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In the Matter of the Application of

Town of North Elba  
for an Amendment to the Official  
Adirondack Park Land Use and  
Development Plan Map

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**ORDER**

**MA 2020-01**

**SUMMARY**

The Adirondack Park Agency (Agency) has received an application for an amendment to the Official Adirondack Park Land Use and Development Plan Map (Official Map) from the Town of North Elba, Essex County. The applicant is requesting that approximately 34.5 acres be reclassified from Moderate Intensity Use to Hamlet.

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 Agency’s Final Generic Environmental Impact Statement (FGEIS) on the map amendment process (August 1, 1979). Three alternatives that used regional boundaries were considered. Alternative Area 1 is 35.2 acres in size, Alternative Area 2 is 44.3 acres in size, and Alternative Area 3 is 32.0 acres in size.

Pursuant to the FGEIS, a Draft Supplemental Environmental Impact Statement (DSEIS) was filed on April 22, 2020. An online public hearing via Webex was held on May 15, 2020. The public comment period concluded on May 30, 2020 and comments were received from five individuals and organizations. On July \_\_, 2020 the Agency accepted and filed a Final Supplemental Environmental Impact Statement (FSEIS). Upon publication of acceptance of the FSEIS in the Environmental Notice Bulletin, the Agency issued a Findings Statement no less than ten days after publication.

After review of the FSEIS, based upon the facts and conclusions in the FSEIS and the Findings Statement, and based upon the criteria set forth in Section 805 of the Adirondack Park Agency Act, the Agency approves the reclassification of the 32-acre Alternative Area 3 from Moderate Intensity Use to Hamlet.

**FINDINGS OF FACT**

1. The Alternative Area 3 is described as follows:

Beginning at a point one-tenth mile southerly of the centerline of NYS Route 86, one-tenth mile west of the boundary between Lots 217 and 237, thence in a southerly direction at a constant and parallel distance of one-tenth mile west of the boundary between Lots 217 and 237 to a point on the boundary between Lots 217 and 218, thence in a southeasterly direction to a point on the boundary between Lots 218 and 238, one-tenth mile south of the southern boundary of Lots 217 and 237; thence in a southerly direction along the boundary between Lots 218 and 238 for a distance of approximately 350 ft to a point on the northeast corner of a parcel of State land, thence following along the State land boundary in a westerly direction for a distance of approximately 1,450 feet; thence continuing along the State land boundary in a northerly direction to a point on the centerline of Barn Road; thence in a westerly direction along the centerline of Barn Road for a distance of approximately 60 feet to a point on the boundary of the State land parcel; thence in a northerly direction along the State land boundary to a point one-tenth mile from the centerline of NYS Route 86; thence in a easterly direction at a constant and parallel distance of one-tenth mile from the centerline of NYS Route 86 to the point of beginning.

2. The USDA Natural Resource Conservation Service (NRCS), in its Soils Survey for Essex County, has identified Monadnock fine sandy loam at the only soil series within Alternative Area 3.
3. The topography of Alternative Area 3 ranges from generally flat to moderately sloping. Slopes ranging from 0% to 15% comprise approximately 86.3% of Alternative Area 3. Generally, slopes under 15% can support a relatively intense level of development. Slopes ranging from 16% to 25% comprise approximately 11.2% of Alternative Area 3. Slopes in this range present substantial environmental hazards relating to erosion, siltation and construction problems. Slopes ranging above 25% comprise approximately 2.5% of Alternative Area 3. Slopes above 25% should not be developed as development on these slopes presents serious environmental problems.
4. The elevation in Alternative Area 3 ranges from approximately 1,926 feet to approximately 2,002 feet in elevation.
5. There are no wetlands in Alternative Area 3.
6. There are no major hydrologic features in Alternative Area 3.
7. Alternative Area 3 is located south of NYS Route 86, a highway between the Villages of Lake Placid and Saranac Lake. According to NYS Department of Transportation, NYS Route 86 had an Average Annual Daily Traffic count of 10,492 vehicles in 2016. Portions of Alternative Area 3, particularly the steep, northeasterly facing slopes, are visible from locations along NYS Route 86.

8. There are no known instances of rare threatened or endangered species in Alternative Area 3.
9. Alternative Area 3 contains an approximately 0.8-acre Wilderness Critical Environmental Area that will be eliminated when the area is amended to Hamlet.
10. The Hamlet land use area that includes the Village of Lake Placid lies immediately north of and adjacent to Alternative Area 3.
11. Alternative Area 3 is accessible from the existing Hamlet area via Barn Road, a hard-surfaced Town road.
12. Public sewer and water services are available to the Alternative Area 3. It is located within the North Elba Consolidated Sewer District and North Elba Water District #1.
13. According to data obtained from Essex County Office of Real Property Tax Service and the NYS Office of Real Property Services (ORPS), Alternative Area 3 consists of one vacant parcel and portions of one industrial parcel, one commercial parcel, and three residential parcels.

## **ENVIRONMENTAL IMPACTS**

Impacts may result from increases in the allowable density of development in Alternative Area 3. 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 wetlands and nearby surface waters. Such problems arise when precipitation runoff drains from the land into surface waters and wetlands. Storm water runoff 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 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

2. Erosion and Sedimentation: Nearby surface waters and wetlands could be impacted by activities which tend to disturb and remove stabilizing vegetation and result in increased soil erosion and sedimentation. Erosion and sedimentation may destroy aquatic life, ruin spawning areas and increase flooding potential. Sedimentation can impact wetlands by reducing productivity, altering wetland habitat and eventually leading to the loss of wetlands by infilling.
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. 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.
4. Impacts to Visual Resources: Many environmental impacts are often unnoticed in a community; however, visual changes occur rapidly and dramatically. Visual resources add a vital factor for any municipality. Whether or not people choose to visit, live or conduct business in a community depends to a great extent on their visual impression of the community.

The visual resources of Lake Placid and the surrounding area define the Adirondack Park for many visitors and residents. Development placed on steeper slopes of the area without proper vegetative screening could have a negative impact on an otherwise aesthetically pleasing landscape. Development located on sections visible from the NYS Route 86 could impact the character and quality of open space associated with this resource.

## **CONCLUSIONS OF LAW**

HAVING DULY CONSIDERED the above Findings of Fact, Environmental Impacts, the FSEIS, and the Findings Statement, 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 the Findings Statement. All requirements of 6 NYCRR Part 617 and 9 NYCRR Part 586 implementing Article 8 of the ECL (SEQR) have been met.
2. Reclassification of Alternative Area 3 from Moderate Intensity Use to Hamlet accurately reflects the legislative findings and purposes of Section 801 of the Adirondack Park Agency Act, and would be consistent with the Adirondack Park Land Use and Development Plan, including the character description and purposes, policies, and objectives of Hamlet areas set forth in Section 805(3)(c) of the Adirondack Park Agency Act, taking into account such existing natural resource, open space, public, economic, and other land use factors.
3. This reclassification is consistent with and reflects the regional nature of the land use and development plan and the regional scale and approach used in its preparation.

THE REQUEST having regularly come for consideration and due deliberation having been had, and the Agency having voted to approve the request.

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 an amendment to the Official Adirondack Park Land Use and Development Plan Map for MA2020-01, in the Town of North Elba, Essex County, be approved for Alternative Area 3 in the following manner:

MA 2020-01: Moderate Intensity Use to Hamlet; 32 ± acres

ADIRONDACK PARK AGENCY

By \_\_\_\_\_  
Richard E. Weber  
Deputy Director, Planning

ORDER issued this \_\_\_\_\_  
Day of \_\_\_\_\_, 2020

at Ray Brook, NY