



M E M O R A N D U M

TO: Terry Martino, Executive Director

FROM: Richard Weber, Deputy Director

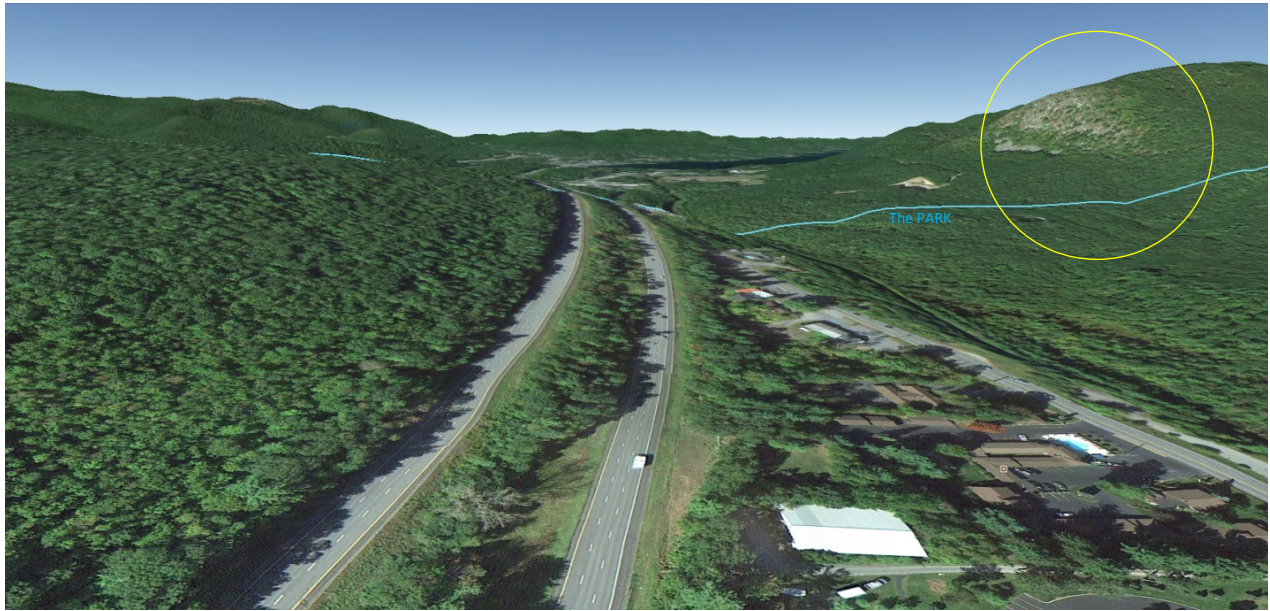
DATE: March 5, 2014

RE: P2012-185, Review of the Bear Pond Ranch, LLC's Zip-Line Proposal for French Mountain, Towns of Lake George and Queensbury

Agency staff have reviewed the Bear Pond Ranch, LLC proposal and are providing a recommendation to approve the project with conditions. A draft permit with appropriate conditions has been attached for Agency consideration. Staff believe the project would produce adverse impacts to open space and aesthetic resources of the Park but do not believe the impacts as identified in the findings of the draft permit and in this memorandum should be considered undue. The discussion below is intended to help the Board understand the key issues and to understand the basis for the staff recommendation.

A. The Project Setting

The project site is located on the north and west faces of French Mountain, which includes a prominent rocky outcrop, a defining landscape element in the area that overlooks the highest volume gateway into the Park on the Adirondack Northway. The traffic volume experienced on the Northway as it enters the Park at this location is estimated to have an average annual daily traffic volume, or AADT of over 45,000 vehicles. NYS Route 9 and the Warren County Recreational Trail also pass through this subtle pass which provides a sense of entry. Heading northbound on I-87 the travel corridor climbs to a highpoint near French Mountain before descending to Lake George Village. The character of the land uses along the Northway begin to change in this area from the more developed commercial and residential landscape seen passing by Glens Falls and Queensbury to a less developed landscape of mountains, lakes and forest as one enters the Park.



Looking north along the Northway travel corridor near the entrance to THE PARK, approximately 1 mile from project site

Traveling southbound on the Northway near the Village of Lake George, one can also see French Mountain in the distance as the terminus of the mountain range that defines the eastern edge of Lake George. Viewed from many vantage points, the undeveloped and rugged west face of French Mountain is a unique regional landscape feature that is recognized from the water on Lake George, from the Prospect Mountain Highway, from the Village Park in Lake George, and other locations. The distinct mountain helps to define the open space character of the Park and serves as a landmark at its entrance.



Looking south along the Northway travel corridor near the near Lake George Village, approximately 4.5 miles from project site

B. Review of Class A Regional Projects in Towns with an Approved Local Land Use Program

The project site is located in two separate land use areas according to the Adirondack Park Agency Land Use and Development Plan Map. The lower section of the site is located within the Moderate Intensity land use classification where the landing for the proposed zip-line will be located. The forested upper portion of the site on the slopes of French Mountain itself is located in the Rural Use land use classification. The launch area for the proposed zip-line is located near the summit and north of the 250 foot high cliff on the mountain. Similarly, the project site is divided between two Townships. The lower, Moderate Intensity portion of the site is located in the Town of Lake George and the upper, Rural Use portion of the site is located in the Town of Queensbury. Both Towns have approved local land use programs pursuant to §807 of the Agency Act.

In general, the Agency and towns with approved local land use programs are required to make findings pursuant to 809 (9) that the Class A regional project meets all of the pertinent requirements and conditions of the approved local land use program. This substitutes for the approval criteria under §809(10) the Agency would use for a project in the absence of an approved local land use program making findings regarding the consistency with the land use plan, the land use area, the overall intensity guidelines and the shoreline restrictions according to the standards and procedures established in the approved program.

On February 5, 2013 the Town of Lake George approved under site plan review an earlier version of the project plans after conducting a public hearing on the same date. Upon the Agency's completion of the application, a letter of consultation was sent by Agency staff to the Town Planning Board Chair on February 3, 2014. The letter requested comment from the Town and notified them of recent changes to the plans and the project description. To date no additional comments have been received from the Town.

The Town of Queensbury's Planning Board discussed the project and opened a public hearing on November 17, 2011, but the review of the project was subsequently tabled. Under the Town of Queensbury's approved land use program, the project is classified as an outdoor recreation use and is an allowable use in the Land Conservation zone, subject to site plan approval as described in a letter from Craig Brown, Zoning Administrator to Michael O'Connor dated March 21, 2011. The Town planning board has scheduled to resume its review of the revised application at their next meeting on March 18, 2014 following the Agency's decision.

C. Agency Review of Class A Regional Projects in Approved Towns

The Agency is required to make its independent determination regarding no undue adverse impact to the Park resources in consultation with the Towns. The findings regarding the consistency with the land use plan, land use area, overall intensity guidelines and the shoreline restrictions are made according to the standards and procedures established in the approved program administered by the towns.

Specifically, the Agency is required to make its own separate determination regarding no undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic,

recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project.

The Agency's determination must also take into account any commercial, industrial, residential, recreational or other benefits that might be derived from the project. In short, the potential significance of identified impact[s] to the Park resources must be considered in relation to the significance of any potential benefits that may have been identified.

It is important to understand that an approved town's determination with regard to consistency with the land use plan and the project's compatibility with the character description, purposes, policies and objectives of the land use area are made from the perspective of the town and its approved local land use plan, not necessarily from a broader Park resources or potential regional impacts perspective. Conversely, the Agency is obligated to look at a project and its potential impacts at a regional scale that often go beyond town boundaries, looking at potential impacts to Park resources, including local governmental considerations.

D. Pertinent Development Considerations

In making a determination as to the potential impact of the project upon the resources of the Park, the Agency must consider those pertinent factors contained in the 37 development considerations provided for in Section 805(4) of the Agency Act. Agency staff has carefully evaluated the proposal and have identified potential impacts to aesthetics, critical resources and land as being the most significant review considerations for this project. Through the project review process, staff have requested a detailed visual impact assessment including a mapping of the limits of visibility, an inventory of publically sensitive view locations, a narrative assessment of the potential impact at these locations and a series of visual simulations and videos of a similar Zip-Flyer® facility in operation at Bromley Mt., Vermont in order to gain an adequate representation of the project. The resulting materials indicate that the project is visible from many locations at distances varying from ½ mile to nearly 5 miles.

Staff believe the clearing of vegetation under the zip-line for the 900' section near the summit of French Mountain will be the most visible element of the project. The tower and launch structures near the summit will be partially screened by existing vegetation and the four zip-line cables with riders

will be significantly less visible as seen from distances greater than a mile from the project. A summary of the potential visual impacts of the project in relation to the pertinent development considerations is provided below for Agency consideration.

It should be noted that evaluating potential impacts to the Park resources often involves evaluating the close inter-relationship between any number of relevant factors listed under §805(4). As stated above, visual impact is the primary concern in this review. The factors listed below are believed by staff to be closely linked and the most important to making a determination on the significance of the project's visual impact. The discussion of each of these pertinent factors is provided in two parts. The first part provides a definition and statement of objectives for the given consideration as identified in the Agency's guidance entitled Development in the Adirondack Park (DAP). The second part provides a brief staff analysis of the potential impact of the project in relation to each of the given development considerations.

Open space resources

Projects should minimize disruption of and preserve open space resources where appropriate, particularly on lands classified as Rural Use and Resource Management. Private open space lands contribute to wildlife habitat, serve the forest products, agricultural, and tourism industries, and are essential and basic to the unique character of the Park. Private open space lands may also be available for public recreational activity.

Though the Town of Queensbury will make its separate findings about the compatibility of the proposed use with its LC-10 zoning under its approved program, the preservation of the open spaces which are essential and basic to the unique character of the Park would be a key objective for the Rural Use land classification in this area.

The project would involve the cutting of trees within a 35' to 50' wide swath for a length of 900' down the north-west slope of French Mountain. Efforts have been made by the Project Sponsor to vary the edge of the cut and to allow for selected shrubs and small trees to continue to grow within the cut area, as well as planting. Despite these proposed mitigation efforts, the visual effect of this cut as seen from a distance may be similar to a powerline corridor on a hillside. The floor of the cut area may have a different color and visual texture and contrast more sharply in the winter months with snow on the ground. The

introduction of a man-made geometric shaped element that appears as a straight line in an otherwise undeveloped and forested mountainside will contrast significantly with the natural setting and disrupt the open space character in this area. Experience suggests that the introduction of a small man-made element into an undeveloped setting will have a more significant impact on the open space character of an area than the introduction of larger man-made element into a more developed setting.

Vegetative cover

Vegetative cover is comprised of all of the plants in a given area. This includes the various layers of vegetation, such as the bryophyte (moss-lichen) crust, forbs and herbs, low shrubs, high shrubs, and low, mid and high canopy. Vegetative cover contributes to wildlife habitat, soil erosion prevention, stormwater runoff reduction, and aquifer and surface water quality and recharge. Vegetative cover can also improve the aesthetic character of an area. Projects should minimize disruption to vegetative cover and may require the planting of additional vegetation.

The proposed cutting of vegetation for the project's necessary clear-zone may disrupt the aesthetic character of the area. Proposed mitigation by the Project Sponsor to soften the visual impact of the cleared zone on the mountainside would include a commitment to a long-term management approach for the vegetation in this area and would involve new plantings for the purpose of blending the edges of the cut area with the adjacent undisturbed forest.

Unique features

Unique features, including gorges, waterfalls, and geologic formations are remnants of past geologic or meteorologic actions, and include scenic features such as rock slides, cirques and arêtes, paleontologic features such as stromatolite fossils, and structural formations such as rusty quartz veins. Projects should avoid the destruction and/or alteration of gorges, waterfalls, geologic formations, and other unique features.

French Mountain is a scenic feature in the landscape with its 250' high cliff on its western slopes. The introduction of the proposed zip-line structures and cleared-zones on the mountainside may significantly alter the natural scenic qualities of this unique landscape feature. The alternative involving a shorter zip-line with a launch point at a lower

elevation on the mountainside was not selected as the preferred alternative by the Project Sponsor because it would not meet their objectives.

Aesthetic Resources

Section 574.5 of Agency regulations provides further definitions of certain development considerations identified in §805(4) of the Agency Act. Of these, aesthetics is one of the defined terms and includes two factors under this heading that are considered pertinent to this review:

(7) Aesthetics means harmonizing land use or development with the natural environment.

(i) Scenic vistas include distant views through or along an opening, especially views which frame or focus attention upon a scene of distinctive character and natural beauty such as a prominent landmark, mountain, river valley, plain, or historical monument. Scenic vistas include those designated on the official Adirondack Park land use and development plan map, and those locally designated.

(ii) Natural and man-made travel corridors include the land or water visible from natural and man-made transportation routes such as interstate, State, county and town highways, boating and canoe routes, and hiking and horse trails.

The stated objectives of the aesthetic development considerations identified in DAP are to: preserve and enhance the scenic qualities of the Park; and, to design the built environment in harmony with both the existing character of an area and the natural landscape.

(i) Scenic vistas

No designated scenic vistas are identified on the Agency's Land Use and Development Plan Map or at the local level in the vicinity of the project site.

Traveling in the northbound direction, the existing roadside vegetation along NYS Route 9 and I-87 permits mostly filtered views of French Mountain near the entrance to the Park. Short duration views in this area do exist from both highways allowing a more complete and detailed view of the Mountain and potentially the proposed project. These views are approximately 90 degrees to the right of the direction of travel. The majority of the vegetation along the

roadsides is deciduous which will therefore permit greater visibility to the proposed project during the leaf-off conditions in Winter, early Spring and late Fall. The visibility of the project near the entrance to the Park is generally located in the foreground, within a ½ mile of the project site, and the detail of the cable systems, launch platforms, towers and riders would be clear at this distance.

Traveling in the southbound direction on the Northway, French Mountain becomes a more prominent feature, as a mountain in the distant and middleground views framed by roadside topography and vegetation. The character of these longer duration views directly ahead of the traveler is predominately of natural, undeveloped open space. The introduction of a man-made element into an otherwise undeveloped and forested mountainside will contrast significantly with the natural setting and will adversely disrupt the scenic vista in this area.

(ii) Natural and man-made travel corridors

In general, people traveling on Route I-87 experience the Park entrance and Lake George Village very differently from those people traveling on Route 9. The Route 9 corridor is lined with diverse signage, the parking areas, lighting, and commercial land uses. By contrast, the views from both the northbound and southbound lanes of the Northway are predominately of an undeveloped character with forested hillsides, Lake George and other unique features like French Mountain when available.

The most significant visual impact created by the project proposal is experienced in the southbound section of the Northway at distances between 2.5 miles and 1.75 from the project site. The staff conclusions regarding the views from this section of the travel corridor are the same as identified above under the scenic vista development consideration. The introduction of the proposed project into this otherwise undeveloped highway vista will adversely change the character of the travel corridor.

E. Consideration of Alternatives

Understanding that the visual impact of the project had the potential to be significant, Agency staff requested information about alternatives considered by the Project Sponsor that could either avoid or mitigate the identified impacts. One alternative involved locating the launch area further down the mountain to shorten the ride and reduce the extent of visibility of the project. The Project Sponsor did not believe this alternative would meet their objectives and thought it would make the proposed zip-line less competitive with similar facilities in the area. Specifically, the Project Sponsor stated that a shortened zip-line project would not be competitive with a similar project being considered within the existing ski trail clearings of the West Mountain Ski Resort nearby and outside the Park. The Project Sponsor also indicated the shorter alternative would likely result in the construction of new access roads and would require increased tree removal.

F. State Land Master Plan and the Significance of Travel Corridors

The Adirondack Park State Land Master Plan provides a clear statement about the importance of travel corridors in relation to the character of the Park that is worth noting here:

The importance of the major travel corridors and the principal segments of the local highway network to the integrity of the Park cannot be over-emphasized. The lands adjacent to these highways are the most visible to the traveling public and frequently determine the image and entire atmosphere of the Park for many visitors. In addition, due to the heavily forested character of the Park, scenic vistas from these travel corridors are relatively rare and their protection and enhancement are important.

G. Staff Conclusions

In summary, staff offers for Agency consideration the following conclusions about the significance of the visual impacts related to the project proposal:

1. The primary views of French Mountain as an undeveloped setting are experienced from the Northway.

2. Northbound views are primarily filtered, and at 90 degrees to direction of travel. The views are short in duration but detailed when visible.
3. The southbound views are considered to have the most significant visual impact. The views are long in duration, framed by topography and roadside vegetation and are viewed with a middleground level of detail. The proposed project appears to create adverse impacts to open space and aesthetic resources.
4. Views of the project from Lake George and the Village are in the Hamlet context looking through foreground development to the distant view of the Mountain.
5. Views of the project from Prospect Mountain are from a superior vantage point looking down and across a significantly developed setting to the Mountain and the project site.
6. The project involves the introduction of a tourist attraction onto an undeveloped and forested mountainside. The proposal, particularly the visual impact associated with the clearing of vegetation for the project will contrast significantly with the natural setting.
7. An evaluation of the project's potential visual impact in relation to the pertinent development considerations indicates that potential impacts to open space resources, vegetative cover, unique features, aesthetic resources and adjacent land uses do exist.
8. Staff believe the project produces adverse visual impacts that are contrary to the objectives of the pertinent development considerations.
9. The adverse visual impacts that might be created by the project are in part mitigated by careful design and vegetation management proposals. The existing trees adjacent to the tower and launch area will partially screen these elements located near the summit. The proposed vegetation management plan for the required cleared area will soften the project's contrast with the natural setting. The proposed development in the base area is considered compatible with the existing commercial development.

10. Staff provides a recommendation for approval of the project with conditions believing that the potential impacts to open space and aesthetic resources within the approved local land use programs of Lake George and Queensbury are not undue. The consideration of an undue adverse impact within the context of this project review is ultimately a decision for this Agency Board.