



LEILANI CRAFTS ULRICH
Chairwoman

TERRY MARTINO
Executive Director

In the Matter of the Application of

Carol Linder

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

**SEQR FINDINGS
STATEMENT AND ORDER**

MA 2014-04

SUMMARY

The Adirondack Park Agency received an application for an amendment to the Official Adirondack Park Land Use and Development Plan Map to reclassify approximately 12.3 acres of land in the Town of Westport, Essex County, from Resource Management to Hamlet. The applicant requested that the map amendment be approved contingent upon connecting the area to the existing municipal sewer system.

The Agency considered two geographic alternatives, Area 1 and Area 2, and favored Area 1 whose boundaries will coincide with the new sewer district boundary and satisfy land use area boundary requirements of Section 805 (2)(c)(5) of the Adirondack Park Agency Act and the Agency's Final Generic Environmental Impact Statement (FGEIS) "The Process of Amending the Adirondack Park Private Land Use and Development Plan Map," (August 1, 1979).

Pursuant to the FGEIS, a Draft Supplemental Environmental Impact Statement was filed on May 15, 2015. A public hearing was held on June 25, 2015, at the Westport Town Hall. On August ____, 2015 the Agency filed a Final Supplemental Environmental Impact Statement.

The Preferred Alternative, as described in the Final Supplemental Environmental Impact Statement, is the reclassification of Area 1 from Resource Management to Hamlet after the area is served by the public sewer system.

After review of the FGEIS, based upon the facts and conclusions in the Draft and Final SEIS, as set forth following, and based upon the criteria set forth in Section 805 of the Adirondack Park Agency Act, the Agency approves this map amendment request.

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

FINDINGS OF FACT

1. Area 1 consists of one vacant parcel in the Town of Westport and is identified as Tax Map Section 66, Subsection 4, Block 1, Lot 2.00 by Essex County Real Property Tax Services.
2. Area 1 is bound in the east and north by the existing Hamlet boundary, which is the former Village of Westport boundary; on the west by the boundary of the Westport Sewer District Number #; and on the south by the centerline of Stevenson Road.
3. The Natural Resources Conservation Service Soil Survey Geographic Database has identified Vergennes as the only soil series in Area 1. The Vergennes series consists of very deep, moderately well drained soils on lake plains in the Champlain Valley. Vergennes soils formed in clayey sediments deposited in still water. Depth to a root restrictive layer is greater than 60 inches. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches is moderate. A seasonal zone of water saturation is at 20 inches during January, February, March, April, May and December.
4. The topography of the Area 1 ranges from flat to severely sloping. Slopes ranging from 0 to 3% comprise approximately 7% of the 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 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 43% of the 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 20% of the area. 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 greater than 25% comprise approximately 4% of the area. Slopes in this range pose severe limitations for development.
5. The primary hydrologic features in the subject area are two streams. Hoisington Brook forms the northern boundary of Area 1 and is classified as a C(t) stream by NYS Department of Environmental Conservation (NYS DEC). Class "C" waters are those best used for fish propagation, fish habitat and fishing. The "t" further indicates that it is designated trout water. An unnamed stream, which is a tributary of Hoisington Brook, flows north through the wetland on the eastern portion of the subject area. The unnamed stream is not classified by the NYS DEC.

6. There are no known occurrences of rare, threatened or endangers species or key wildlife habitats in Area 1.
7. Approximately 4.3 acres of wetlands exist within Area 1.
8. Area 1 is visible from Stevenson Road and may be visible from Hoisington Brook.
9. Area 1 is serviced by Stevenson Road, also known as County Route 44, hard-surfaced road which forms the southern boundary of Area 1.
10. A public water main runs along Stevenson Road, which provides public water access to Area 1.
11. The Town of Westport has a public sewer system. On Month DD, YYYY, the Town of Westport completed the process of adding Area 1 into Sewer District Number #. The Town and DEC has confirmed that thesewer treatment system has adequate capacity to handle additional volume...
12. Electric and telephone services are available to Area 1.

ENVIRONMENTAL EFFECTS

Significant impacts may result from changes in the amount of allowable new development in the area. 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. **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. 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.
2. **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.

3. Adverse impacts to flora and fauna: The proposed action to change to a less restrictive classification may lead to adverse impacts upon flora and fauna due to the potential increase in development adjacent to wetlands subject to Agency jurisdiction under the Adirondack Park Agency Act and the New York State Freshwater Wetlands Act. 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 the Proposed Map Amendment Area from Resource Management to Hamlet is 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, and with the regional scale and approach used in the preparation of the Plan Map. Specific land use area classification determinant that indicate the Area 1 is suited for the intensity of development that may occur under the Hamlet classification include:
 - a) Area 1 area is located within a sewer district, all new development in required to connect to the municipal sewer system and the Town of Westport and NYS Department of Environmental Conservation have confirmed that the sewer treatment facility has adequate capacity to accommodate additional volume that may result from additional development resulting from the amendment. Development may occur in this area in spite of limitations posed by soil characteristics.
 - b) Area 1 can sustain a high level of development intensity. Local government services can efficiently be provided in this area. Development here will generally be of positive economic value to a community.
 - c) Area 1 is generally characterized by low and moderate slopes which can sustain the intensity of development which Hamlet allows.

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 approve the proposed Map Amendment;

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 amendment of the Official Adirondack Park Land Use and Development Plan Map for the above-described area, in the Town of Westport, Essex County, be approved:

MA 2014-04: Resource Management to Hamlet; 12.3± acres

ENTER

ADIRONDACK PARK AGENCY

By _____

Kathy Regan
Deputy Director, Planning

ORDER issued this ___th

Day of MONTH, 2015

at Ray Brook, NY