



# Adirondack Park Agency

**SHERMAN CRAIG**  
Chairman

**TERRY MARTINO**  
Executive Director

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In the Matter of the Application of

Michael Kelly

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

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SEQR FINDINGS  
STATEMENT AND ORDER

**MA 2016-02**

## **SUMMARY**

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.

Pursuant to the FGEIS, a Draft Supplemental Environmental Impact Statement (DSEIS) was filed on July 14, 2016. A public hearing was held on August 17, 2016 at the Minerva Town Hall, and the public comment period concluded on September 2, 2016. On September \_\_, 2016 the Agency filed a Final Supplemental Environmental Impact Statement (FSEIS).

After review of the FGEIS, based upon the facts and conclusions in the FSEIS, as set forth following, and based upon the criteria set forth in Section 805 of the Adirondack Park Agency Act, the Agency approved the reclassification of the 4.2 acre Alternative Area 1 from Low Intensity Use to Hamlet.

At its regular monthly meeting in Ray Brook, New York on September 16, 2016, the Adirondack Park Agency adopted the following Findings of Fact and Conclusions of Law:

### **FINDINGS OF FACT**

1. The Alternative Area 1 is 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.
2. 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 Alternative Area 1.
3. The topography of Alternative Area 1 ranges from generally flat to moderately sloping. Slopes ranging from 1 to 3% comprise approximately 52% of Alternative Area 1. 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 24% of Alternative Area 1. Slope 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 Alternative Area 1. Slopes in this range can pose moderate limitations for development which can be overcome with careful site design. Slopes above 15% comprise less than 1% of Alternative Area 1.
4. The elevation in Alternative Area 1 ranges from approximately 1135 feet to approximately 1180 feet in elevation.
5. There appear to be no wetlands in Alternative Area 1.
6. There are no significant hydrologic features within Alternative Area 1. Minerva Stream is located approximately 100-170 feet north and down slope of Alternative Area 1. 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.

7. Alternative Area 1 is located at the intersection of County Route 29 and County Route 30.
8. There are no known occurrences of rare, threatened or endangered species or key wildlife habitats in Alternative Area 1.
9. Alternative Area 1 contains no statutory Critical Environmental Areas (CEA) pursuant to the Adirondack Park Agency Act.
10. Alternative Area 1 is serviced by County Route 29 and County Route 30, both hard-surfaced roads maintained by Essex County.
11. The Hamlet of Olmstedville lies immediately adjacent to the Alternative Area 1, 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.
12. 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 Alternative Area 1.
13. According to data obtained from Essex County Office of Real Property Tax Service and the NYS Office of Real Property Services (ORPS), Alternative Area 1 contains all or a portion of 7 parcels of land.

## **ENVIRONMENTAL EFFECTS**

Significant impacts may result from changes in the amount of allowable new development in Alternative Area 1. They are described as to each area in the Draft and Final Supplemental Environmental Impact Statements published for this action, and detailed in the maps therein, showing the locations of sensitive resources, and summarized as follows:

1. 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 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.
2. 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.
3. 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.
4. 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.

## CONCLUSIONS OF LAW

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

1. The Agency has given consideration to the Final Generic Environmental Impact Statement, "The Process of Amending the Adirondack Park Private Land Use and Development Plan Map," August 1, 1979 and the Draft and Final Supplemental Environmental Impact Statements, and all requirements of 6 NYCRR Part 617 have been met.
2. Reclassification of Alternative Area 1 from Low Intensity Use to Hamlet would be consistent with the findings and purposes of Section 801 of the Adirondack Park Agency Act, the Adirondack Park Land Use and Development Plan, and the character descriptions and purposes, policies and objectives of Hamlet areas set forth in Section 805(3)(c) of the Adirondack Park Agency Act.
3. Consistent with the social, economic and other essential considerations, from among the reasonable alternatives, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the Final Supplemental Environmental Impact Statement.

THE REQUEST having regularly come for consideration and due deliberation having been had, and the Agency having voted to deny the request.

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

ORDERED that the above-described request for an amendment to the Official Adirondack Park Land Use and Development Plan Map for MA2016-02, in the Town of Minerva, Essex County, be approved in the following manner:

MA 2016-02: Low Intensity Use to Hamlet; 4.2 ± acres

ENTER

ADIRONDACK PARK AGENCY

By \_\_\_\_\_  
Kathleen D. Regan  
Deputy Director, Planning

ORDER issued this \_th  
Day of September, 2016  
at Ray Brook, NY