



**ANDREW M. CUOMO**  
Governor

**TERRY MARTINO**  
Executive Director

## **STATEMENT OF FINDINGS**

State Environmental Quality Review Act

### **NAME OF LEAD AGENCY AND PREPARER OF FSEIS:**

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

### **PROJECT LOCATION:**

Town of Westport  
Essex County

### **PROPOSED ACTION:**

Amendment to the Official Adirondack Park Land Use and Development Plan Map in the Town of Westport, Essex County (Map Amendment 2018-02) to reclassify approximately 32 acres pursuant to the Adirondack Park Agency Act, Section 805 (2)(c)(1), from Resource Management to Hamlet.

### **DATE OF ACCEPTANCE OF FSEIS BY LEAD AGENCY:**

July 11, 2019

## DESCRIPTION OF THE ACTION

The Adirondack Park Agency (Agency) received a joint application for an amendment to the Official Adirondack Park Land Use and Development Plan Map (Official Map) from the Town of Westport, Essex County and Consolidated Mortgages, LLC, the owner of the land requested for the amendment. The applicants requested that approximately 29 acres of land be reclassified from Resource Management to Hamlet.

Pursuant to the Agency's Final Generic Environmental Impact Statement (FGEIS) on the map amendment process (August 1, 1979), a Draft Supplemental Environmental Impact Statement (DSEIS) was filed on November 9, 2018. A public hearing was held on December 20, 2018, at the Westport Town Hall with over thirty people attending, and the public comment period concluded on January 7, 2019. The Agency received three written comments. On July 11, 2019, the Agency accepted and filed a Final Supplemental Environmental Impact Statement (FSEIS).

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 FGEIS. 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 the FSEIS as the *Alternative Area 2*, is approximately 32 acres in size and meets the required regional boundary criteria.

This Statement of Findings is prepared in satisfaction of the requirements found in 6 NYCRR § 617.11 and 9 NYCRR § 586. As explained in the SEQRA Handbook ([https://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/dseqrhandbook.pdf](https://www.dec.ny.gov/docs/permits_ej_operations_pdf/dseqrhandbook.pdf)), "[f]indings provide a rationale for agency decisions, including any conditions to be attached to the agency's approval. Should an agency decision be challenged, findings also provide a record to help explain the agency's decision-making. The findings procedure allows each involved agency to consider the relevant environmental factors presented in the final EIS, and balance and weigh essential considerations, including

the economic and social factors, in reaching its decision on its underlying jurisdiction.”

The APA must certify that, consistent with social, economic and other essential considerations from among the reasonable alternatives available, the preferred alternative is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable. This Findings Statement presents the Agency’s consideration of potential significant, adverse environmental impacts associated with the recommendation to amend the Adirondack Park Land Use and Development Plan and Map by reclassifying lands from Resource Management to Hamlet.

## **PROPOSED ACTION**

The Agency proposes to reclassify a 32-acre parcel of land in the Town of Westport, Essex County, from Resource Management to Hamlet. The Agency has reviewed the character of the requested area and relevant land use classification determinants and determined that this area meets the character description, purposes, policies, and objectives of the hamlet classification under Section 805 of the APA Act.

Land use area determinants that support the reclassification of this area as Hamlet include public sewer service, accessibility to the existing Hamlet of Westport, low to moderate slopes, and no significant physical, biological, or other characteristics that would pose limitations for development. This alternative recognizes the area having sewer service available as of May 28, 2019, when the Town of Westport expanded the existing Sewer District 1 boundaries to include the area of Alternative Area 2. The presence of sewer can accommodate development at the high intensity that Hamlet allows despite significant limitations posed by the soils in this area. The area is located adjacent to the existing Hamlet of Westport and is readily accessible to the community

via Stevenson Road and a private road. Approximately 83% of this area contains slopes less than 8%, and there are approximately 0.4 acres of wetlands in this area.

The APA Act describes the character, purposes, policies, and objectives of the Hamlet classification, stating that Hamlet areas are the service and growth centers of the Park. They generally have a diversity of development and high level of public services and facilities, and the delineation of Hamlet areas is intended to provide reasonable expansion areas. This map amendment would expand the existing Hamlet area within the Town of Westport, which is an existing service and growth center, and allow for a reasonable expansion that is supported by the community's services and facilities.

## **PUBLIC NEED AND BENEFITS**

The Town of Westport states that it has designated this area for potential growth and points out that it has lost approximately 40 rooms or tourist accommodation units in the past several years and has also lost up to 50 principal building rights through conservation easements and other land purchases. Growth beyond the existing public sewer system has been limited by soils which are unsuitable for onsite wastewater treatment systems. On May 28, 2019, the Town Board resolved to expand the Sewer District to include the 32-acre parcel to be reclassified. The Town Sewer Code requires that any buildings or properties within the sewer district must install suitable toilet facilities and connect to the public sewer within one year of construction of the sewer extension. It is unlawful to construct or maintain any privy, privy vault, septic tank, or cesspool within the sewer district boundaries. This reclassification to Hamlet and the expansion of the sewer district will encourage growth in the Town and provide social and economic benefits.

## **FACTS AND CONCLUSIONS IN THE FSEIS SUPPORTING THE DECISION**

In developing this findings statement, the Agency has reviewed and considered the

FSEIS. The following findings are based on the facts and conclusions set forth in the FSEIS. The FSEIS documents the necessary information needed for its approval and adoption, consistent with the terms and conditions of the APA Act, SEQRA, 6 NYCRR Parts 617 and 618, 9 NYCRR Part 583, 9 NYCRR Part 586, and all other applicable rules, regulations, and policy.

## **ENVIRONMENTAL IMPACTS**

The increase in the amount of allowable new development in Alternative Area 2 may result in significant impacts. Those impacts are described in the FSEIS and summarized as follows:

Sewage Disposal: The proposed map amendment area is located in a newly formed sewer district expansion area. The wastewater treatment plant (WWTP) is permitted to discharge 180,000 GPD and in 2018 it received approximately 57,000 GPD during dry weather and up to 257,000 GPD during wet weather due to I&I. The Town of Westport Sewer District Expansion Map Plan and Report prepared by Engineering Ventures, PC, March 2019 (Map Plan and Report) developed for the sewer district extension estimates approximately 12,590 GPD from the sewer district expansion area. If I&I problems are not addressed, an additional 12,590 GPD could cause the WWTP to exceed its permitted levels and lead to the discharge of pollution into Lake Champlain. Despite the excessive volume, the plant is effectively treating the effluent it receives. The NYS Department of Environmental Conservation (DEC) has issued a State Pollution Discharge Elimination System (SPDES) permit which requires that the I&I problems will be addressed, and the Town has taken steps to study and address the problem

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.

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.

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.

## **MITIGATION MEASURES**

The APA Act § 805(c)(2)(c) requires that the Agency must find that the "reclassification would be consistent with the land use and development plan, ... 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 map amendment process includes an opportunity for public hearing and comment, which allows for consideration of environmental, social and economic

impacts. The process itself has encouraged the expansion of the sewer district, which will mitigate otherwise possible impacts from the reclassification.

The public wastewater treatment system is operated by the Town, under a SPDES permit administered by New York State Department of Environmental Conservation (NYSDEC). Systems that operate under SPDES permits are subject to requirements that minimize the potential for significant environmental impacts, including monitoring, reporting, and additional review of service area expansion, and can compel permittees to take corrective actions. The SPDES permit includes conditions which address I&I concerns with the Town's municipal sewer and collection system.

Finally, any potential development within the map amendment area would require various approvals, including from the Department of Health, Department of Environmental Conservation, and the Town under its Approved Local Land Use Plan, which is overseen by the Agency. Regulations and procedures governing these approvals would help to mitigate the identified potential adverse environmental impacts.

## **CERTIFICATION OF FINDINGS**

HAVING CONSIDERED the above Findings of Fact and the FSEIS, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 and 9 NYCRR Part 586 implementing Article 8 of the ECL (SEQR) have been met;
2. 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 impacts disclosed in the Final Supplemental Environmental Impact Statement.

3. Reclassification of Alternative Area 2 from Resource Management 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 and all applicable rules, regulations and policies.

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Terry Martino  
Executive Director  
New York State Adirondack Park Agency

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Date