



KATHY HOCHUL
Governor

STATEMENT OF FINDINGS

State Environmental Quality Review Act

NAME OF LEAD AGENCY AND PREPARER OF FSEIS:

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

PROJECT LOCATION:

Town of Warrensburg
Warren County

PROPOSED ACTION:

Amendment to the Official Adirondack Park Land Use and Development Plan Map in the Town of Warrensburg, Warren County (Map Amendment 2021-01) to reclassify approximately 21.9 acres pursuant to the Adirondack Park Agency Act, Section 805(2)(c)(1) from Low Intensity Use to Moderate Intensity Use.

DATE OF ACCEPTANCE OF FSEIS BY LEAD AGENCY:

March __, 2022

DESCRIPTION OF THE ACTION

The Adirondack Park Agency (Agency) received an application for two Amendments to the Official Adirondack Park Land Use and Development Plan Map in the Town of Warrensburg, Warren County pursuant to Section 805 (2) (c) (1) of the Adirondack Park Agency Act (Executive Law, Article 27). Area 1 is approximately 21.9 acres and currently classified as Low Intensity Use. Area 2 is approximately 65.9 acres in size and currently classified as Rural Use. The Town has requested that these two areas be reclassified as Hamlet.

The Proposed Map Amendment Areas are defined by regional boundaries as described in the Agency's Final Generic Environmental Impact Statement on the map amendment process (August 1, 1979) (FGEIS). As part of its review, the Agency evaluated the potential for alternative actions in each area. In Area 1, the Agency considered a "No Action" alternative that would leave Area 1 as Low Intensity Use, explored an alternative boundary that would avoid physical constraints in the area, and examined the potential to reclassify Area 1 with an intermediate classification, Moderate Intensity Use. In Area 2, the Agency also considered a "No Action" alternative that would leave the area Rural Use, explored alternative boundaries that would avoid resource constraints, and evaluated the potential for an intermediate classification including Low Intensity Use or Moderate Intensity Use.

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 Draft Supplemental Environmental Impact Statement (DSEIS) on December 16, 2021, accepted public comments until February 4, 2022, and held a combined public hearing on both the proposed map amendment and the DSEIS on January 19, 2022. The Agency received five written comments from four unique individuals and organizations. Four people spoke or asked questions during the public hearing.

This Statement of Findings is prepared in satisfaction of the requirements found in 6 NYCRR § 617.11 and 9 NYCRR § 586. As explained in the SEQRA Handbook (<https://www.dec.ny.gov/permits/6188.html>), “[f]indings provide a rationale for agency decisions, including any conditions to be attached to the agency's approval. Should an agency decision be challenged, findings also provide a record to help explain the agency's decision-making. The findings procedure allows each involved agency to consider the relevant environmental factors presented in the final EIS, and balance and weigh essential considerations, including the economic and social factors, in reaching its decision on its underlying jurisdiction.”

The APA must certify that, consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the preferred alternative is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable. This Findings Statement presents the Agency's consideration of potential significant, adverse environmental impacts associated with the recommendation to amend the Adirondack Park Land Use and Development Plan and Map by reclassifying lands in Area 1 from Low Intensity Use to Moderate Intensity Use.

PROPOSED ACTION

The Agency proposes to reclassify a 21.9-acre area of land in the Town of Warrensburg, Warren County (Area 1) from Low Intensity Use to Moderate Intensity Use. The Agency has reviewed the character of Area 1 and relevant land use classification determinants and determined that this area meets the character description, purposes, policies, and objectives of the Moderate Intensity Use classification under Section 805 of the APA Act.

Land use area determinants that support the reclassification of this area as Moderate Intensity Use include public sewer service, proximity and accessibility to the existing Hamlet of Warrensburg, low slopes, and retained Adirondack Park Agency jurisdiction that will protect the wetlands found in the area.

For Area 2, the Agency proposes to deny the reclassification request without prejudice to the applicant to refile the application if new or additional information is available. The Agency has reviewed the application and the record, including the public hearing record and the written public comments received and determined that the applicant has not established that proposed Map Amendment Area meets the character description, purposes, policies, and objectives of the Hamlet classification under Section 805 of the APA Act.

PUBLIC NEED AND BENEFITS

The Town of Warrensburg stated in its application that the availability of public water and sewer service, and the proximity to existing Hamlet areas, is the reason for the requested map amendments.

FACTS AND CONCLUSIONS IN THE FSEIS SUPPORTING THE DECISION

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

ENVIRONMENTAL IMPACTS

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

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 could lead to an increase in surface runoff to the landscape and nearby wetlands due to the elimination of vegetative cover and the placement of man-made impervious surfaces.

Erosion and Sedimentation: 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.

Approximately 34% of the Area 2 contains slopes of 15-25%, which present environmental hazards relating to erosion, sewage disposal, siltation, and construction problems. Additionally, approximately 12% of the Area 2 contains slopes greater than 25%, which present serious environmental hazards relating to erosion and sewage disposal and should not be developed.

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.

The New York Natural Heritage Program mapped a large area on the north and east sides of the Hamlet of Warrensburg where Purple Rock-cress (*Boechea grahamii*) has historically been observed. This mapped area covers the majority of Area 2. In New York, Purple Rock-cress has been found primarily in open areas of calcareous rock, rocky slopes and outcrops, sandy soil in clearings, and open forests. The State conservation status rank for this species is S2S3, meaning it is considered very vulnerable, or vulnerable, to disappearing from New York, due to rarity or other factors. It is not protected at the Federal level and has a global conservation status rank on G5, meaning it is globally secure and common in the world. Increased development in Area 2 could adversely impact this rare species.

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 Warrensburg and surrounding areas define the Adirondack Park for visitors and residents. Area 1 is already developed to the character of a Moderate Intensity Use area. Unscreened development on the Rural Use lands in Area 2 along Route 9 would adversely change the undeveloped character of an area with significant vegetation and rock outcroppings.

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 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. The application of statutory criteria and evaluation of alternatives is a means to mitigate potential adverse environmental impacts. The map amendment process includes an opportunity for public hearing and comment, which allows for consideration of environmental, social, and economic impacts.

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.

Potential development within Area 1 may require various approvals, including from the Department of Health, Department of Environmental Conservation, and the Adirondack Park Agency. Regulations and procedures governing these approvals would help to mitigate the identified potential adverse environmental impacts. Specifically, the Agency's jurisdiction over commercial projects in Moderate Intensity Use may be exercised to avoid impacts to wetlands and surface waters from stormwater runoff,

erosion, and sedimentation.

For Area 2, because the preferred alternative is to deny the application and retain the Rural Use land use area classification, there are no adverse environmental effects to mitigate.

CERTIFICATION OF FINDINGS

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

1. The requirements of 6 NYCRR Part 617 and 9 NYCRR Part 586 implementing Article 8 of the ECL (SEQR) have been met;
2. Consistent with the social, economic, and other essential considerations, from among the reasonable alternatives, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the impacts disclosed in the Final Supplemental Environmental Impact Statement.
3. Reclassification of Alternative Area 1 from Low Intensity Use to Moderate Intensity Use would be consistent with the findings and purposes of Section 801 of the Adirondack Park Agency Act, the Adirondack Park Land Use and Development Plan, and the character descriptions and purposes, policies, and objectives of Hamlet areas set forth in Section 805(3)(c) of the Adirondack Park Agency Act and all applicable rules, regulations, and policies.

Barbara Rice
Executive Director
New York State Adirondack Park Agency

Date

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