridge complex, and Burnt Vly-Humaquepts-Pleasant Lake complex. The depth to seasonal high water table varies within the Monadnock-Tunbridge-Tahawus complex soils, making these are suitable for on-site wastewater treatment systems in some areas and unsuitable in other areas. Becket-Tunbridge complex and Burnt Vly-Humaquepts-Pleasant Lake complex are unsuitable on-site wastewater treatment systems due to shallow depth to water table, shallow depth to bedrock or steep slopes.
4. The topography of The Proposed Map Amendment Area ranges from steep (greater than 25% slopes) to nearly level. Steep slopes are primarily found in the northwestern and southwestern portions of the Proposed Map Amendment Area.

Slopes greater than 25%, which pose severe limitations for development which prohibit most uses, comprise approximately 3% of the Proposed Map Amendment Area. Slopes ranging from 15% to 25%, which pose moderate-to-severe limitations for development which can be overcome, but at an expense to the developer, adjoining property owners, the local community and the environment, comprise approximately 23% of the Proposed Map Amendment Area. Slopes ranging from 8% to 15%, which pose moderate limitations for development which can be overcome with careful site design, comprise approximately 3% of the Proposed Map Amendment Area. Slopes ranging from 3% to 8%, which are relatively free of limitations due to topography and pose little or no environmental problems due to topography, comprise approximately 3% of the Proposed Map Amendment Area. Slopes ranging from 0 to 3%, which are generally free from most building and development limitations although there may be problems associated with poor drainage, comprise approximately 3% of the Proposed Map Amendment Area.

5. The elevation in the Proposed Map Amendment Area ranges from approximately 1,600 feet to approximately 1,760 feet in elevation.
6. The primary hydrologic feature in Proposed Map Amendment Area is Lake Clear. NYS Department of Environmental Conservation has classified Lake Clear as a AA(t) water

body. The best usage of Class AA waters are: a source of water supply for drinking, culinary or food processing purposes; primary and secondary contact recreation; and fishing. Classification of (t) denotes a trout inhabited water body. There are also two unnamed streams that flow through the Proposed Map Amendment Area. One stream forms the western boundary of the Proposed Map Amendment Area and is also classified by NYS Department of Environmental Conservation as AA(t) water body. An unclassified stream runs in a north-south direction through the center of the Proposed Map Amendment Area. There are also two small tributaries to the unclassified stream within the Proposed Map Amendment Area. The Proposed Map Amendment Area is located above an unconfined aquifer.

7. According to the Agency's most current wetland maps, there are approximately 5.9 acres of wetlands within the Proposed Map Amendment Area, which are located along both unnamed streams and the shore of Lake Clear.
8. The Proposed Map Amendment Area is serviced by NYS Route 30, a hard-surfaced State maintained road which forms the eastern boundary of the Proposed Map Amendment Area; Carpenter Lane, a private dirt road that runs east and west through the eastern portion of the Proposed Map Amendment Area; and Harfs Road, a private dirt road that lies adjacent to the Proposed Map Amendment Area and intersects with NYS Route 30 and Carpenter Lane.
9. The Hamlet of Saranac Lake, the nearest centers for goods and services, lies approximately 9 miles south of the subject area via NYS Routes 30, 186 and 86.
10. According to data obtained from Franklin County Office of Real Property Tax Service (ORPS) and the NYS Office of Real Property Services, the Proposed Map Amendment Area contains two whole parcels and part of one parcel containing single family year-round residences, ranging in size from 0.6 to 9.9 acres; five parcels classified as seasonal residential, ranging in size from 0.8 to 2.3 acres; four vacant parcels ranging from 0.4 acres to 9.6 acres, and approximately 1.7 acres of a 91 acre scout camp located on the northwestern shore of Lake Clear.

ENVIRONMENTAL EFFECTS

Significant impacts may result from changes in the amount of allowable new development in the area. They are described as to each area in the Draft and Final Supplemental Environmental Impact Statements published for this action, and detailed in the maps therein, showing the locations of sensitive resources, and summarized as follows:

1. Decrease in water quality due to soil and slope conditions: The Proposed Map Amendment Area contains soils with a shallow depth to seasonal high groundwater table, and slopes greater than 15%. These characteristics both pose severe limitations for conventional on-site wastewater treatment systems. Approximately 76% of the Proposed Map Amendment Area contains soils and/or slopes that pose moderate or severe limitations for conventional on-site wastewater treatment systems to function properly. Improperly functioning wastewater treatment systems that do not effectively treat septic effluent can cause pollution to groundwater and/or nearby surface water.
2. 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 subject to Agency jurisdiction under the Adirondack Park Agency Act and the New York State Freshwater Wetlands Act. 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. One species of concern in New York State, the common loon, has been found in Lake Clear. The Adirondack Ecological Center at SUNY ESF, in their model for predicting deer wintering yards identified two areas in the Proposed Map Amendment Area as potential deer winter yards.
3. Adverse impacts due to degradation of the open space and visual resource: The proposed map amendment may lead to adverse impacts on the visual quality of the area. The area is visible from Lake Clear, a popular lake for recreational uses, and NYS Route 30, a scenic Byway. The Proposed Map Amendment Area includes a statutory Critical Environmental Area (CEA) pursuant to the Adirondack Park Agency Act because it is located within 300 feet of a

State highway right-of-way and is currently classified as Resource Management. A reclassification to Rural Use would maintain a CEA but reduce it from 300 ft to 150 ft.

CONCLUSIONS OF LAW

HAVING DULY CONSIDERED the above Findings of Fact and the facts and conclusions from the FSEIS set forth in the above discussion of Environmental Effects, the Agency makes the following Conclusions of Law:

1. The Agency has given consideration to the Final Generic Environmental Impact Statement, "The Process of Amending the Adirondack Park Private Land Use and Development Plan Map," August 1, 1979 and the Draft and Final Supplemental Environmental Impact Statements, and all requirements of 6 NYCRR Part 617 have been met.
2. Reclassification of the Proposed Map Amendment Area from Resource Management to Rural Use 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 Rural Use areas set forth in Section 805(3)(c) of the Adirondack Park Agency Act, and with the regional scale and approach used in the preparation of the Plan Map.
3. 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 effects disclosed in the environmental impact statement.

THE REQUEST having regularly come for consideration and due deliberation having been had, and the Agency having voted to approve the proposed Map Amendment;

NOW, THEREFORE, based upon the request, the above Findings of Fact and Conclusions of Law, and the vote duly taken, it is

ORDERED that the above-described request for amendment of the Official Adirondack Park Land Use and Development Plan Map for the above-described area, in the Harrietstown, Franklin County, be approved:

MA 2010-02: Resource Management to Rural Use ; 53.2± acres

ENTER

ADIRONDACK PARK AGENCY

By _____
James E. Connolly
Deputy Director for Planning

ORDER issued this _____

Day of _____, _____

at Ray Brook, NY