

COVER SHEET
and
NOTICE OF COMPLETION
of
FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (FSEIS)
MA 2016-02 (Kelly)

NAME OF LEAD AGENCY AND PREPARER OF FSEIS:

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

PROJECT LOCATION:

Town of Minerva
Essex County

PROPOSED ACTION:

Amendment to the Official Adirondack Park Land Use and Development Plan Map in the Town of Minerva, Essex County (Map Amendment 2016-02) to reclassify an approximately 6 acre area pursuant to the Adirondack Park Agency Act, Section 805 (2)(c)(1) from Low Intensity Use to Hamlet.

AGENCY CONTACT FOR INFORMATION AND/OR COPIES OF FSEIS:

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DATE OF ACCEPTANCE OF FSEIS BY LEAD AGENCY:

TABLE OF CONTENTS

COVER SHEET	1
EXECUTIVE SUMMARY	3
SUMMARY OF PROPOSED ACTION	3
SUMMARY OF PROCEDURES UNDER SEQRA	6
SUMMARY OF STANDARDS FOR AGENCY DECISION	6
FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT	9
PROPOSED ACTION.....	9
ENVIRONMENTAL SETTING	13
ADIRONDACK PARK LAND USE AND DEVELOPMENT PLAN MAP	13
EXISTING LAND USE AND SERVICES	14
SOILS.....	16
TOPOGRAPHY	18
ELEVATIONS.....	19
WETLANDS	19
HYDROLOGY	20
VISUAL CONSIDERATIONS.....	20
BIOLOGICAL CONSIDERATIONS.....	21
CRITICAL ENVIRONMENTAL AREA.....	21
ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTIONS.....	22
ADVERSE ENVIRONMENTAL IMPACTS WHICH CANNOT BE AVOIDED.....	24
IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES.....	24
MITIGATION MEASURES.....	24
GROWTH-INDUCING ASPECTS	24
USE AND CONSERVATION OF ENERGY	24
SOLID WASTE	25
HISTORIC IMPACTS	25
ALTERNATIVE ACTIONS.....	25
PREFERRED ALTERNATIVE.....	25
POTENTIAL DEVELOPMENT	26
LAND AREA AND POPULATION TRENDS	27
RESPONSE TO COMMENTS	28
STUDIES, REPORTS AND OTHER DATA SOURCES.....	31
APPENDICES	32
A. APPLICATION FOR AN AMENDMENT TO THE OFFICIAL ADIRONDACK PARK LAND USE AND DEVELOPMENT PLAN	
B. LAND USE AREA DESCRIPTIONS, SETBACK AND COMPATIBLE USE LIST	
C. LAND USE AREA CLASSIFICATION DETERMINANTS	
D. PUBLIC HEARING SUMMARY	
E. WRITTEN COMMENTS	
F. PUBLIC HEARING NOTICE	
G. FSEIS FILE LIST	

EXECUTIVE SUMMARY

MA 2016-02

SUMMARY OF PROPOSED ACTION

The Adirondack Park Agency has received an application for an amendment to the Official Adirondack Park Land Use and Development Plan Map (the Official Map) from a landowner in the Town of Minerva, Essex County. The applicant is requesting that approximately 1.4 acres be reclassified from Low Intensity Use to Hamlet. The requested map amendment area is not defined by “regional boundaries” as required by Section 805 (2)(c)(5) of the Adirondack Park Agency Act (APA Act) and described in the Agency’s Final Generic Environmental Impact Statement (FGEIS) on the map amendment process (August 1, 1979). Boundaries were expanded by the Agency to include the entire Requested Map Amendment Area and nearby lands that are similar in character. This expanded area, referred to in this document as the *Proposed Map Amendment Area*, is approximately 6.1 acres in size and meets the required regional boundary criteria. This document also considers one additional geographic alternative, *Alternative Area 1*, which is approximately 4.2 acres in size.

In 2006, the Town of Minerva requested a series of 15 map amendments in conjunction with the Town’s comprehensive plan. One of the 15 proposed amendments was a request to reclassify the Proposed Map Amendment Area as Hamlet. The Town subsequently withdrew its requested map amendments after receiving public feedback. On February 4, 2016, the Minerva Town Board passed a resolution in support of the current requested map amendment. A copy of the resolution was submitted with the application (Appendix A of this document).

Figure 1 is a map showing the general location of the Requested Map Amendment Area, the Proposed Map Amendment Area and Alternative Area 1.

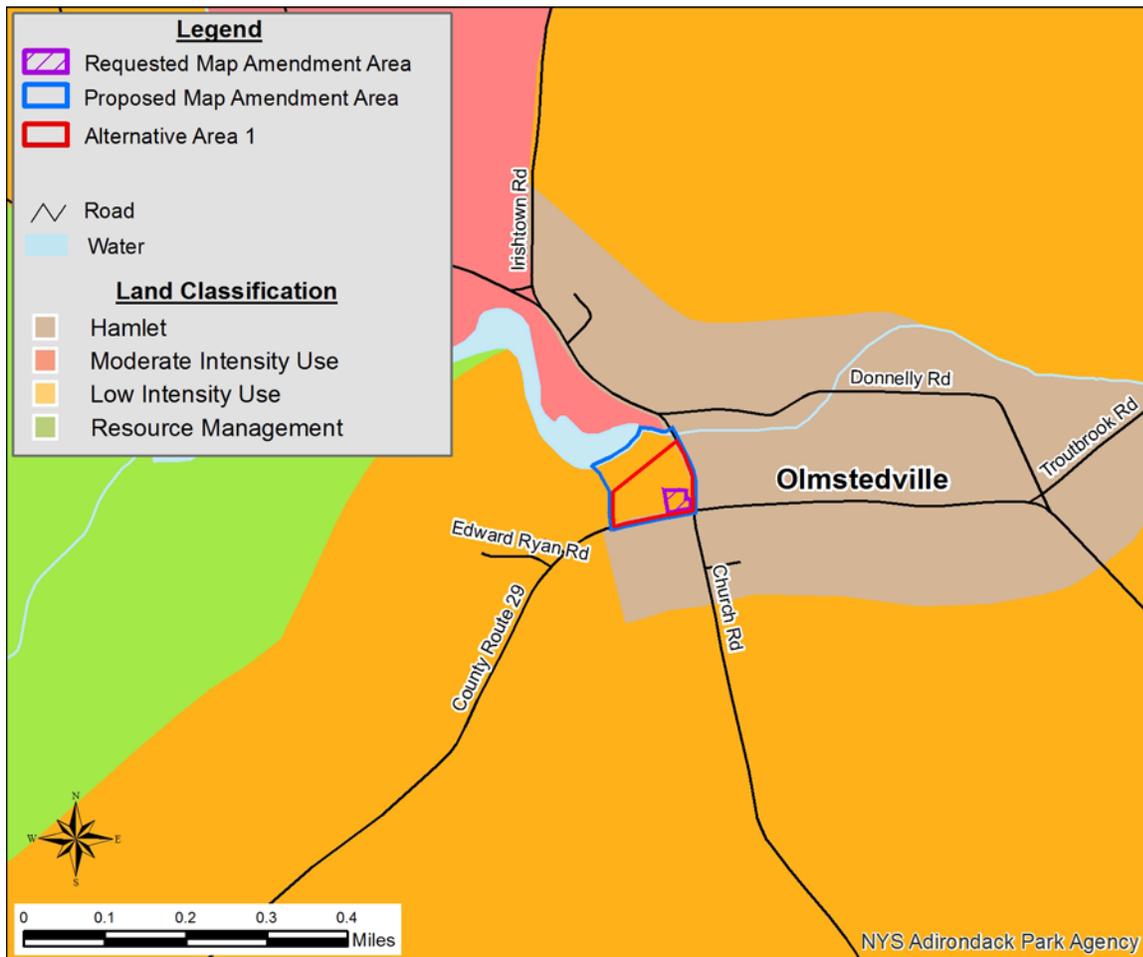


Figure 1. A map showing the general location of the Requested Map Amendment Area, Proposed Map Amendment Area and Alternative Area 1.

On July 14, 2016, a Draft Supplemental Environmental Impact Statement (DSEIS) was completed. A public hearing was held on August 17, 2016 at the Minerva Town Hall and the public comment period concluded on September 2, 2016. The Agency received four public comments at the hearing and two written comments on the proposed map amendment.

The Agency has reviewed the character of the area and relevant land use area determinants and the preferred alternative is to reclassify the 4.2 acre Alternative Area 1 from Low Intensity Use to Hamlet. Please see the Preferred Alternative section on Page 25 for more information.

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 200 “principal buildings” (single family residences or their legal equivalent under the Adirondack Park Agency Act) per square mile (3.2 acres average lot size) in lands classified as Low Intensity Use while lands classified as Hamlet have no overall intensity guidelines. Please see Potential Development Section (Page 26) for a discussion on the potential build-out of these areas under different land use area classifications.

Potential environmental impacts include:

- A. On-site Sewage Disposal Discharge and Leaching: There are no public sewage treatment facilities available to the area. 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 wastewater. The primary soil in Alternative Area 1 is Monadnock fine sandy loam. Under ideal conditions, well-drained soils such as Monadnock soils will support properly functioning septic systems. Improperly sited or poorly functioning systems can cause pollution to groundwater and/or nearby surface water.
- B. Developed Area Storm Water Runoff: Development at intensities permitted by Hamlet 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.
- C. Erosion and Sedimentation: Surface water resources 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.
- D. 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.

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

SUMMARY OF PROCEDURES UNDER SEQRA

This Final Supplemental Environmental Impact Statement (FSEIS) analyzes the environmental impacts which may result from Agency approval of this 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 Adirondack Park.

After the preparation of a Draft Supplemental Environmental Impact Statement (DSEIS), the Agency holds a combined public hearing on both the proposed map amendment and the DSEIS, and incorporates all comments into a Final Supplemental Environmental Impact 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 held to obtain information on the proposed action, but is not conducted in an adversarial or quasi-judicial format. The burden rests with the applicant to justify the changes in land use area classification. 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.

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

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

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:

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) of the Adirondack Park Agency Act 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 characteristics, existing development characteristics and public considerations, and lay out land use implications for these characteristics.

FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

MA 2016-02 (Kelly)

PROPOSED ACTION

The Adirondack Park Agency received an application from Michael Kelly, a landowner in the Town of Minerva, to reclassify an area on the Official Adirondack Park Land Use and Development Plan Map totaling approximately 1.4 acres. The 1.4 acre *Requested Map Amendment Area* is presently classified as Low Intensity Use on the Official Adirondack Park Land Use and Development Plan Map. The applicant is requesting that the area be reclassified as Hamlet. 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* is a parcel owned by the applicant and does not conform to regional boundary criteria; therefore the area was expanded by Agency staff to include adjacent Low Intensity Use lands of similar character. This expanded area, the *Proposed Map Amendment Area*, is approximately 6.1 acres and uses the roads, a one-tenth mile (528 feet) setback from a road and Minerva Stream as boundaries. This document also examines one geographic alternative, *Alternative Area 1*, is approximately 4.2 acres and uses a Great Lot boundary instead of Minerva Stream.

Figure 2 shows the Requested Map Amendment Area, the Proposed Map Amendment Area and Alternative Area 1. The Proposed Map Amendment Area is approximately 6.1 acres in size and described as follows:

Beginning at a point at the intersection of the centerlines of County Routes 29 and 30; thence in a westerly direction along the centerline of County Route 29 to a point one-tenth mile (528 feet) from said intersection; thence in a northerly direction at a constant and parallel distance of one-tenth mile from the centerline of County Route 30 to the shoreline of Minerva Stream; thence in a easterly direction along the shoreline of Minerva Stream to the centerline of County Route 30; thence in a southerly direction along the centerline of County Route 30 to the point of beginning.

The Alternative Area 1 is approximately 4.2 acres in size and described as follows:

Beginning at a point at the intersection of the centerlines of County Routes 29 and 30; thence in a westerly direction along the centerline of County Route 29 to a point one-tenth mile (528 feet) from said intersection; thence in a northerly direction at a constant and parallel distance of one-tenth mile from the centerline of County Route 30 to the boundary between Great Lots 39 and 40 of the Dominick Patent; thence in a northeasterly direction along said Great Lot boundary to the centerline of County Route 30; thence in a southerly direction along the centerline of County Route 30 to the point of beginning.

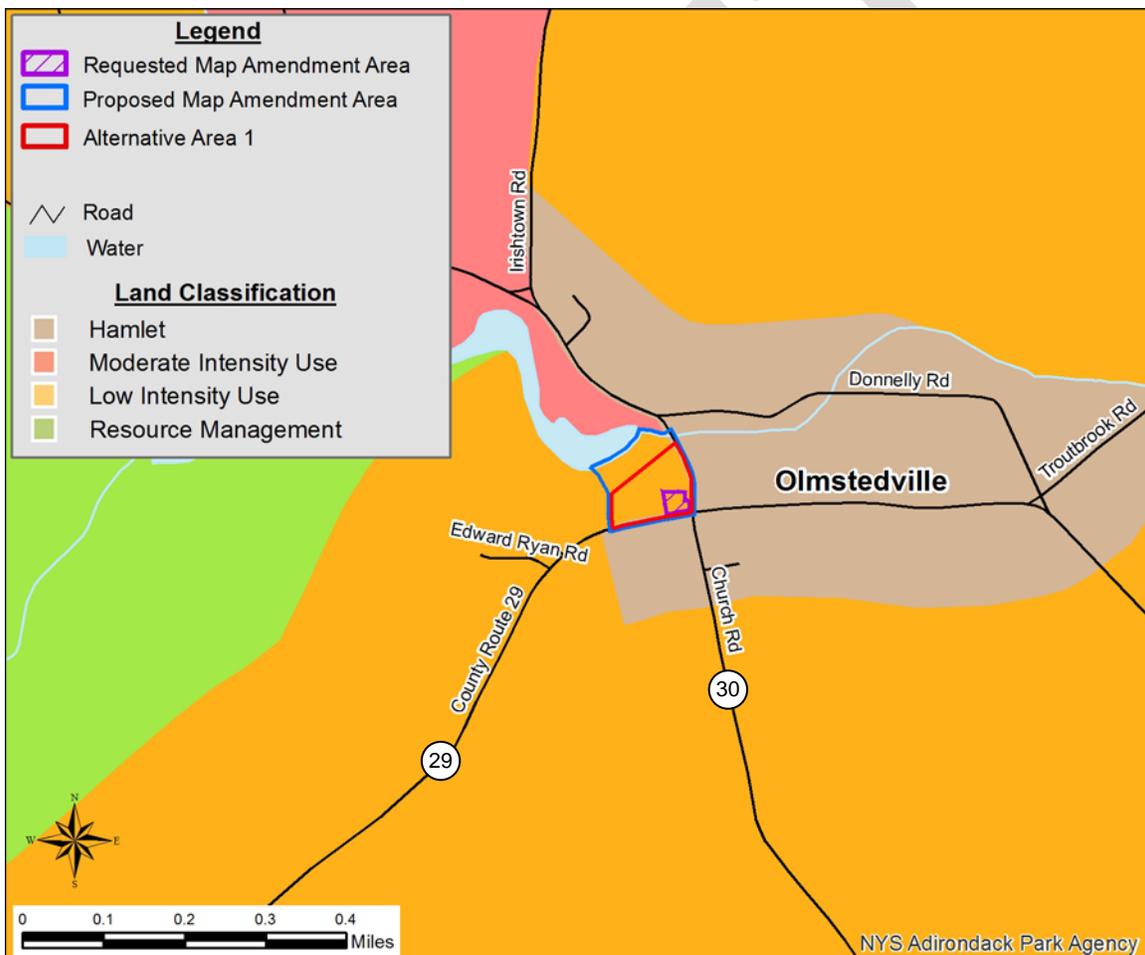


Figure 2. A map showing the general location of the Requested Map Amendment Area, the Proposed Map Amendment Area and Alternative Area 1.

The Proposed Map Amendment Area and Alternative Area 1 conform to regional boundary criteria and therefore can be examined in comparison to the statutory “purposes, policies and objectives” and the “character descriptions” for the proposed Hamlet classification, using the factual data which follow. It is these considerations which govern the Agency decision in this matter. Character descriptions, purposes,

policies and objectives for land use areas are established by Section 805 of the Adirondack Park Agency Act (Appendix B of this document) and summarized below.

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 relatively 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.

Hamlet areas (brown on the Map) range from large, varied communities that contain a sizeable permanent, seasonal and transient populations with a great diversity of residential, commercial, tourist and industrial development and a high level of public services and facilities, to smaller, less varied communities with a lesser degree and diversity of development and a generally lower level of public services and facilities. Hamlet areas will serve as the service and growth centers in the Park. They are intended to accommodate a large portion of the necessary and natural expansion of the park's housing, commercial and industrial activities. In these areas, a wide variety of housing, commercial, recreational, social and professional needs of the Park's permanent, seasonal and transient populations will be met. The building intensities that may occur in such areas will allow a high and desirable level of public and institutional services to be economically feasible. Because a Hamlet is concentrated in character and located in areas where existing development patterns indicate the demand for and viability of service and growth centers, these areas will discourage the haphazard location and dispersion of intense building development in the Park's open space areas. These areas will continue to provide services to Park residents and visitors and, in conjunction with other land use areas and activities on both private and public land, will provide a diversity of land uses that will satisfy the needs of a wide variety of people. The delineation of hamlet areas on the plan map is designed to provide reasonable expansion areas for the existing hamlets, where the surrounding resources permit such

expansion. Local government should take the initiative in suggesting appropriate expansions of the presently delineated Hamlet boundaries, both prior to and at the time of enactment of local land use programs. There are no overall intensity guidelines for Hamlet areas.

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ENVIRONMENTAL SETTING

Adirondack Park Land Use and Development Plan Map

The Proposed Map Amendment Area is a portion of a nearly 5,000 acre Low Intensity Use area that surrounds the Hamlet of Olmstedville and stretches south and east along County Route 29 into the Town of Chester to the Hamlet of Pottersville. The Proposed Map Amendment Area is bound by Minerva Stream to the north, Hamlet to the east and south, and Low Intensity Use to the west. There is a Moderate Intensity Use area just north of this area, on the opposite shore of Minerva Stream. Figure 3 show the general area of the Proposed Map Amendment Area on the Adirondack Park Land Use and Development Plan Map.

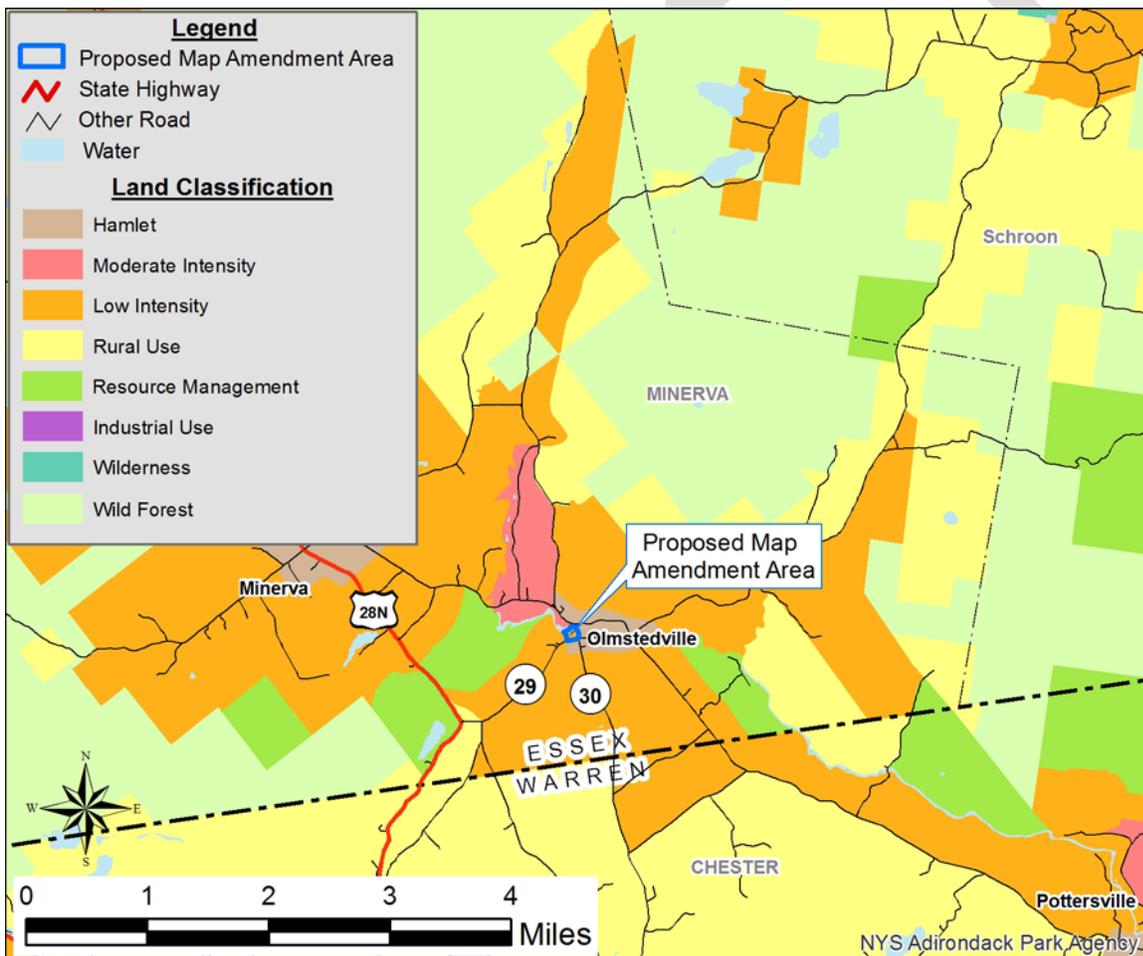


Figure 3. Proposed Map Amendment Area shown on the Adirondack Park Land Use and Development Plan Map.

Existing Land Use and Services

The area is located at the intersection of two major roadways – County Route 29 and County Route 30. County Route 29, which forms the southern boundary of the Proposed Map Amendment Area, connects the Hamlet of Olmstedville with NYS Route 28N. County Route 30, which forms the eastern boundary of the Proposed Map Amendment Area, connects the Hamlet of Olmstedville with the Hamlet of Minerva to the northwest and northern Warren County to the south.

The Hamlet of Olmstedville lies immediately adjacent to the Proposed Map Amendment Area, the Hamlet of Minerva lies approximately 2 miles north of the area via County Route 30, the Hamlet of Pottersville lies approximately 5 miles southeast of the area via County Route 29 (Essex Co.) and County Route 19 (Warren Co.), and the Hamlet of North Creek lies approximately 6 miles south of the area via County Route 29 and NYS Route 28N.

Public electric and telephone services are available to the area along the existing road network. There are public water distribution lines along the County Routes 29 and 30. There are no public sewage treatment facilities available to the Proposed Map Amendment Area.

There are five single family, year-round dwellings, one multiple family residential structure and one vacant lot within the Proposed Map Amendment Area. Alternative Area 1 contains four single family, year-round dwellings, one multiple family residential structure, a portion of a vacant lot, and the undeveloped portion of a lot with a single family, year-round dwelling. These dwellings are located along the road network. Figure 4 shows the existing land use in the Proposed Map Amendment Area according to Essex County Office of Real Property Tax Services and NYS Office of Real Property Tax Services. Table 1 contains a list of the parcels in the Proposed Map Amendment Area.

Fire and ambulance services are furnished by the Minerva Fire Department; police protection is available from the New York State Police, located in Chestertown, and the Essex County Sheriff's Department, based in Elizabethtown.

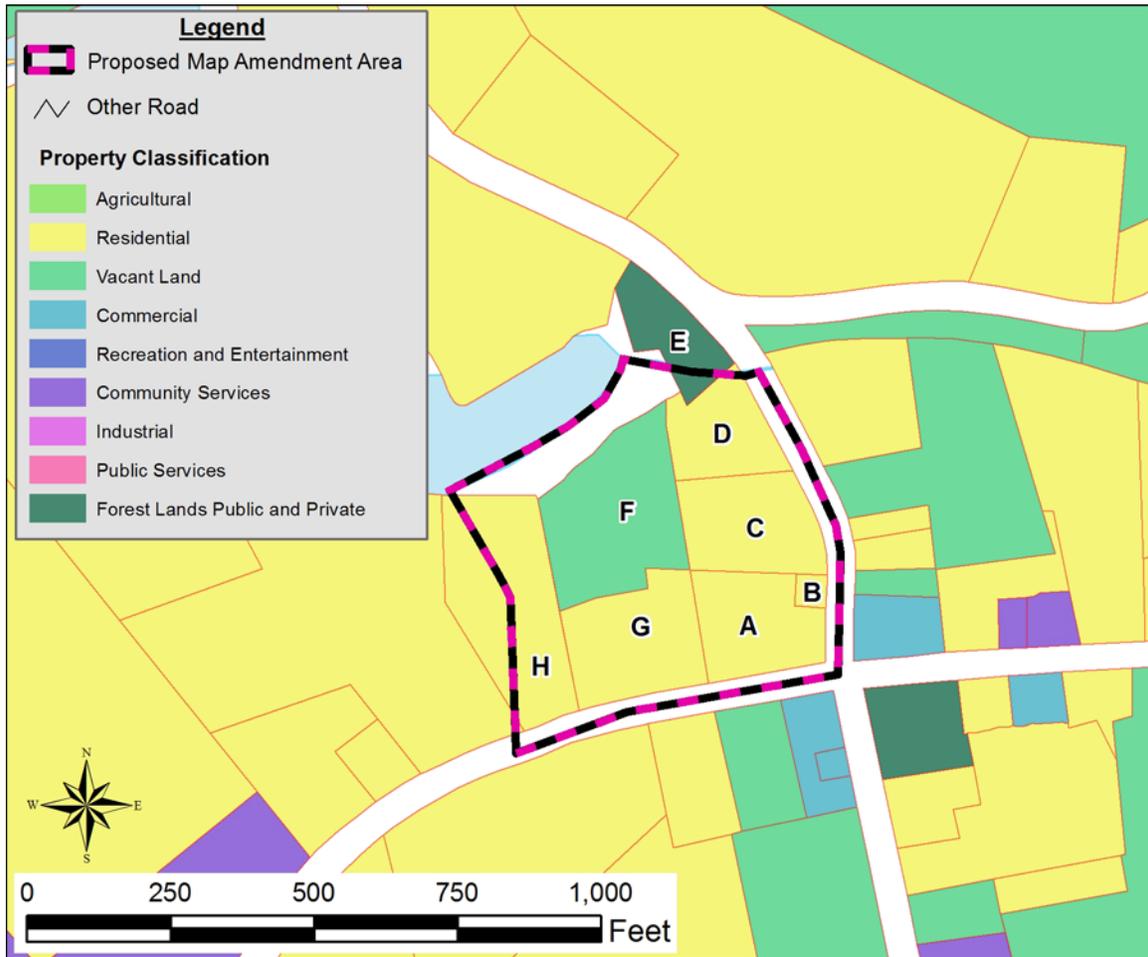


Figure 4. Existing land use in and adjacent to the Proposed Map Amendment Area. Inconsistencies exist between tax parcel maps, deeded property descriptions and the Adirondack Park Land Use and Development Plan Map. White areas are not considered part of any tax parcel according the Essex County Property Tax Maps. (Source Essex Co, NYS ORPS)

Map ID	Tax Parcel ID	All or Portion of Parcel	Approx. Acreage within Proposed Map Amendment Area	Property Classification
A	164.23-2-4.000	All	1.4 ac	Multiple Residences
B	164.23-2-3.000	All	0.1 ac	Residential (Single Family, Year-Round)
C	164.23-2-2.000	All	0.9 ac	Residential (Single Family, Year-Round)
D	164.23-2-1.100	All	0.6 ac	Residential (Single Family, Year-Round)
E	164.23-2-6.003	Portion	0.1 ac	Town Public Parks and Recreation Areas
F	164.23-2-7.000	All	1.5 ac	Residential Vacant Lands
G	164.23-2-5.002	All	1.0 ac	Residential (Single Family, Year-Round)
H	164.1-1-13.200	Portion	1.0 ac	Residential (Single Family, Year-Round)

Table 1. List of Parcels within the Proposed Map Amendment Area

Soils

The USDA Natural Resource Conservation Service (NRCS), in its Soils Survey for Essex County which provides detailed soil mapping for this area, has identified two soil map units with Monadnock fine sandy loam as the primary soil type within the Proposed Map Amendment Area. Monadnock fine sandy loam is also the predominant soil type in Alternative Area 1.

Table 2 contains the two soil map units, their abundance within the Proposed Map Amendment Area and their suitability for onsite wastewater treatment systems.

Map Unit Symbol	Percent of Map Amendment Area	Soil Map Unit	Degree of Limitation for On-site Wastewater treatment systems	Reason for Limitation
MkC	77%	Monadnock fine sandy loam, 8 to 15 percent slopes, very bouldery	slight	
MkD	23%	Monadnock fine sandy loam, 15 to 35 percent slopes, very bouldery	severe	steep slope

Table 2. Soils in the Proposed Map Amendment Area

Monadnock fine sandy loam is a deep soil that is loamy over sandy or gravelly. This component is on hillsides or mountainsides. The parent material consists of loamy ablation till over sandy ablation till derived from gneiss. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high.

Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches.

Detailed soil mapping also provides slope categories for each soil map unit which represent the general slope throughout a particular soil map unit and may not reflect the actual slope for the portion of a soil map unit within a particular map amendment area. Please refer to the discussion of topography below for more detailed information on slopes.

Figure 5 is a map showing the detailed soils mapping for the Proposed Map Amendment Area.

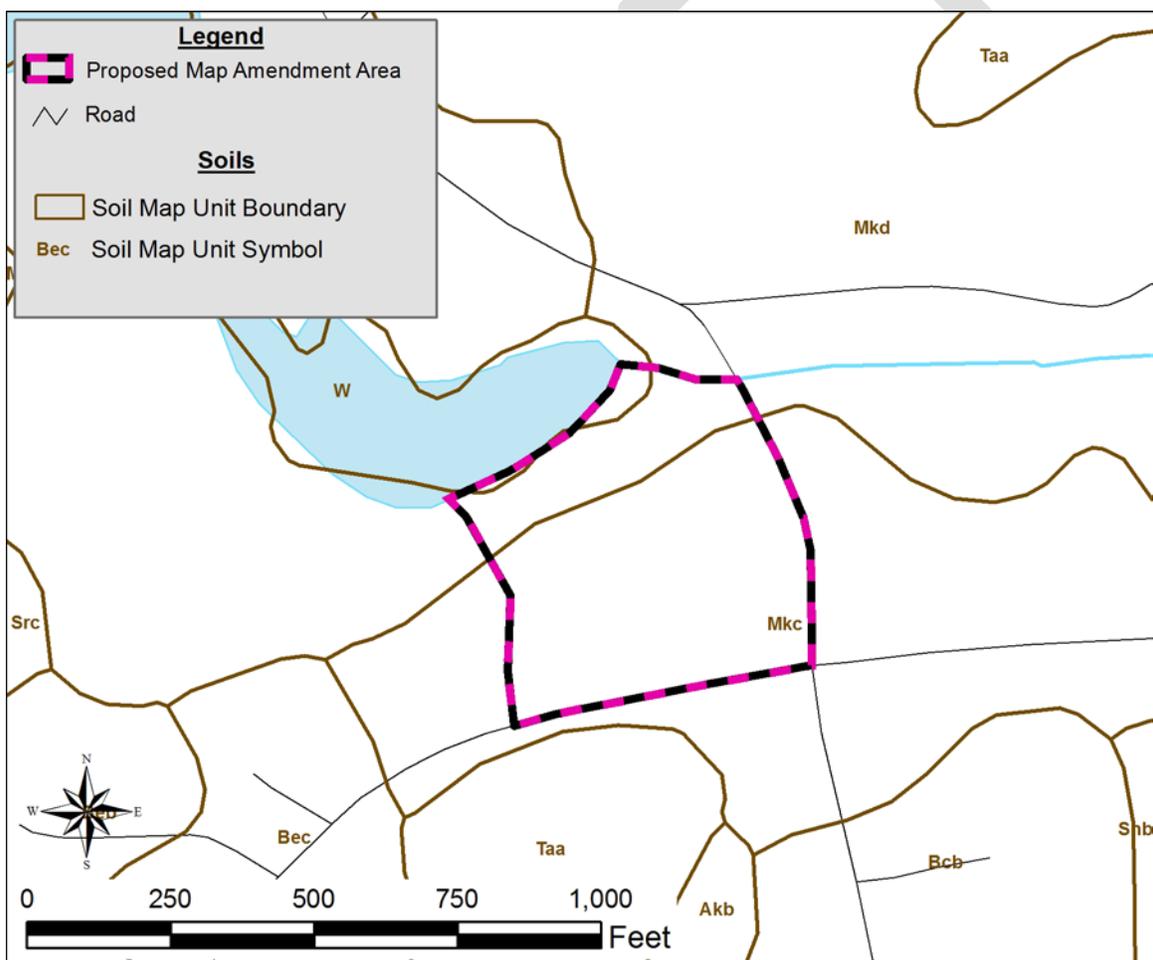


Figure 5. Soil Survey of Essex County detailed soil delineation in the Proposed Map Amendment Area. (Source NRCS)

Topography

The topography of the Proposed Map Amendment Area ranges from generally flat to moderately sloping. Slopes ranging from 0 to 3% comprise approximately 32% of the Proposed Map Amendment Area. Generally, slopes in this range are free from most building and development limitations, although there may be problems associated with poor drainage. Slopes ranging from 3% to 8% comprise approximately 27% of the Proposed Map Amendment Area. Slopes in this range are relatively free of limitations due to topography and pose little or no environmental problems due to topography. Slopes ranging from 8% to 15% comprise approximately 24% of the Proposed Map Amendment Area. Slopes in this range can pose moderate limitations for development which can be overcome with careful site design. Slopes ranging from 15% to 25% comprise approximately 16% of the Proposed Map Amendment Area. Slopes in this range can pose moderate to severe limitations for development. Slopes above 25%, which pose severe limitations for development, appear to be less than 1% of the area. Figure 6 shows the slopes in the Proposed Map Amendment Area.

In Alternative Area 1, slopes ranging from 0 to 3% comprise approximately 52% of the area, slopes ranging from 3% to 8% comprise approximately 24% of the area, slopes ranging from 8% to 15% comprise approximately 24% of the area, and slopes ranging from 15% to 25% comprise approximately less than 1% of the area.

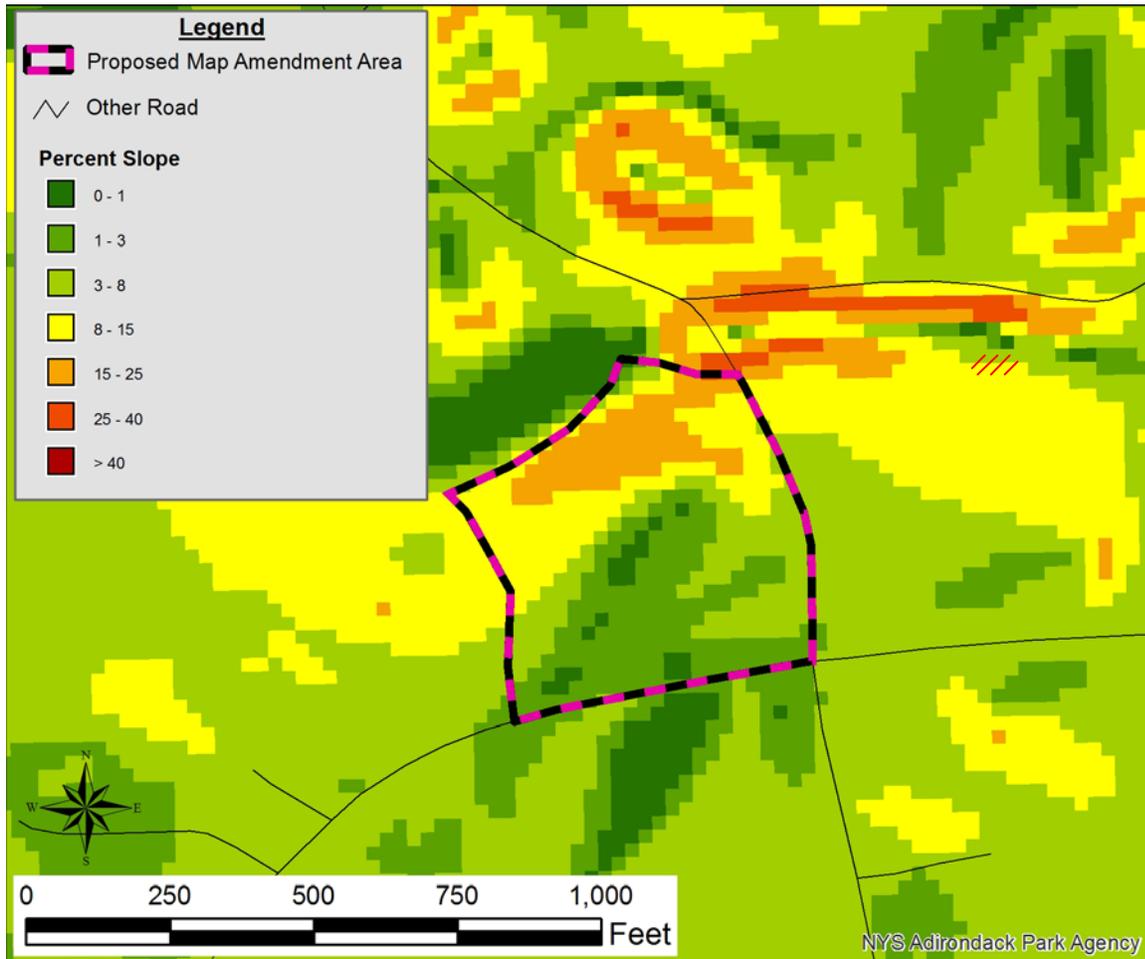


Figure 6. Slopes in the Proposed Map Amendment Area. (Source 10M DEM)

Elevations

The elevation in the Proposed Map Amendment Area ranges from approximately 1140 feet to approximately 1180 feet in elevation. The elevation in Alternative Area 1 ranges from approximately 1135 feet to approximately 1180 feet in elevation.

Wetlands

Figure 7 shows the approximate locations of wetlands in the Proposed Map Amendment Area. There are approximately 0.5 acres of wetlands located along the northern boundary of the Proposed Map Amendment Area. This wetland is associated with Minerva Stream. There do not appear to be any wetlands within Alternative Area 1.

Hydrology

The primary hydrological feature in the Proposed Map Amendment Area is Minerva Stream, which forms the northern boundary of the area. This section of Minerva Stream is impounded by a small dam. NYS Department of Environmental Conservation has classified Minerva Stream as a Class C(T) surface water which indicates that its best usage is fishing and is a designated trout water. Minerva Stream is approximately 100-170 feet north of Alternative Area 1.

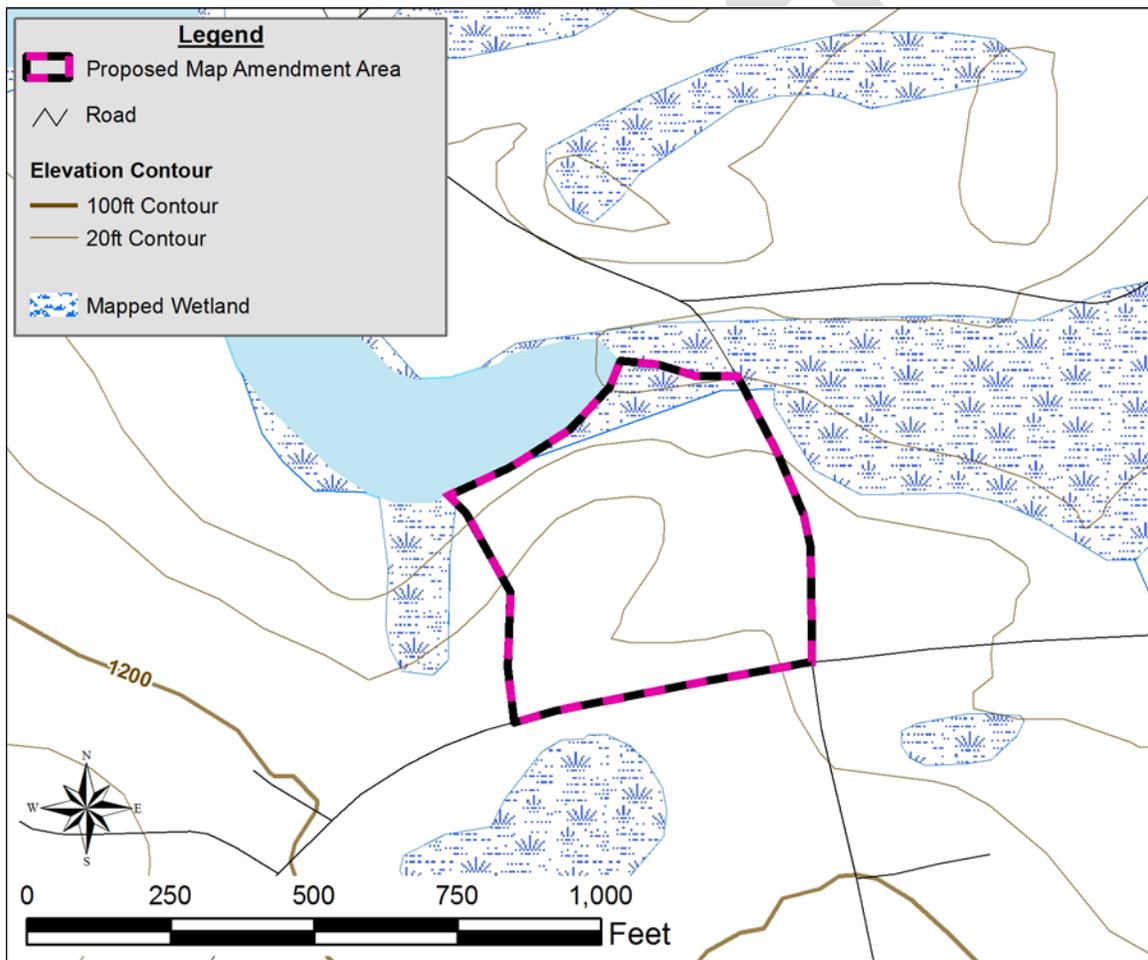


Figure 7. Topography and wetlands within and adjacent to the Proposed Map Amendment Area.

Visual Considerations

The Proposed Map Amendment Area and Alternative Area 1 are located at the intersection of County Route 29 and County Route 30. This area is bound on the north side by an impounded section of Minerva Stream. On the opposite side of the stream is a small Town park.

Biological Considerations

There are no known occurrences of rare, threatened or endangered species or key wildlife habitats in the Proposed Map Amendment Area or Alternative Area 1.

Critical Environmental Area

The approximately 0.5 acres of wetlands within Proposed Map Amendment Area are statutory Critical Environmental Areas (CEA) pursuant to the Adirondack Park Agency Act.

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ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTIONS

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.

- E. On-site Sewage Disposal Discharge and Leaching: There are no public sewage treatment facilities available to the area. 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 wastewater. The primary soil in the Proposed Map Amendment Area and Alternative Area 1 is Monadnock fine sandy loam. Under ideal conditions, well-drained soils such as Monadnock soils will support properly functioning septic systems. Improperly sited or poorly functioning systems can cause pollution to groundwater and/or nearby surface water.
- F. Developed Area Storm Water Runoff: Development at intensities permitted by Hamlet 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.
- G. Erosion and Sedimentation: Surface water resources 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.
- H. 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.

- I. Economic Gain to the Local Community: Subdivision and improvement of undeveloped lands may add 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.
- J. 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 water, public school systems, roads and road maintenance (snow removal, traffic control, repair, etc.), police, fire and ambulance service. An increase in demand may reduce costs by spreading the costs of these services to more individuals.
- K. Effect on Existing Residential Development in and Adjacent to the Map Amendment Area: Land uses in and adjacent to this area is residential and commercial. The change in the Map, which would allow a greater density of development, could change the existing character and uses in the area.
- L. Effect on Noise Quality: The predominant low levels of noise from existing undeveloped areas or predominantly residential areas could change dramatically with an increase in 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.
- M. 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 Low Intensity Use to Hamlet 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.
- N. Effect on Park Character: Changes in overall intensity guidelines may cause a change in the character of an area by permitting development or preventing development not in keeping with the character of an area. The specific physical setting may help determine the area character and the character may be susceptible to changes resulting from map amendments. Impacts may be positive or have positive social impacts when changes in land use area occur which are in keeping with the character of an area. The character of an area

is determined by the types of uses and the manner of their creation, as well as the relative intensity of use.

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 only means of mitigating impacts is the exclusion of locations within the area most affected or impacted by the reclassification. Therefore, the discussion of alternatives in this FSEIS becomes necessarily a discussion of mitigation.

GROWTH-INDUCING ASPECTS

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

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 on 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.

HISTORIC IMPACTS

The Proposed Map Amendment Area is not located within an archeological sensitive area. 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 two categories of alternatives addressed by this document, alternative boundaries and alternative classifications. Since the request is to reclassify the land from Low Intensity Use to Hamlet, Moderate Intensity Use is an intermediate classification that could be considered. The two other categories of alternatives are:

A. No action

One alternative action is “no action” or denial of the request. The Agency may determine that the current classification is appropriate for an area under consideration for a map amendment. 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 areas along alternative regional boundaries could be employed to reduce the size of the area.

Alternative Area 1 reduces the size of a potential map amendment from approximately 6.1 acres to approximately 4.2 acres in size.

PREFERRED ALTERNATIVE

The Preferred Alternative for the proposed map amendment is to reclassify the 4.2 acre Alternative Area 1 from Low Intensity Use to Hamlet. Alternative Area 1 meets the character, description, purposes, policies and objectives of Hamlet as described in Section 805(3)(c). The area sits at the main intersection of Olmstedville, a primary commercial center of the Town. The other three corners of the intersection are classified as Hamlet. Alternative Area 1 has an intensity of development that is similar

to that of the adjacent Hamlet area, which is greater than Low Intensity Use would allow.

Alternative Area 1 contains no significant physical limitations or areas of biological concern. Although there is no public sewer available to this area, the predominant soil in the area is Monadnock fine sandy loam, a deep well drained soil which is considered to have few limitations for on onsite wastewater treatment systems. The area is served by the Town's public water system which eliminates the need for individual wells. Without the need to site both wells and wastewater treatment systems on each lot, the area could support more development on smaller lots that the Hamlet classification would allow.

Reclassifying the 6.1 acre Proposed Map Amendment Area to Hamlet was not the Preferred Alternative. The primary area of concern in the Proposed Map Amendment Area is Minerva Stream. Any new development would need an onsite wastewater treatment system. Improperly sited or poorly functioning wastewater treatment systems can cause pollution of Minerva Stream. By selecting Alternative Area 1 over the Proposed Map Amendment Area, most of the developed portions the area would be reclassified to Hamlet while a strip of land, approximately 100-170 feet in width, would remain classified as Low Intensity Use.

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. 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 allow one "principal building" (single family residences or their legal equivalent under the Adirondack Park Agency Act) per 3.2 acres (average lot size) in lands classified as Low Intensity Use while lands classified as Moderate Intensity Use allow a 1.3 acre average lot size. There are no overall intensity guidelines for land classified as Hamlet. Under the current classification of Low Intensity Use, the Proposed Map Amendment Area could potentially allow 2 principal buildings (a single family dwelling or its equivalent under the APA Act). If reclassified to Moderate Intensity Use, the Proposed Map Amendment Area could potentially allow 5 principal buildings. There would be no limit to the number of principal buildings if classified as Hamlet. The above calculations are approximations and do not take into account existing development, lot configurations, resource constraints or existing permit conditions. This area contains all or a portion of eight lots, all of which are currently smaller than 3.2

acres, and approximately 6 residential structures.

LAND AREA AND POPULATION TRENDS

The Town of Minerva is approximately 101,568 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	583
Moderate Intensity Use	457
Low Intensity Use	9,580
Rural Use	7,733
Resource Management	16,523
State Land	64,323

Table 3. Approximate acreage of land use classifications in the Town of Minerva

Population Growth Trends: The population of the Town of Minerva was estimated to be 809 in 2010, an increase of 13 persons (2%) since 2000. Table 4 compares population growth of the Town of Minerva in both absolute and percentage terms as compared to the seven towns that surround Minerva.

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

Town/Village	2010	2000	Change from 2000-2010	
			Number	Percentage
Minerva	809	796	13	2%
Johnsburg	2,395	2,450	-55	-2%
Newcomb	463	481	-18	-4%
Schroon	1,654	1,759	-105	-6%
Chester	3,355	3,614	-259	-7%
Indian Lake	1,352	1,471	-119	-8%
North Hudson	240	266	-26	-10%
Long Lake	711	852	-141	-17%

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

RESPONSE TO COMMENTS

The area has historically been part of the Hamlet and should have been classified as such originally. The area is in the economic center of Olmstedville, and encouraging development in this area helps minimize sprawl and provides services to resident and visitors, as the APA Act describes.

This comment relates to two relevant land use classification determinants. First, the area under consideration is located in Olmstedville, a small concentrated community. The Agency's land use area determinants state that small concentrated communities have the potential to develop as growth centers. The second is that the area is readily accessible from the existing community. The land use classification determinants state that development in areas readily accessible to existing communities will generally be of positive economic value to the community.

The larger, 6.1 acre area should be reclassified. There is would be no negative impacts.

The area that was avoided by reclassifying the smaller, 4.2 acre area is shoreline along an impounded section of Minerva Stream. The smaller area was selected as the Preferred Alternative to minimize the impact to the stream which could arise from land use related impacts such as sedimentation and pollution from wastewater effluent. Minerva Stream is classified by DEC as a trout waterbody and contains Brook Trout. Land use area classification determinants state that development intensities adjacent to bodies of water containing native trout should be very limited and development at greater intensities would alter the habitats, potentially making them unsuitable and can increase the vulnerability of these critical areas.

The existing Hamlet boundary (east of the map amendment area) is Minerva Stream. Not using the stream as the Hamlet boundary could cause confusion and increase costs for new surveys and maps. Using Minerva Stream makes for a clear boundary the layperson can see. The 50 foot shoreline setback in Hamlet areas makes Alternative Area 1 moot.

Alternative Area 1 uses a great lot boundary. The great lot boundary and the stream are both regional boundaries that can be considered. This great lot boundary does bisect three parcels whereas using the stream would create a land use area boundary to the north that is congruent with these parcel boundaries. The shoreline setback for

Low Intensity Use is 75 feet, which would be reduced to 50 feet in Hamlet. The boundary of Alternative Area 1 runs roughly 100-170 feet from the shoreline.

The Town has zoning and planning laws that can adequately address any new development in the area.

§ 583.2 of the Agency's Rules and Regulations states that the Agency will not consider as relevant to its determination any enacted or proposed local land use controls.

The larger 6.1 acre should be reclassified because of development that the Town has undertaken, including creating some access to the area around the dam, a flag pole and historic marker. Having the Hamlet continuity will allow the Town to maintain the dam and the Town park on the south shore of Minerva Stream.

The types of development described are not relevant land use area classification determinants. This type of development is allowed in all land use classifications. The existing dam can be maintained under the current classification. The Town park is not in the area under consideration for a map amendment.

The slope maps in the DSEIS may be outdated or inaccurate.

The slope maps use a digital elevation model that estimates the slope in 10 meter square pixels. This model is an adequate estimate of the general slope over a large area but not for site specific planning.

All but one lot has an existing residence on it. Changing the classification to Hamlet should not change the character or adversely impact the environment since the residences already exist.

Changing the classification to Hamlet would remove the overall intensity guidelines and permit additional subdivision and development in the area.

The Town has shown its full support for reclassifying the larger 6.1 acre area as Hamlet.

Noted.

SUBSTANTIAL CHANGES FROM THE DSEIS

1. Executive Summary – Summary of Proposed Action includes a discussion of the Preferred Alternative.
2. Environmental Setting section was changed to add information specific to Alternative Area 1.
3. A preferred alternative was added to the Alternatives section.
4. A new section, “Response to Comments” was added.
5. A new section, “Substantial Changes from the DSEIS” was added.

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STUDIES, REPORTS AND OTHER DATA SOURCES

- New York State Environmental Conservation Law, Articles 8 and 24; New York State Executive Law, Article 27
- Soil Survey for Essex County
- 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
- Essex 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

APPENDICES

- A. APPLICATION FOR AN AMENDMENT TO THE OFFICIAL ADIRONDACK
PARK LAND USE AND DEVELOPMENT PLAN**
- B. LAND USE AREA DESCRIPTIONS, SETBACK AND COMPATIBLE USE LIST**
- C. LAND USE AREA CLASSIFICATION DETERMINANTS**
- D. PUBLIC HEARING SUMMARY**
- E. WRITTEN COMMENTS**
- F. PUBLIC HEARING NOTICE**
- G. FSEIS FILE LIST**

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