

**COVER SHEET
and
NOTICE OF COMPLETION
of
FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT (FSEIS)
MAP AMENDMENT 2019-01 (Town of Lake Luzerne)**

NAME OF LEAD AGENCY AND PREPARER OF FSEIS:

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

PROJECT LOCATION:

Town of Lake Luzerne
Warren County

PROPOSED ACTION:

Denial of Application for an Amendment to the Official Adirondack Park Land Use and Development Plan Map in the Town of Lake Luzerne, Warren County (Map Amendment 2019-01) to reclassify approximately 105 acres pursuant to the Adirondack Park Agency Act, Section 805(2)(c)(1) from Rural Use to Moderate Intensity Use.

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DATE OF ACCEPTANCE OF FSEIS BY LEAD AGENCY:

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Proposed Action

The Town of Lake Luzerne has requested an amendment to the Official Adirondack Park Land Use and Development Plan Map to reclassify certain lands in the Town from Rural Use to Moderate Intensity Use. The requested area is approximately 105 acres in size and referred to in this document as the Proposed Map Amendment Area. The Adirondack Park Agency (Agency or APA) proposes to deny the application.

Purpose, Public Need and Benefits

In their application submitted for the request, the Town of Lake Luzerne states that the land under consideration for the action reflects the same characteristics as the adjacent Moderate Intensity Use lands and the classification change would reflect the current usage. The Town also states that there would be an economic benefit to the Town from this reclassification action. No economic data was provided on the possible costs of services or an increased tax base.

Procedures under SEQRA

This Final Supplemental Environmental Impact Statement (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), identified in § 805(2)(a) of the Adirondack Park Agency Act (APA Act), 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 published a DSEIS on April 22, 2020, accepted public comments until May 18, 2020, and held a combined public hearing on both the proposed map amendment and the DSEIS on June 2, 2020.

The Agency received comments from three individuals in support of the proposed amendment and twelve comments opposed to the proposed amendments. Many of the negative comments were from residents of the Town opposed to the development on the basis of concerns regarding the impacts to open space resources, habitat loss, and the rural character of the area. There were also comments from environmental groups concerned about forest fragmentation by allowing for a higher intensity of development in the Proposed Map Amendment Area. All public comments were provided to the Town of Lake Luzerne as the applicant.

On July 6, 2020, the Agency and Town agreed that the Agency would not take final action on the amendment before October 1, 2020. On September 25, 2020, the Agency

sent a letter to the Town, asking if the Town would like to respond to the public comments, proceed on the existing record, or withdraw their request.

On November 17, 2020, the Town attorney wrote to the Agency requesting that the matter be placed on the Agency agenda for December 2020. Agency responded with a letter on November 18, 2020 inquiring whether the Town wished to respond to the public comment. The Town responded on February 2, 2021 that it intended to proceed on the current record, thereby declining to respond to public comments received by the Agency and provided to the Town.

This FSEIS contains the hearing summary (Appendix F), written public comments received during the comment period (Appendix G), and a summary of the comments that were received at the hearing or in writing during the comment period and a written response to by Agency staff to substantive comments (Appendix E). The Agency must now decide (a) whether to accept this 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 function 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 applicant 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 (FGEIS).

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)(5) of the APA Act provides in pertinent part:

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.

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 (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.

Environmental Setting

Location

The Proposed Map Amendment Area is located in the southeastern portion of the Adirondack Park, in the Town of Lake Luzerne. The Hamlet of Lake Luzerne lies approximately 5 miles southwest of the Proposed Map Amendment Area via NYS Route 9N. The Hamlet of Lake George is located approximately 5 miles northeast of the Proposed Map Amendment Area via NYS Route 9N. Figure 1 is a map showing the general location of the area under consideration for this action.

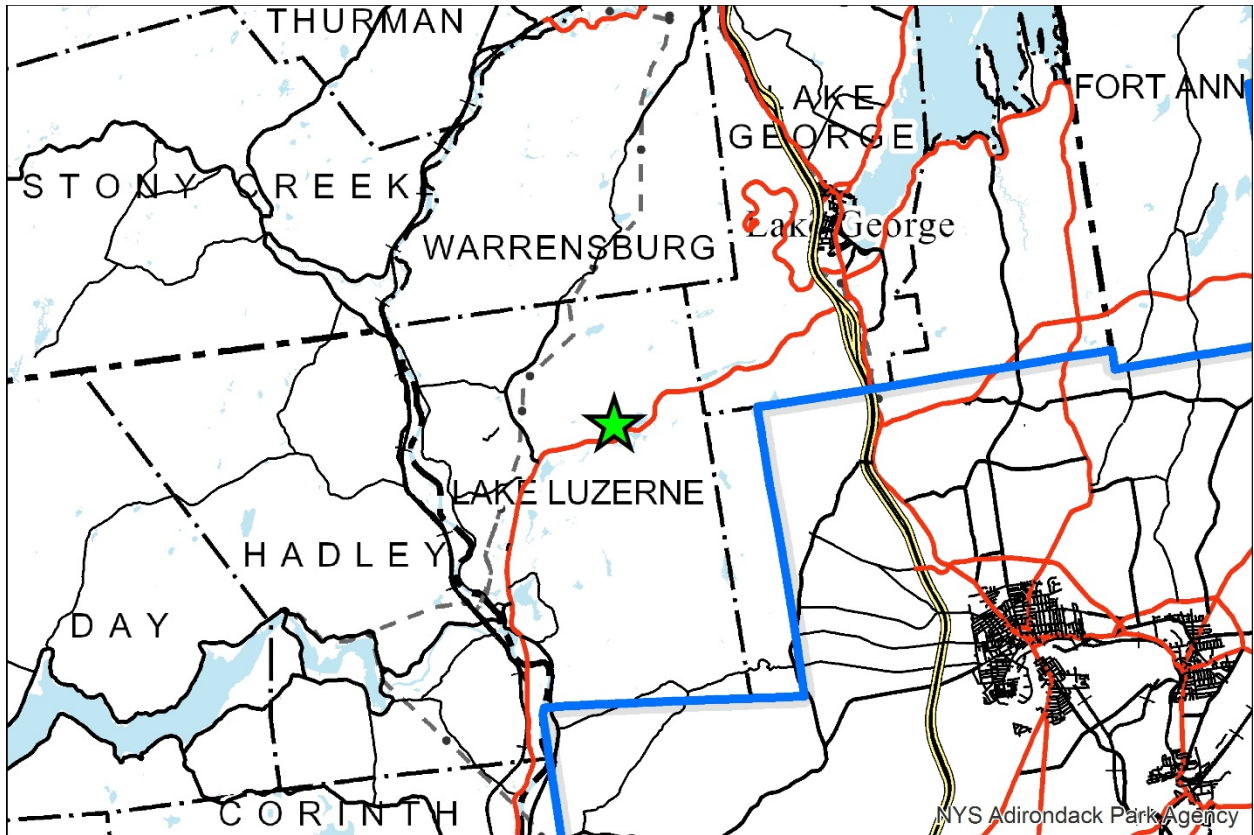


Figure 1. Map showing the general location of the Proposed Map Amendment Area.

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Adirondack Park Land Use and Development Plan Map

The Town of Lake Luzerne is approximately 25,282 acres in size, including water bodies. Table 1 shows the how the land is currently classified pursuant to the Official Adirondack Park Land Use and Development Plan map.

Land Classification	Acreage
Hamlet	513
Moderate Intensity Use ¹	4,613
Low Intensity	3,313
Rural Use ¹	11,424
Resource Management ¹	1,420
State Land	3,205
NYS State Conservation Easement	5,292

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

¹ Approximately 5,292 acres of private lands in the Town of Lake Luzerne are under New York State conservation easements.

The Proposed Map Amendment Area is currently classified as Rural Use. It is bounded by Rural Use to the west and north. This Rural Use land use area is part of an approximately 18,000-acre Rural Use land use area that extends throughout the Town of Lake Luzerne and into neighboring Towns of Lake George, Queensbury, and Warrensburg. The Proposed Map Amendment Area is also bounded by Moderate Intensity Use on the east and south. This Moderate Intensity Use area is approximately 4,000 acres in size and stretches from the western boundary of the Town of Lake Luzerne to the eastern boundary of the Town, generally running along the NYS Route 9N corridor. Figures 2 and 3 are maps showing the Proposed Map Amendment Area with the current classifications on the Adirondack Park Land Use and Development Plan Map at two scales.

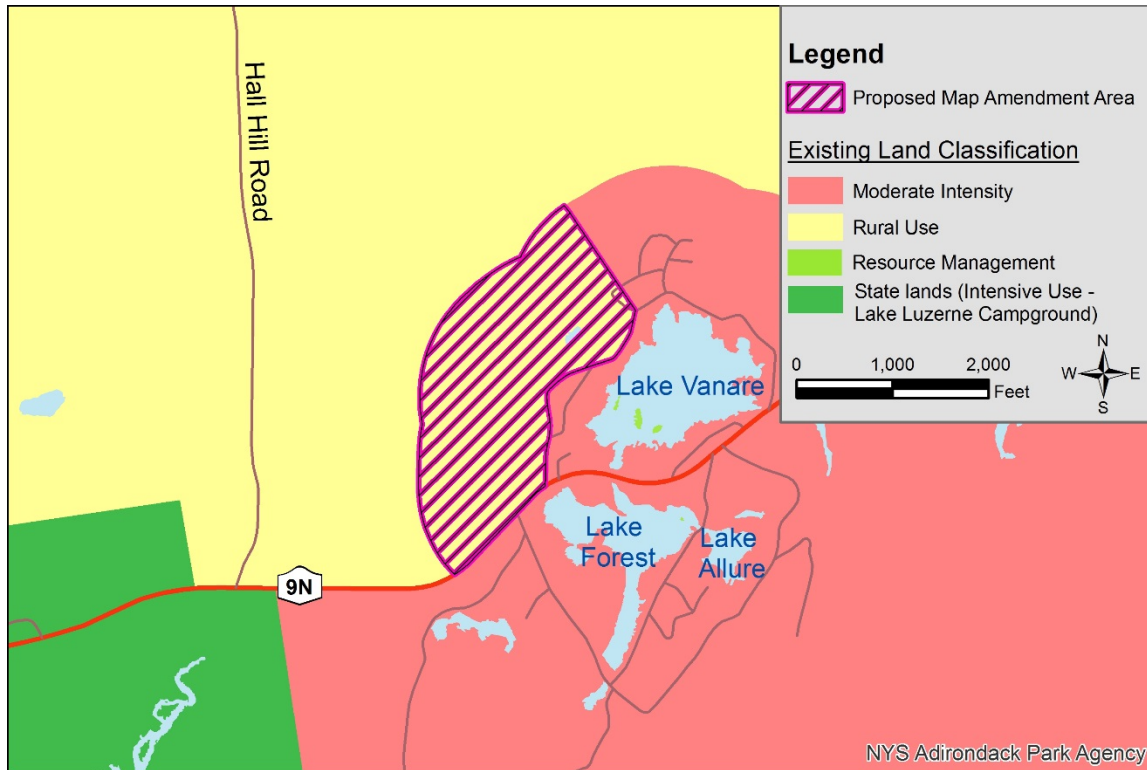


Figure 2. Map showing the Proposed Map Amendment Area and the current classification on the Adirondack Park Land Use and Development Plan Map and State Land Master Plan.

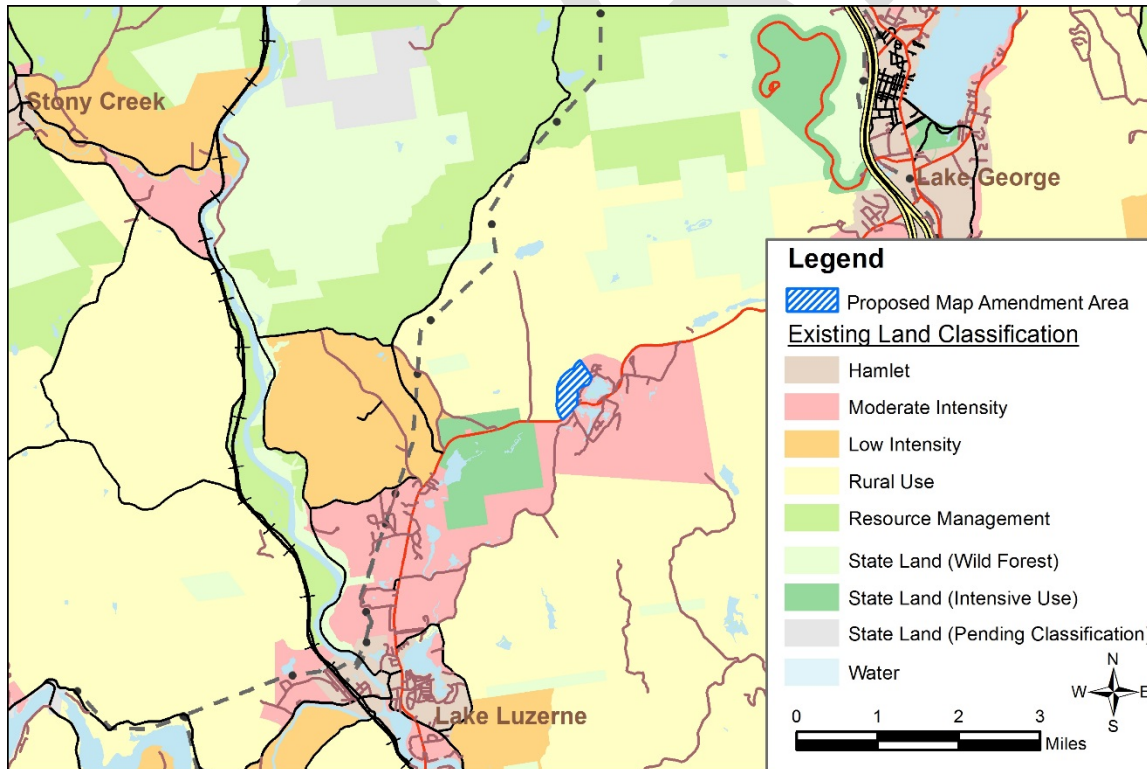


Figure 3. Map showing the Proposed Map Amendment Area and the current classification on the Adirondack Park Land Use and Development Plan Map and State Land Master Plan.

Existing Land Use and Development

The Proposed Map Amendment Area has approximately 1,300 feet of road frontage along NYS Route 9N, a hard-surfaced State-maintained highway. NYS Route 9N intersects with Interstate 87 approximately 5 miles to the northeast. The Proposed Map Amendment Area also has approximately 2,300 feet of road frontage along Hidden Valley Road, a hard-surfaced town road that intersects with NYS Route 9N in two locations, forming a loop around Lake Vanare. Figure 4 is a map showing the roads in the vicinity of the Proposed Map Amendment Area.

There are no public sewer or water facilities available to Proposed Map Amendment Area. Electric and telephone lines run along NYS Route 9N and Hidden Valley Road.

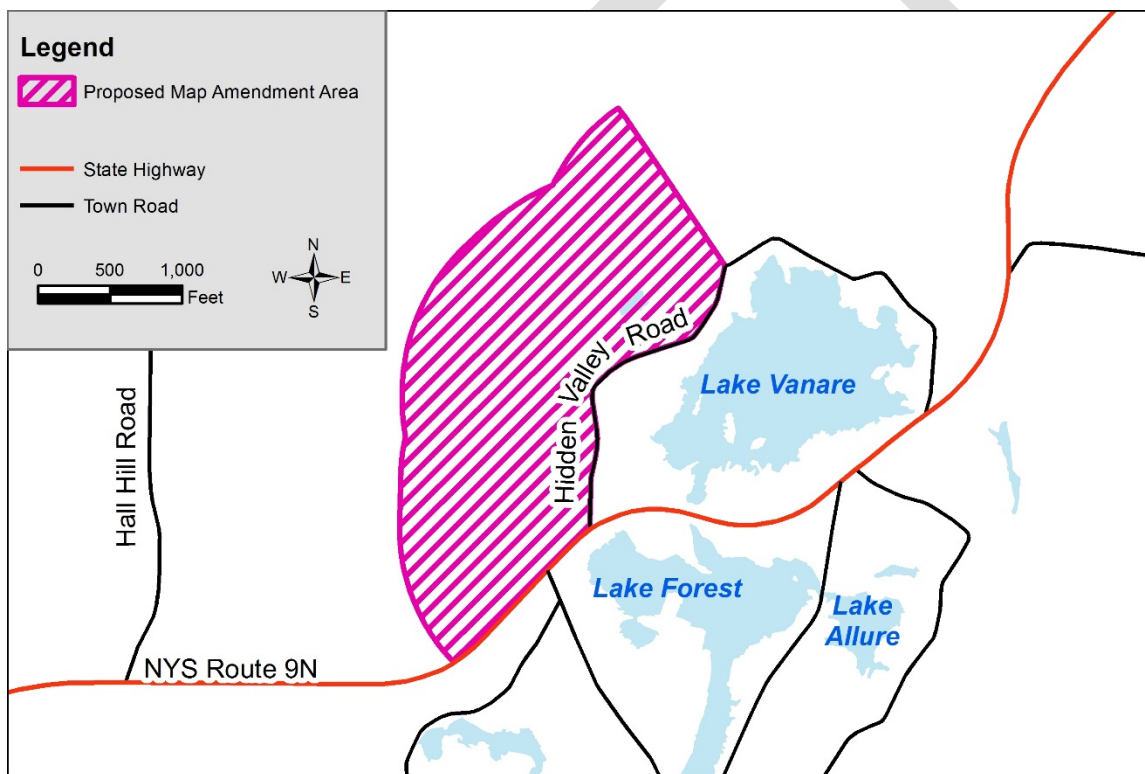


Figure 4. Map showing the roads in and around the Proposed Map Amendment Area.

Figure 5 shows the existing land use in and around the Proposed Map Amendment Area according to Warren County Office of Real Property Tax Service and New York State Office of Real Property Services (ORPS). According to data obtained from the County and ORPS, the requested map amendment area consists of all or a portion of three commercial parcels, three residential parcels, two recreation and entertainment parcels, five vacant parcels, and one private forest lands parcel. Table 2 contains a list of parcels within the Proposed Map Amendment Area, the acreage affected by the proposal, and existing use according to County tax parcel data.

Fire and rescue services are furnished by the Luzerne-Hadley Fire Department. Police protection is available from Warren County Sheriff Department and New York State Police, both located in Queensbury, approximately 14 miles from the Proposed Map Amendment Area.

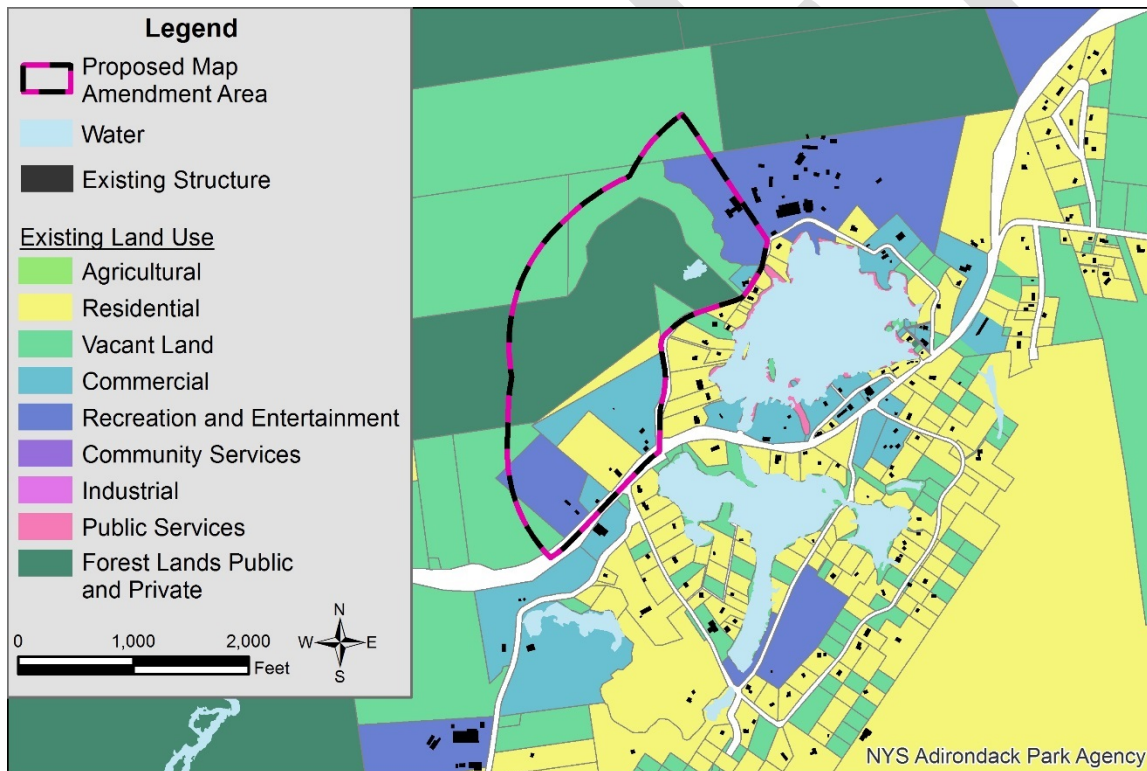


Figure 5. Map showing the existing land use according to the Warren County property tax map data for the Proposed Map Amendment Area and surrounding area.

Lot	Acres within Map Amendment Area	Existing Land Use Category	
286.-1-31.2	8.5*	Recreation & Entertainment	(Camping Facilities)
286.-1-30	3.0*	Vacant	(Residential Vacant Land Over 10 Acres)
286.-1-32	1.13	Commercial	(Camps, Cottages, Bungalows)
286.-1-33	5.78	Residential	(One Family Year-Round Residence)
286.-1-34	9.94	Commercial	(One Story Small Structure)
286.-1-35	2.77	Residential	(Seasonal Residence)
286.-1-18	40.1*	Private Wild and Forest Lands	(Private Wild and Forest Lands)
286.-1-36	1.65	Vacant	(Residential Vacant Land)
286.-1-14	4.5*	Vacant	(Residential Vacant Land Over 10 Acres)
286.-1-37	12.4*	Vacant	(Residential Vacant Land Over 10 Acres)
286.-1-38	0.5	Commercial	(Apartments)
286.7-1-1	0.02*	Residential	(One Family Year-Round Residence)
286.-1-39	8.4*	Recreation & Entertainment	(Camps)
286.-1-12	3.0*	Vacant	(Residential Vacant Land Over 10 Acres)

Table 2. List of parcels within the Proposed Map Amendment Area, acreage, and existing use according to County tax parcel data. * Only a portion of these parcels area located within the Proposed Map Amendment Area.

Soils

The United States Department of Agriculture, Natural Resource Conservation Service (NRCS), in its Soils Survey for Warren County, has identified eight soil map units within the Proposed Map Amendment Area. These soil map units are predominately comprised of Bice and Hinkley series, and Plainfield series which together make up 83% of the area. Figure 6 is a map showing the soil map data from the Soil Survey of Warren County, New York. Table 3 is a list of the soil map units in the Proposed Map Amendment Area, the acreage and percentages of each and their expected suitability for on-site wastewater treatment systems.

Bice series makes up approximately 45% if the area and consists of loamy till derived mainly from granite and gneiss with variable components of sandstone and shale. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. This soil is not flooded or ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

Hinkley series makes up 20% of the area and consists of sandy and gravelly glaciofluvial deposits derived principally from granite, gneiss, and schist. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is excessively drained. Water movement in the most restrictive layer is moderately high. This soil is not flooded or ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

Hinckley-Plainfield complex makes up 18% of the area and consists of approximately 45% Hinckley soils (see description above) and 35% Plainfield soils, with minor inclusions of other soil types. The Plainfield component consists of sandy glaciofluvial or deltaic deposits. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is excessively drained. Water movement in the most restrictive layer is moderately high. This soil is not flooded or ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

One of the most important natural characteristics in determining the potential for development of land without access to public sewer treatment facilities are the types and depths of soils and their ability to accommodate construction and effectively treat on-site septic effluent. Under the correct conditions, dry, well-drained soils, such as sand and gravel deposits, result in dry basements and properly functioning septic systems. Approximately 73% of the Proposed Map Amendment Area contains soils that are expected to pose few limitations for on-site wastewater treatment systems.

The Soil Survey mapped 13.7 acres of the Proposed Map Amendment Area as water, which appears to be a seasonally ponded portion of a wetland. (see Wetlands section below).

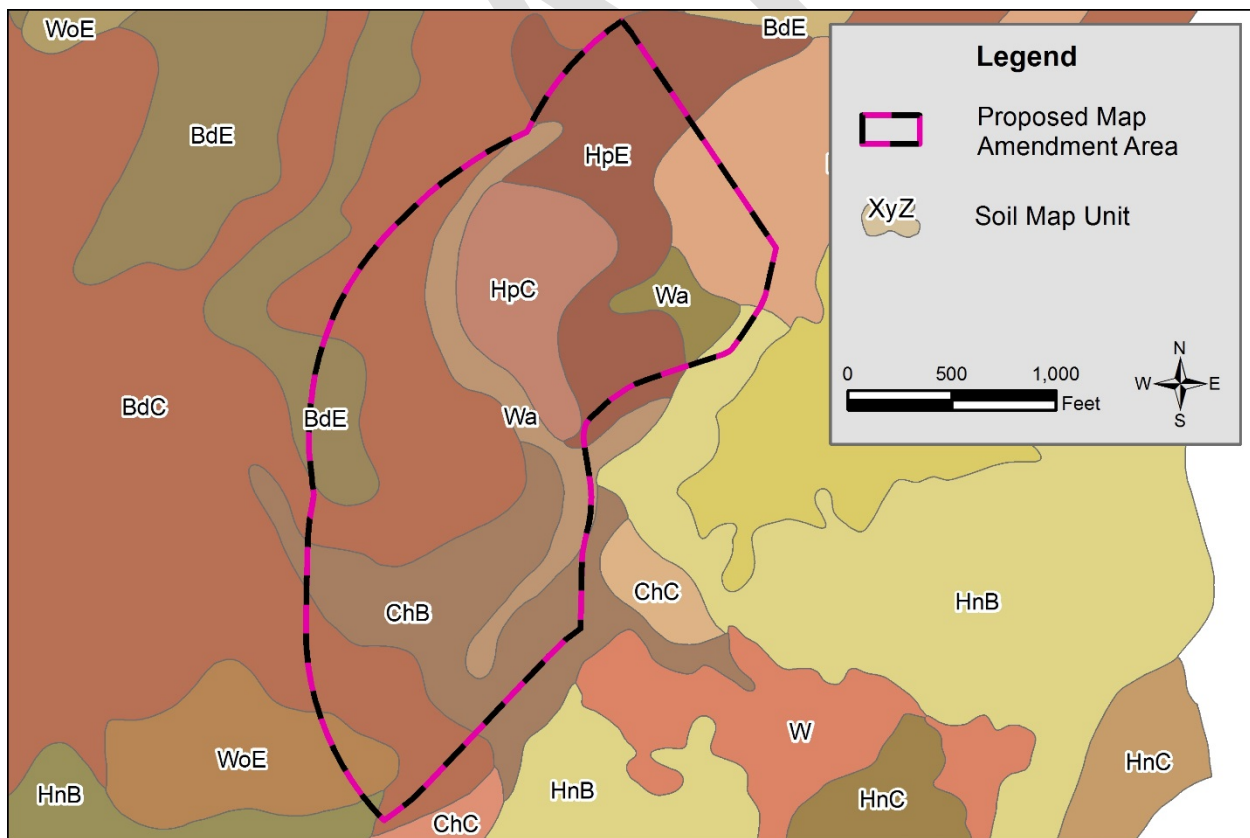


Figure 6. Map showing the Proposed Map Amendment Area and Warren County Soil Survey data.

Map Unit Symbol	Soil Map Unit Name	Expected Limitations for on-site wastewater treatment	Total Acres of in Proposed Amendment Area	% of Area
BdC	Bice very bouldery fine sandy loam, sloping	few	29.7	28%
BdE	Bice very bouldery fine sandy loam, steep	few	18.3	17%
HnC	Hinckley cobbly sandy loam, 8 to 15 percent slopes	few	18.2	17%
HpE	Hinckley-Plainfield complex, steep	severe	13.0	12%
Wa	Water	N/A	13.7	13%
HpC	Hinckley-Plainfield complex, sloping	few	6.6	6%
HnB	Hinckley cobbly sandy loam, 3 to 8 percent slopes	few	3.3	3%
ChB	Charlton fine sandy loam, 3 to 8 percent slopes	few	1.8	2%
WoE	Woodstock-Rock outcrop complex, steep	severe	0.6	1%

Table 3. Soils within the Proposed Map Amendment Area

Detailed soil mapping also provides slope categories for each soil map unit which represent the general slope throughout a particular soil map unit. This slope category may not reflect the actual slope for the portion of a soil map unit within the map amendment area. Please refer to the discussion of Topography below for more detailed information on slopes.

Topography

The topography of the Proposed Map Amendment Area consists primarily of low to moderate slopes, with 98% of the area containing slopes under 15%. Generally, slopes under 15% can support relatively intense level of development. Elevation in the Proposed Map Amendment Area ranges from approximately 720 feet to 840 feet above sea level, a gain of 120 feet. Figure 7 is a map showing the slopes in the area. Table 4 shows the acreage and percentages of each slope category with a description of the limitations posed by each slope category and implications for land use and development.

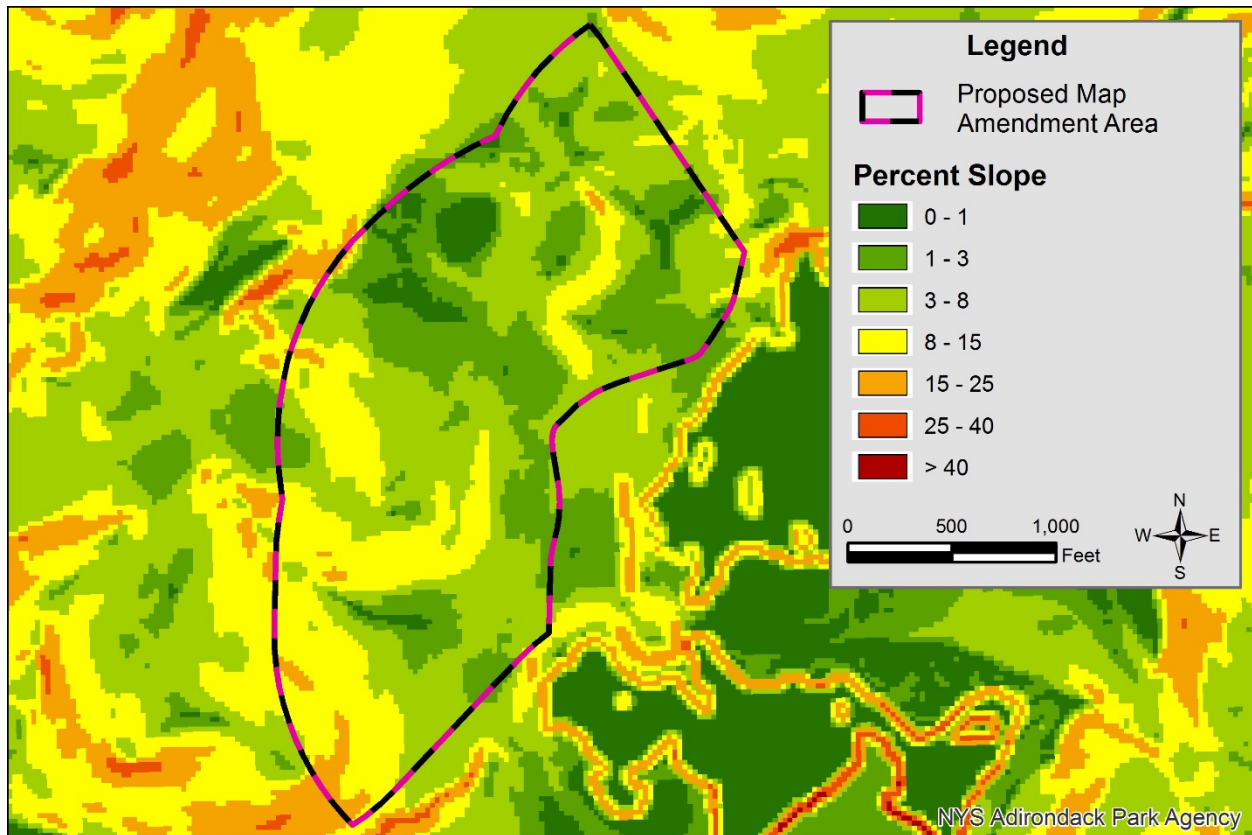


Figure 7. Slopes within the Proposed Map Amendment Area

Slope Range	Land Use Implications	Total Acres of in Proposed Amendment Area	% of Area
Low/Moderate Slopes (0-15%)	These slopes can be developed at a relatively intense level, so long as careful attention is given to the wide slope variability in this range. Construction or engineering practices that minimize erosion and siltation problems must be utilized on the steeper slopes in this range.	103	98%
Steep Slopes (16-25%)	These slopes present substantially the same environmental hazards relating to erosion, sewage disposal, siltation and construction problems as are found on severe slopes. However, if rigid standards are followed, some low intensity development can take place.	2	2%
Sever Slopes (25%+)	These slopes should not be developed. Development on these slopes presents serious environmental problems. Erosion rates are greatly accelerated. Accelerated erosion increases siltation. Septic systems will not function properly on these slopes. Development costs are likely to be massive because of the special engineering techniques that must be employed to ward off problems such as slipping and sliding. Proper grades for streets are difficult to attain and often can only be accomplished by large road cuts.	0	0%

Table 4. Slopes within the Proposed Map Amendment Area

Water Resources

The major hydrological feature in the Proposed Map Amendment Area is an unnamed stream in the northern portion of the area. This stream is classified as a C(t) stream, by the Department of Environmental Conservation which indicates that its best use is for fishing and it may support a trout population. Figure 8 is a map showing the location of this stream.

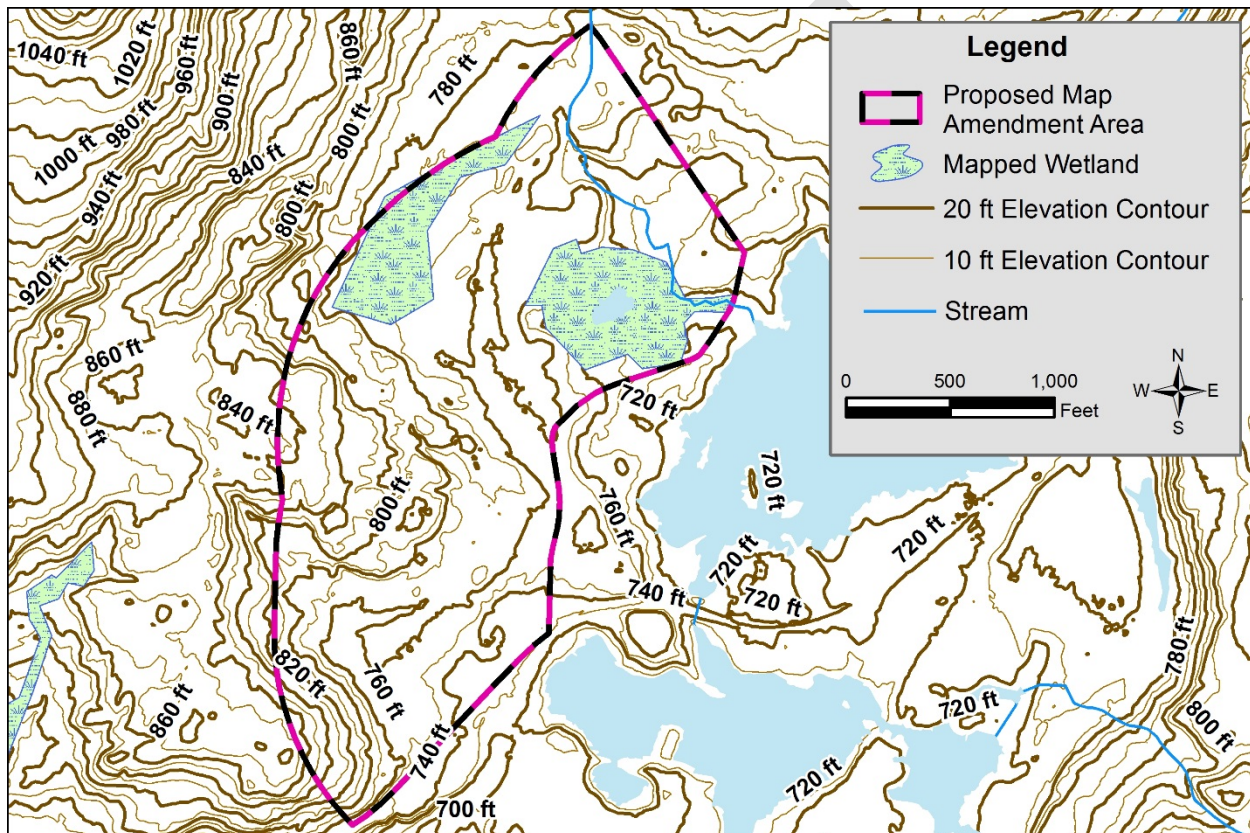


Figure 8. Map showing the Proposed Map Amendment Area, topography, wetlands mapped by aerial imagery interpretations, and waterbodies.

The Proposed Map Amendment Area is situated near the approximately 40-acre Lake Vanare and the approximately 25-acre Lake Forest. Lake Vanare is located approximately 200 feet down stream of the Proposed Map Amendment Area. The Proposed Map Amendment Area is also adjacent to a mapped aquifer. Figure 9 shows the Proposed Map Amendment Area and this aquifer.

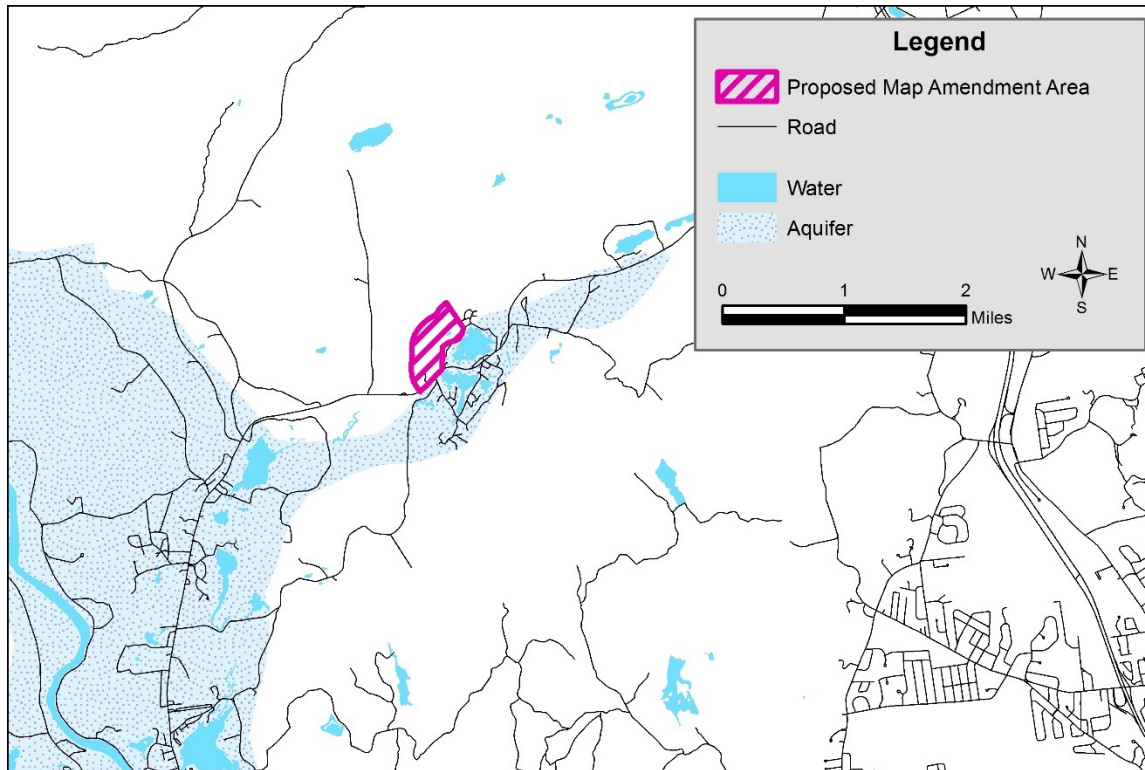


Figure 9. Map showing the Proposed Map Amendment Area and a mapped aquifer.

Wetlands

Interpretation of recent aerial imagery indicates that there are two wetlands in the Proposed Map Amendment Area. The larger wetland area is approximately 8.5 acres in size and located along the unnamed classified stream. The second wetland is approximately 7 acres in size. Figure 8 shows the mapped wetlands in the Proposed Map Amendment Area.

Critical Environmental Areas

Lands currently classified as Rural Use are within 150 feet of a State highway right-of-way and the two wetland areas are statutory Critical Environmental Areas (CEA) pursuant to the APA Agency Act. A portion of the Proposed Map Amendment Area is within this highway CEA. (These are not Critical Environmental Areas pursuant to 6 NYCRR 617.14(g), which is a separate designation from CEAs under the APA Act, Executive Law § 810.) There are no highway CEA's for areas classified as Moderate Intensity Use, the proposed classification. Therefore, if the Proposed Map Amendment was approved, it would result in a loss of these highway CEAs in the Rural Use land use area.

Biological Resources

There are no known instances of rare threatened or endangered species in the Proposed Map Amendment Area. Approximately 80 acres of the area are within an 11,800-acre area identified "regionally important" forest block by the Wildlife

Conservation Society (WCS). WCS identifies these areas due to their size (6,000 acres – 15,000 acres). This forest block is one of 115 regionally important forest blocks identified in the Adirondack Park. Figure 10 shows the Proposed Map Amendment Areas on a map with these large forest blocks.

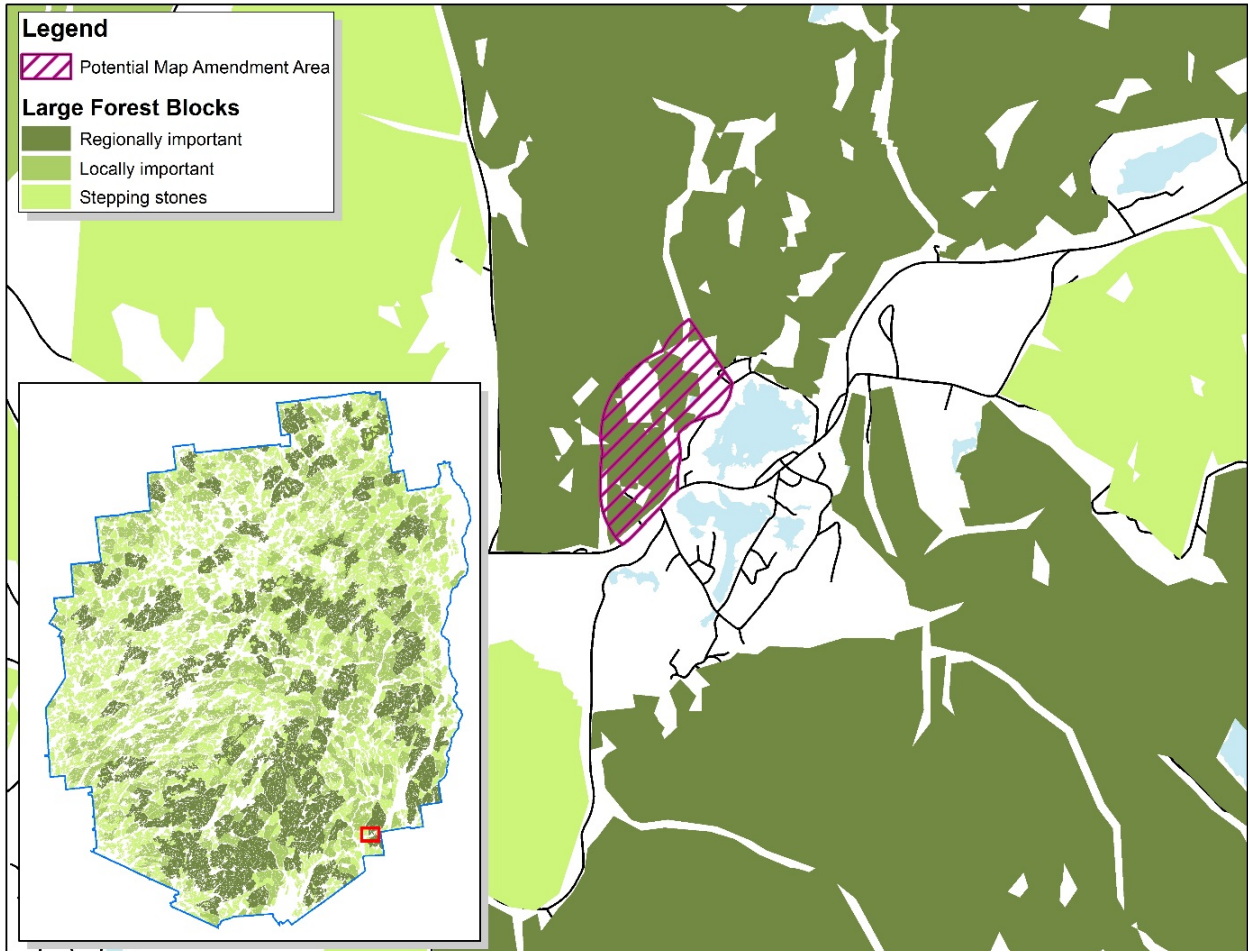


Figure 10. Map showing the Proposed Map Amendment Area and large forest blocks from the Wildlife Conservation Society.

Population Trends

The population of the Town of Lake Luzerne was 3,374 in 2010, an increase of 155 persons (5%) since 2000. Table 5 compares population growth of the Town of Lake Luzerne in both absolute and percentage terms as compared to the five surrounding towns.

Town/Village	Year		Change from 2000-2010	
	2010	2000	Number	Percentage
Queensbury	27,901	25,441	2,460	10%
Corinth	6,531	5,985	546	9%
Lake Luzerne	3,374	3,219	155	5%
Hadley	2,048	1,971	77	4%
Lake George	3,515	3,578	-63	-2%
Warrensburg	4,094	4,255	--161	-4%

Table 5. Population Trends for Lake Luzerne and Surrounding Towns, ranked by rate of growth (Source: U.S. Census Bureau, 2010, 2000 Census)

Potential Impacts of the Action

Impacts to flora and fauna

The application to change to a less restrictive classification could 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 can also degrade wildlife habitat.

The requested reclassification also had the potential to result in a loss of existing open space and natural vegetation, with associated adverse impacts upon wildlife. The area contains approximately 80 acres of an 11,900-acre forest block. Large forest blocks provide habitat to area-sensitive species and are more resilient to large-scale disturbances which maintain forest health over time. There will be no adverse impacts to resources through denial of the application for the map amendment.

Impacts to water resources

The requested map amendment, if granted, could lead to adverse impacts to surface and groundwater quality. This area contains a protected stream as classified by New York State Department of Environmental Conservation. Lake Vanare is located approximately 200 feet down stream of the of the Proposed Map Amendment Area and the area is adjacent to a mapped aquifer.

The Proposed Map Amendment Area is not served by municipal sewer facilities. 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, on appropriate slopes typically result in properly functioning septic systems. Soils with shallow depth to the water table or bedrock do not have adequate depth to effectively treat septic effluent and can cause pollution to groundwater and/or nearby surface water. Approximately 77 acres, or 73% of the Proposed Map Amendment Area, are expected to have adequate soil and slope conditions to support on-site wastewater treatment systems.

Development at intensities permitted by Moderate Intensity Use can increase nutrient levels and contamination of adjacent waters. Excessive nutrients cause physical and biological change in waters which affect aquatic life.

Surface water resources could be affected by activities which tend to disturb and remove stabilizing vegetation resulting in increased runoff, soil erosion, and stream sedimentation. Erosion and sedimentation may destroy aquatic life, ruin spawning areas, and increase flooding potential. There will be no adverse impacts to resources through denial of the application for the map amendment.

Adverse environmental impacts that cannot be avoided

Reclassification to a new land use area classification itself does not create environmental impacts. However, the development that could result may create impacts as outlined above and as specified in the FGEIS. Amendments which permit more development may lead to increased adverse environmental effects. The resource's tolerance and value determine the significance of these impacts. These effects can be mitigated by State and local permit requirements or mitigation measures identified in the discussion of alternatives.

Irreversible and irretrievable commitments of environmental resources

Subdivision of land to smaller lots and the creation of individual building sites is a commitment of land resources. An amendment to a less restrictive classification may facilitate such 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. There will be no adverse impacts to resources through denial of the application for the map amendment.

Growth-inducing aspects and open space resources

The area is presently classified Rural Use on the Official Adirondack Park Land Use and Development Plan Map. As stated above, the statutory "overall intensity guidelines" for Rural Use allows one principal building for every 8.5 acres, while Moderate Intensity Use areas allows one principal building for every 1.3 acres. Therefore, the proposed amendment would allow a potential net increase in principal buildings within the map amendment area. (See Adirondack Park Land Use and Development Plan Map on Page 9 for the current land use area acreage, and Population Trends on Page 30 for census information for the Town of Lake Luzerne)

If the map amendment was approved, the change in land use classification would 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.

Reclassifying the area could lead to a loss of open space. The FGEIS states that "the [APA] Act sets forth open space protection as one of the key areas of state interest. Recognition of the presence of open space issues when contemplating map amendments will further the application of the statutory criteria by the Agency." FGEIS at 25. Further, the FGEIS provides that open space is a resource characteristic worthy of protection, which "is inherent in the scheme of channeling development away from Resource Management and Rural Use areas." FGEIS at 26.

The preferred alternative is to deny the application, retaining the Rural Use land use area classification. There will be no increase in allowable density and no growth-inducing impact.

Impacts of the proposed action on the use and conservation of energy

Increasing the number of allowable principal buildings in the amendment area would potentially increase energy use in proportion to the number, type, and energy efficiency of principal buildings actually built. Denial of the application for a proposed map amendment will not impact the use and conservation of energy.

Impacts of the proposed action on solid waste management

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 impacts. Denial of the application for a proposed map amendment will not have an impact on solid waste management.

Impacts of the proposed action of historic resources

Denial of the application for a proposed map amendment would 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.

Impacts on climate change

Denial of the application for a proposed map amendment would not have an impact on climate change.

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Alternative Actions

There are three alternative actions that have been considered:

A. No Action

One alternative action is “no action” or denial of the request. The Agency may determine that the current classification is appropriate for the area under consideration for a map amendment. A failure to approve any change would preserve the present pattern of regulatory control. There would be no adverse or beneficial site changes in the reasonably foreseeable future.

B. Alternative regional boundaries

The redefinition of the Proposed Map Amendment Area along alternative regional boundaries could be employed. Alternative boundaries can be used to exclude areas that pose physical limitations for development or other concern. There are areas within Proposed Map Amendment Area that pose severe limitations for development, but these limiting features are not in locations where an alternative geographic configuration would be advantageous.

C. Alternative classifications

The Proposed Map Amendment Area is currently classified as Rural Use and the proposal is to reclassify it as Moderate Intensity Use. Low Intensity Use is an alternative, intermediate classification that could be considered. There are no Low Intensity Use areas contiguous to proposed reclassification area. The Proposed Map Amendment Area is defined by regional boundaries and could possibly be reclassified as a separate Low Intensity Use area if it was determined that the area does not meet the criteria for Moderate Intensity Use but does meet the criteria for Low Intensity Use. However, this action would not accomplish the applicant’s objective of classifying this area consistent with the adjacent lands.

Preferred Alternative

The Preferred Alternative is to deny the application. As a result, the Proposed Map Amendment Area will remain classified as Rural Use.

Section 805(2)(c)(5) of the APA Act provides that “[b]efore 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." (Emphasis added).

The FGEIS notes that the burden of proof to support a request for a map amendment rests with the applicant and the applicant must assume the responsibility for justifying any change in land use area classification. FGEIS at 17. There was considerable public comment regarding the potential loss of open space that this requested map amendment could result in, and the consequent impact on rural character as well as impacts to wildlife. The Town declined the opportunity to respond to these comments.

Open Space Considerations

The FGEIS states that:

1. Recognition of Open Space Resources

The Adirondack Park Agency Act sets forth open space protection as one of the key areas of state interest. Recognition of the presence of open space issues when contemplating map amendments will further the application of the statutory criteria by the Agency.

Open space resources may be related to visibility; especially as seen from vistas or travel corridors (roads, streams, lakes or hiking trails) in areas devoted to recreational, forestry, or agricultural uses. Open space is frequently important for its own sake in areas where natural forces predominate. Moreover, natural area open space values are of greater importance when associated with special features such as gorges or waterfalls, free flowing streams, or diverse wildlife habitats. These special features add to the unique character of an area enhancing the contribution of that particular open space to the character of the Park.

Large open space areas are of the essential for the preservation of large wildlife species (including deer, bear or currently extirpated species). These species require a large range area to survive without maintenance by man. High quality water resources are critical for the survival of trout and related species are associated with very low levels of human occupancy and use within the watersheds.

The concept of open space as a resource characteristic worthy of protection is inherent in the scheme of channeling development away from Resource Management and Rural Use areas. In these areas open space resources are protected by limiting the level of permitted development, and where development is allowed, by encouraging clustering of buildings to protect more sensitive areas.

These concepts will be implemented as guide posts to proposed amendments of the Park Plan Map.

FGEIS at 25-26.

Many of the comments received by the Agency related to open space considerations as they effect the character of the area, wildlife and other resources. The Town did not provide any information on these issues.

Town of Lake Luzerne Comprehensive Plan

In 2010, the Town of Lake Luzerne adopted the Waterfront Revitalization Strategy & Comprehensive Plan. The plan did not include specific recommendations for the Proposed Map Amendment Area, but it did refer generally refer to Lake Vanare as a one of the Town's three "secondary hamlet areas" The recommendation for those secondary hamlet areas was to review of zoning ordinance and alter it in ways necessary to allow for desired growth in secondary hamlet areas, or to limit commercial uses where they are determined incompatible. The Plan did not include a map that shows specific boundaries of these areas so it is unclear whether the Proposed Map Amendment Area was specifically considered. The Comprehensive Plan also stated the "overwhelming sentiment" from residents that natural environment, water resources, scenic views and rural character are of paramount importance to the community and should be preserved and promoted wherever possible. The sentiment was also expressed in the comments the Agency received on this map amendment proposal.

The Comprehensive Plan also included recommendations intended to ensure the long-term viability of the community based on its abundant natural resources and scenic beauty. Among the recommendations was the development of a formal Trails and Open Space Plan. This Trail and Open Space plan would identify "specific areas of the community that are important for preservation based on various characteristics." The Comprehensive Plan notes that "[i]dentifying the specific areas desired for open space preservation will allow the Town to make zoning changes that can help to protect the appropriate areas of open space in the community, and also help to inform and guide the planning board when they review project proposals." Town of Lake Luzerne Waterfront Revitalization Strategy & Comprehensive Plan (April 2010) at p. 13.

The Town has not developed an Open Space Plan as recommended in the Comprehensive Plan. A considerable amount of the public comment on the requested map amendment focused on the preservation of open space with the current classification. This would be a logical step prior to a map amendment increasing the allowed density of development. The Agency must evaluate an application for a map amendment in light of the Comprehensive Plan and its consideration of important resource factors that have been identified locally as significant, including open space and community character.

This denial of the application for a map amendment is without prejudice to the Town of Lake Luzerne to submit a map amendment application in the future with new or additional information.

Proposed Map Amendment Area Measures to Mitigate Potential Adverse Environmental Effects

Application of Statutory Criteria

The statutory criteria for map amendments balance the various physical, biological, and public resource considerations and provide development opportunities in areas with tolerant resources, thereby protecting the public interest.

Sensitive or intolerant natural or public resources are generally found in the more restrictive land use areas (Rural Use and Resource Management). There the resources are protected by lower permitted densities, a greater possibility of projects being reviewed, and more rigorous shoreline setback and lot width standards. A greater number of development opportunities are provided in and around the Hamlet areas where services exist and in areas with natural resource characteristics (e.g., slight slopes) are economically conducive to development. In these counterpoint areas lower development costs, higher permitted densities, and less strict standards guide development to these areas.

Because the preferred alternative is to deny the application, retaining the Rural Use land use area classification, there are no adverse environmental effects to mitigate.

Major Changes Made to the DSEIS

- The Proposed Action section was changed to include information about the Preferred Alternative.
- The Procedures Under SEQRA section was changed to include updated information about the DSEIS, FSEIS, Public hearing and comment period.
- A Preferred Alternative section was added.
- A Summary and Response to Public Comment section was added.

- Public Hearing Summary (Appendix F) and Comment Letters Received During Comment Period (Appendix G) was added.

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 Warren 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
- Warren 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
- NYS DEC Environmental Mapper
- Large Intact Forest Block GIS data, Wildlife Conservation Society
- Town of Lake Luzerne Waterfront Revitalization Strategy & Comprehensive Plan (April 2010)