



**LEILANI CRAFTS ULRICH**  
Chairwoman

**TERRY MARTINO**  
Executive Director

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In the Matter of the Application of

Town of Wilmington.

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

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**SEQR FINDINGS  
STATEMENT AND ORDER**

**MA 2014-03**

**SUMMARY**

The Adirondack Park Agency received an application from the Town of Wilmington, Essex County, for amendments to the Official Adirondack Park Land Use and Development Plan Map to reclassify three area, totaling 210 acres, in the following manner:

Area 1: Rural Use to Moderate Intensity Use; 111+/- acres

Area 2: Low Intensity Use to Moderate Intensity Use; 40+/- acres

Area 3: Rural Use to Moderate Intensity Use; 59+/- acres

The proposed map amendment areas are 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).

In addition to the proposed areas, the Agency considered alternative configurations for Area 2 and Area 3:

Area 2a: Low Intensity Use to Moderate Intensity Use; 14+/- acres

Area 2b: Low Intensity Use to Moderate Intensity Use; 24+/- acres

Area 3a: Rural Use to Moderate Intensity Use; 39+/- acres

Pursuant to the FGEIS, a Draft Supplemental Environmental Impact Statement (DSEIS) was filed on February 13, 2015. A public hearing was held on May 6, 2015, at the Wilmington Community Center. On June \_\_\_\_, 2015 the Agency filed a Final Supplemental Environmental Impact Statement (FSEIS).

After review of the FGEIS, based upon the facts and conclusions in the Draft and FSEIS, as set forth following, and based upon the criteria set forth in Section 805 of the

Adirondack Park Agency Act, the Agency denies approves amending alternative Area 2b and denies the request for Area 1 and Area 3.

At its regular monthly meeting in Ray Brook, New York on June 12, 2015, the Adirondack Park Agency adopted the following Findings of Fact and Conclusions of Law:

### **FINDINGS OF FACT**

#### **Area 1: Rural Use to Moderate Intensity Use; 111+/- acres**

1. Area 1 is generally described as follows:

Beginning at a point at the intersection of the centerline of Cheney Road and the centerline of the National Grid electric transmission line; thence in a southwesterly direction along the centerline of Cheney Road for a distance of approximately 800 feet to the intersection with Switchback Road; thence continuing in a southerly direction along the centerline of Switchback Road to a point one-quarter mile from the centerline of Elk Inn Road; thence in a northeasterly direction along a one-quarter mile setback from Elk Inn Road to a point on the centerline of said electric transmission line; thence northerly along the centerline of the electric transmission line to the point of beginning.

2. The Natural Resources Conservation Service Soil Survey has identified four soils types in Area 1: Adams loamy sand (91%), Skerry loam (5%), Becket fine sandy loam (3%) and Croghan fine sand (1%).
3. The topography of Area 1 ranges from generally flat to severely sloping. Slopes ranging from 0 to 3% comprise approximately 9% of 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 31% of 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 25% of Area 1. 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 18% of Area 1. Slopes in this range 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 above 25% comprise approximately 18% of Area 1. Slopes in this range pose severe limitations for development
4. The elevation in Area 1 ranges from approximately 1020 feet to approximately 1180 feet in elevation.

5. There are approximately 2.0 acres of wetlands within Area 1. This wetland is associated with an unnamed stream.
6. The primary hydrologic features in Area 1 is are two unnamed streams, one of which flows through the wetland in Area 1 and the other which forms the northern boundary of Area 1. These unnamed streams tributaries to the Ausable River. NYS Department of Environmental Conservation has classified these unnamed streams as a Class C(T) surface water, which indicates that its best usage is fishing and is a designated trout water.
7. The *Proposed Map Amendment Area* is visible from NYS Route 86. Portions of Area 1 may be visible from the West Branch Ausable River, a Recreational River pursuant to the Wild, Scenic and Recreational Rivers Act.
8. There are no known occurrences of rare, threatened or endangers species or key wildlife habitats in Area 1.
9. The 2 acres of wetlands within Area 1 is a statutory Critical Environmental Areas (CEA) pursuant to the Adirondack Park Agency Act. Lands with 150 feet of a State highway in Rural Use are also statutory CEA pursuant to the Adirondack Park Agency Act. This highway CEA is approximately 10 acres in size and would not exist if the area reclassified to Moderate Intensity Use.
10. Area 1 is serviced by NYS Route 86, a hard-surfaced, State maintained road which forms the eastern boundary of the area. According to the NYS Department of Transportation, this route had an average daily traffic count of 3028 in 2012.
11. The Hamlet of Wilmington lies approximately 1 mile north of Area 1 via NYS Route 86. The Village of Lake Placid lies approximately 10 mile south of Area 1 via NYS Route 86.
12. Public water, electric and telephone services are available to Area 1 along NYS Route 86. The Town of Wilmington does not have public sewer service.
13. According to data obtained from Essex County Office of Real Property Tax Service and the NYS Office of Real Property Services (ORPS), Area 1 contains all or a portion of 8 parcels of land.

## **Area 2b: Low Intensity Use to Moderate Intensity Use; 24+/- acres**

1. Area 2b is generally described as follows:

Beginning at a point at the intersection of the centerlines of NYS Route 86 and Fox Farm Road; thence in a easterly direction along the centerline of Fox Farm Road for a distance of approximately 1,100 feet to a point on the eastern boundary of Lot 8 of the Jay Tract; thence in a southerly direction along the eastern boundary of Lot 8 for a distance of one-tenth mile; thence in a western direction at a constant and parallel distance of one-tenth mile from the centerline of Fox Farm Road to a point one-tenth mile from the centerline of NYS Route 86; thence in a southerly direction at a constant and parallel distance of one-tenth mile from the centerline of NYS Route 86 to a point one-quarter mile from the centerline of Fox Farm Road; thence in a westerly direction at a constant and parallel distance of one-quarter mile from the centerline of Fox Farm Road to a point on the centerline of NYS Route 86; thence in a northerly direction along the centerline of NYS Route 86 to point of beginning.

2. The Natural Resources Conservation Service Soil Survey has identified three soil types in Area 2b: Adams loamy sand (79%), Skerry loam (20%) and Becket fine sandy loam (1%).
3. The topography of Area 2b ranges from generally flat to moderately sloping. Slopes ranging from 0 to 3% comprise approximately 20% of Area 2b. 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 58% of Area 2b. 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 20% of Area 2b. 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 2% of Area 2b. Slopes in this range 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. There appears to be no slopes above 25% in Area 2b.
4. The elevation in Area 2b ranges from approximately 1160 feet to approximately 1230 feet in elevation.
5. There are no mapped wetlands within Area 2b.
6. There appears to be no significant hydrological features within Area 2b.
7. Area 2 is visible from NYS Route 86.

8. There are no known occurrences of rare, threatened or endangers species or key wildlife habitats in Area 2b.
9. There are no statutory Critical Environmental Areas (CEA) pursuant to the Adirondack Park Agency Act within Area 2
10. Area 2b is serviced by NYS Route 86, a hard-surfaced, State maintained road which forms the western boundary of the area, and Fox Farm Road (County Route 63). According to the NYS Department of Transportation, NYS Route 86 had an average daily traffic count of 3028 in 2012.
11. The Hamlet of Wilmington lies approximately 1.7 miles north of Area 2 via NYS Route 86. The Village of Lake Placid lies approximately 10 mile south of Area 2 via NYS Route 86.
12. Public water, electric and telephone services are available to Area 2b along NYS Route 86 and Fox Farm Road. The Town of Wilmington does not have public sewer service.
13. According to data obtained from Essex County Office of Real Property Tax Service and the NYS Office of Real Property Services (ORPS), Area 2b contains all or a portion of 5 parcels of land.

### **Area 3: Rural Use to Moderate Intensity Use; 59+/- acres**

1. Area 3 is generally described as follows:

Beginning at a point at the intersection of the centerlines of NYS Route 86 and a one-quarter mile setback south from Fox Farm Road; thence in a easterly direction at a constant and parallel distance of one-quarter mile from the centerline of Fox Farm Road to a point on the eastern boundary of Lot 8 of the Jay Tract; thence in a southerly direction along the eastern boundary of Lot 8 to the southern boundary of Lot 8; thence in a western direction along the southern boundary of Lot 8 to a point one-tenth mile from the centyerline of NYS Route 86; thence in a southerly direction at a constant and parallel distance of one-tenth mile from the centerline of NYS Route 86 to a point on the boundary of the Sentinel Range Wilderness; thence in a westerly direction along the Sentinel Range Wilderness boundary to a point on the centerline of NYS Route 86; thence in a northerly direction along the centerline of NYS Route 86 to point of beginning.
2. The Natural Resources Conservation Service Soil Survey has identified four soils types in Area 3: Skerry loam (55%), Tunbridge (24%), Becket - Tunbridge (12%) and Adams loamy sand (9%).

3. The topography of Area 3 ranges from generally flat to severely sloping. There appears to be no slopes in the 0 to 3% range in Area 3. Slopes ranging from 3% to 8% comprise approximately 45% of Area 3. 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 27% of Area 3. 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 26% of Area 3. Slopes in this range 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 above 25% comprise approximately 3% of Area 3. Slopes in this range pose severe limitations for development.
4. The elevation in Area 3 ranges from approximately 1180 feet to approximately 1460 feet in elevation.
5. There are approximately 0.5 acres of wetlands within Area 3. This wetland is associated with an unnamed pond.
6. The primary hydrologic feature in Area 3 is an approximately 0.5 acre unnamed pond.
7. The Area 3 is visible from NYS Route 86.
8. There are no known occurrences of rare, threatened or endangered species or key wildlife habitats in Area 3.
9. The wetlands within Area 3 are a statutory Critical Environmental Area (CEA) pursuant to the Adirondack Park Agency Act. Lands with 150 feet of a State highway in Rural Use are also statutory CEA pursuant to the Adirondack Park Agency Act. This highway CEA comprises approximately 10 acres of Area 3 and would not exist if the area reclassified to Moderate Intensity Use. Land within 660 feet of the Sentinel Range Wilderness is also a statutory CEA pursuant to the Adirondack Park Agency Act. Approximately 8 acres of Area 3 is located within this Wilderness CEA.
10. Area 3 is serviced by NYS Route 86, a hard-surfaced, State maintained road which forms the western boundary of the area. According to the NYS Department of Transportation, this route had an average daily traffic count of 3028 in 2012.
11. The Hamlet of Wilmington lies approximately 2 miles north of Area 3 via NYS Route 86. The Village of Lake Placid lies approximately 10 miles south of Area 3 via NYS Route 86.

12. Public water, electric and telephone services are available to Area 3 along NYS Route 86. The Town of Wilmington does not have public sewer service.
13. According to data obtained from Essex County Office of Real Property Tax Service and the NYS Office of Real Property Services (ORPS), Area 1 contains all or a portion of five parcels of land.

### **ENVIRONMENTAL EFFECTS**

Significant impacts may result from changes in the amount of allowable new development in Area 2. 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: Approximately 22% of Area 2b contain soils or slopes that can pose severe limitations for on-site septic systems. The poorly treated effluent can pollute ground water in the area near the absorption field
2. 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. Stormwater discharge 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.
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.

## CONCLUSIONS OF LAW

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

1. The Agency has given consideration to the Final Generic Environmental Impact Statement, "The Process of Amending the Adirondack Park Private Land Use and Development Plan Map," August 1, 1979 and the Draft and Final Supplemental Environmental Impact Statements, and all requirements of 6 NYCRR Part 617 have been met.
2. Reclassification of the Area 2b from Low Intensity Use to Moderate Intensity Use would be consistent with the findings and purposes of Section 801 of the Adirondack Park Agency Act, the Adirondack Park Land Use and Development Plan, and the character descriptions and purposes, policies and objectives of Moderate Intensity Use areas set forth in Section 805(3)(c) of the Adirondack Park Agency Act, and with the regional scale and approach used in the preparation of the Plan Map. Specific land use area classification determinants that indicate the Area 2b is suited for the intensity of development that may occur under the Moderate Intensity Use classification include:
  - a) The Area 2b is serviced by public water infrastructure.
  - b) The Area 2b is approximately 1.7 miles from the Hamlet of Wilmington via New York State Route 86.
  - c) The Area 2b contains deep, well drained soils on predominantly low and moderate slopes.
  - d) The Area 2b does not contain substantial acreage of resource limitations including wetlands, steep slopes, and soils with shallow depth to seasonal high groundwater table or shallow depth to bedrock.
3. Reclassification of the Area 1 from Rural Use to Moderate Intensity Use would be not 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 Moderate Intensity Use areas set forth in Section 805(3)(c) of the Adirondack Park Agency Act, and with the regional scale and approach used in the preparation of the Plan Map. The specific land use area classification determinant that indicates the Area 1 is not suited for the intensity of development that may occur under the Moderate Intensity Use classification is contain substantial acreage of steep slopes.
4. Reclassification of the Area 3 from Rural Use to Moderate Intensity Use would be not 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 Moderate



Intensity Use areas set forth in Section 805(3)(c) of the Adirondack Park Agency Act, and with the regional scale and approach used in the preparation of the Plan Map. The specific land use area classification determinant that indicates the Area 3 is not suited for the intensity of development that may occur under the Moderate Intensity Use classification is contain substantial acreage of steep slopes and shallow soils.

5. 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.
6. The action is consistent with Local Waterfront Revitalization Program approved by the New York State Secretary of State pursuant to Article 42 of New York State Executive Law and Executive Law, Section 913, Part 600).

THE REQUEST having regularly come for consideration and due deliberation having been had, and the Agency having voted to approve the amendment for Area 2b and to deny the amendment for Area 1 and Area 3;

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 amendments to the Official Adirondack Park Land Use and Development Plan Map for MA2014-03, in the Town of Wilmington, Essex County, be approved in the following manner:

Area 2b: Low Intensity Use to Moderate Intensity Use; 24± acres

IT IS ALSO ORDERED that the above-described request for amendment to the Official Adirondack Park Land Use and Development Plan Map for MA2014-03, in the Town of Wilmington, Essex County, be denied in the following Manner:

Area 1: Rural Use to Moderate Intensity Use; 111± acres

Area 3: Rural Use to Moderate Intensity Use; 59± acres

ENTER

ADIRONDACK PARK AGENCY

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

ORDER issued this \_\_\_th

Day of June, 2015

at Ray Brook, NY