

COVER SHEET
and
NOTICE OF COMPLETION
of
FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (FSEIS)
MA 2010-02 (Harrietstown)

NAME OF LEAD AGENCY AND PREPARER OF FSEIS:

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

PROJECT LOCATION:

Town of Harrietstown
Franklin County

PROPOSED ACTION:

Amendment of the Official Adirondack Park Land Use and Development Plan Map in the Town of Harrietstown, Franklin County (Map Amendment 2010-02) to reclassify approximately 53.2 acres of land, at the request of a private landowner pursuant to the Adirondack Park Agency Act, Section 805 (2)(c)(1), from Resource Management to Moderate Intensity Use.

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DATE OF ACCEPTANCE OF FSEIS BY LEAD AGENCY:

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EXECUTIVE SUMMARY

MA 2010-02

SUMMARY OF PROPOSED ACTION

On March 24, 2010, the Adirondack Park Agency received a completed map amendment application from North Country Partners, LP, for an amendment to the Official Adirondack Park Land Use and Development Plan Map (the Official Map) in the Town of Harrietstown. The application requested that a parcel of land, approximately 9.6 acres in size, the *Requested Map Amendment Area*, - be reclassified from its current classification of Resource Management to Moderate Intensity Use.

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 and described in the Agency’s Final Generic Environmental Impact Statement (FGEIS) on the map amendment process (August 1, 1979). Boundaries were expanded to use regional boundaries which include the entire *Requested Map Amendment Area* and nearby lands which are similar in character. This *Proposed Map Amendment Area* is approximately 53.2 acres. Figure 1 contains a map of northern Harrietstown showing the general location of the Proposed Map Amendment Area.

On July 8, 2010, a Draft Supplemental Environmental Impact Statement (DSEIS) was completed. The DSEIS addressed alternative geographic configurations and classifications. Two alternative geographic configurations were considered that reduce the size of the *Proposed Map Amendment Area*. *Alternative 1* is 23.9 acres and includes only a portion of the *Proposed Map Amendment Area* located along the shoreline, and contains a higher level of existing development than other portions of the *Proposed Map Amendment Area*. *Alternative 2* is 13.3 acres and contains the eastern portion of the *Proposed Map Amendment Area*, along the shoreline, which contains a higher level of existing development. The DSEIS also considered alternative classifications, including Low Intensity Use and Rural Use as well as a No Action alternative, which would be a denial of the map amendment request. A discussion of these alternatives can be found in Environmental Setting section and the Alternative section of this FSEIS.

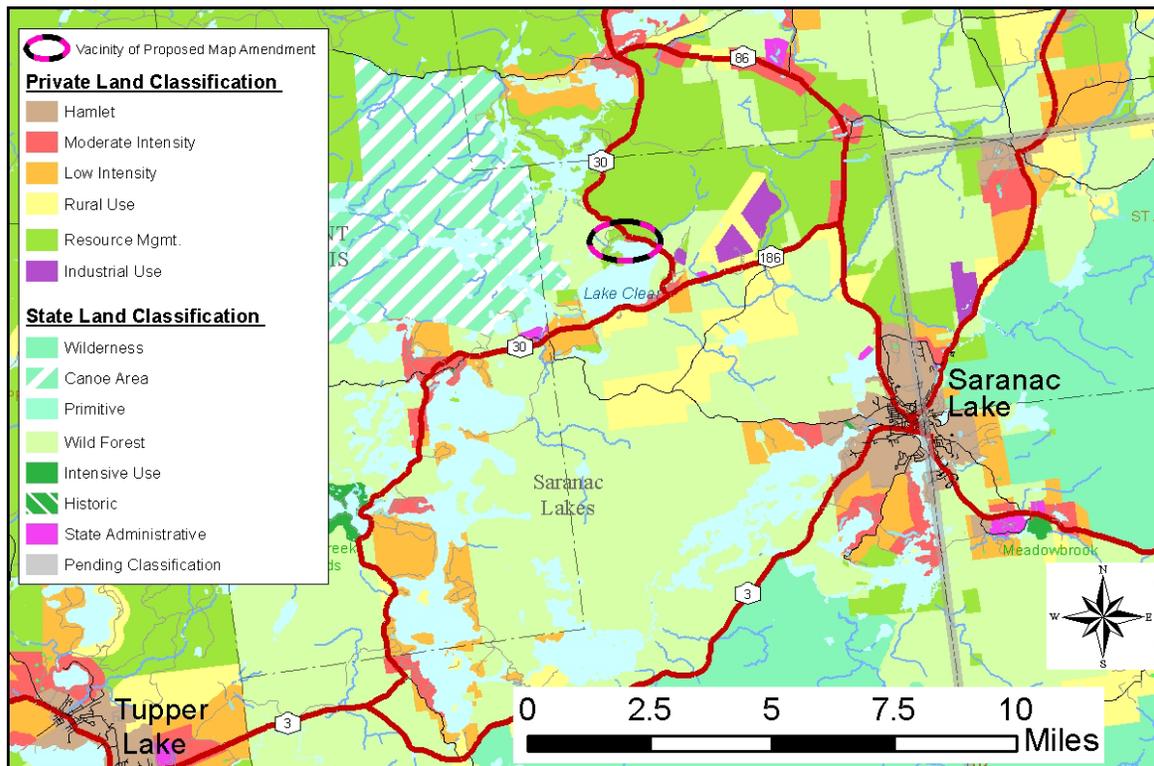


Figure 1. An overview of northern Harrietstown showing the general location of the Proposed Map Amendment Area.

A public hearing was held on August 25, 2010 and 16 comment letters were received during the comment period. A summary from the public hearing and comment letters that were received can be attached as Appendix G and H, respectively. An affected landowner, whose land is included in all geographic alternatives submitted comments before and after the close of the public comment period which questioned the accuracy soils and wetland maps in the DSEIS. After a subsequent field investigation confirming that some portions of the site which were identified as suitable in the DSEIS were confirmed to in fact be unsuitable for onsite wastewater treatment systems due to shallow depth to seasonal high groundwater table, and subsequent discussion with the applicant, the applicant obtained the services of CT Male & Associates, to evaluate the soils on portions of the *Requested Map Amendment Area*.

On July 7, 2011, the applicant’s consultant, CT Male & Associates, and Agency staff evaluated seven deep hole test pits on the *Requested Map Amendment Area*, which is the land owned by the applicant. The seven pits were placed outside of wetland and steep slopes, in locations where Agency staff and the applicant’s consultant thought were representative of the portions of the *Requested Map Amendment Area* that were most likely suitable for wastewater treatment systems. All seven test pits were determined by staff and CT Male and Associates to be suitable for conventional systems, one of which would be suitable for a shallow conventional system. CT Male & Associates submitted a report (the CT Male report) on the investigation. This report is contained in Appendix C of the FSEIS. The affected landowner also obtained the services of a consultant, Adirondack Information Group, who submitted additional information (Adirondack Information Group report) regarding the resource limitations on the *Proposed Map Amendment Area*. The Adirondack

Information Group report, which includes comments on the CT Male report, is contained in Appendix C of the FSEIS

Agency staff have reviewed information on resources, together with supplemental information provided by CT Male and Adirondack Information Group, and have concluded that the area contains substantial acreage of resource limitations including wetlands, steep slopes, and soils with shallow depth to seasonal high groundwater table or shallow depth to bedrock. Based on these limitations taken together with the other considerations including the proximity to Lake Clear and NYS Route 30 and with the existing character of the area, the Preferred Alternative is to reclassify the Proposed Map Amendment Area from Resource Management to Rural Use. A discussion of the Preferred Alternative can be found on Pages 31 and 32 of the FSEIS.

SUMMARY OF ENVIRONMENTAL IMPACTS

Potential impacts resulting from amendments to the Official Map are generally described in the Final Generic Environmental Impact Statement issued by the Adirondack Park Agency on August 1, 1979. Reclassification changes the maximum potential development and the rules governing such development under the Adirondack Park Agency Act. Potential impacts, therefore, are based on changes in potential development.

The major consequence of a change to a less restrictive classification is a potential increase in development intensity due to the relaxation of the “overall intensity guidelines”. The overall intensity guidelines allow 15 “principal buildings” (single family residences or their legal equivalent under the Adirondack Park Agency Act) per square mile (42.7 acres average lot size) in lands classified as Resource Management while Rural Use allows 75 principal buildings per square mile (8.5 acres average lot size). Other classifications considered are Moderate Intensity Use (500 principal buildings per square mile or 1.3 acre average lot size) and Low Intensity Use (200 principal buildings per square mile or 3.2 acre average lot size).

A change in classification may also change the regulations which guide development. For example, in the case of shorelines, a change in classification could also affect the development intensities by changing the minimum lot widths. Minimum shoreline lot width in lands classified as Resource Management is 200 ft while the minimum shoreline lot width in Rural Use is 150 ft. Minimum shoreline lot widths for the other classifications that were considered are Moderate Intensity Use, 100 ft, and Low Intensity Use, 125 ft.

A change in classification could change the type of development that can occur by changing the compatible uses associated with the land classification. For example, commercial uses are not compatible with Resource Management, but are compatible with the other classifications. Appendix B contains a complete list of compatible uses for each classification.

Other potential environmental impacts include:

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. The *Propose Map Amendment Area* is located above an unconfined aquifer. Approximately 77% of *Alternative 1*, and 73% of *Alternative 2* contain soils and/or slopes that pose moderate or severe limitations for conventional on-site wastewater treatment systems.

2) Decrease in water quality due to storm water runoff

Increasing the allowable development intensities to those permitted by the Moderate Intensity Use classification could significantly increase the amount of impervious surface, thereby increasing runoff and associated non-point source pollution of surface waters including streams on the site and the adjacent Lake Clear, which as a classified as an AA water body. The Preferred Alternative, Rural Use, would allow development intensities at a much lower level than Moderate Intensity Use and would likely not lead to a significant increase in impervious surface.

3) 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.

4) 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 subject area is located within 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. The proposed classification would remove the designation of this land as a CEA while the Preferred Alternative would maintain a CEA but reduce it from 300 ft to 150 ft.

The maps and discussions of soils, topography, hydrology and biological considerations that follow show the relative size of the Proposed Map Amendment and alternatives that are subject to these environmental issues.

Appendix D sets out the statutory criteria for Hamlet, Moderate Intensity Use, Low Intensity Use, Rural Use and Resource Management classifications. Appendix C contains land use area determinants, which are characteristics of an area and their land use implications that help guide classification.

SUMMARY OF PROCEDURES UNDER SEQRA

This Final Supplemental Environmental Impact Statement (FSEIS) analyzes the environmental impacts which may result from Agency approval of the proposed map amendment. The Official Map is the document identified in Section 805 (2) (a) of the Adirondack Park Agency Act (Executive Law, Article 27), and is the primary component of the Adirondack Park Land Use and Development Plan, which guides land use planning and development of private land in the Park.

The Agency prepares a Draft Supplemental Environmental Impact Statement, holds a combined public hearing on both the proposed map amendment and the DSEIS, and incorporates all comments into a Final Supplemental Impact Environmental Statement (FSEIS). The FSEIS will include the hearing summary, public comments, and the written analysis of Agency staff, as finalized after the public hearing and comments are reviewed. The Agency then decides (a) whether to accept the FSEIS and (b) whether to approve the map amendment request, deny the request or approve an alternative. Authority for this process is found in Executive Law, Sections 805 (2) (c) (1) and 805 (2) (c) (2) and the State Environmental Quality Review Act (Environmental Conservation Law, Article 8).

SUMMARY OF STANDARDS FOR AGENCY DECISION

The Agency's decision on a map amendment request is a legislative decision based upon the application, public comment, the DSEIS and FSEIS, and staff analysis. The public hearing is for informational purposes and is not conducted in an adversarial or quasi-judicial format. The burden rests with the applicants to justify the changes in land use area classification. Future map amendments may be made when new information is developed or when conditions which led to the original classification change.

Procedures and standards for the official map amendment process are found in:

- a) Adirondack Park Agency Act (Executive Law, Article 27) Section 805
- b) Adirondack Park Agency Rules and Regulations (9 NYCRR Subtitle Q) Part 583;
- c) Appendix Q-8 of the Adirondack Park Agency Rules and Regulations;
- d) Final Generic Environmental Impact Statement: The Process of Amending the Adirondack Park Land Use and Development Plan Map, August 1, 1979.

Section 805 (2) (c) (1) of the Adirondack Park Agency Act provides in pertinent part:

The Agency may make amendments to the Plan Map in the following manner:

Any amendment to reclassify land from any land use area to any other land use area or areas, if the land involved is less than twenty-five hundred acres, after public hearing thereon and upon an affirmation vote of two-thirds of its members, at the request of any owner of record of the land involved or at the request of the legislative body of a local government.

Section 805 (2) (c) (2) of the Adirondack Park Agency Act provides in pertinent part:

The Agency may make amendments to the Plan Map in the following manner:

Any amendment to reclassify land from any land use area to any other land use area or areas for which a greater intensity of development is allowed under the overall intensity guidelines if the land involved is less than twenty-- five hundred acres, after public hearing thereon and upon an affirmative vote of two-thirds of its members, on its own initiative.

Section 805 (2) (c) (5) provides:

Before making any plan map amendment...the Agency must find that the reclassification would accurately reflect the legislative findings and purposes of section eight hundred-one of this article and would be consistent with the land use and development plan, including the character description and purposes, policies and objectives of the land use area to which reclassification is proposed, 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 “purposes, policies and objectives” and the “character descriptions” for the land use areas established by Section 805 of the Adirondack Park Agency Act are shown on the Official Map and set out in Appendix B.

APA Rules & Regulations Section 583.2 outlines additional criteria:

- a) *In considering map amendment requests, the agency will refer to the land use area classification determinants set out as Appendix Q-8 of these regulations and augmented by field inspection.*
- b) *The agency will not consider as relevant to its determination any private land development proposals or any enacted or proposed local land use controls.*

Land use area classification determinants from “Appendix Q-8” of APA Rules & Regulations are attached to this document as Appendix C. These land use area classification determinants define elements such as natural resources, existing development and public considerations and lay out land use implications for these characteristics.

FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

MA 2010-02 (Town of Harrietstown)

On March 24, 2010 the Adirondack Park Agency received a completed application from the North Country Partners, LP, to reclassify an area on the Official Adirondack Park Land Use and Development Plan Map totaling approximately 9.6 acres. The *Requested Map Amendment Area* is presently classified as Resource Management on the Official Adirondack Park Land Use and Development Plan Map. The applicant is requesting that the area be reclassified as Moderate Intensity Use. Figure 2 shows the location of the proposed amendment. The justification section of the application for this map amendment is attached hereto as Appendix A.

Section 805 (2) (c) (5) of the Adirondack Park Agency Act and the Agency's Final Generic Environmental Impact Statement (FGEIS) on the map amendment process (August 1, 1979) requires that a map amendment be regional in scale and follow "regional boundaries" such as roads, streams, municipal boundaries, Great Lot boundaries or standard setbacks from these boundaries. The *Requested Map Amendment Area* does not conform to regional boundary criteria; therefore the area was expanded to include adjacent Resource Management lands of similar character. This expanded area, the *Proposed Map Amendment Area*, is approximately 52.3 acres in size and meets the regional boundary criteria.

PROPOSED ACTION

The North Country Partners, LP, the landowner and applicant, has requested that a parcel of land be reclassified from Resource Management to Moderate Intensity Use. The approximately 9.6 acre *Requested Map Amendment Area* was expanded by Agency staff to use NYS Route 30, the western boundary of the existing Moderate Intensity Use area, the shore of Lake Clear, an unnamed stream and the State land boundary as regional boundaries (described in detail below). Figure 2 shows the *Requested Map Amendment Area* and the *Proposed Map Amendment Area*. The statutory “purposes, policies and objectives” and the “character descriptions” for the land use areas are established by Section 805 of the Adirondack Park Agency Act and can be found in Appendix B of this document.

The Proposed Map Amendment Area is approximately 53.2 acres in size and described 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;

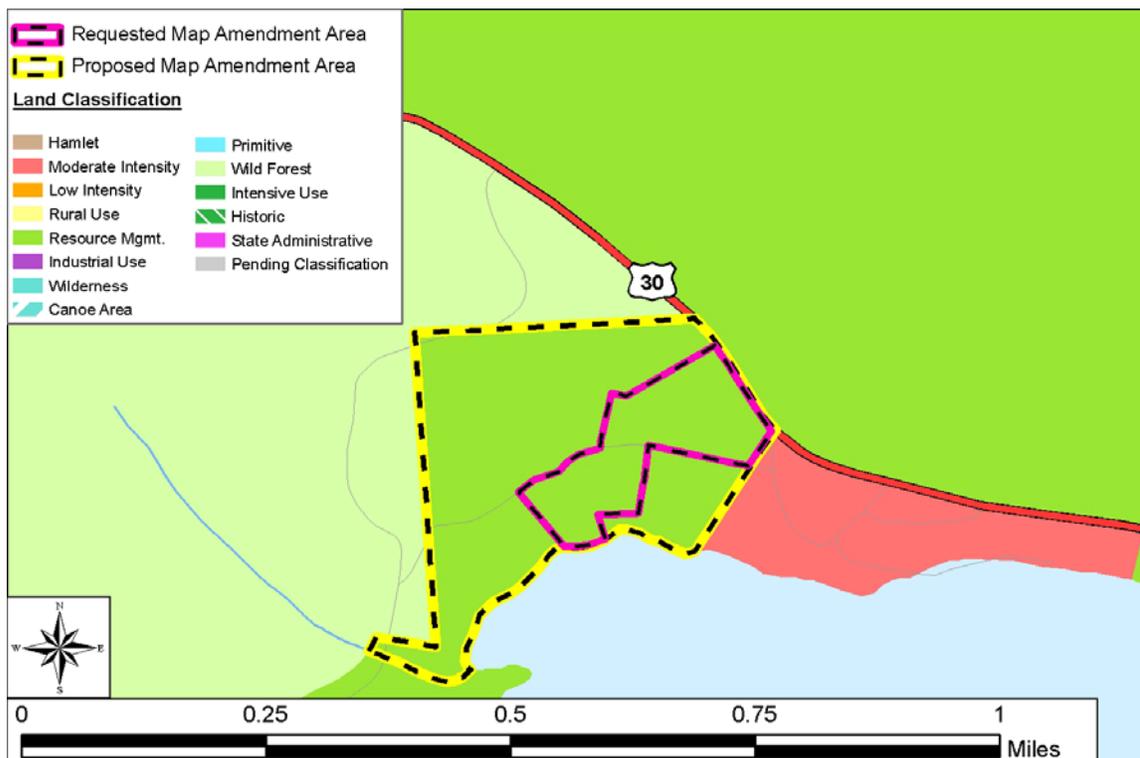


Figure 2. The Requested Map Amendment Area has been expanded to conform to regional boundary criteria.

Alternative 1 – This alternative configuration, which was selected by Agency staff, reduces the size of the *Proposed Map Amendment Area*, by including only the more developed portions of the *Proposed Map Amendment Area*, which is located along the shoreline. *Alternative 1* uses the western boundary of the existing Moderate Intensity Use area, the shore of Lake Clear, an unnamed stream, the State land boundary, and a setback from the shore of Lake Clear as regional boundaries (described in detail below). Figure 3 is a map of *Alternative 1*.

Alternative 1 is approximately 23.9 acres in size and described as follows:

Beginning at a point one-tenth mile from the shore of Lake Clear, on a line that runs perpendicular to the centerline of NYS Route 30 at the intersection of the centerlines of Harfs Road and NYS Route 30; thence in a southwesterly direction along said perpendicular line, 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 an easterly direction along the State/private land boundary; thence in a northerly direction, continuing along the State/private land boundary to a point one-tenth mile from the shore of Lake Clear; thence in an easterly direction along a one-tenth mile setback from the shore of Lake Clear to the point of beginning;

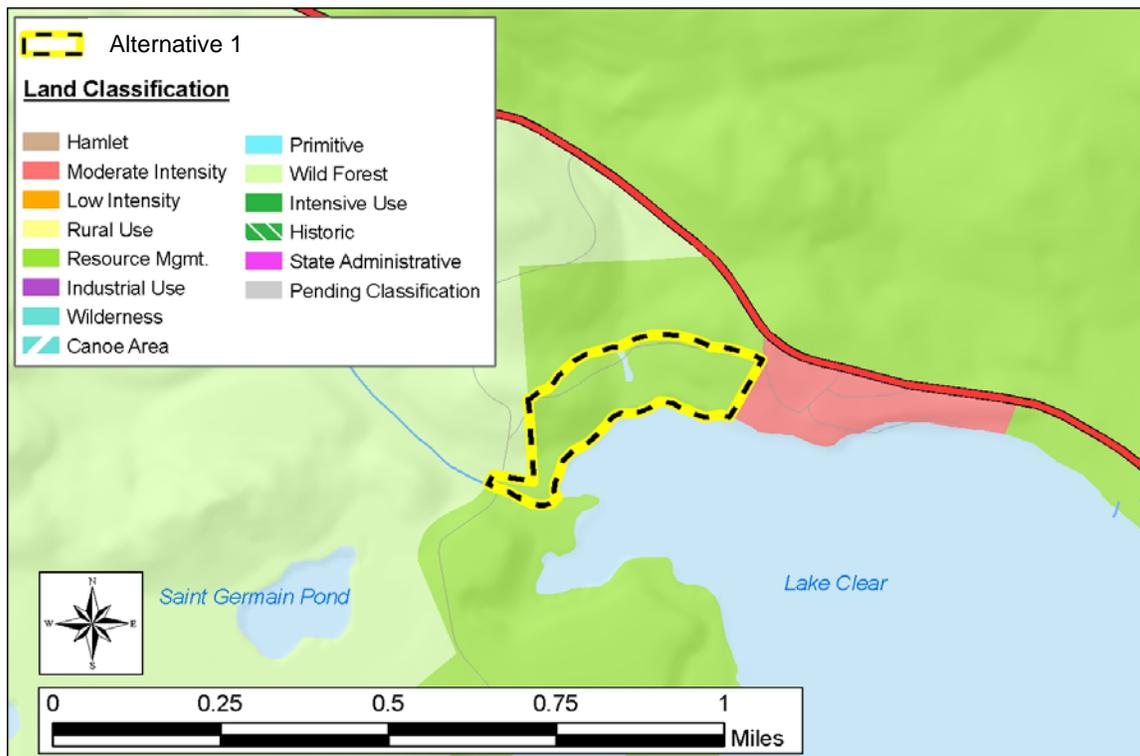


Figure 3. *Alternative 1* reduces the size of the map amendment by including only the southern portion of the *Proposed Map Amendment Area*.

Alternative 2 – This alternative configuration, which was selected by Agency staff, reduces the size of the *Proposed Map Amendment Area*, by including only the more developed portions of the *Proposed Map Amendment Area*, located along the shoreline, and which contains some natural resource characteristics which are more amenable to development. *Alternative 2* uses the western boundary of the existing Moderate Intensity Use area, the shore of Lake Clear, a setback from NYS Route 30, and a setback from the shore of Lake Clear as regional boundaries (described in detail below). Figure 4 is a map of *Alternative 2*.

Alternative 2 is approximately 13.3 acres in size and described as follows:

Beginning at a point one-tenth mile from the shore of Lake Clear, on a line that runs perpendicular to the centerline of NYS Route 30 at the intersection of the centerlines of Harfs Road and NYS Route 30; thence in a southwesterly direction along said perpendicular line, 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 to a point one-quarter mile from the centerline of NYS Route 30; thence in a northwesterly direction along a one-quarter mile setback from the centerline of NYS Route 30 to a point one-tenth mile from the shore of Lake Clear; thence in an easterly direction along a one-tenth mile setback from the shore of Lake Clear to the point of beginning;

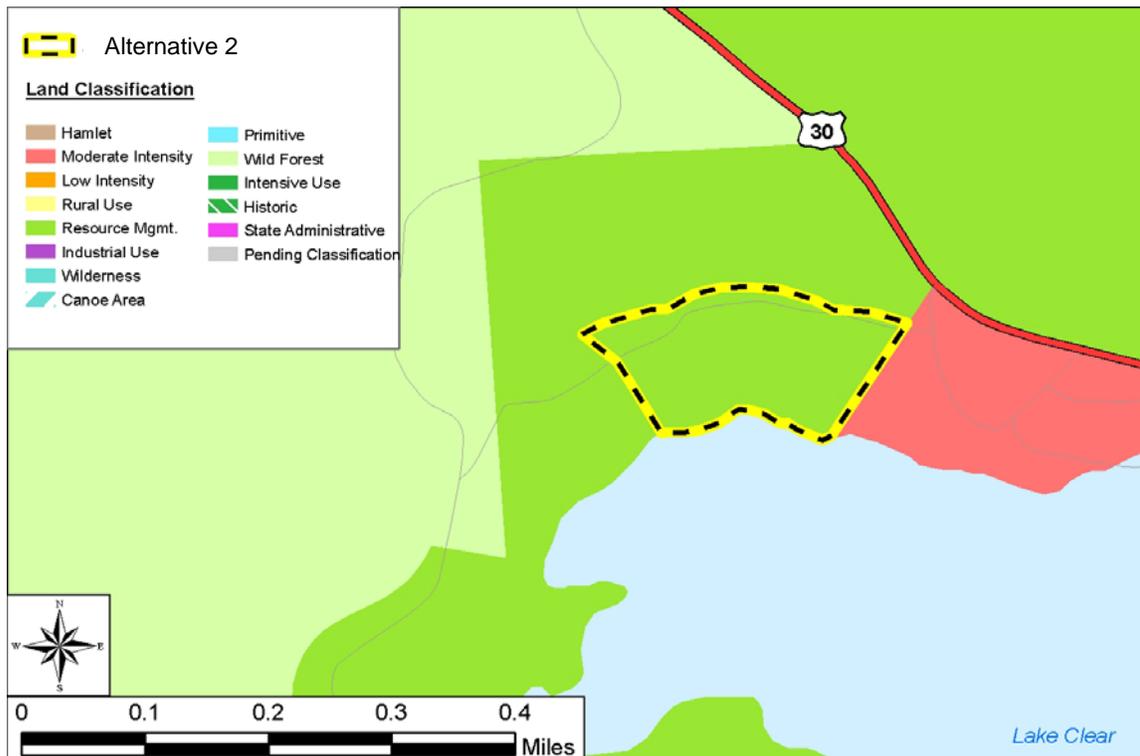


Figure .4 *Alternative 2* reduces the size of the map amendment by including only the southeastern portion of the *Proposed Map Amendment Area*.

The Proposed Map Amendment Area and Alternatives 1 and 2 conform to regional boundaries and therefore can be examined in comparison to the character description, purposes and policies for the proposed Moderate Intensity Use classification, using the factual data which follow and the statutory criteria set forth in Appendix B and summarized below. It is these considerations which govern the Agency decision in this matter.

Resource Management areas (green on the Map) are those lands where the need to protect, manage and enhance forest, agricultural, recreational and open space resources is of paramount importance because of overriding natural resource and public considerations. Open space uses, including forest management, agriculture and recreational activities, are found throughout these areas. Many resource management areas are characterized by substantial acreages of one or more of the following: shallow soils, severe slopes, elevations of over twenty-five hundred feet, flood plains, proximity to designated or proposed wild or scenic rivers, wetlands, critical wildlife habitats or habitats of rare and endangered plant and animal species. Resource Management areas will allow for residential development on substantial acreages or in small clusters on carefully selected and well designed sites. The overall intensity guideline for Resource Management is 15 principal buildings per square mile, or 42.7 acres per principal building.

Rural Use areas (yellow on the Map) are characterized by substantial acreages of one or more of the following: fairly shallow soils, relatively severe slopes, significant ecotones, critical wildlife habitats, proximity to scenic vistas or key public lands. These areas are frequently remote from existing hamlet areas or are not readily accessible. Consequently, these areas are characterized by a low level of development that is generally compatible with the protection of the relatively intolerant natural resources and the preservation of open space. These areas and the resource management areas provide the essential open space atmosphere that characterizes the park. Residential and related development and uses should occur on large lots or in relatively small clusters on carefully selected and well designed sites. The overall intensity guideline for Rural Use is 75 principal buildings per square mile, or 8.5 acres per principal building.

Low Intensity Use areas (orange on the Map) are areas that are readily accessible and in reasonable proximity to Hamlet. These areas are generally characterized by deep soils and moderate slopes, with no large acreages of critical biological importance. Where these areas are located near or adjacent to Hamlet, clustering development on the most developable portions of these areas makes possible a relatively high level of residential development and local services. It is anticipated that these areas will provide an orderly growth of housing development opportunities in the Park at an intensity level that will protect physical and biological resources. The overall intensity guideline for Low Intensity Use is 200 principal buildings per square mile, or 3.2 acres per principal building.

Moderate Intensity Use areas (red on the Map) are areas where the capability of natural resources and anticipated need for future development indicate that relatively intense development is possible, desirable and suitable. These areas are located near or adjacent to Hamlets to provide for reasonable expansion and along highways and accessible shorelines where existing development has established the character of the area. Moderate Intensity Use areas where relative intense development does not exist are characterized by deep soils on moderate slopes and readily accessible to Hamlets. The overall intensity guideline for Moderate Intensity Use is 500 principal buildings per square mile, or 1.3 acres per principal building.

ENVIRONMENTAL SETTING

Adirondack Park Land Use and Development Plan Map

The *Proposed Map Amendment Area*, and *Alternatives 1 and 2*, are part of an approximately 10,000 acre Resource Management land use area that lies adjacent to the northwestern shore of Lake Clear, and extends to the north and east through a large portion of northern Harrietstown and southern Brighton. The *Proposed Map Amendment Area* is bound by Moderate Intensity Use to the east, Resource Management to the northeast and southwest, State land (Wild Forest) to the west and north, and Lake Clear to the south. These Wild Forest lands were part of a 1,200 acre purchase by the State in 1986 from Paul Smiths College. Prior to State acquiring these lands, they were part of this larger Resource Management area. Figure 5 show the general area of the proposed map amendment on the Adirondack Park Land Use and Development Plan map.

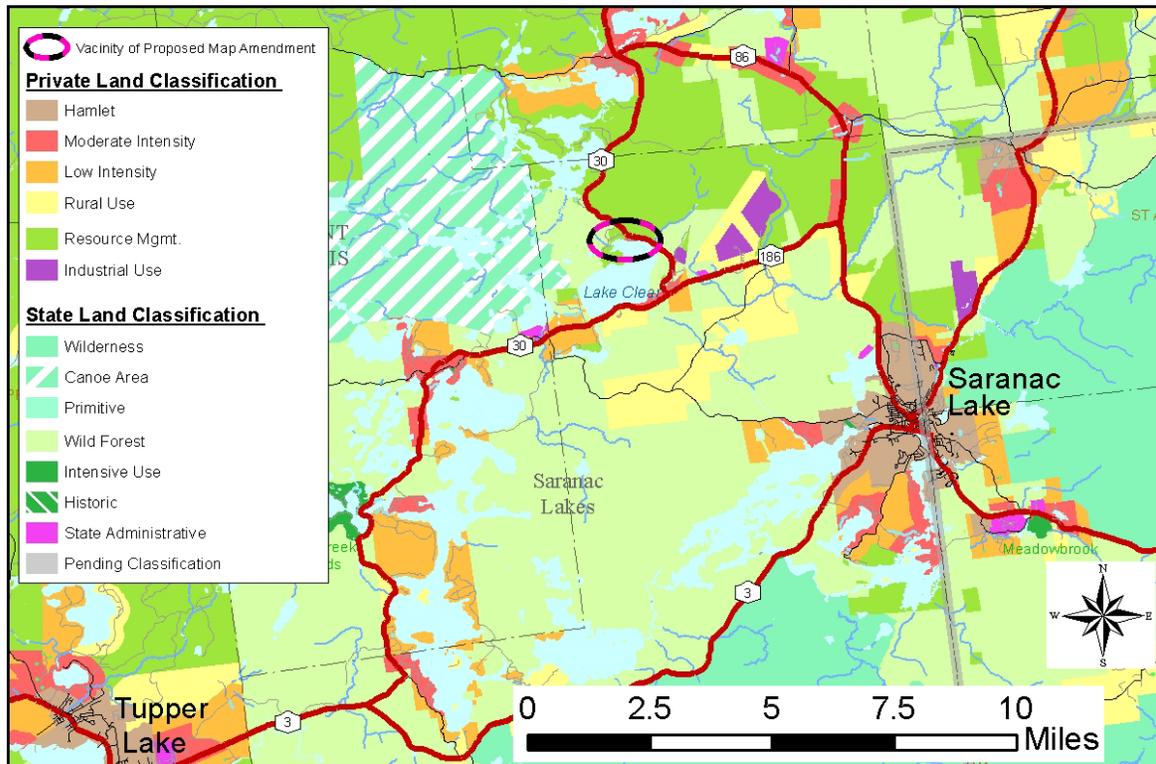


Figure 5. The Proposed Map Amendment Area shown on the Adirondack Park Land Use and Development Plan Map.

Existing Land Use and Services

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.

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.

Electric and telephone services are available to all of the parcels within the *Proposed Map Amendment Area* and Alternative 1. A private water system provides water services seasonally to dwellings in the southeastern portion of the *Proposed Map Amendment Area*. Public sewer is not available to the *Proposed Map Amendment Area* or Alternatives 1 and 2.

According to data obtained from Franklin County Office of Real Property Tax Service and the NYS Office of Real Property Services (ORPS), the *Proposed Map Amendment Area* contains one whole parcel and part of two parcels 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; five 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. Figure 6 shows the existing land use according to Franklin County Office of Real Property Tax Service and OPRS.

Alternative 1 reduces the size of the area by 29.3 acres and contains one year-round residence parcel, three vacant parcels, four seasonal residence parcel, a approximately 1.7 acres of a scout camp parcel.

Alternative 2 further reduces the size of the area by 13 acres and contains one seasonal residential parcel and three vacant parcels.

Fire and rescue services are furnished by the Paul Smiths-Gabriels Fire Department; police protection is available from the New York State Police, located in Ray Brook and Tupper Lake.

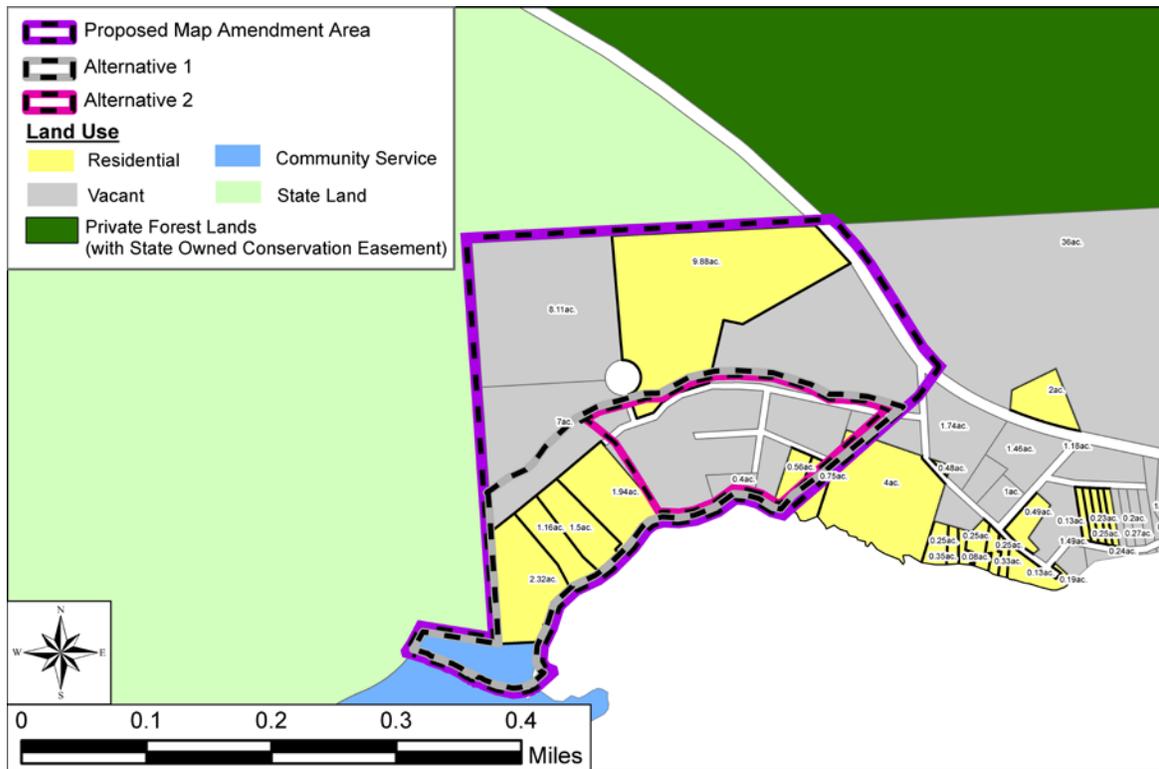


Figure 6. Existing land use in and adjacent to Proposed Map Amendment Area. Inconsistencies exist between tax parcel maps, deeded property descriptions and the Adirondack Park Land Use and Development Plan Map. White areas are not considered part of any tax parcel according the Franklin County Property Tax Maps. (Source Franklin Co, NYS ORPS)

Soils

Subsequent to publishing the DSEIS, the USDA Natural Resource Conservation Service (NRCS) has provided the Agency with detailed soil mapping for this area. These maps, which are in draft form, identify three soils types in the Proposed Map Amendment Area: Monadnock –Tunbridge-Tahawus complex (54%), Becket – Tunbridge complex (42%), and Burnt Vly – Humaquepts – Pleasant Lake complex (4%). Figure 7 is a map containing the detailed soils map provided by the NRCS.

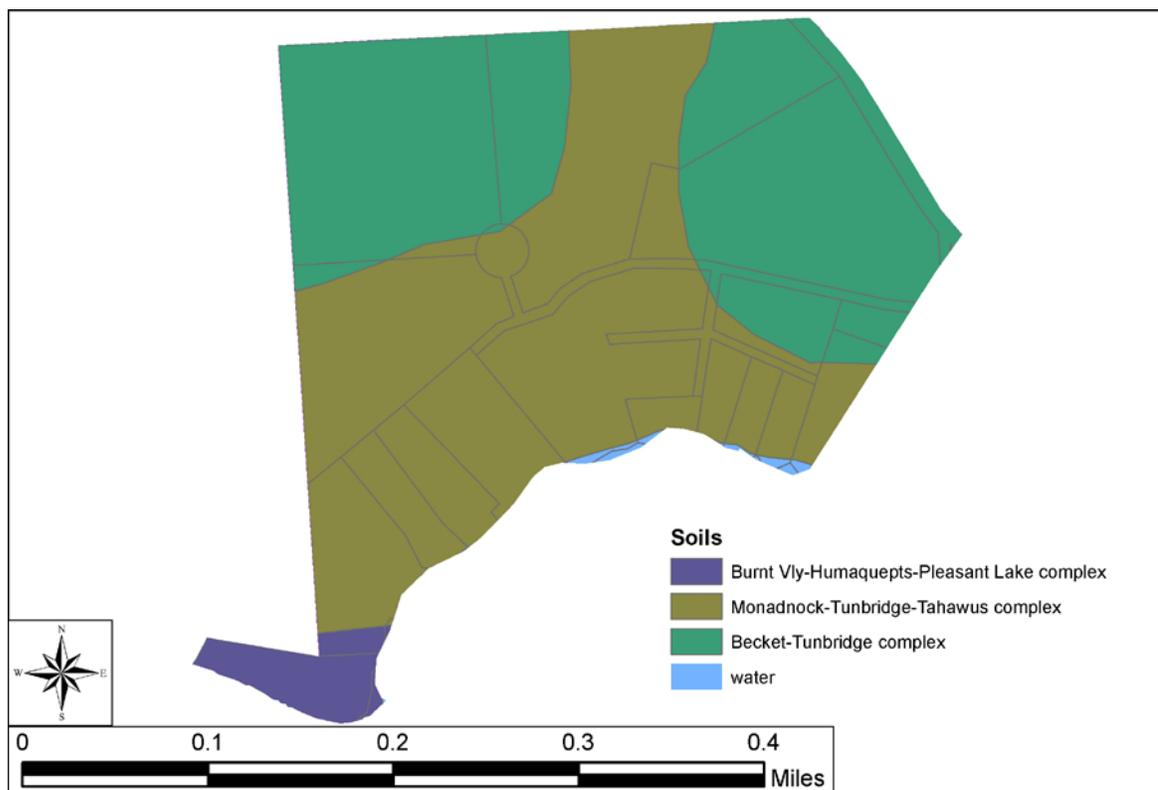


Figure 7. Draft USDA NRCS soils map in the Proposed Map Amendment Area. (Source NRCS)

[Within each of the soil complexes in the Proposed Map Amendment Area, there may be several individual soil series with their own physical properties which may be suitable or unsuitable for development. The following soil series are the dominant soil series that can be expected to be found within the three soil complexes in the Proposed Map Amendment Area.](#)

Monadnock soils consist of very deep, well drained soils that formed in a loamy mantle overlaying sandy till on upland hills, plains and mountain sideslopes. Monadnock soils pose slight limitations for conventional on-site wastewater treatment systems.

Tunbridge soils consist of moderately deep, well drained soils on glaciated uplands, formed on till. Tunbridge soils pose severe limitations for conventional on-site wastewater treatment systems due to shallow depth to bedrock.

Tahawus soils consist of very deep, poorly drained soils that formed in till. Tahawus soils pose severe limitations for conventional on-site wastewater treatment systems due to shallow depth to water table.

Becket soils consist of very deep, well drained soils that formed in a loamy mantle overlaying dense sandy till on drumlins and glaciated uplands. Becket soils pose slight limitations for on-site wastewater treatment systems.

Burnt Vly soils consist of very deep, very poorly drained soils formed in organic material derived mainly from woody plants. Burnt Vly soils pose severe limitations for conventional on-site wastewater treatment systems due to shallow depth to water table.

Humaquepts soils consist of somewhat poorly drained loamy alluvium underlain by dense loamy till located in drainages on end moraines. Humaquepts soils pose severe limitations for conventional on-site wastewater treatment systems due to shallow depth to water table.

Pleasant Lake soils consists of very deep, very poorly drained soils formed in woody organic material in depressions on outwash plains, lake plains, ground moraines, end moraines, and floodplains. Pleasant lake soils pose severe limitations for conventional on-site wastewater treatment systems due to shallow depth to water table.

The NRCS has not published a soil survey for southern Franklin County at the time that this document was published, so the typical percentages of each of these soil series within the soil complexes are not known.

CT Male & Associates was hired by the applicant to exam the soils on their lot. Seven deep hole test pits were examined by CT Male & Associates and Agency staff and all were determined to have adequate depth to seasonal high groundwater table for a conventional wastewater treatment system, while one of the locations would be suitable for a conventional shallow absorption system. The seven locations were selected by CT Male & Associate and Agency staff in order to represent areas most likely suitable for development. The locations were not randomly selected, but were selected to avoid steep slopes, wetland and areas already assumed to have inadequate depth to seasonal high groundwater table. Appendix B contains a report from CT male & Associates (CT Male report) regarding their assessment of the site and the results of their soil test.

An involved landowner obtained the services of Adirondack Information Group, LLC, to review the CT Male report and assess the suitability of the Proposed Map Amendment Area. Appendix C contains the comments and additional information on resource limitations received from Adirondack Information Group. (Adirondack Information Group report). The information CT Male report is based information and observation that was gathered from portions of the *Proposed Map Amendment Area* accessible to the applicant, while the

Adirondack Information Group report was based on information and observations that were gathered from portions of the *Proposed Map Amendment Area* that was accessible to the involved neighboring landowner. Together, this additional information has provided a more complete understanding of the resources on the *Proposed Map Amendment Area*

Monadnock-Tunbridge-Tahawus complex is the most suitable for development of the soils on the site, but the limiting characteristic for development in these soils are the depth the water table. Based on information provided in the CT Male report and Adirondack Information Group report, and through field visits by Agency staff, the depth to seasonal high groundwater table varies throughout this soil complex. Figure 8 shows the relative suitability of the soils within the Proposed Map Amendment Area. Other limitations, such as steep slopes, wetlands and shallow depth to bedrock may also be found within this soil complex. Similarly, while Becket – Tunbridge complex and Burnt Vly – Humaquepts – Pleasant Lake complex are assumed to be unsuitable for development, there may be suitable location within these soil complexes.

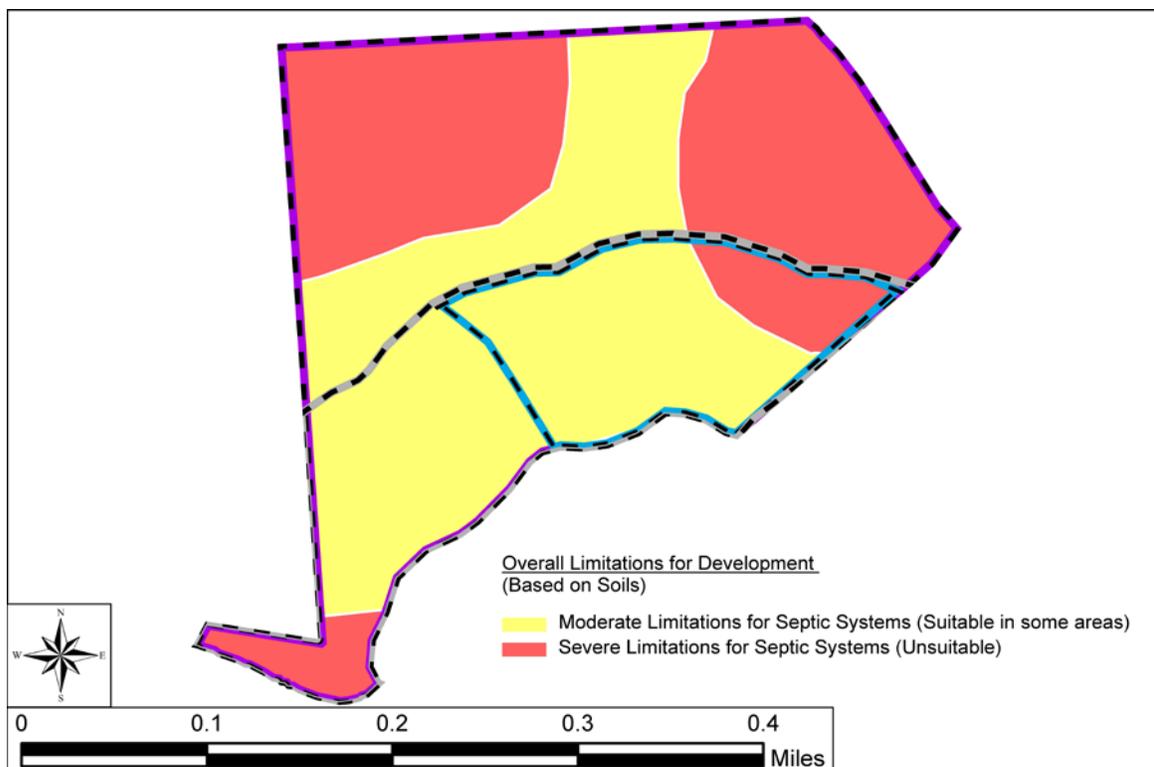


Figure 8. Relative suitability of soils for on-site wastewater treatment systems (Source: USDA NRCS)

Figure 9 is reproduction of the interpretive surficial geology map contained in the CT Male report. This map also shows the locations of the test pits

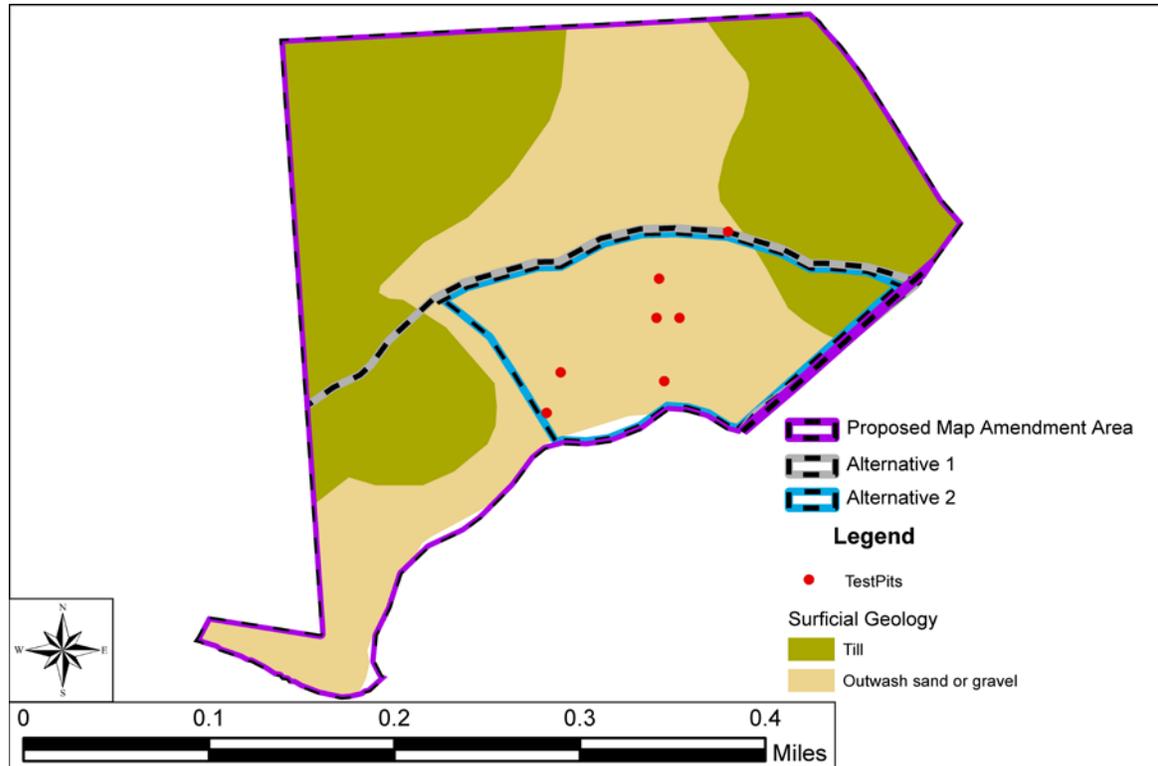


Figure 9.. Surficial Geology Map with deep hole test pit locations provided by CT Male & Associates. (Source: CT Male Report, Appendix B)



Figure 10. Physical Resource Consideration Map provided by Adirondack Information Group. (Source: Adirondack Information Group Report, Appendix C)

Topography

The topography of the 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% pose severe limitations for development which prohibit most uses. Slopes ranging from 15% to 25% 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. Slopes ranging from 8% to 15% pose moderate limitations for development which can be overcome with careful site design. Slopes ranging from 3% to 8% are relatively free of limitations due to topography and pose little or no environmental problems due to topography. Slopes ranging from 0 to 3% generally free from most building and development limitations, although there may be problems associated with poor drainage.

Table 1 shows the percentage of the *Proposed Map Amendment Area* and *Alternatives 1 and 2* that fall in each slope category. Figure 11 shows the locations of the slope categories on the *Proposed Map Amendment Area*.

	Slope Category				
	0-3	3-8	8-15	15-25	25+
Proposed Map Amendment Area	9%	31%	35%	23%	3%
Alternative 1	17%	25%	34%	23%	0%
Alternative 2	18%	32%	41%	9%	0%

Table 1. Slope categories in the Proposed Map Amendment Area and Alternatives 1 & 2.

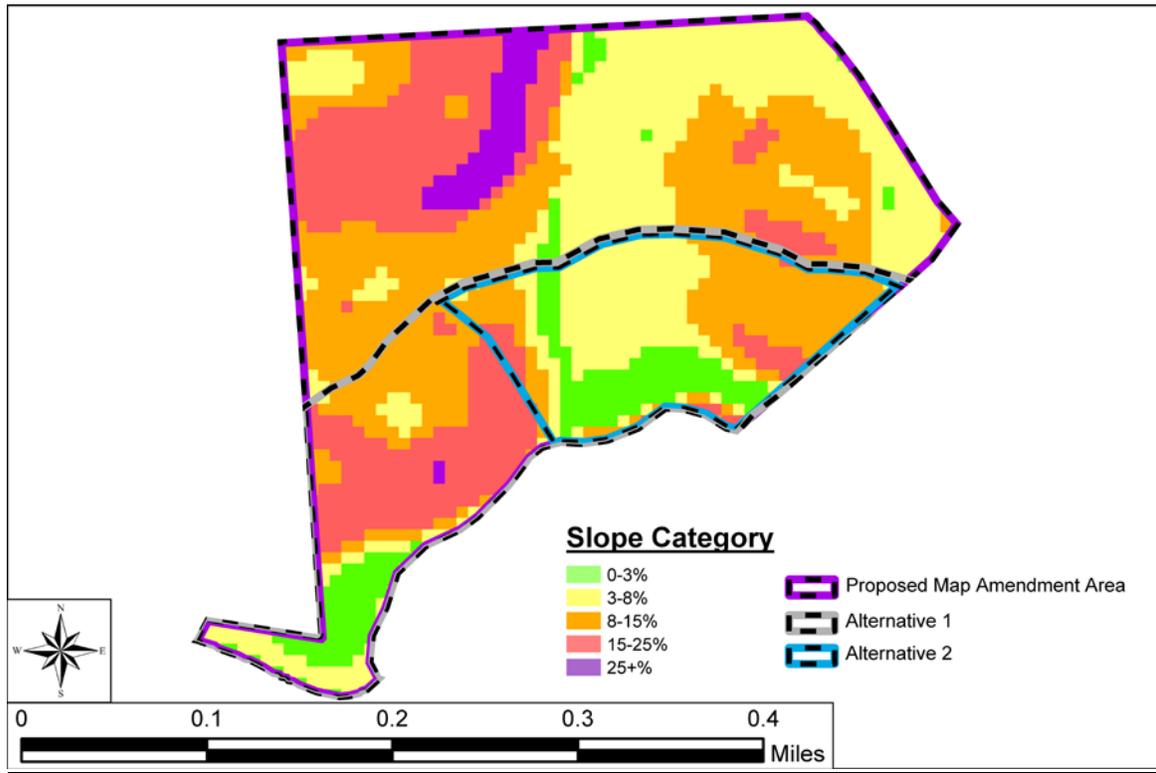


Figure 11. Slopes in the Proposed Map Amendment Area, and Alternatives 1 and 2. (Source 10M DEM)

Elevations

The elevation in the *Proposed Map Amendment Area* ranges from approximately 1,600 feet to approximately 1,760 feet in elevation. *Alternatives 1 and 2* range from approximately 1,600 feet to 1,660 feet in elevation.

Hydrology

Figure 12 shows the surficial hydrologic resources in the Proposed Map Amendment Area. 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. 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 Alternative 1, and is 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 two small tributary streams that appear on the maps in the Adirondack Information Group report (Appendix C). We do not have other maps showing these two tributaries and while some portions of the streams are visible on aerial imagery, it is difficult to see the entire courses of these streams so they do not appear in Figure 12. 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. The *Proposed Map Amendment Area* is located above an unconfined aquifer.

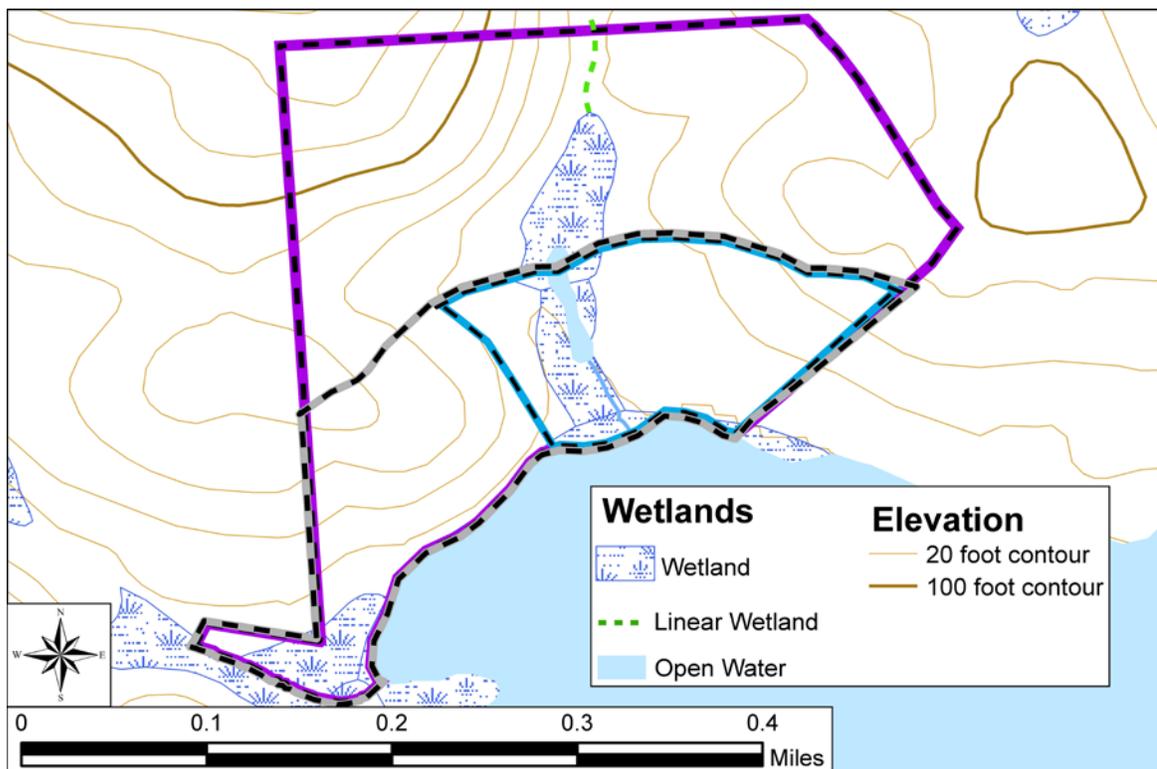


Figure 12. Topography and wetlands within and adjacent to Proposed Map Amendment Area (source: APA Geographic Information System data)

Wetlands

Figure 12 shows the approximate locations of wetlands in the Proposed Map Amendment Area. According to the Agency's most current wetland maps, there are 5.9 acres of wetlands within the *Proposed Map Amendment Area*, which are associated with both unnamed streams. There are also wetlands along the shore of Lake Clear. The Adirondack Information Group report contains a map showing the wetlands they observed on the site. The Adirondack Information Group report did not qualify the accuracy of the mapping. *Alternative 1* contains approximately 4.3 acres of wetlands and *Alternative 2* contains approximately 2.6 acres of wetlands.

Visual Considerations

The *Proposed Map Amendment Area* is visible from NYS Route 30. NYS Route 30, also known as the "Adirondack Trail" is a designated Scenic Byway pursuant to the New York State Scenic Byway Program, and a designated Travel Corridor pursuant to the Adirondack State Land Master Plan. The *Proposed Map Amendment Area* and *Alternatives A, and B* are also visible from Lake Clear, a popular recreational water body.

Critical Environmental Area

Lands classified as Resource Management (present classification) within 300 feet of a State highway right-of-way and Rural Use (an intermediate classification) within 150 feet of a State highway right-of-way are statutory Critical Environmental Areas (CEA) pursuant to the Adirondack Park Agency Act¹. There are no highway CEA's for Low Intensity Use or Moderate Intensity Use. A portion of the *Proposed Map Amendment Area* and *Alternatives A, and B* are within this highway CEA.

¹

¹ These highway Critical Environmental Areas are not Critical Environmental Areas pursuant to 6 NYCRR 617.14(g).

ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION

In order to evaluate the impacts resulting from the proposed map amendment, the Agency assumes that development of the area will occur at the maximum level permitted by the proposed land use classification.

Increased development may lead to potential increases in:

- A. On-site Sewage Disposal Discharge and Leaching: As noted in the discussion of soils, above, 46% of the *Proposed Map Amendment Area*, 64% of *Alternative 1*, and 26% of *Alternative 2* contain soils which pose severe limitations for on-site septic systems, while the remainder of these areas contain lands which may have inadequate depth to a seasonal high groundwater table. One of the most important natural characteristics in determining the potential for development of land without access to public sewer treatment facilities are the types and depths of soils and their ability to accommodate construction and effectively treat on-site septic effluent. Under the correct conditions, dry, well-drained soils, such as sand and gravel deposits, result in dry basements and properly functioning septic systems. Soils with shallow depth to water table do not have adequate depth to effectively treat septic effluent and can cause pollution to groundwater and/or nearby surface water. Consequently, intense development should not occur in these areas (see Appendix C-land use area classification determinants).

The suitability of land to support a properly functioning septic system is a function of soil and slope. Slopes greater than 15% will not allow a drain field to treat septic effluent properly. 35% of the *Proposed Map Amendment Area* contains soils and/or slopes which pose moderate limitations for conventional on-site wastewater treatment system and 65% pose severe limitations. Within Alternative 1, 47% of the area poses moderate limitations for conventional on-site wastewater treatment systems and 53% pose severe limitations. Within Alternative 2, 53% of the area poses moderate limitations for conventional on-site wastewater treatment systems and 47% pose severe limitations. Figure 13 shows the relative suitability for conventional on-site wastewater treatment systems based on soils, slopes and wetlands.

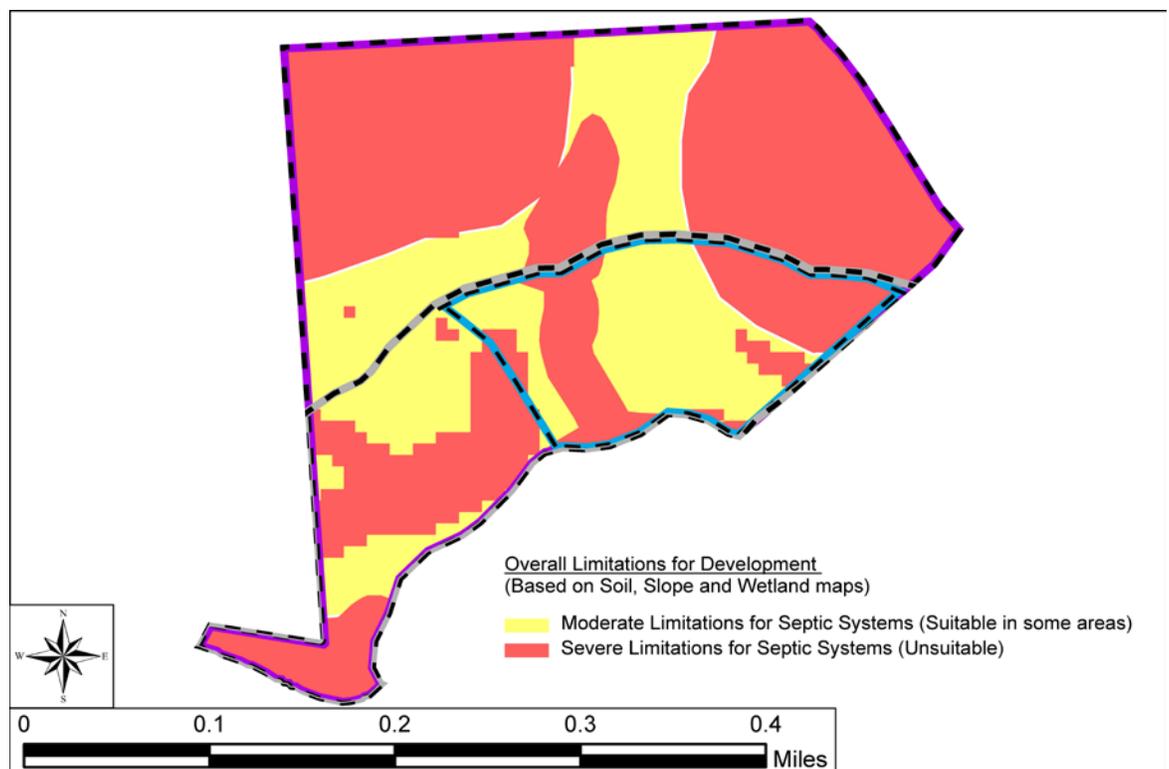


Figure 13. Relative Suitability for conventional on-site wastewater treatment systems based on soils, slope and wetland maps. (source: USDA NRCS, APA Geographic Information System data)

- B. Developed Area Storm Water Runoff: Development at intensities permitted by Moderate Intensity Use could increase runoff, and associated non-point source pollution of streams and wetlands. Such problems arise when precipitation runoff drains from the land into surface waters and wetlands. 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. Intensities permitted by Low Intensity

Use and Rural Use could impact storm water runoff to a lesser degree.

- C. Effects on Water Resources: The water resources of Lake Clear could be impacted by activities which tend to disturb and remove stabilizing vegetation and result in increased runoff, soil erosion, and stream sedimentation. Erosion and sedimentation may destroy aquatic life, ruin spawning areas and increase flooding potential. Storm water discharge (urban 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.
- D. Effects on Wildlife: Development can impact wildlife in many ways. Development can increase ecosystem fragmentation, degrade wildlife habitats and disrupt wildlife movement patterns. Specific population levels of wildlife for the area are unknown. In general, wildlife species typical of Adirondack forests may be found in forests within the subject area. 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. According to the NYS Natural Heritage Program database the common loon (*Gavia immer*), a species of concern, is found on Lake Clear. Environmental impacts to water resources may adversely affect this species.
- E. Effect of Visual Resources: The proposed map amendment may lead to adverse impacts on the visual quality of the area. The area is visible from NYS Route 30 (a designated Scenic Byway) and Lake Clear. The subject area is located within 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 classified as Resource Management
- F. Historic Impacts: The proposed map amendment will not cause any change in the quality of “registered”, “eligible” or “inventoried” property for the purposes of implementing Section 14.09 of the New York State Historic Preservation act of 1980.

ALTERNATIVE ACTIONS

There are three categories of alternatives addressed by this document:

A. No action

One alternative action is “no action” or denial of the request. A failure to approve any change would preserve the present pattern of regulatory control.

B. Alternative regional boundaries

The redefinition of the *Proposed Map Amendment Area* along alternative regional boundaries could be employed to reduce the size of the area by excluding land that may fit less with the character of the proposed classification. *Alternative 1* reduces the size of the area to approximately 23.9 acres of additional land by including only the more developed portions of the *Proposed Map Amendment Area*, which is located along Lake Clear. *Alternative 2* reduces the size of the area to 13.3 acres and includes only the more developed portion with natural resources that are more amendable to development.

C. Intermediate classification

The land under review for this map amendment proposal is classified as Resource Management, the most restrictive classification. Request is to reclassify this area as Moderate Intensity Use. There are two intermediate classifications that can be considered: Rural Use and Low Intensity Use.

A decision could include a combination of alternative regional boundaries and alternative classifications.

PREFERRED ALTERNATIVE

The preferred alternative is to reclassify the 53.2 acre Proposed Map Amendment Area from Resource Management to Rural Use. The character of the Proposed Map Amendment Area fits with the character description of Rural Use as described in Section 805(3)(f)(1) in that it contains substantial acreages of severe slopes, shallow soils and is in close proximity to key public land (Lake Clear) and public vistas (NYS Route 30). The Rural Use will allow for continued preservation of the open space resources, allow for a small amount of additional development consistent with the relatively low tolerance of the area’s natural resources and be consistent with the existing character of area.

The reclassification of the 53.2 acre Proposed Map Amendment Area, Alternative 1 or 2 to Moderate Intensity Use or Low Intensity Use was not preferred. The extent of steep slopes and shallow soils make the Proposed Map Amendment Area unsuitable for the intensity of development allowed under Moderate Intensity Use and Low Intensity Use.

The “no action” alternative, or a denial of this map amendment, was not preferred because the area is more fitting of the character of the Rural Use classification. The character descriptions of Rural Use (Section 805(3)(f)(1)) and Resource Management (Section 805(3)(g)(1)) are similar in they both contain substantial acreages of severe resource limitations. Key differences include the relative severity of the resource limitations. In Rural Use areas, “the natural resource limitations and public considerations necessitate fairly stringent development constraints.” The character descriptions of Resource Management (Section 805(3)(g)(1)) reads: “the need to protect, manage and enhance forest, agricultural, recreational and open space resources is of paramount importance because of overriding natural resources and public considerations.” While much of the Proposed Map Amendment Area contains severe resources limitation, soil investigations have shown that there are areas within the Proposed Map Amendment Area that contain soils and slopes that are suitable for development.

Section 805(3)(g)(1) further states that “Open space uses, including forest management, agriculture and recreation activities are found throughout these (Resource Management) areas.” The Proposed Map Amendment Area is part of an approximately 10,000 acre Resource Management area which contains extensive tracts of land in active forest management, agricultural uses and recreational uses. The Proposed Map Amendment Area, which is separated from the much of the Resource Management area by NYS Route 30, contains primarily residential uses on relatively small lots with no forest management, agricultural uses or recreational uses of an extent substantial enough to define the character of this area.

An involved landowner submitted comments which spoke in opposition to the reclassification of the Proposed Map Amendment Area to Rural Use:

“Both Rural Use and Resource Management are deemed to be appropriate to the open space lands of the Adirondack Park. It is a question of degree and the relative need for resource protection. The Description for Rural Use says that development is at low levels that are compatible with the protection of the ...resources. Hence the density of development must be appropriate to the resources present. Clearly this land cannot support the number of new lots that would be allowed under Rural Use; the minimum shoreline lot size in Rural Use that could be allowed without an Agency Permit is 1.84 acres!

In Rural Use very different regulatory review standards will apply to the land. Subdivision in Rural use of up to 5 lots could be undertaken without an Agency permit. The compatible use list is weakened: junkyards, waste disposal areas and industrial uses become compatible uses.”

The Potential Development section (Page 33) of this FSEIS estimate discusses the estimated increase in potential development that would result in a reclassification to Rural Use.

A comment letter was received from one other involved landowner. This involved landowner supports the requested change to Moderate Intensity Use but was silent on a change to an intermediate classification, including Rural Use. These and other comment letters are contained in Appendix H of this FSEIS.

POTENTIAL DEVELOPMENT

If a map amendment is approved, different Agency regulations that affect development potential would apply. A change in land use classification will affect regulatory thresholds related to overall intensity guidelines and compatible uses as set forth in Section 805 of the Act, and the statutory minimum shoreline setbacks and lot widths as set out in Section 806 of the Act, which varies by classification. Potential for development criteria would also depend on whether an Agency permit is required pursuant to Section 810 of the Act, the number of lawfully pre-existing lots and structures and development privileges for such pre-existing lots based on Section 811 of the Act, and constraints resulting from environmental factors.

The overall intensity guidelines allows one “principal buildings” (single family residences or their legal equivalent under the Adirondack Park Agency Act) per 42.7 acres (average minimum lot size) in lands classified as Resource Management while lands classified as Moderate Intensity Use allows a 1.3 acre average minimum lot size. Intermediate classifications are Rural Use, (8.5 acres average minimum lot size), and Low Intensity Use (3.2 acre average minimum lot size). Section 802 (50)(e) of the APA Act provides that motel, hotel or similar tourist accommodation units or tourist cabins of less than 300 square feet constitute one-tenth of a principal building. There are currently 6 principal buildings in the *Proposed Map Amendment Area*. Under the existing configuration of lawful lots and current classification of Resource Management, at full build out the *Proposed Map Amendment Area* has a potential for an estimated 8 principal buildings because one principal building could be built on each of two vacant lots. Under the Preferred Alternative of Rural Use (average minimum lot size of 8.5 acres), the applicant’s lot (the *Requested Map amendment Area*), which is 9.6 acres and does not have a principal building allowance under the current classification because of a prior Agency permit, would gain one principal building. Additionally, a 9.9 acre parcel with an existing residence could potential gain one principal building which would and increase the total potential principal buildings in the *Proposed Map Amendment Area* to 10 principal buildings. Under the Preferred Alternative of Rural use, the Proposed Map amendment could gain a total of two potential principal buildings.

Because some of the lots subject to this map amendment are shoreline, the potential build-out would also be controlled by the minimum shoreline lot widths and minimum shoreline lot sizes. Minimum shoreline lot width in lands classified as Resource Management is 200 ft, Rural Use is 150 ft, Low Intensity Use is 125 ft, and Moderate Intensity Use is 100 ft. Minimum shoreline lot size in lands classified as Resource Management is 42.7 acres, Rural Use is 1.84 acres, Low Intensity Use is 1.15 acres and Moderate Intensity Use is 0.57 acres. If a project did not fall under Agency jurisdiction, under the Preferred Alternative of Rural Use, only the applicant’s lot (Requested Map Amendment Area) is large enough to be

subdivided into two shoreline lots (3.68 acres or 2 x 1.84 acres). However, due to the presence of wetlands along the shoreline and elsewhere on the parcel, and prior determinations of the Agency, it is likely that any subdivision of this nature would require an Agency permit and therefore subject to overall intensity guidelines of Rural Use. Table 2 shows the estimated change in potential development.

	Resource Management (existing classification)	Rural Use (preferred alternative)
Existing Principal Buildings	6	6
Potential New Principal Buildings	0	2
Potential Single Family Dwellings (SFD) under Sec. 811	4	4
Total Potential Development (Principal Buildings and/or SFD Potential)	10	12

Table 2. Estimated change in potential development

LAND AREA AND POPULATION TRENDS

The Town of Harrietstown is approximately 136,164 acres in size, including water bodies, and is classified on the Official Adirondack Park Land Use and Development Plan map as follows:

Land Classification	Acreage
Hamlet	1,601
Moderate Intensity	1,590
Low Intensity	2,480
Rural Use	5,085
Resource Management	23,402
Industrial Use	578
State Land	91,035

Table 3. Land classification in the Town of Harrietstown

Population Growth Trends: The population of the Town of Harrietstown was 5,488 in 2010, a decrease of 133 persons (2%) since 1990. The table below compares population growth of the Town of Harrietstown in both absolute and percentage terms as compared to five towns that surround it.

Population of Harrietstown and Surrounding Towns
(ranked by rate of growth)

Town	Year			Change from 1990-2010	
	2010	2000	1990	Number	Percentage
Santa Clara	392	395	311	81	26%
North Elba	8,810	8,661	7,870	940	12%
Brighton	1,504	1,682	1,511	-7	0%
Harrietstown	5,488	5,575	5,621	-133	-2%
St. Armand	1,254	1,321	1,318	-64	-5%
Tupper Lake	3,799	3,935	4,087	-288	-7%

Table 4. Population Trends (Source: U.S. Census Bureau, 2010, 2000 and 1990 Census)

IMPACTS OF MAP AMENDMENTS

- A. Economic Gain to the Local Community: Subdivision and improvement of undeveloped lands adds to the local tax base. The net benefit of new development depends on the exact nature of the development that occurs and its additions to local tax and business revenues when compared to increased cost associated with solid waste disposal, schools and other community services.
- B. Demand on Other Community Facilities: Residential, commercial or industrial development may require public services from both local and neighboring governments. Increased development would increase the demand for public services that both local and neighboring governments, as well as the private sector, must provide. Some of the services most affected by increased commercial and/or residential development are: solid waste disposal, public sewer, public water, public school systems, roads and road maintenance (snow removal, traffic control, repair, etc.), police, fire and ambulance service. An increased in demand may reduce costs by spreading the costs of these services to more individuals.
- C. Effect on Existing Residential Development in and Adjacent to the Map Amendment Areas: Land uses in and adjacent to these areas are primarily residential. The change in the map, which would allow a greater density of development, could change the existing character of the area.
- D. Effect on Noise Quality: The predominant low levels of noise from existing undeveloped areas or predominantly residential areas could change dramatically with commercial or industrial uses. Both fauna and nearby residential use could be affected by noise from traffic serving an industrial, commercial or residential use, the activity itself and/or associated or subordinate uses.
- E. Effect on Air Quality: The predominant determination of air quality in the area is wind speed and direction and the presence and activity of upwind pollution sources. The change in classification from Resource Management to Rural Use, Low Intensity Use or Moderate Intensity Use will not create any actual or potential sources of air pollution. However, since many existing dwellings rely on wood as a primary or secondary heat source, an increase in development may result in a minor increase in the amount of wood smoke. Localized impacts would also result from any increase in traffic serving commercial and residential development.

ADVERSE ENVIRONMENTAL IMPACTS WHICH CANNOT BE AVOIDED

Reclassification to a new Adirondack Park Land Use and Development Plan land use area itself does not create environmental impacts. However, the development that could result may create impacts as outlined above and as specified in the Generic Environmental Impact Statement. These effects can be mitigated by State and local permit requirements or mitigation measures identified in the discussion of alternatives.

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Potential environmental impacts are outlined above. To the extent that development occurs as a result of the map amendment, the consequent loss of forest and open space resources and degradation of water quality are the primary irreversible commitment of resources.

MITIGATION MEASURES

The discussion of alternatives in this FSEIS allows the Agency to evaluate the reasonableness of the amendment application and the potential adverse impacts of reclassification. However, because the only means of mitigating those impacts is the exclusion of locations within the area most affected or impacted by the reclassification, the discussion of alternatives becomes necessarily a discussion of mitigation.

GROWTH-INDUCING ASPECTS

The area is presently classified Resource Management on the Official Adirondack Park Land Use and Development Plan Map. As stated above, the statutory “overall intensity guidelines” for Resource Management allows one principal building for every 42.7 acres; Rural Use, one principal building for every 8.5 acres, Low Intensity Use, one principal building for every 3.2 acres; and for Moderate Intensity Use, one principal building for every 1.3 acres; and for Hamlet, no overall intensity guidelines. Therefore the proposed amendments would allow a potential net increase in principal buildings within the map amendment area. (See Land Area and Population, for the current land use area acreage and census information for the Town of Harrietstown)

USE AND CONSERVATION OF ENERGY

Increasing the number of allowable principal buildings in the amendment area will potentially increase energy use in proportion to the number, type and energy efficiency of principal buildings actually built.

SOLID WASTE

An increase in the number of principal buildings (see Section G: Growth-inducing Aspects) would lead to an increase in the amount of solid waste generated. Solid waste reduction/reuse/recycling programs could lessen disposal costs.

RESPONSE TO PUBLIC COMMENTS

(Comments are in bold font)

1. The 9.6 acres (Requested Amendment Area) are located on the shore of Lake Clear and easily accessible to Route 30 with moderate slopes and deep soils, which fit the character description of Moderate Intensity Use. The 9.6 acres are not characterized by substantial acreage of steep slopes, high elevation, flood plains or critical habitat, which is the character of Resource Management.

Response: Section 805 of the Act does describe Moderate Intensity Use as being located along accessible shorelines and state highways, but it further states that in Moderate Intensity Use areas where relatively intense development does not already exist are characterized by deep soils and moderate slopes. The 9.6 acre Requested Map Amendment Area is does contain a substantial percentage of steep slopes, wetlands and shallow soils (shallow depth to seasonal high ground water table).

2. The Moderate Intensity use classification is fitting because it is adjacent to a Moderate Intensity Use.

Response: Section 805 of the Act states that in Moderate Intensity Use areas where relatively intense development does not already exist are characterized by deep soils and moderate slopes. Relatively intense developed does exist in adjacent Moderate Intensity Use area. While staff did not do a thorough investigation of resources in the adjacent Moderate Intensity Use area, a review of topography maps and wetland maps show that there are significantly higher composition of steep slopes and wetlands in the *Proposed Map Amendment Area*.

3. There are no severe resource impediments on the entire Alternative 2 area.

Response: There are severe resource impediments on the Alternative 2 area in the form of wetlands, soils with shallow depth to seasonal high groundwater table and steep slopes. This comment was based on resource maps in the DSEIS which did not reflect the extent of wetlands and soils with shallow depth to seasonal high groundwater as we know today. A significant portion of soils identified as Berkshire (adequate depth to seasonal high groundwater table) in maps in the DSEIS are now known to have inadequate depth to the water table. Also, an area shown as open water on the DSEIS is now known to be wetland.

4. The map amendment itself would have no impact because the applicant has no plans to develop or change the land.

Response: The agency does not consider private development proposals in its map amendment consideration. While it is true that a change to the Adirondack Park Land Use and Development Plan map itself has no environmental impacts, it does change the maximum potential development and the rules governing such development under the Adirondack Park Agency Act. Potential impacts, therefore, are based on changes in potential development

5. The Agency should be mindful of any potential precedent of reclassifying the land as Moderate Intensity Use.

Response: Section 805 of the Act outlines a process for amendment the Official Map. The Agency has entertained and approved many map amendments since 1973, including changes from Resource Management to Moderate Intensity Use. Every map amendment area has unique characteristics and therefore a potential change is not itself precedent setting.

6. The Agency should be mindful of the open spaces and character of the lake.

Response: A statutory purpose of the preferred alternative of Rural Use is to preserves the open space character of Rural Use areas.

7. Increase in development in this area would increase boat traffic on Lake Clear which would degrade water quality and may have a negative impact on loons.

Response: Residential development increases demand for recreational resources. The impacts resulting from the increase in demand on recreational resources that the Preferred Alternative of Rural Use would allow is likely not substantial.

8 Would development be disruptive of streams?

Response: Development results in impervious surfaces thereby altering the rate and quantity of flow into streams. The increase in impervious surfaces resulting from the Preferred Alternative of Rural Use is not likely to be disruptive of the streams on the site.

9. The proposed map amendment would allow future construction of too many houses in an area that already at a reasonable density limit. The potential sewage and other runoff are likely to over-stress the ecological balance of Lake Clear.

Response: Properly located and constructed septic systems should not result in a septic effluent flowing into Lake Clear.

10. Another classification that would increase the potential development by 5-10 houses is possibly more appropriate.

Response: The Preferred Alternative of Rural Use will result in an increase in development potential by fewer than 5 houses.

11. The DSEIS does not make clear how many seasonal residences currently exist in each of the three alternative areas.

Response: Without a survey, it is difficult to determine exactly where a structure is located in relation to the regional boundaries used in Alternatives 1 and 2. The discussion of Existing Land Use and Services in the FSEIS estimates that in the Proposed Map Amendment Area and Alternative 1, there are five seasonal residences, while alternative 2 contains two seasonal residences.

12. The DSEIS does not specify the existing average building density (average lot size or buildings per square mile). Consequently, the potential development under each alternative cannot be calculated. The discussion of potential development does not factor in the development already existing on lots that are substantially smaller than 1.3 acres (average minimum lot size of Moderate Intensity use), and therefore the overall intensity guidelines would be substantially exceeded upon build-out.

Response: Overall intensity guidelines are only one factor used in determining potential development. The existing lot configuration, shoreline lots widths and minimum shoreline size and environmental factors determine the potential build out. The current density exceeds the current classification of Resource Management. The Agency typically reference average lot size rather than buildings per square mile.

13. The Justification (Appendix A) does not define “property” and therefore conclusions reached in the justification are not substantiated by the facts set forth in the DSEIS.

Response: The Applicant can only request changes to property in which they hold title. The application requested that their 9.6 acre parcel be reclassified to Moderate Intensity Use. Agency staff expanded the area to use regional boundaries, so it is assumed that applicant was referring to the 9.6 acre Requested Map Amendment Area.

14. Both Rural Use and Resource Management are deemed to be appropriate to the open space lands of the Adirondack Park. It is a question of degree and the relative need for resource protection. The Description for Rural Use says that development is at low levels that are compatible with the protection of the ...resources. Hence the density of development must be appropriate to the resources present. Clearly this land cannot support the number of new lots that would be allowed under Rural Use; the minimum shoreline lot size in Rural Use that could be allowed without an Agency Permit is 1.84 acres!

In Rural Use very different regulatory review standards will apply to the land. Subdivision in Rural use of up to 5 lots could be undertaken without an Agency permit. The compatible use list is weakened: junkyards, waste disposal areas and industrial uses become compatible uses.”

Response: The Proposed Map Amendment Area is divided and developed to a greater density than the overall intensity guidelines for the current classification of Resource management and the Preferred Alternative of Rural Use. It is true that without the need for an Agency permit, shoreline lots can be divided to a much greater intensity. However, there is only one lot, the applicant's lot, that is large enough to be subdivided into two shoreline lots (3.68 acres). Due to the presence of wetlands along the shoreline and through the applicant's lot, it is likely that any subdivision of this lot would be subject to Agency jurisdiction and therefore subject to overall intensity guidelines (average minimum lot size 8.5 acres for Rural Use).

15. Pertinent land use area determinants, including critical open space resources (adjacent to Forest Preserve, travel corridor and Lake Clear), shallow soils, steep slopes, critical environmental areas, critical wildlife habitat and availability of public services all support the Resource Management classification.

Response: Appendix Q-8 of the Rules and Regulation (Appendix E of this FSEIS) lists land use area determinants. Land use area determinant do no specific land use classification, but rather recommend a relative intensity for areas with these characteristics.

Forest Preserve - Land use determinants related to lands near Forest Preserve include: (1) areas within sight and sound of, but not more than one-half mile from, intensively used portions of wilderness, primitive and canoe areas; (2) inholding surrounded by wilderness, primitive or canoe areas; and (3) inholdings of less than 1,000 acres surrounded by wild forest lands and inaccessible by two-wheel-drive vehicles. None of these land use area determinants are applicable to this map amendment review.

Shallow soil – Shallow soils in Q-8 refer to depth to bedrock. The implication is these that area should not be developed. There are areas in the Proposed Map Amendment area that contain soils with shallow depth to bedrock (see Tunbridge soils in the Soils discussion in the FSEIS). However, reference to shallow soils can also include shallow depth the seasonal high water table, which is referred to a poorly drained (< 1 ½ feet below surface),

or moderately drained soils (1 ½ to 4 feet below surface) in Q-8. Q-8 states that poorly drained soils are capable of sustaining development at only a very low level of intensity and moderately drained soils can tolerate a higher level of development than can poorly drained soils, although moderate development limitations still exist. Field investigations have shown that the depth to water table varies in the Proposed map amendment areas, but deep hole test pits have shown that much of the area that could benefit in a change to Rural Use has well drained soils (soils with a depth to water table of more than 4 feet), which can adequately filter the effluent from septic tank systems and poses few other construction problems.

Critical Environmental Areas – Statutory Critical Environmental Area’s (CEA’s) on the site consist of wetlands and the highway CEA. There are approximately 6 acres (11%) of wetlands in the *Proposed Map Amendment Area*. These wetlands are confined to areas along the shoreline and along a major drainage through the center of the *Proposed Map Amendment Area*. Wetlands protection laws apply to all land use classifications. The highway CEA would be reduced from 300 ft from the edge of the highway right-of-way to 150 feet under the Preferred Alternative of Rural Use. The highway CEA would be eliminated under Low Intensity Use or Moderate Intensity Use classifications. The land use area determinants specify that presently undeveloped areas adjacent to and within sight of public highways play an important role in establishing the park image to the majority of park users. Unscreened development within these areas would be detrimental to the open-space character of the park. The allowable intensity of development should not be allowed to substantially alter the present character of these travel corridors. The statutory Purposes, Policies and Objectives of the Preferred Alternative of Rural Use is the preservation of the open spaces that are essential and basic to the unique character of the park and prevention of strip development along major travel corridors. Shorelines are not a land use determinant listed in Appendix Q-8 of the Rules and Regulations. A shoreline may be considered an ecotone, which is an abrupt change from one ecosystem to another, in which case the land use implication is that these areas should be developed only at a low level of intensity.

Critical wildlife habitat – Q-8 specifies two circumstances in which wildlife is a land use determinant:

1) Rare and endangered species habitats. New York Natural Heritage Program did not identify any rare, threatened or endangered species on the Proposed Map Amendment Area. This comment specifically referred to spruce grouse habitat and pointed to a “Modeled and Observed Wildlife Data” map Town of Harrietstown Comprehensive Plan which shows a small area of potential spruce grouse habitat. The data source for this map was a spruce grouse habitat model created by the Agency in 2004. The model used topography, elevation and wetland type to map potential habitat. The model did not consist of a minimum size threshold. A US Fish and Wildlife Service spruce grouse habitat model, which uses similar parameters to identify potential spruce grouse habitat, uses a 8 hectares (approximately 19.8 acres) as the minimum size of suitable habitat. The potential spruce grouse habitat in the Proposed Map Amendment area that is identified in the Agency’s model is approximately 1.4 hectares (3.5 acres). Had the same minimum size threshold been applied to the Agencies model, no areas of potential spruce grouse habitat would have been identified in the Proposed Map Amendment Area.

2) Key wildlife habitats. Defined in Q-8 as “Important deer wintering yards, waterfowl production areas and bodies of water containing native strains of trout”. The land use implication is that these areas can sustain only a very limited level of development intensity without having a significant adverse affect on the wildlife. The Adirondack Ecological Center in Newcomb, NY developed a model for predicting potential deer, which is also shown on the “Modeled and Observed Wildlife Data” map Town of Harrietstown Comprehensive Plan. The model identified two areas of potential deer wintering yards in the Proposed Map Amendment Area. These areas are approximately 5 acres and 2.5 acres. Discussion of these potential deer wintering yards has been included in the FSEIS.

Availability of Public Services – Q-8 state that in areas that are remote from existing communities and services, intense development of these areas would be detrimental to open-space character of the park therefore a low level of development should be permitted. The statutory Purposes, Policies and Objectives of the Preferred Alternative of Rural Use is the preservation of the open spaces

16. The appropriate classification is Resource Management because of the intersection of many physical resource limitations, the need to protect the shoreline of Lake Clear, travel corridor aesthetic issues and the extent of other critical resources.

Response: These factors alone do not justify the Resource Management classification as being the only appropriate classification. The APA Act describes Rural Use areas as “those areas where natural resource limitations and public considerations necessitate fairly stringent development constraints. These areas are characterized by substantial acreages of one or more of the following: fairly shallow soils, relatively severe slopes, significant ecotones, critical wildlife habitats, proximity to scenic vistas or key public lands”

17. The unfortunate precedent of Moderate Intensity Use around most Adirondack lakes should not be perpetuated. This has resulted in more dense development close to shorelines, reduced APA jurisdiction and subsequent impacts to water quality and other lake resources in apparent conflict with the original mission of the APA Act.

Response: Section 805(3)(d)(1) of the APA defined the character of Moderate Intensity Use areas as those areas where the capability of the natural resources and the anticipated need for future development indicate that relatively intense development, primarily residential in character, is possible, desirable and suitable. It further defined these areas as being located along highways or accessible shorelines where existing development has established the character of the area, and that those areas identified as moderate intensity use where relatively intense development does not already exist are generally characterized by deep soils on moderate slopes.

Relatively intense development does not already exist in the Proposed Map Amendment Area, nor is the area characterized by deep soils on moderate slopes.

18. Any change in density on the map should be handled at the local level. Specific amendments should be handled under an approved local land use program.

Response: Section 805(2)(c)(1) of the APA Act allows the Agency to make amendments to the map at the request of any owner of record of the land involved or at the request of the legislative body of a local government. Pursuant to the APA Act and State Environmental Quality Review Act, the Town Supervisor has been notified of the proposed map amendment and has chosen not to comment in support or opposition to the proposed amendment. The Town of Harrietstown zoning map has the Proposed Map Amendment Area zoned as R1 (Rural Residential) and R2 (Shorefront Residential). Both of these zones have a minimum lot size of 1 acre if the lots do not have public sewer or water.

19. Affected landowners agree with and enjoy the current classification. 12 of the 14 comments submitted for the record by landowners are in favor of keeping the current classification.

Response: Two comments were submitted by “affected landowners”, those who own land within the Proposed Map Amendment Area. One was in favor of the proposed reclassification to Moderate Intensity Use and the other was opposed to any change.

20. There has been no significant change to the land since its original classification, so no change to the classification is warranted.

Response: Section 805(2)(c)(1) of the APA Act allows the Agency to consider amendments to the map at the request of any owner of record of the land involved. There is no requirement that the character of the land must have changed in order to justify a change in classification. However, new detailed information regarding soils and wetlands are available now and the larger Resource Management area changed significantly due to the State acquisition of approximately 1,200 acres of land. This acquired land, now classified as Wild Forest, borders the Proposed Map Amendment Area on the north and west and has created a smaller Resource Management area, separated from the rest of the larger (approximately 10,000 acres) Resource Management area by clear regional boundaries (NYS Route 30 and a stream).

21. The DSEIS does not show the entire wetland associated with the north-south oriented stream.

Response: The wetlands map in the DSEIS did not show some areas of wetlands. The wetland map in this FSEIS includes an additional area along the north-south oriented stream and along the shoreline.

22. The area is located within a groundwater recharge aquifer.

Response: Most of the Proposed Map Amendment Area is located above an unconfined aquifer. This fact had been added to the FSEIS.

**SUBSTANTIAL CHANGES TO DRAFT SUPPLEMENTAL ENVIRONMENTAL
IMPACT STATEMENT**

1. The Requested Map Amendment Area was changed from 13.2 to 9.6 throughout the document. References to the Requested Map Amendment Area being 13.2 acres in size are incorrect. The applicant is in fact requesting that a 9.6 acre parcel be reclassified.
2. The discussion of Soils in the Environmental Setting section was changed to use maps provided by USDA Natural resource Conservation Service (NRCS).
3. Supplemental data on soils and resource considerations provided by Adirondack Information Group and CT Male were included.
4. The presence of potential deer wintering areas were added to the discussions of wildlife.
5. The presence of an unconfined aquifer underneath the Proposed Map Amendment Area was added.
6. A Preferred Alternative section was added.
7. A section summarizing substantial changes to the DSEIS was added.
8. A section contains responses to public comments was added.
9. The discussions of wetlands were modified to include the presence of some wetland areas that were not included in the wetland discussion in the DSEIS.

STUDIES, REPORTS AND OTHER DATA SOURCES

- New York State Environmental Conservation Law, Articles 8 and 24; New York State Executive Law, Article 27
- USDA Natural Resource Conservation Service – Draft soil survey map
- United States Geological Survey Topographic map (7.5' series; scale 1:24,000)
- Air Photo Inventory, Adirondack Park Agency
- New York Natural Heritage Database
- NYS Office of Real Property Services
- Franklin County Digital tax Parcel Data
- U. S. Census Bureau
- Adirondack Park Agency Geographic Information Systems Data
- New York State Parks, Recreation and Historic Preservation National Register Internet Application
- Town of Harrietstown Draft Comprehensive Plan
- CT Male & Associates Report
- Adirondack Information Group Report

APPENDICES

- A. JUSTIFICATION SECTION OF APPLICATION FOR AMENDMENT TO
THE OFFICIAL ADIRONDACK PARK LAND USE AND DEVELOPMENT
PLAN MAP**
- B. CT MALE & ASSOCIATES REPORT**
- C. ADIRONDACK INFORMATION GROUP REPORT**
- D. LAND USE AREA DESCRIPTIONS, SETBACK AND COMPATIBLE USE
LIST**
- E. LAND USE AREA CLASSIFICATION DETERMINANTS**
- F. PUBLIC HEARING NOTICE**
- G. SUMMARY OF PUBLIC HEARING**
- H. COMMENT LETTERS RECEIVED**
- I. FSEIS FILE LIST**