
**COVER SHEET
and
NOTICE OF COMPLETION
of
~~DRAFT~~FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT
(DSEIS~~FSEIS~~)
MAP AMENDMENT 2018-02 (Town of Westport)**

NAME OF LEAD AGENCY AND PREPARER OF DSEIS~~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 2932 acres pursuant to the Adirondack Park Agency Act, Section 805(2)(c)(1) ~~and 805(2)(c)(2)~~, from Resource Management to Hamlet.

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DATE OF ACCEPTANCE OF DSEIS~~FSEIS~~ BY LEAD AGENCY:

~~DATE OF PUBLIC HEARING ON PROPOSED MAP AMENDMENT:~~

~~DATE ON WHICH PUBLIC COMMENTS MUST BE RECEIVED BY LEAD AGENCY:~~

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Figure 2. A map showing the location of the requested map amendment area on the Adirondack Park Land Use and Development Plan Map.

Figure 3. Existing sewer and water infrastructure near the requested map amendment area shown on a 2009 aerial image.

Figure 4. Existing land use in and adjacent to the requested map amendment area. Inconsistencies exist between tax parcel maps, deeded property descriptions, and the Adirondack Park Land Use and Development Plan Map. White areas are not considered part of any tax parcel according the Essex County Property Tax Maps. (Source: Essex Co., NYS ORPS)

Figure 5. Soil Survey of Essex County detailed soil delineation in the requested map amendment area. Soils map units that begin with “Ve” indicate Vergennes soil and map units that begin with “Ky” indicate Kingsbury soils. (Source: NRCS)

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APPENDICES

A. APPLICATION FOR AMENDMENT TO THE OFFICIAL ADIRONDACK PARK LAND USE AND DEVELOPMENT

B. SUPPLEMENTAL APPLICATION MATERIAL

B.C. _____ LAND USE AREA DESCRIPTIONS, SETBACK AND COMPATIBLE USE LIST

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EXECUTIVE SUMMARY

MA 2018-02

SUMMARY OF PROPOSED ACTION

The Adirondack Park Agency received a joint application for an amendment to the Official Adirondack Park Land Use and Development Plan Map (~~the~~ Map) from the Town of Westport and Consolidated Mortgages, LLC, the owner of the parcel of land being considered for this amendment. The applicants are requesting that an approximately 29-acre area be reclassified from its current classification, Resource Management, to Hamlet.

The requested map amendment area is delineated by private property boundaries and the boundary of an area proposed for development, neither of which are appropriate boundaries for land classification areas 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). ~~In their application, the applicants have stated that the existing municipal sewer district will be expanded to serve the requested map amendment area. If the sewer district were to be expanded to include the requested area, the sewer district boundaries could be considered appropriate boundaries for a land use classification area. Figure 1 is a map showing the location of the requested map amendment area.~~ A Draft Supplemental Environmental Impact Statement (DSEIS) was filed on November 9, 2018, a public hearing was held in Westport on December 20, 2018 with over thirty people attending, and the public comment period concluded on January 7, 2019. Three written comments were received during the public comment period.

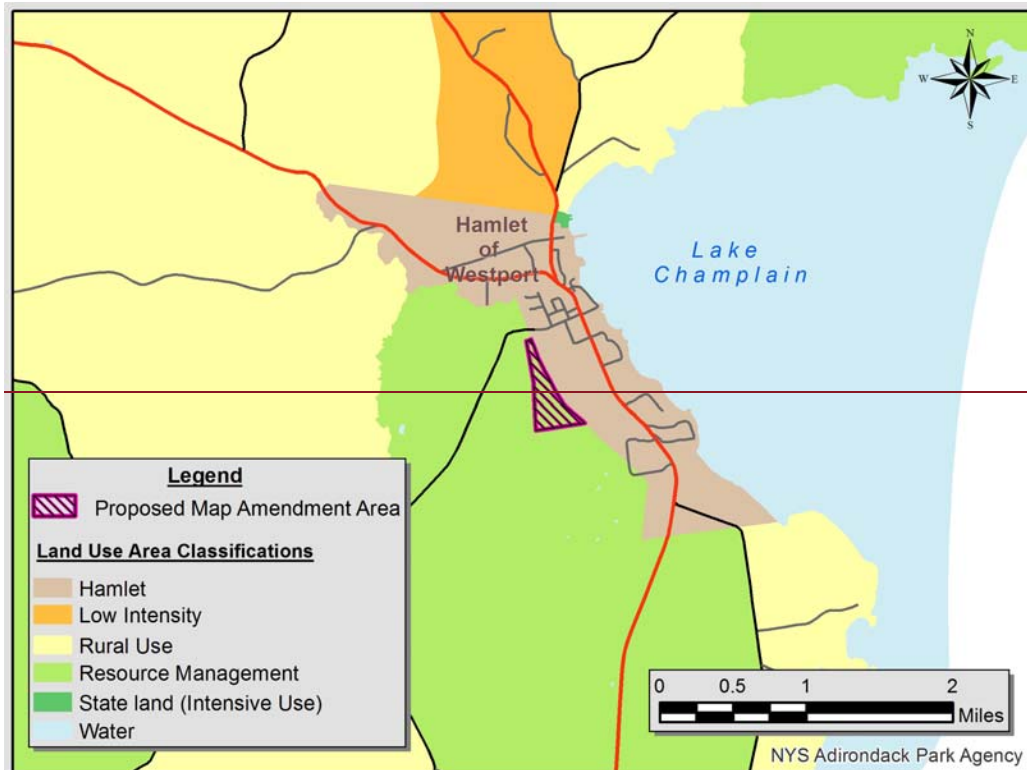


Figure 1. A map showing the location of the approximately 29 acres requested map amendment area on the Adirondack Park Land Use and Development Plan Map.

In their application, the applicants have stated that the existing municipal sewer district would be expanded to serve the requested map amendment area. On May 28, 2019, subsequent to the filing of the DSEIS, public hearing and public comment period, the Town expanded the existing sewer district. The expanded sewer district includes all of Alternative Area 2, which is slightly larger (approximately 3 acres larger), than the area initially requested by the applicants. Figure 1 is a map showing the location of the requested map amendment area and Alternative Area 2. The Town will not allow any new on-site waste water treatment systems in the sewer district expansion area. Future expansions of the sewer system in the expansion area will be subject to a Department of Environmental Conservation State Pollution Discharge Elimination System (SPDES) permit.

This Final Supplemental Environmental Impact Statement (FSEIS) contains a Preferred Alternative, which is to reclassify 32 acres (Alternative Area 2) from Resource Management to Hamlet. This alternative is listed as Alternative 4 in the DSEIS and FSEIS. The Preferred Alternative achieves the Town's goals and is consistent with the Hamlet classification criteria.

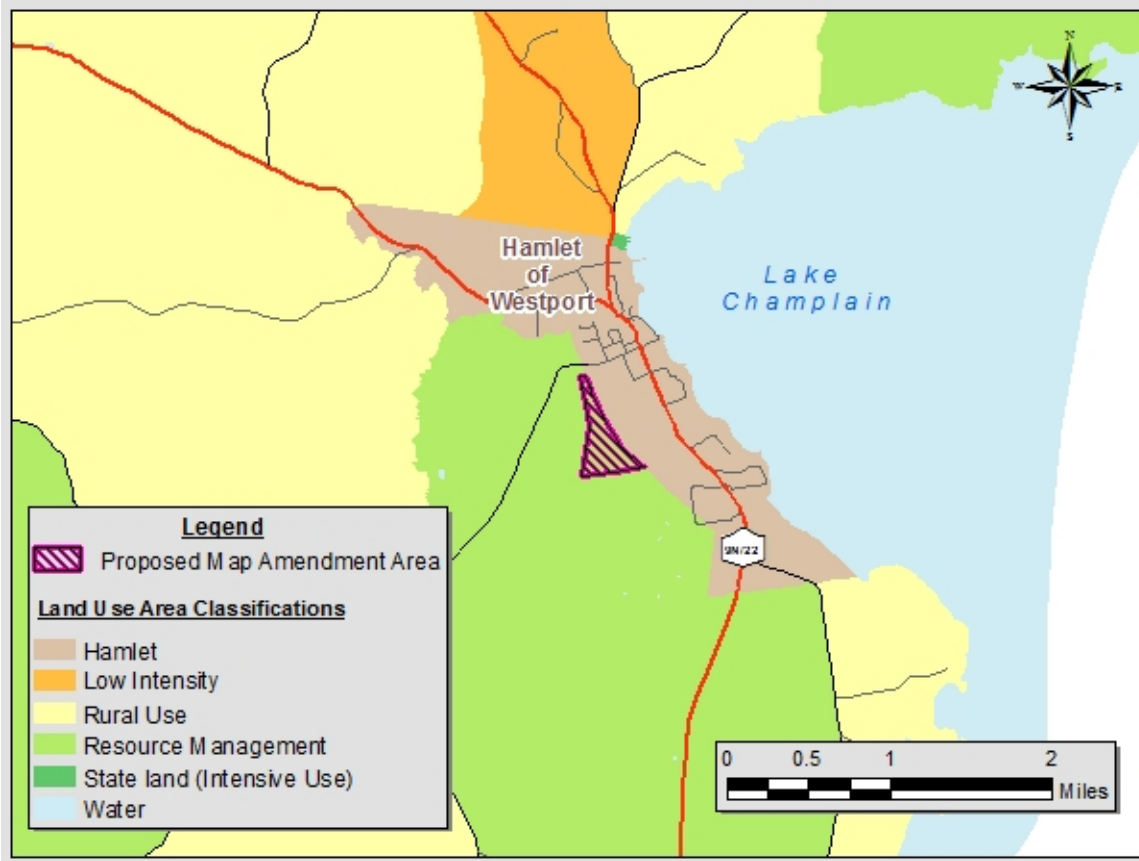


Figure 1. A map showing the location of the approximately 29-acre requested map amendment area and 32-acre Alternative Area 2 on the Adirondack Park Land Use and Development Plan Map.

SUMMARY OF ENVIRONMENTAL IMPACTS

Potential impacts resulting from amendments to the Map are generally described in the FGEIS. Map amendments change the maximum ~~potential~~ development intensity and the rules governing such development under the APA Act. ~~Potential~~The impacts, therefore, are based on changes in potential development.

The major consequence of a change to a less restrictive classification is a ~~potential~~an increase in development intensity due to the relaxation of the “overall intensity guidelines”. ~~The overall intensity.~~ These guidelines allow 15 “principal buildings” (single family residences or their legal equivalent under the APA Act) per square mile (42.7 acres average lot size) in lands classified as Resource Management while lands classified as Hamlet have no intensity restrictions.

A change in classification could also change the type of development that can occur by changing the compatible uses associated with the land classification. For example, commercial uses are not on the compatible use list for Resource Management areas but are on the compatible use list for Hamlet areas.

Appendix C contains a complete list of compatible uses for each classification.

Potential environmental impacts include:

- ~~1) Decrease in Water Quality: Water quality can be affected by on-site wastewater disposal discharge, stormwater runoff and erosion. The area under consideration contains soils that can pose significant limitations for on-site septic systems due to shallow depths to water table, which can limit the proper treatment of effluent from septic systems. The poorly-treated effluent can pollute groundwater and surface water in the area near the absorption field.~~

- 1) Impacts to Water Quality:

Development at intensities permitted ~~by~~in Hamlet could increase runoff and associated non-point source pollution of streamswaterbodies 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 in this 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.

The proposed map amendment area is located in a newly-formed sewer district expansion area. The wastewater treatment plant (WWTP) has experienced excessive hydraulic loading during wet weather due to Inflow and Infiltration (I&I). Despite the hydraulic loading, the plant is effectively treating the effluent it receives. The SPDES permit includes conditions which address I&I concerns with the Town's municipal sewer and collection system. The proposed sewer system expansion project includes some I&I improvements to existing sewer collection infrastructure thereby reducing I&I.

Surface water resources could also be affected by activities which tend to disturb and remove stabilizing vegetation and result in increased soil erosion and stream sedimentation. Erosion and sedimentation may destroy aquatic life, ruin spawning areas and increase flooding potential.

2) 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. An increase in development can lead to the degradation of habitat and disruption of wildlife movement patterns. The pollution of surface waters, as discussed above, can also degrade wildlife habitat. A portion of the area is within a larger area identified as potential Northern Harrier breeding habitat.

These potential adverse impacts from the increase in possible development would be somewhat mitigated by the state and local regulations governing development in a hamlet, including those of the Department of Health, Department of Environmental Conservation, and the Town of Westport.

The maps and discussions of soils, topography, hydrology and biological considerations that follow show the relative size of the proposed map amendment area that are subject to these environmental issues.

DRAFT FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

MA 2018-02 (Town of Westport)

PROCEDURES UNDER SEQRA

This ~~Draft~~ Final Supplemental Environmental Impact Statement (~~DSEIS~~ FSEIS) analyzes the environmental impacts which may result from Agency approval of this proposed map amendment. The Official Adirondack Park Land Use and Development Plan Map (the Map) is the document identified in § 805(2)(a) of the APA Act, and is the primary component of the Adirondack Park Land Use and Development Plan, which guides land use planning and development of private land in the Adirondack Park.

Pursuant to the State Environmental Quality Review Act (Environmental Conservation Law, Article 8) and APA Act ~~§§§ 805(2)(c)(1) and 805(2)(c)(2)~~, the Agency has prepared this DSEIS, and ~~will accept~~ accepted public comments and ~~held~~ held a combined public hearing on both the proposed map amendment and the DSEIS, and ~~incorporate~~ incorporated all public comments into ~~at this~~ Final Supplemental Impact Environmental Statement (FSEIS). The FSEIS ~~will include~~ includes the hearing summary, public comments, and the written analysis of Agency staff. The Agency must then decide (a) whether to accept the FSEIS and (b) whether to approve the map amendment request, deny the request, or approve an alternative.

STANDARDS FOR AGENCY DECISION

The Agency's decision on a map amendment request is a legislative decision based upon the application, public comment, FSEIS, and staff analysis. The public hearing is for informational purposes and is not conducted in an adversarial or quasi-judicial format. The burden rests with the applicants to justify the changes in land use area classification. Future map amendments may be made when new information is developed or when conditions which led to the original classification change.

Procedures and standards for the official map amendment process are found in:

- a) APA Act § 805;
- b) Adirondack Park Agency Rules and Regulations (9 NYCRR Subtitle Q) Part 583;
- c) Appendix Q-8 of the Adirondack Park Agency Rules and Regulations;
- d) Final Generic Environmental Impact Statement: The Process of Amending the Adirondack Park Land Use and Development Plan Map, August 1, 1979.

Section 805(2)-(c)-(1) of the APA Act provides in pertinent part:

The Agency may make amendments to the Plan Map in the following manner:

Any amendment to reclassify land from any land use area to any other land use area or areas, if the land involved is less than twenty-five hundred acres, after public hearing thereon and upon an affirmation vote of two-thirds of its members, at the request of any owner of record of the land involved or at the request of the legislative body of a local government.

~~Section 805 (2) (c) (2) of the APA Act provides in pertinent part:~~

~~The Agency may make amendments to the Plan Map in the following manner:~~

~~*Any amendment to reclassify land from any land use area to any other land use area or areas for which a greater intensity of development is allowed under the overall intensity guidelines if the land involved is less than twenty-five hundred acres, after public hearing thereon and upon an affirmative vote of two-thirds of its members, on its own initiative.*~~

Section 805(2)(c)(5) of the APA Act provides:

Before making any plan map amendment...the Agency must find that the reclassification would accurately reflect the legislative findings and purposes of section eight hundred-one of this article and would be consistent with the land use and development plan, including the character description and purposes, policies and objectives of the land use area to which reclassification is proposed, 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 statutory “purposes, policies and objectives” and the “character descriptions” for the land use areas established by § 805 of the APA Act are shown on the Official Map and set out in Appendix B.

APA Regulation § 583.2 outlines additional criteria:

- a) *In considering map amendment requests, the agency will refer to the land use area classification determinants set out as Appendix Q-8 of these regulations and augmented by field inspection.*
- b) *The agency will not consider as relevant to its determination any private land development proposals or any enacted or proposed local land use controls.*

Land use area classification determinants from “Appendix Q-8” of APA Rules & Regulations are attached to this document as Appendix C. These land use area classification determinants define elements such as natural resource characteristics, existing development characteristics and public considerations and lay out land use implications for these characteristics.

PROPOSED ACTION

The Adirondack Park Agency received a joint application for an amendment to the Map from the Town of Westport and Consolidated Mortgages, LLC, the owner of the land under consideration for this proposed amendment. The request is for approximately 29 acres to be reclassified from Resource Management to Hamlet.

PURPOSE

The purpose of the proposed map amendment is to allow for economic growth and development in the Town of Westport. The higher density allowed in a Hamlet land use classification would allow for residential or commercial development and increased density.

PUBLIC NEED AND BENEFITS

The Town 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 in part by soils which are inadequate in many locations for onsite waste water 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. [Westport Sewer Code §12.] It is unlawful to construct or maintain any privy, privy vault, septic tank or cesspool within the sewer district boundaries. [Westport Sewer Code §11.] With the extension of the sewer district, the reclassification will allow the Town of Westport to realize its growth potential, providing social and economic benefits to the Town.

The expansion of the Hamlet land use area in the Town of Westport may provide social and economic benefits to the Town, ~~but the benefit cannot be realized without the expansion of the public sewer system.~~

ENVIRONMENTAL SETTING

Adirondack Park Land Use and Development Plan Map

The requested map amendment is examined in comparison to the statutory

“purposes, policies and objectives” and the “character descriptions” for the proposed Hamlet classification, using the factual data which follow. It is these considerations which govern the Agency decision in this matter. Character descriptions, purposes, policies and objectives for land use areas (Appendix B of this document) are established by § 805 of the APA Act and summarized below.

Resource Management areas (shown as green on the Map) are those lands where the need to protect, manage and enhance forest, agricultural, recreational and open space resources is of paramount importance because of overriding natural resource and public considerations. Open space uses, including forest management, agriculture and recreational activities, are found throughout these areas. Many resource management areas are characterized by substantial acreages of one or more of the following: shallow soils, severe slopes, elevations of over twenty-five hundred feet, flood plains, proximity to designated or proposed wild or scenic rivers, wetlands, critical wildlife habitats or habitats of rare and endangered plant and animal species. Resource Management areas will allow for residential development on substantial acreages or in small clusters on carefully selected and well-designed sites. The overall intensity guideline for Resource Management is 15 principal buildings per square mile, or 42.7 acres per principal building.

Rural Use areas (yellow on the Map) are characterized by substantial acreages of one or more of the following: fairly shallow soils, relatively severe slopes, significant ecotones, critical wildlife habitats, proximity to scenic vistas or key public lands. These areas are frequently remote from existing hamlet areas or are not readily accessible. Consequently, these areas are characterized by a low level of development that are generally compatible with the protection of the relatively intolerant natural resources and the preservation of open space. These areas and the resource management areas provide the essential open space atmosphere that characterizes the park. Residential and related development and uses should occur on large lots or in relatively small clusters on carefully selected and well-designed sites. The overall intensity guideline for Rural Use is 75 principal buildings per square mile, or 8.5 acres per principal building.

Low Intensity Use areas (orange on the Map) are areas that are readily accessible and in reasonable proximity to Hamlet. These areas are generally characterized by deep soils and moderate slopes, with no large acreages of critical biological importance. Where these areas are located near or adjacent to Hamlet, clustering development on the most developable portions of these areas makes possible a relatively high level of residential development and local services. It is anticipated that these areas will provide an orderly growth of housing development opportunities in the Park at an intensity level that will protect physical and biological resources. The overall intensity guideline for Low Intensity Use is 200 principal buildings per square mile, or 3.2 acres per principal building.

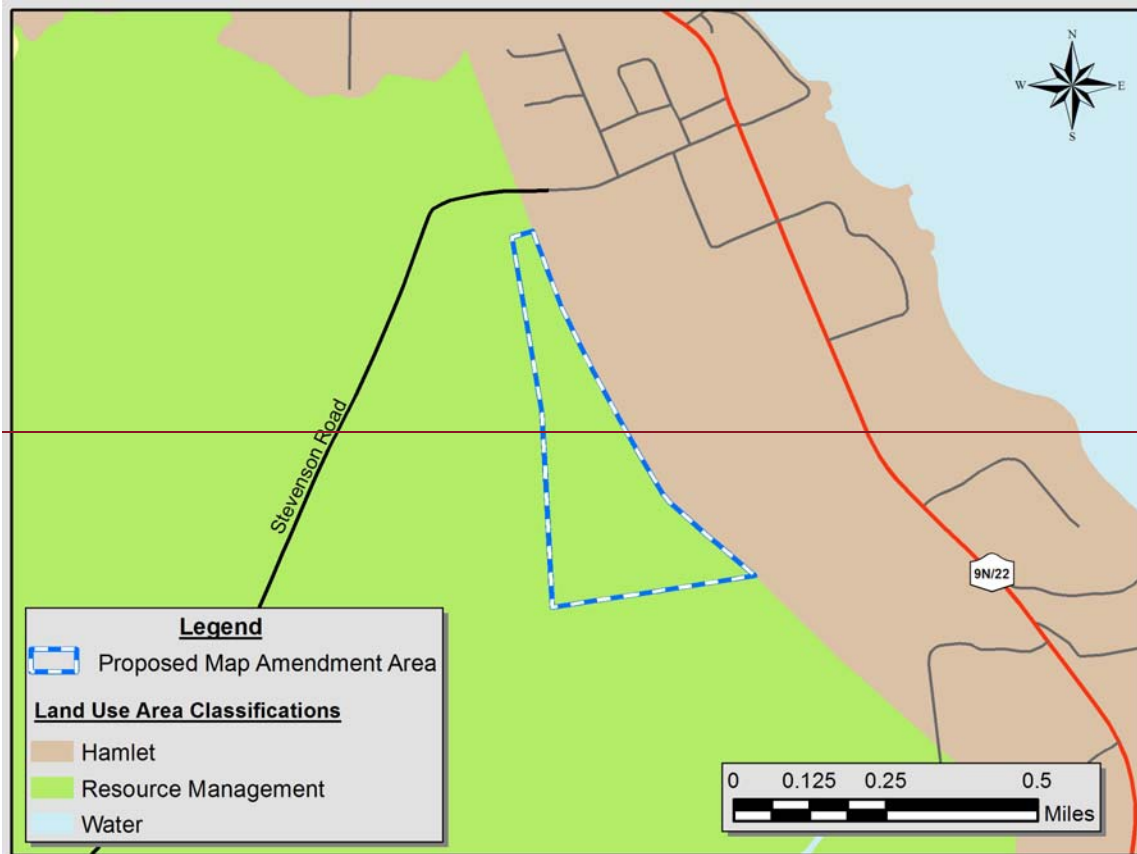
Moderate Intensity Use areas (red on the Map) are areas where the capability of natural resources and anticipated need for future development indicate that relatively intense development is possible, desirable and suitable. These areas are located near or adjacent to Hamlets to provide for reasonable expansion and along highways and accessible shorelines where existing development has established the character of the area. Moderate Intensity Use areas where relative intense development does not exist are characterized by deep soils on moderate slopes and readily accessible to Hamlets. The overall intensity guideline for Moderate Intensity Use is 500 principal buildings per square mile, or 1.3 acres per principal building.

Hamlet areas. Hamlet areas (brown on the Map) range from large, varied communities that contain a sizeable permanent, seasonal and transient populations with a great diversity of residential, commercial, tourist and industrial development and a high level of public services and facilities, to smaller, less varied communities with a lesser degree and diversity of development and a generally lower level of public services and facilities. Hamlet areas will serve as the service and growth centers in the park. They are intended to accommodate a large portion of the necessary and natural expansion of the park's housing, commercial and industrial activities. In these areas, a wide variety of housing, commercial, recreational, social and professional needs of the park's permanent, seasonal and transient populations will be met. The building intensities that may occur in such areas will allow a high and desirable level of public and institutional services to be economically feasible. Because a hamlet is concentrated in character and located in areas where existing development patterns indicate the demand for and viability of service and growth centers, these areas will discourage the haphazard location and dispersion of intense building development in the park's open space areas. These areas will continue to provide services to park residents and visitors and, in conjunction with other land use areas and activities on both private and public land, will provide a diversity of land uses that will satisfy the needs of a wide variety of people. The delineation of hamlet areas on the plan map is designed to provide reasonable expansion areas for the existing hamlets, where the surrounding resources permit such expansion. Local government should take the initiative in suggesting appropriate expansions of the presently delineated hamlet boundaries, both prior to and at the time of enactment of local land use programs. There are no overall intensity guidelines for Hamlet Areas.

Requested map amendment area

The requested map amendment area consists of an approximately 29-acre portion of a roughly 3,800-acre Resource Management area located south of the Hamlet of Westport. The requested map amendment area is bound by Hamlet on east, and Resource Management to the north, west and south. The existing boundary between Hamlet and Resource Management is the former boundary for the Village of Westport, which was dissolved in 1992.

Figure 2 shows the requested map amendment area on the Map.



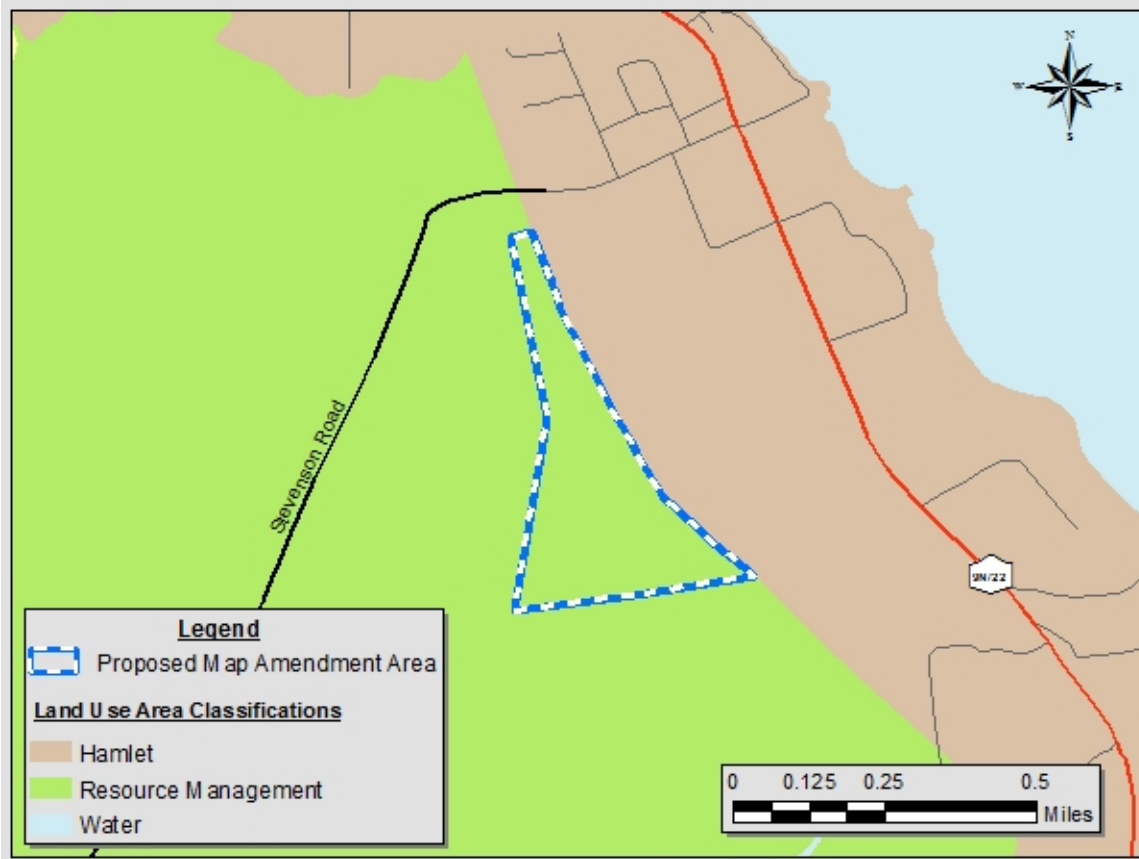
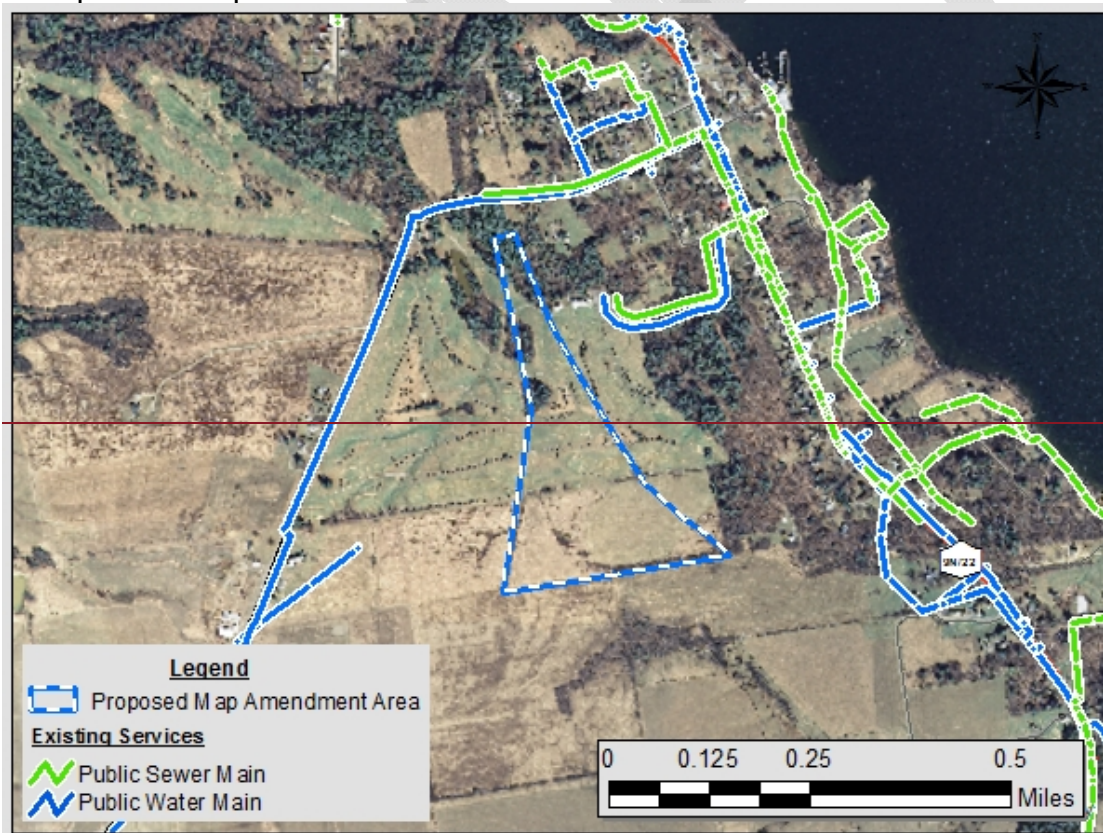


Figure 2. A map showing the location of the requested map amendment area on the Adirondack Park Land Use and Development Plan Map.

Existing Land Use and Services

The requested map amendment area is located near Stevenson Road (County Route 44), a hard-surfaced public highway, and Country Club Way, a hard-surfaced private road. The Hamlet of Westport lies immediately east of the requested map amendment area.

The Hamlet of Westport has municipal sewer and water systems. There are water mains along Stevenson Road and Country Club Way. Sewer mains are located along Country Club Way and the eastern portion of Stevenson Road. The sewer and water mains along Country Club Way terminate at the clubhouse structure for the golf course, which is approximately 200 feet east of the eastern boundary of the requested map amendment area. There are no existing structures within the requested map amendment area which could connect to water ~~to~~ sewer mains. The sewer infrastructure near the requested map amendment area is part of the Westport Sewer District 1 wastewater treatment plant system. Figure 3 shows the existing water and sewer infrastructure near the requested map amendment area.



The current Hamlet land use area boundary was the sewer district boundary until May 28, 2019, when the Town of Westport extended the sewer district to include a 32-acre alternative configuration (Alternative Area 2) of the requested map

amendment area. Any new development in this area is now required to connect to the public sewer system and the Town prohibits on-site wastewater treatment systems in this area.

The State Pollution Discharge Elimination System (SPDES) permit authorizes the sewer district's wastewater treatment plant (WWTP) to discharge up to 180,000 gallons per day (GPD). According to the Town of Westport Sewer District Expansion Map Plan and Report, March 2019 (Map Plan and Report) prepared by Engineering Ventures, PC for the sewer district extension, the 2018 dry weather flow was approximately 57,000 GPD. The Map Plan and Report estimates the undeveloped areas in the existing sewer district would generate approximately 36,000 GPD if developed and, based on a specific development proposal, estimates the Hamlet expansion area would generate an additional 12,590 GPD. Using these figures, the total estimated future flow from this existing sewer district and expansion is 105,590 GPD, (57,000 + 36,000 + 12,590), which is less than the permitted capacity of 180,000 GPD.

During wet weather, the WWTP receives a significant amount of Inflow and Infiltration (I&I) from the collection system which has caused the facility to violate its average day flow limit of 180,000 gallons. The WWTP is generally in compliance with respect to treatment despite the excess volume it receives during wet weather. The Town is finalizing an I&I study in accordance with conditions in its SPDES permit. The draft study attributes the problem mainly to leaky manholes and pipes and identifies specific recommendations to correct the problem.

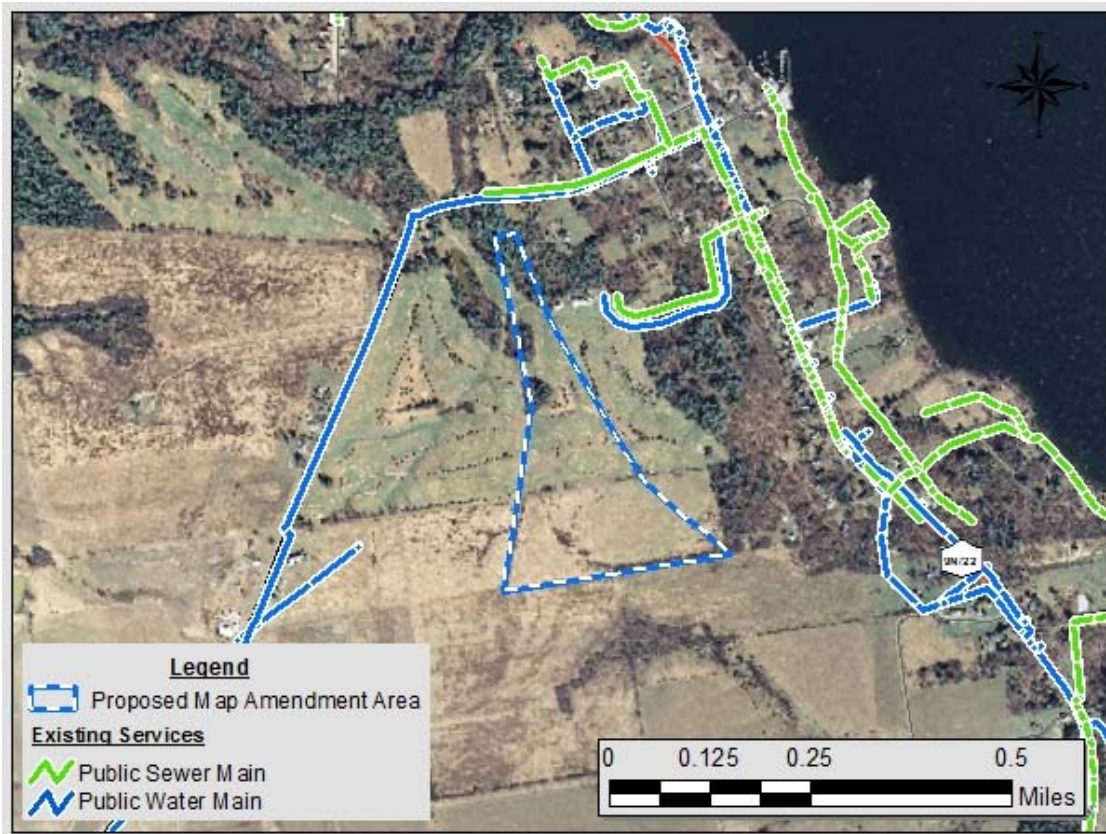
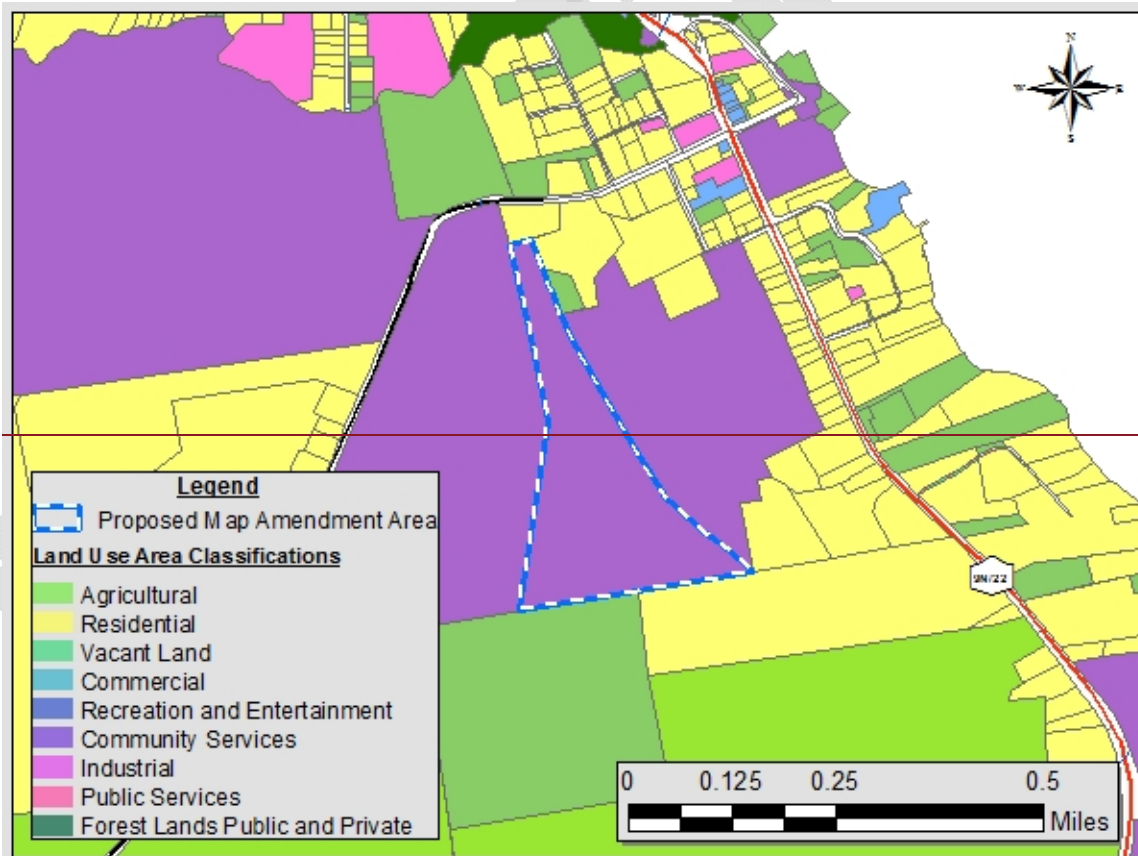


Figure 3. Existing sewer and water infrastructure near the requested map amendment area shown on a 2009 aerial image.

Figure 4 shows the existing land use in the requested map amendment area according to Essex County Office of Real Property Tax Service and New York State Office of Real Property Services (OPRSORPS). According to data obtained from the County and ORPS, the requested map amendment area consists of a portion of one parcel that is classified as a public golf course. Surrounding land uses include vacant and residential parcels.

Fire and rescue services are furnished by the Westport Hose Company 1 and the Westport Emergency Squad; police protection is available from Essex County Sheriff Department and New York State Police, both located in Lewis, approximately 11 miles north.



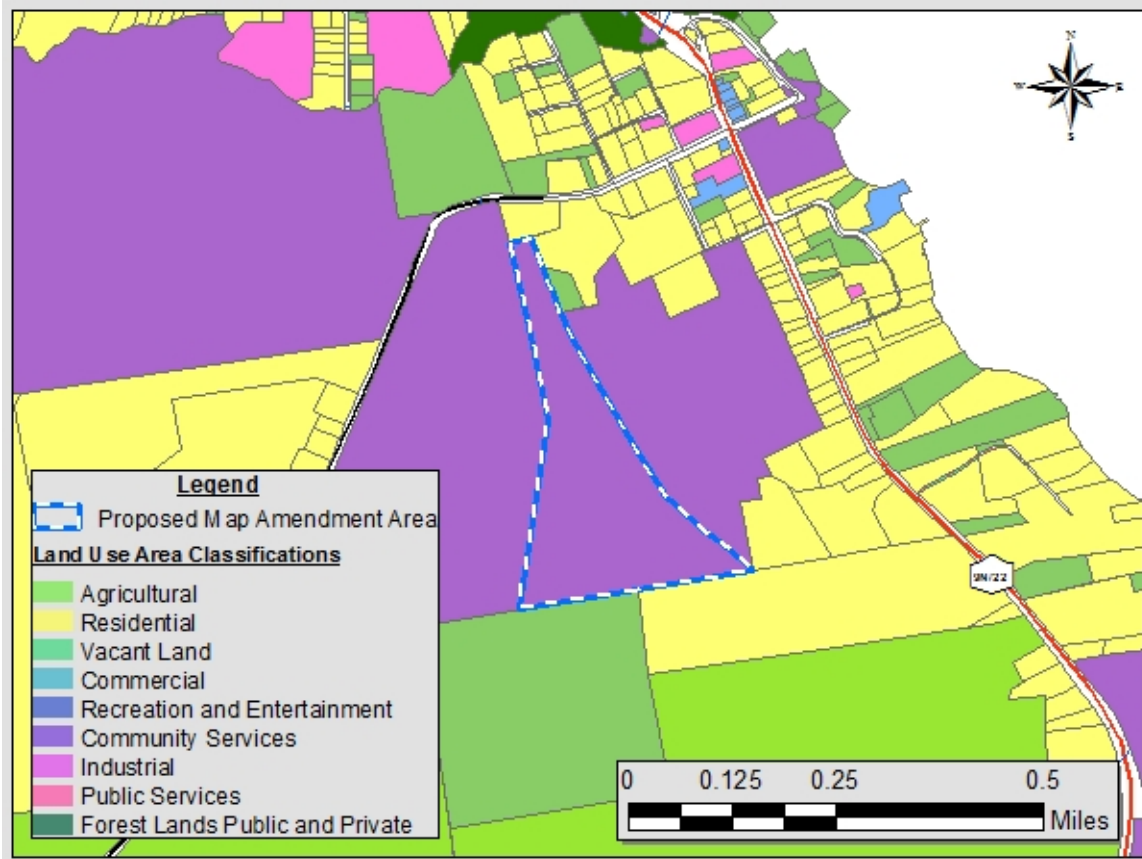


Figure 4. Existing land use in and adjacent to the requested map amendment area. Inconsistencies exist between tax parcel maps, deeded property descriptions and the Adirondack Park Land Use and Development Plan Map. White areas are not considered part of any tax parcel according to the Essex County Property Tax Maps. (Source Essex Co, NYS ORPS)

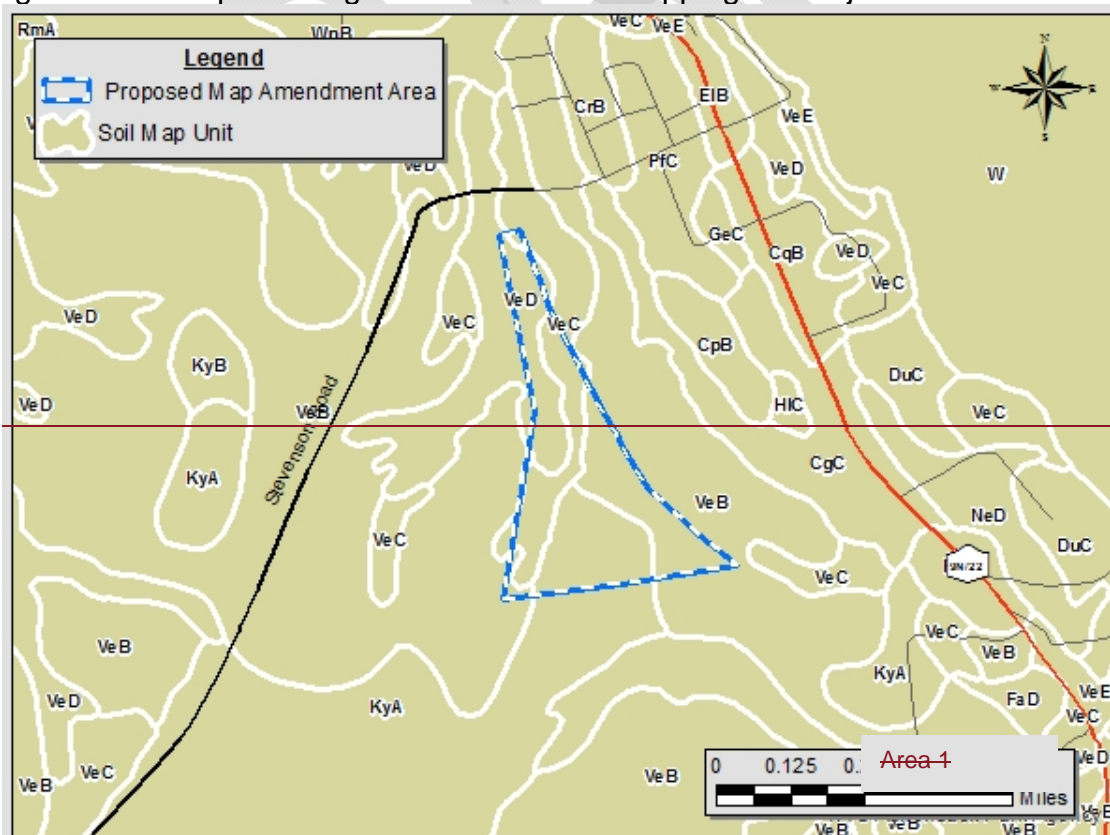
Soils

The USDA Natural Resource Conservation Service (NRCS), in its Soils Survey for Essex County, has identified two soil series, Vergennes and Kingsbury, within the requested map amendment area.

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.

The Kingsbury series consists of clayey glaciolacustrine deposits derived from igneous and sedimentary rock. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is somewhat poorly drained. Water movement in the most restrictive layer is very low. Available water to a depth of 60 inches is low. Shrink-swell potential is very high. This soil is not flooded. It is not ponded. A seasonal zone of water saturation is at 9 inches during January, February, March, April, May, December.

Figure 5 is a map showing the detailed soils mapping for subject area.



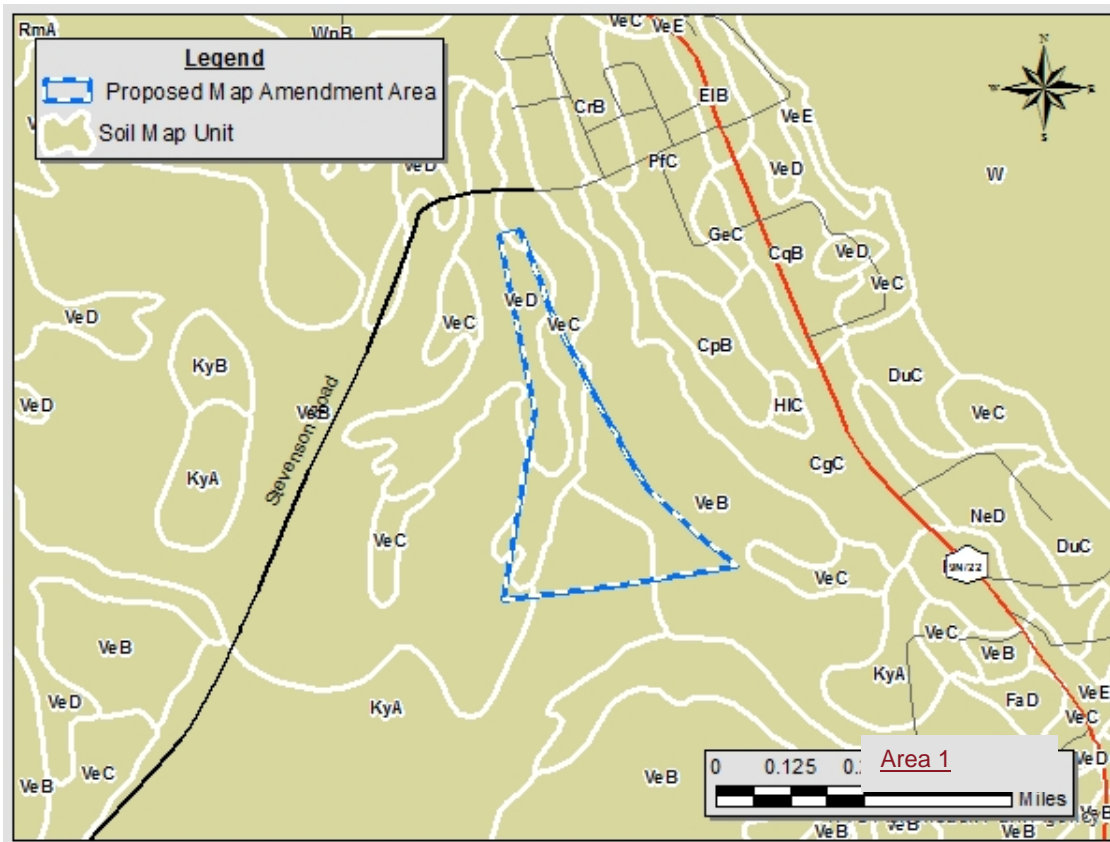
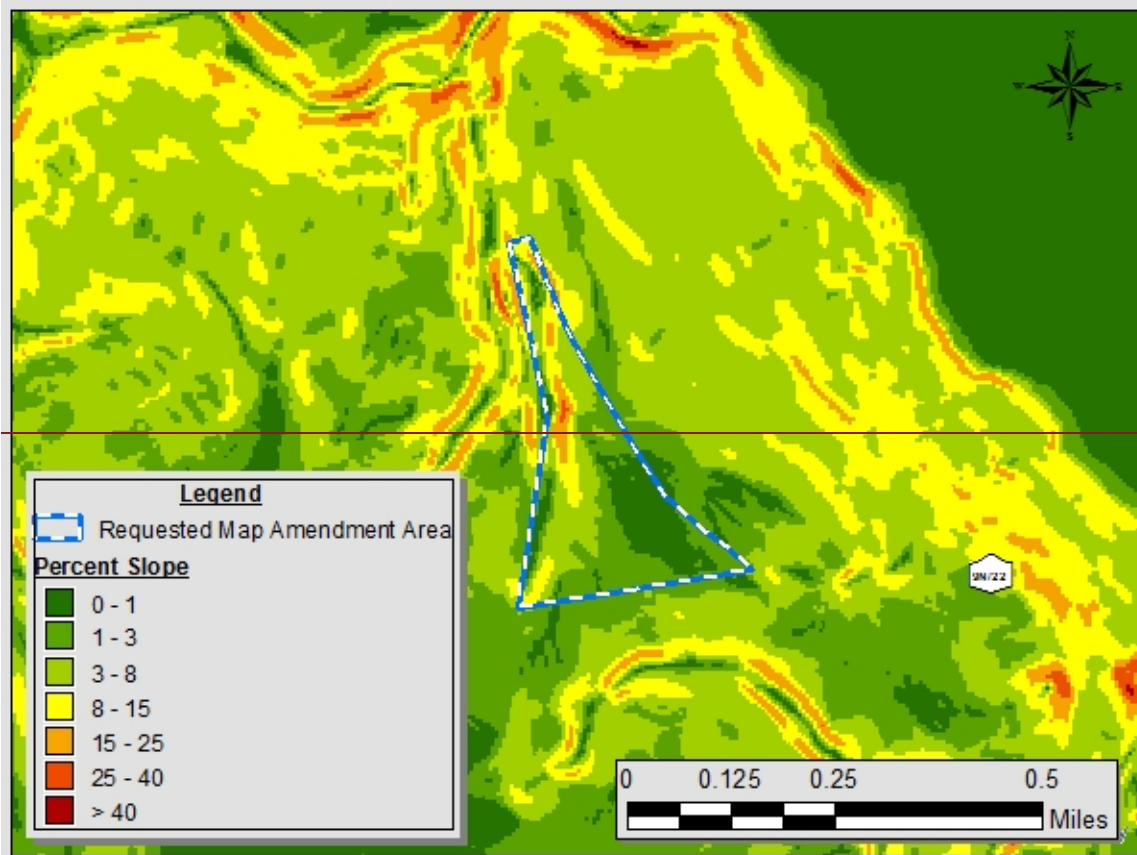


Figure 5. Soil Survey of Essex County detailed soil delineation in the requested map amendment area. Soils map units that begin with "Ve" indicate Vergennes soil and map units that begin with "Ky" indicate Kingsbury soils. (Source NRCS) Detailed soil mapping also provides slope categories for each soil map unit which represent the general slope throughout a particular soil map unit and may not reflect the actual slope for the portion of a soil map unit within a particular area. Please refer to the discussion of topography below for more detailed information on slopes.

Topography

The topography of the requested map amendment area ranges from flat to severely sloping. Slopes ranging from 0 to 3% comprise approximately 57% of the requested map amendment 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 26% of the requested map amendment 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 13% of the requested map amendment 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 4% of the requested map amendment 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 less than 1% of the requested map amendment area. Slopes in this range pose severe limitations for development. Figure 6 shows the slopes in and around the requested map amendment area.



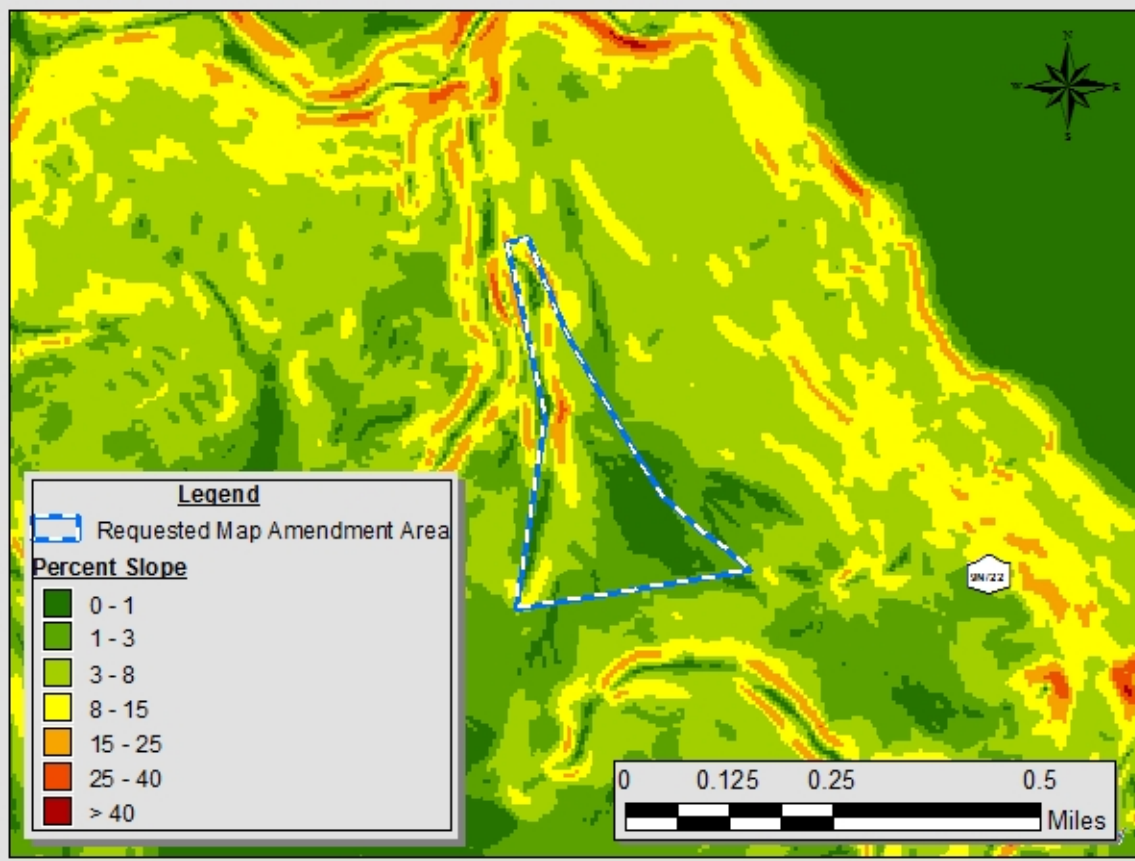


Figure 6. Slopes in the requested map amendment area (Source 10M DEM)

Elevations

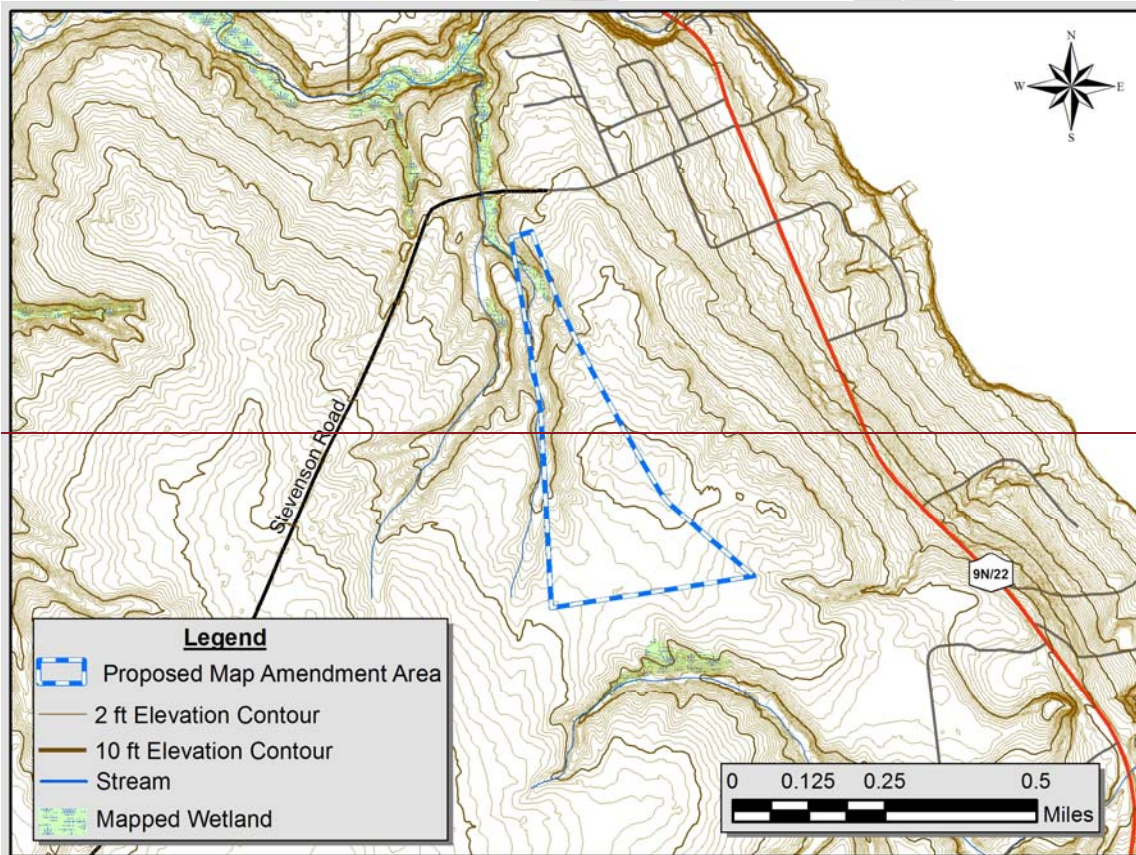
The elevation in the requested map amendment area ranges from approximately 220 feet to approximately 270 feet above sea level.

Wetlands

Figure 7 shows the approximate locations of wetlands in the requested map amendment area. According to aerial imagery interpretation, there are approximately 0.4 acres of wetlands within the requested map amendment area.

Hydrology

The primary hydrologic features in the subject area is an unnamed stream that runs close to the western boundary of the requested map amendment area. This unnamed stream is not classified by NYS DEC, but is a tributary to Hoisington Brook which is classified as a C(t) stream by 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.



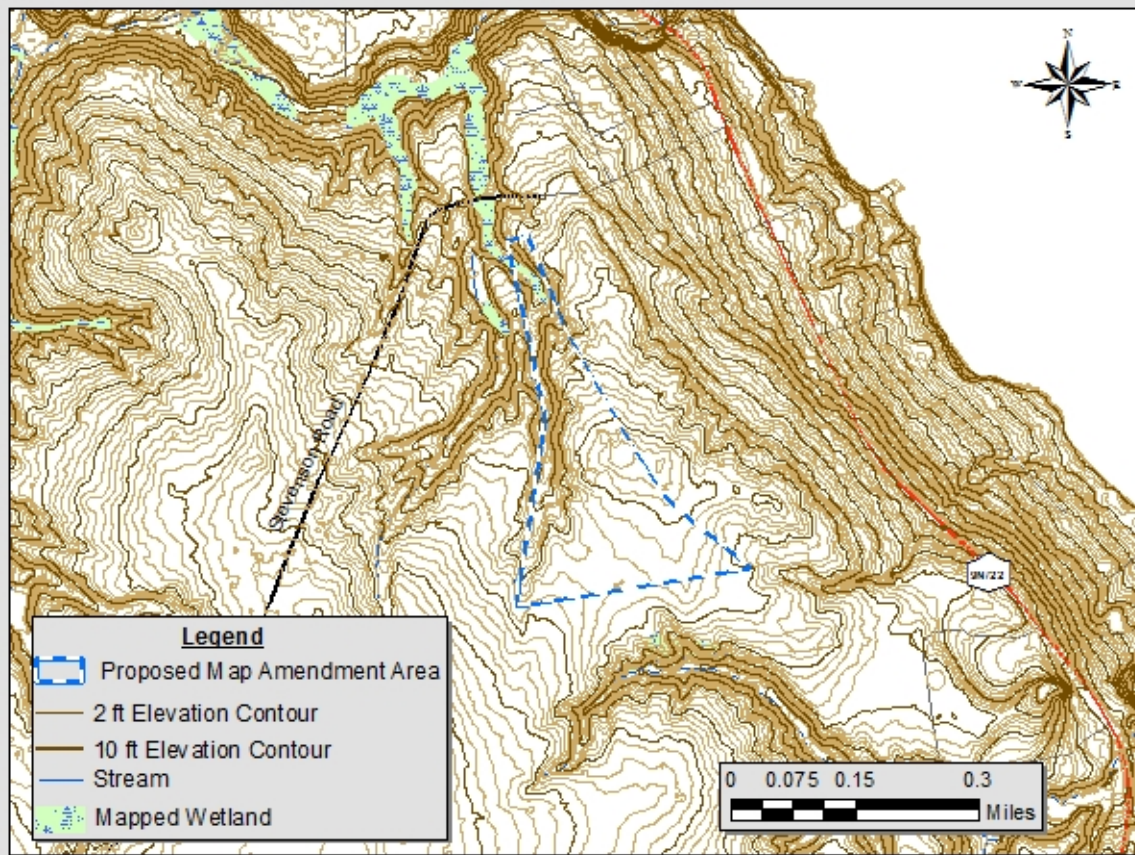


Figure 7. Topography and wetlands within and adjacent to the requested map amendment area. (source: NYS GIS Program Office, Aerial Imagery Interpretation).

Visual Considerations

The requested map amendment area is visible from Stevenson Road and would potentially be visible from portions of Lake Champlain if intervening vegetation east of the requested map amendment area were cleared.

Biological Considerations

A portion of the requested map amendment area is located within an approximately 4,500-acre area identified as potential breeding area for the Northern Harrier (*Circus cyaneus*). The mapping accuracy for this information is low. The Northern Harrier has a state ranking of S3, indicating that it is uncommon in New York State, typically with 21 to 100 occurrences, and a global ranking of G5, indicating that it is globally secure. Northern Harriers breed in North America from northern Alaska and Canada south to central and southern California, Mexico and portions of the southern U. S., excluding the southeast region. Wintering occurs from southern Canada to northern South America. Communal flocks roost on the ground during winter and migratory periods in agricultural fields, abandoned fields and salt marshes. Breeding occurs in both freshwater and brackish marshes, tundra, fallow grasslands, meadows and cultivated fields.

Historic Resources

According to the New York State Parks, Recreation and Historic Preservation, there are no registered or eligible properties identified within the requested map amendment area. A portion of the requested map amendment area is located in an archeological sensitive area.

Critical Environmental Area

The 0.4 acres of wetlands within the requested map amendment area may be a statutory Critical Environmental Areas (CEA) pursuant to the APA Act if there is free interchange of surface water with an adjacent water body. See Figure 7 for a map showing the location and extent of wetlands within the requested map amendment area.

ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTIONS

In order to evaluate the impacts resulting from the proposed map amendment, the Agency assumes that development of the area will occur at the maximum level permitted by the proposed land use classification.

~~A. **On-site Sewage Disposal Discharge and Leaching:** The requested map amendment area is not currently served by municipal sewer as it is outside of the existing sewer district and there are currently no structures in this area. One of the most important natural characteristics in determining the potential for development of land without access to municipal sewer treatment facilities are the types and depths of soils and their ability to accommodate construction and effectively treat on-site wastewater. Under the correct conditions, dry, well-drained soils, such as sand deposits, result in properly functioning septic systems. Soils with shallow depth to water table, such as the Vergennes and Kingsbury soils found here, do not have adequate depth to effectively treat septic effluent and can cause pollution to groundwater and/or nearby surface water. Consequently, intense development should not occur in these areas (see Appendix C- Land Use Area Classification Determinants).~~

~~In their application, the Town and landowner have stated that the requested map amendment area be will be connected to the municipal sewer system in the future. The existing sewer system serves the main clubhouse located just east of the eastern boundary of the requested map amendment area. If the municipal sewer system was extended to serve the requested map amendment area, potential impacts from pollution by septic effluent would be mitigated and the area could potentially support a higher level of development.~~

~~Another determinant for a map amendment is that a proposed public sewer system is "identified in a county comprehensive sewerage study where public sewer systems are considered feasible." 9 NYCRR 583.2 and Appendix Q-8. The land use implications stated in Appendix Q-8 for allowing a proposed public sewer system to be considered are that "[e]ncouraging relatively intense development in these areas will often provide the necessary impetus to establish the proposed systems. These systems will overcome certain health hazards and associated environmental problems that would otherwise be considered limiting." The applicants have not provided any indication that this area was identified in a county comprehensive sewerage study. Such a study would be a step towards mitigating the impacts of increased development.~~

A. ~~B.~~ **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.

- B. C. — Erosion and Sedimentation:** Surface water resources could be affected 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.

D. — Impacts from Wastewater: 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 Inflow and Infiltration (I&I). The Town of Westport Sewer District Expansion Map Plan and Report developed for the sewer district extension estimates approximately 12,590 GPD from the sewer district expansion area. The proposed sewer district expansion project proposes to perform some I&I improvements to existing sewer collection infrastructure thereby reducing I&I by approximately 7,200 GPD. Using 12,590 GPD, the net increase in flow to the plant would be approximately 5,390 GPD. If I&I problems are not addressed, an additional 5,390 GPD could contribute to exceedances in the permitted discharge. Despite the excessive hydraulic loading, the plant is effectively treating the effluent it receives.

- C. 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. An increase in development can lead to the degradation of habitat and disruption of wildlife movement patterns. The pollution of surface waters, as discussed above can also degrade wildlife habitat. A portion of the area is within a larger area identified as potential Northern Harrier breeding habitat.

- D. **E.—Economic Gain to the Local Community:** Subdivision and improvement of undeveloped lands adds to the local tax base. The net benefit of new development depends on the exact nature of the development that occurs and its additions to local tax and business revenues when compared to increased costs associated with solid waste disposal, schools and other community services.
- E. **F.—Demand on Other Community Facilities:** Residential, commercial or industrial development may require public services from both local and neighboring governments. Increased development would increase the demand for public services that both local and neighboring governments, as well as the private sector, must provide. Some of the services most affected by increased commercial and/or residential development are: solid waste disposal, municipal water, municipal sewer, public school systems, roads and road maintenance (snow removal, traffic control, repair, etc.), police, fire and ambulance service. An increased in demand may reduce costs by spreading the costs of these services to more individuals.
- F. **G.—Effect on Existing Residential Development in and Adjacent to the Map Amendment Area:** Land uses in and adjacent to these areas are recreation (golf course) and residential. The proposed change in the map, which would allow a greater density of development and potential for other types of uses, could change the existing character of the area.
- G. **H.—Effect on Noise Quality:** The predominant low levels of noise from existing undeveloped areas or predominantly residential areas could change dramatically with commercial or industrial uses. Both fauna and nearby residential use could be affected by noise from traffic serving an industrial, commercial or residential use, the activity itself and/or associated or subordinate uses.
- H. **I.—Effect on Air Quality:** The predominant determination of air quality in the area is wind speed and direction and the presence and activity of upwind pollution sources. The change in classification from Resource Management to Hamlet will not create any actual or potential sources of air pollution. However, since many existing dwellings rely on wood as a primary or secondary heat source, an increase in development may result in a minor increase in the amount of wood smoke. Localized impacts would also result from any increase in traffic serving commercial and residential development.

ADVERSE ENVIRONMENTAL IMPACTS WHICH CANNOT BE AVOIDED

Reclassification to a new Adirondack Park Land Use and Development Plan land

use area itself does not create environmental impacts. However, the development that could result may create impacts as outlined above and as specified in the FGEIS. These effects can be mitigated by State and local permit requirements or mitigation measures identified in the discussion of alternatives.

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

To the extent that development occurs as a result of a map amendment, the consequent loss of forest and open space resources and degradation of water quality are the primary irreversible commitment of resources. These potential environmental impacts are described above.

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.

One means of mitigating potential environmental impacts of a map amendment is the exclusion of locations within the area that contain more severe resource limitations. The most severe resource limitations in this area are the poorly drained soils and steep slopes. Due to the small size of the requested map amendment, location of the steep slopes and the relatively homogenous soils characteristics through this area, is not practical to exclude any areas with alternative boundaries.

~~Another potential mitigation measure is providing sewer service to the area which would mitigate potential groundwater and surface water contamination do to improperly treated septic effluent. The applicant has suggested the map amendment area will be connected to the municipal sewer system. There is not a process for a conditional map amendment approval. Please see the Alternative section of this document for information about the possible procedural alternatives for approving such amendment and providing sewer service to the area.~~

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.

GROWTH-INDUCING ASPECTS

The area is presently classified Resource Management on the Official Adirondack Park Land Use and Development Plan Map. As stated above, the statutory "overall intensity guidelines" for Resource Management allows one principal building for every 42.7 acres, while Hamlet areas do not have overall intensity guidelines. Therefore, the proposed amendment would allow a potential net increase in principal buildings within the map amendment area. (See Land Area and Population, for the current land use area acreage and census information for the Town of Westport)

USE AND CONSERVATION OF ENERGY

Increasing the number of allowable principal buildings in the amendment area will potentially increase energy use in proportion to the number, type and energy efficiency of principal buildings actually built.

SOLID WASTE

An increase in the number of principal buildings (see Growth-inducing Aspects) would lead to an increase in the amount of solid waste generated. Solid waste reduction/reuse/recycling programs could lessen disposal costs.

HISTORIC IMPACTS

The proposed map amendment will not cause any change in the quality of "registered", "eligible" or "inventoried" properties for the purposes of implementing Section 14.09 of the New York State Historic Preservation act of 1980. A portion of the requested map amendment area lies within an archeological sensitive area and therefore any projects within this area may require an archeological survey.

POTENTIAL DEVELOPMENT

If a map amendment is approved, different Agency regulations that affect development potential would apply. A change in land use classification will affect regulatory thresholds related to overall intensity guidelines and compatible uses as set forth in Section 805 of the Act. Potential for development criteria would also depend on whether an Agency permit is required pursuant to Section 810 of the Act, the number of lawfully pre-existing lots and structures and development privileges for such pre-existing lots based on Section 811 of the Act, and constraints resulting from environmental factors.

The overall intensity guidelines allow one “principal ~~building~~ buildings” (single family residences or their legal equivalent under the APA Act) per 42.7 acres (average lot size) in lands classified as Resource Management while lands classified as Hamlet do not have overall intensity guidelines.

LAND AREA AND POPULATION TRENDS

The Town of Westport is approximately 83,509 acres in size, including water bodies, and is classified on the Official Adirondack Park Land Use and Development Plan map as follows:

Land Classification	Acreage
Hamlet	1,510
Low Intensity	5,612
Rural Use	26,097
Resource Management	33,397
State Land	5,988

Table 1. Approximate acreage of land use classifications in the Town of Westport

Population Growth Trends: The population of the Town of Westport was 1,312 in 2010, a decrease of 50 persons (-4%) since 2000. The table below compares population growth of the Town of Westport in both absolute and percentage terms as compared to the four towns that surround Westport.

Population of Westport and Surrounding Towns (ranked by rate of growth)

Year

Change from

Town/Village	2010	2000	Number	2000-2010 Percentage
LewisEssex	2,506 ¹ ₃₈₂	2,306 ¹ ₂₀₀	200 ¹⁸²	9 ¹⁵ %
Moriah	4,798	4,879	-81	-2%
Westport	1,312	1,362	-50	-4%
EssexLewis	1,548 ⁶⁷ ₁	1,321 ⁷¹ ₃	227 ⁴²	17 ⁶ %
Elizabethtown	1,440 ¹⁶ ₃	1,497 ³¹ ₅	-57 ¹⁵²	-5 ¹² %
Moriah	8,957	8,661	296	3%

Table 2. Population Trends (Source: U.S. Census Bureau, 2010, 2000 Census)

ALTERNATIVE ACTIONS

There are five alternatives addressed below, including the "No action" alternative. ~~A preferred alternative will be presented after public comment and hearing, in a Final Supplemental Environmental Impact Statement, and a Preferred Alternative.~~

Alternative 1 - Applicants' Proposal

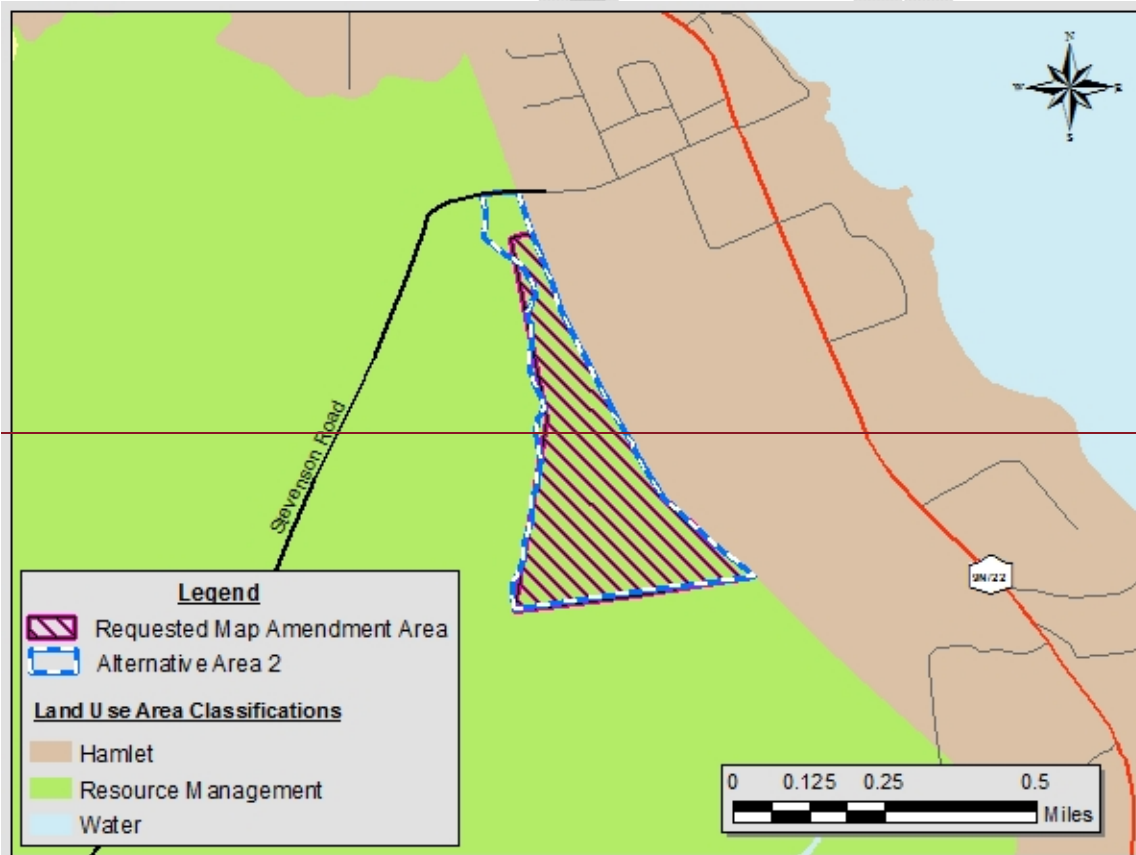
The applicants' 29-acre requested map amendment area depicted in Figures 1 and 2 uses existing property boundaries and a proposed boundary that are not acceptable land use area boundaries under the FGEIS and Appendix Q-8. Standard regional boundaries used to delineate land use areas include roads, streams, municipal boundaries, great lot boundaries as well as setback of one-tenth and one-quarter mile from these.

The applicants' proposal states that public sewer would be expanded to the requested map amendment area and that development would be required to connect to public sewer. However, the sewer district has not been expanded by the Town to include the requested map amendment areas, nor is there any legal requirement from the Town requiring development within the requested map amendment area to connect to public sewer.

This alternative would achieve the Town's goal of community growth as documented in its Hamlet Expansion Plan (2012), but is not consistent with the regional boundaries specified in the FGEIS and Appendix Q-8. A Hamlet classification allowing greater intensity of development on the lands comprising the proposed map amendment area would also be inconsistent with the Appendix Q-8, given the potential for impacts to groundwater resources due to the lack of an existing public sewer system to serve the requested map amendment area if it became Hamlet.

Alternative 2 - Applicants' Request with Revised Boundaries

Alternative Area 2 is approximately 32 acres in size and follows the centerline of Stevenson Road, the centerline of an unnamed stream, and a setback from a Great Lot boundary. This alternative uses standard land use area boundaries and would be consistent with the Agency's regional boundary criteria. Like Alternative 1, this alternative would achieve the Town's goal of community growth as documented in its Hamlet Expansion Plan (2012). However, this alternative would still be inconsistent with Appendix Q-8, given the potential for impacts to groundwater resources due to the lack of an existing public sewer system to serve a greater intensity of potential development in Alternative Area 2 if it were reclassified as Hamlet. Figure 8 shows the requested map amendment area and Alternative Area 2.



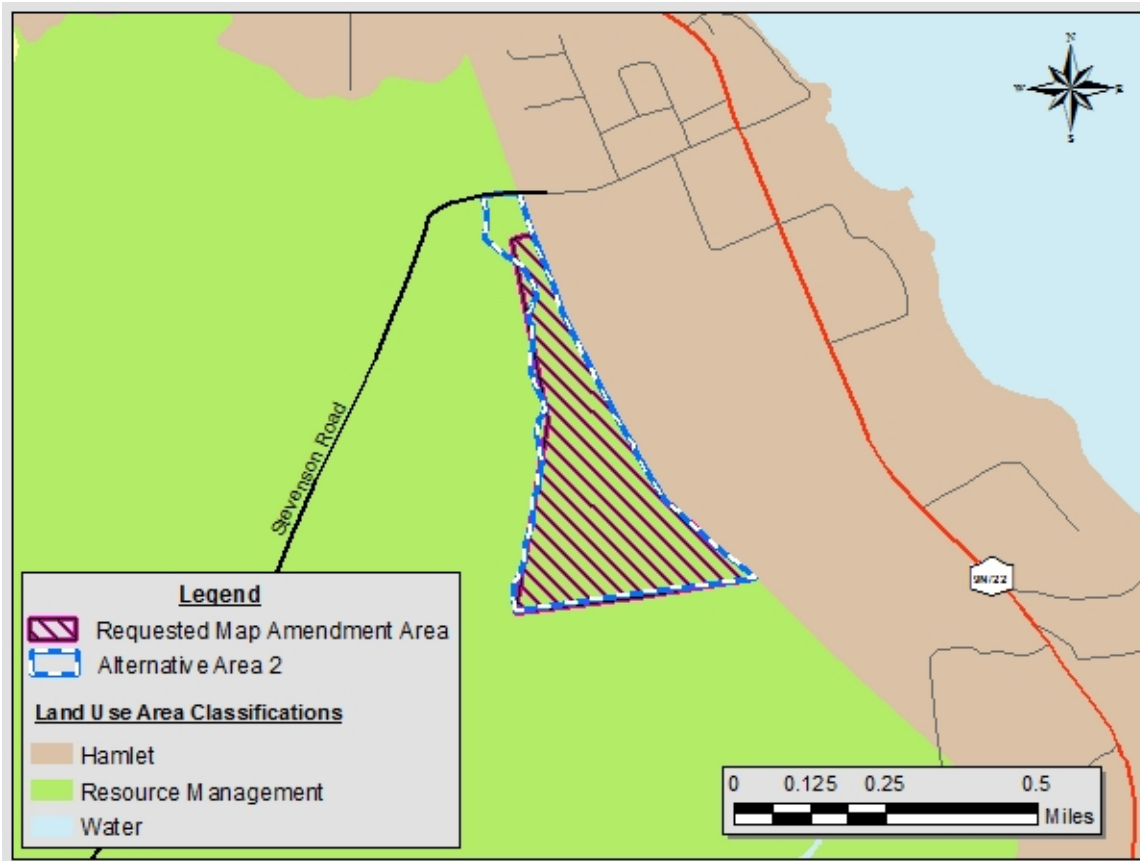


Figure 8. A map showing the requested map amendment area and Alternative Area 2, an alternative geographic configuration.

Alternative 3 - Alternative Land Use Area Classifications

The land under review for this map amendment proposal is classified as Resource Management, the most restrictive classification. The request is to reclassify this area as Hamlet, ~~the least restrictive classification.~~ The adjacent lands are classified as either Hamlet or Resource Management. There are three additional, intermediate classifications that could be considered: Rural Use, Low Intensity Use and Moderate Intensity Use. ~~However, the adjacent lands are classified as either Hamlet or Resource Management.~~ Due to the small size of the requested area and the land use classification of the contiguous land, reclassifying the area as any classification other than Hamlet would create a small land use area that may not be consistent with the regional scale of the Adirondack Park Land Use and Development Plan Map.

Alternative 4 - Modified Boundaries with Area Served by Public Sewer

Alternative 4 would include a map amendment area with boundaries either based on Alternative 2 or defined by an expansion of the Town's sewer district boundaries that includes the entire requested map amendment area. The area comprising Alternative 4 would be located within the Town's sewer district, new development would be legally required to be connected to the system, and the Town's collection, conveyance and treatment systems would have adequate capacity to handle the additional flow that could result from new development in this area.

Like Alternatives 1 and 2, this alternative would achieve the Town's goal of community growth as documented in its Hamlet Expansion Plan (2012). Unlike Alternatives 1 and 2, however, Alternative 4 would be consistent with the criteria for regional boundaries provided by the FGEIS and Appendix Q-8. It would also be consistent with Appendix Q-8, eliminating the potential for impacts to groundwater resources by ensuring an existing and adequate public sewer system to serve a greater intensity of possible development in the area reclassified as Hamlet.

The Agency does not have the authority to approve a map amendment reclassifying lands contingent upon future conditions, ~~which.~~ The conditions would have to require inclusion of the reclassified area in the Town's sewer district and the connection of future development to the sewer district, or a demonstration of the adequate capacity of the Town's public sewer system to receive sewerage from the map amendment area. However, Alternative 4 would be consistent with the legislative policies supporting a strong economic base in local Adirondack communities.

Alternative 5 - No Action Alternative

The no action alternative would leave the area proposed for a map amendment classified as Resource Management. This alternative is supported by the natural resource conditions which render the soils inadequate for onsite waste water management and the lack of a public sewer system serving the area.

Appendix Q-8 lists public facilities as a determinant for land classification, stating that in areas served by a public sewer system, "[d]evelopment may occur ... in spite of certain resource limitations that have been overcome by public sewer systems. Consequently, these areas can often be used for highly intensive development." The no action alternative is supported by the lack of an existing public sewer system to serve the requested map amendment area, but it would not achieve the Town's goal of community growth as documented in its Hamlet Expansion Plan (2012).

PREFERRED ALTERNATIVE

The Preferred Alternative is Alternative 4, which reclassifies the 32-acre Alternative Area 2 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.

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 land use areas are the service and growth centers of the Park.¹ They generally have a diversity of development and

¹ APA Act § 805(c)(2).

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 land use 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

Response to Public Comments

The Agency held a public hearing at the Westport Town Hall on December 18, 2018, and the comment period concluded on January 7, 2019. Approximately 32 people attended the public hearing, and while there were no formal comments made by the public, there were several questions asked about the map amendment review criteria and Agency jurisdiction. A summary of the hearing can be found in Appendix F. The Agency received three written comments, which can be found in Appendix G.

Below is summary of the substantive comments and a response to those comments.

Comment: The DSEIS captures some legitimate natural resource concerns regarding regional boundaries and the potential impact significantly higher levels of development could have on the area's poorly drained soils if the properties included in the land use classification are changed to hamlet without being connected to the municipal sewer system. These important issues need be addressed within the current analysis and amendment process. Given the unsuitability of the area's soils for on-site septic and the lack of existing sewer infrastructure within the area, these concerns need to be addressed and resolved, either by the Town or the co-applicant, as a component of this amendment process.

Response: Expanding a Hamlet area concurrently with the expansion of sewer service is a challenge, particularly in areas with severe limitations for onsite wastewater treatment systems. The process that the Agency has followed allows for the approval of an appropriate Hamlet map amendment that extends an existing Hamlet if the area is in a sewer district, the district requires the connection for new development and the conveyance and treatment systems have adequate capacity. On May 28, 2019, the Town of Westport expanded the sewer district to include the map amendment area, the Town requires new construction to connect to the system and according to the Map Plan Report, the system has the capacity to accommodate the additional effluent that new development is estimated to generate.

Substantial Changes Made to the DSEIS

- The DSEIS was written on the assumption that there was no sewer service in the proposed map amendment area. On May 28, 2019, subsequent to the publishing of the DSEIS, the Town extended an existing sewer district to include all of the proposed map amendment area. Several sections were changed to recognize the current conditions. Changes were made to the Executive Summary, Environmental Setting, Environmental Impacts and Mitigation Measure sections.
- A Preferred Alternative was added
- A Response to Public Comment Section was added.

DRAFT

STUDIES, REPORTS AND OTHER DATA SOURCES

- New York State Environmental Conservation Law, Articles 8 and 24; New York State Executive Law, Article 27
- Soil Survey for Essex County
- United States Geological Survey Topographic map (7.5' series; scale 1:24,000)
- Air Photo Inventory, Adirondack Park Agency
- New York Natural Heritage Database
- NYS Office of Real Property Services
- Essex County Digital Tax Parcel Data
- U. S. Census Bureau
- Adirondack Park Agency Geographic Information Systems Data
- Adirondack Park State Land Master Plan
- New York State Parks, Recreation and Historic Preservation National Register Internet Application

[Town of Westport Sewer District Expansion Map, Plan and Report \(March 2019\)](#)

- [Town of Westport Sewer District #1 Collection System Evaluation \(March 2019\)](#)