

## **Appendix C – Summary of Public Comments and Responses**



## **APPENDIX C SUMMARY OF PUBLIC COMMENTS AND RESPONSES**

The Adirondack Park Agency (APA or Agency) issued and filed a Draft Supplemental Environmental Impact Statement (DSEIS) for Map Amendment 2025-01 on October 9, 2025, and commenced the public comment period for the proposed action. Comments were accepted through November 17, 2025, and included a public hearing held at the Lake Luzerne Town Hall on November 6, 2025. Fifty-eight individuals and entities provided comments on the proposed map amendments and the DSEIS. Fifty-one members of the public attended the public hearing, and fourteen attendees provided verbal comments. A partial transcript of the public hearing can be found in Appendix D, and Appendix E contains all written comments received during and after the comment period.

These comments were carefully considered by Agency staff. The following contains a summary of the comments received during the comment period and the Agency's response to substantive comments. Most comments expressed an opinion or preference on this action, and many comments also contained statements or questions relevant to the DSEIS or the criteria the Agency uses to evaluate and make determinations on map amendment requests. The public comments below are grouped by subject matter and many are summarized, combined and paraphrased.

## **Comments Concerning the Adirondack Park Agency Mission**

### **1. Comment:**

Commenters expressed that the proposed changes directly conflict with the goals and mission of the APA. Commenters note that the mission of the APA is to protect the natural lands of the Park. Commenters emphasized that the APA should maintain the current classifications on the land.

### **Response:**

Section 805(2)(c)(5) of the APA Act states that before approving any map amendment, the Agency must find that reclassification would accurately reflect the legislative findings and purposes of Section 801 of the APA Act, which states: "The basic purpose of this article is to insure optimum overall conservation, protection, preservation, development and use of the unique scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Adirondack park." The criteria the Agency employees in evaluating map amendment requests requires the considerations of these unique resources.

The Preferred Alternative, the denial of the map amendment request, will not conflict with the findings and purposes of the APA Act as it preserves the status quo.

## **Comments Concerning the Completeness of the DSEIS**

### **2. Comment:**

The DSEIS fails to provide a reliable assessment of wetlands because it relies solely on aerial photo interpretation and lacks on-site verification by a qualified wetland biologist. In addition, no surveys were conducted to identify vernal pools, which provide critical habitat for amphibians. These are significant omissions that should be rectified before a final Environmental Impact Statement is prepared.

### **Response:**

The Agency typically relies on aerial imagery interpretation to identify wetlands for the review of map amendment requests, and supplements imagery with field verification when necessary. In this case, staff determined that additional field verification of wetland mapping was not necessary because the aerial imagery was adequate to determine the extent of wetlands.

In any event, wetlands in the Adirondack Park are a statutory Critical Environmental Area in all land use area classifications, including the requested Moderate Intensity Use and Low Intensity Use classifications; therefore, the Agency would retain jurisdiction and permitting authority over any new land use and development involving wetlands. In-depth field surveys, including identification of vernal pools, may be completed before issuing a permit. Further, the Preferred Alternative, the denial of the map amendment request, will not have adverse environmental impacts to wetlands or amphibians as it preserves the status quo.

**3. Comment:**

We need well thought out and planned development in the Adirondacks with real Environmental Impact Assessments, not just someone from New York City writing an EIS and saying no impact when we all know deforestation and loss of habitat is not good for the Adirondacks.

**Response:**

The DSEIS and FSEIS were prepared by Adirondack Park Agency staff. Both the DSEIS and FSEIS explain that future development that may occur as a result of the proposed map amendments would likely result in loss of forest and open space resources, impacts to scenic resources, impacts to biological resources, and degradation of water quality.

### **Comments Concerning Environmental Impacts**

**4. Comment:**

The DSEIS identifies numerous significant and unavoidable adverse impacts that preclude approval of the currently proposed map amendments pursuant to Section 805(2)(c)(5) of the APA Act. The DSEIS concludes that these impacts are unavoidable, cannot be mitigated, and that no feasible alternatives exist. Thus, APA cannot make the statutory findings required for approval of the proposed map amendments. Accordingly, the proposed map amendments must be denied consistent with the prior denial in 2021.

**Response:**

Application of statutory criteria in reviewing map amendments requires the Agency to evaluate areas that are physically most capable of sustaining development without significant adverse impacts. Map amendment requests are evaluated after public comment. The Agency is not reviewing a specific project at this time. However, as stated in the DSEIS and FSEIS, proposed map amendments that would allow for a higher density of development may lead to negative environmental impacts. The magnitude of such impacts would depend on any future development, which is unknown at this time.

The Preferred Alternative, the denial of the map amendment request, will not have adverse environmental impacts as it preserves the status quo.

**5. Comment:**

Commenters expressed concerns about potential environmental impacts, specifically light, noise, water, and other pollution; negative impacts to habitats and resources; and congestion and traffic.

Several commenters mentioned concerns about the permanent and irreversible nature of the impact of the proposed map amendments.

**Response:**

The Agency is not reviewing a specific project at this time. However, as stated in the DSEIS and FSEIS, proposed map amendments that would allow for a higher density of development may lead to negative environmental impacts. When reviewing a request for a map amendment, the Agency uses land use area classification determinants to assess whether a particular area is suited for development. Natural resource determinants are used to identify areas that are capable of sustaining development without significant adverse environmental impacts.

The Preferred Alternative, the denial of the map amendment request, will not have adverse environmental impacts as it preserves the status quo.

**6. Comment:**

The geography of the area is not suitable for the addition of that many houses. There are protected wetlands and large areas of ledge rock all throughout the parcel and bordering parcels.

**Response:**

The Agency is not reviewing a specific project at this time. Both the DSEIS and FSEIS identify and evaluate potential environmental impacts that may result from the map amendment action. The preferred alternative is to deny the map amendments and retain the existing land use area classification.

**Comments Concerning Impacts to Wildlife**

**7. Comment:**

Commenters mention concerns about potential negative impacts to wildlife. Specifically, the loss and fragmentation of habitat, displacement of wildlife, disruption of wildlife movement corridors and an increase human-wildlife conflicts resulting from an increase in allowable development in this area.

**Response:**

The Agency is not reviewing a specific project at this time. However, as stated in the DSEIS and FSEIS, proposed map amendments that would allow for a higher density of development may lead to negative environmental impacts. Reclassification of land to less restrictive land use classifications may lead to adverse impacts to wildlife, depending on any specific development activities that may arise as a result of the change in classification. These potential impacts are described in the Biological Resources section of the DSEIS and FSEIS. The Preferred Alternative, the denial of the map amendment request, will not have any adverse environmental impacts on wildlife as it preserves the status quo.

**8. Comment:**

Commenters mentioned several specific wildlife species that they believed were present in the area and would be negatively impacted from an increase in allowable

development in this area. Specific wildlife species that were mentioned include deer, coyote, bear, fox, bald eagle, and turkey.

**Response:**

The Agency is not reviewing a specific project at this time. However, as stated in the DSEIS and FSEIS, proposed map amendments that would allow for a higher density of development may lead to negative environmental impacts. Rare and endangered species habitat and key wildlife habitats are two land use classification determinants that the Agency uses to evaluate map amendments. The Agency relies on the New York Natural Heritage Program (NYNHP) database to determine if there are known instances of species or communities of concern. There were no known instances of rare and endangered species or communities of concern in the proposed map amendment areas.

It is possible that the species mentioned by the commenters may at times be found in the proposed map amendment areas, and could be negatively affected if increased development were allowed to occur in these areas. The Preferred Alternative, the denial of the map amendment request, will not have any adverse environmental impacts on wildlife as it preserves the status quo.

**Comments Concerning Impacts on Water Resources**

**9. Comment:**

Several written commenters expressed concern about impacts to ground and surface water quality from stormwater runoff and pollution. Specific water bodies mentioned were the stream within the proposed map amendment area and the nearby Lake Vanare, Lake Forest, Fourth Lake, and Lake Allure. One commenter also noted concern about impacting the Hudson River system because it is downstream of this area. Commenters also expressed concerns regarding the lack of public water and the availability of ground water to support additional development, and whether the additional wells would affect wells serving the existing homes in the area.

**Response:**

The Agency is not reviewing a specific project at this time. However, as stated in the DSEIS and FSEIS, proposed map amendments that would allow for a higher density of development may lead to negative environmental impacts. The magnitude of such impacts would depend on any future development, which is unknown at this time. The Agency does not have any specific information on the availability of groundwater in the proposed map amendment areas. The FSEIS explains that a map amendment that allows a higher intensity development could result in adverse impacts to surface and groundwater resources. The Preferred Alternative, the denial of the map amendment request, will not have any adverse environmental impacts on water quality as it preserves the status quo.

**Comments Concerning Impacts on Character of the Area**

**10. Comment:**

Commenters stated they are concerned about the potential change to the character of their neighborhood. Commenters generally noted that the area was tranquil and has a rural character and are worried that the map amendment would result in overpopulation, pollution, and harm to the natural beauty of the area.

Some commenters believed that the proposed amendment would not affect the environment or the character of the community. They also state that other things make it obvious that the area has a Residential character, there is a subdivision with 100+ houses directly across the street of Route 9N., including that there are 20+ houses directly across the street of Hidden Valley Road.

**Response:**

The Agency is not reviewing a specific project at this time. However, as stated in the DSEIS and FSEIS, proposed map amendments that would allow for a higher density of development may lead to negative environmental impacts. The magnitude of such impacts would depend on any future development, which is unknown at this time.

A map amendment could lead to a change in the character of an area by changing the overall intensity guidelines and changing the compatible uses list, which could lead to increased development. Both the DESIS and FSEIS discuss that impacts may be positive when changes in land use classification better reflect the character of an area. Impacts may be undesirable when a change in land use allows for a greater intensity of development that is not consistent with the character of an area.

NYS Route 9N and Hidden Valley Road are the current land use area boundaries between Rural Use and Moderate Intensity Use. The commenter is describing areas that are currently classified as Moderate Intensity Use. The Agency considers existing land use patterns in map amendment changes. However, upon consideration of all determinants, the proposed areas do not meet the policies, purposes, and objectives of a less restrictive land use area classification as described in the DSEIS and FSEIS.

The Preferred Alternative, the denial of the map amendment request, will not result in a change to the character of the area as it preserves the status quo.

**Comments Concerning Availability of Local Services**

**11. Comment:**

Commenters express concern that this map amendment would result in a strain on local services, including safety and fire services.

This proposed map amendment also ignores the lack of infrastructure to support the potential amount of development that it would allow. The Lake Vanare neighborhood does not have a sewer system and such a large increase in individual septic systems could affect local streams and lakes.

**Response:**

The Agency is not reviewing a specific project at this time. However, as stated in the DSEIS and FSEIS, proposed map amendments that would allow for a higher density of development may lead to negative environmental impacts. The magnitude of such impacts would depend on any future development, which is unknown at this time. As discussed in the DSEIS and FSEIS, the proposed map amendments may potentially create a demand for additional community services (e.g., schools, police and fire) by allowing for increased residential density and commercial or industrial development. This increased demand can put a strain on some services while the increase in demand for services may reduce costs by spreading the costs of these services to more individuals.

Public water and sewer services are typically found in Hamlet areas where higher intensity development can support the high costs of these systems. Moderate Intensity Use areas are generally characterized by deep, well-drained soils on moderate slopes, while Low Intensity Use areas are generally characterized by fairly deep soils on moderate slopes. Therefore, areas that are classified as Moderate intensity Use or Low Intensity Use should contain soils and slope characteristics that will support onsite wastewater treatment systems and do not need access to a public sewer system.

The Preferred Alternative, the denial of the map amendment request, will not change the land use classification of the area and will preserve the present statutory and regulatory requirements for overall intensity guidelines, compatible uses, and other land use controls.

**Comments Concerning Impacts to Scenic Resources**

**12. Comment:**

Commenters stated that there would be negative impacts to the scenic character of the area. Commenters specifically mentioned potential impacts from public vantage points, including NYS Route 9N, the summit of Potash Mountain, and nearby recreational trails. Comments also mention concerns about impacts from the loss of the Critical Environmental Area along NYS Route 9N.

**Response:**

The Agency is not reviewing a specific project at this time. However, as stated in the DSEIS and FSEIS, proposed map amendments that would allow for a higher density of development may lead to negative environmental impacts. The magnitude of such impacts would depend on any future development, which is unknown at this time. The FSEIS identifies potential impacts to scenic resources and states that the proposed map amendments could result in a diminishment of the public enjoyment and appreciation of the scenic and aesthetic resources. The Preferred Alternative, the denial of the map amendment request, will not impact scenic resources as it preserves the status quo.

## Comments Concerning Impacts on Traffic

### 13. Comment:

Commenters expressed concern about impacts to traffic, citing concerns with safety. Commenters question whether Hidden Valley Road and Hall Hill Road would be adequate to handle increased traffic and mentioned concerns about safety of campers at a nearby children's camp on Hidden Valley Road.

### Response:

The Agency is not reviewing a specific project at this time. However, as stated in the DSEIS and FSEIS, proposed map amendments that would allow for a higher density of development may lead to negative environmental impacts. The magnitude of such impacts would depend on any future development, which is unknown at this time. The DSEIS and FSEIS identifies potential impacts on transportation that could result if increased development were permitted based on the reclassification of the proposed map amendment areas, including changes to existing transportation systems, the construction of parking areas, alter the current patterns of movement and extend sprawl development. The Preferred Alternative, the denial of the map amendment request, will not have impact on traffic patterns as it preserves the status quo.

## Comments Concerning Economic Impacts

### 14. Comment:

Commenters mention economic factors both in support and opposition to the proposed map amendments. These comments included speculation about how the proposed change would affect local taxes, schools, population and housing affordability.

### Response:

The Agency is not reviewing a specific project at this time and cannot consider private land development proposals as relevant in its deliberation on a map amendment request (9 NYCRR §583.2[b]). The economic impacts that might result from a change in land use area classifications would likely be determined by the type of development that would result from the proposed changes, which is unknown at this time.

As discussed in the FSEIS, one economic foundation of the Plan Map is that properly directed growth and development is less costly than inefficient and scattered growth. Increased development opportunities and accelerated growth that may occur if the proposed map amendment areas were reclassified to less restrictive land use area classifications could lead to an increased tax base of local economies by accelerating growth. However, unplanned growth in a locality may stretch the available governmental services and create inefficient demands not supported by taxes generated from development. Significant disruption of existing conditions could also negatively affect the natural resources or community characteristics upon which local and regional economies are based. Changes in permitted intensities or changes in project review thresholds may facilitate disruption of these conditions and adversely affect the economic base. Moreover, although the proposed map amendments and certain

suggested alternatives may benefit a certain landowner economically by creating multiple, small land use areas, these proposals and alternatives are not consistent with the regional nature and scale of the Plan Map. The Preferred Alternative, the denial of the map amendment request, will not have economic impacts as it preserves the status quo.

### **Comments Concerning the Map Amendment Process**

#### **15. Comment:**

The proposed reclassifications are not consistent with and reflective of the regional nature of the land use and development plan and the regional scale and approach used in its preparation (Section 805 of the Act). Therefore, the proposal fails to meet the statutory standard for amendments to the APA map.

The APA Act does not authorize unilateral modification of a landowner's request for an amendment. In fact, the applicant expressly objected to APA's modification of his map amendment requests. Because APA's modifications were unauthorized, the only valid requests before the Agency are those originally submitted by the applicant—and those requests fail to conform to the regional boundary requirement and must therefore be denied.

#### **Response:**

Section 805(2)(c)(1) of the APA Act allows for any owner of record of the land involved to request a map amendment. Commenter's statement that APA is unauthorized to modify the applicant's request is incorrect. The FGEIS, which was accepted and filed by the Agency, explains that, prior to action on a request, it is often necessary to extend the area under consideration to be consistent with the regional scale and approach of the Plan Map to include areas nearby with similar characteristics. FGEIS at 18. A larger area may be considered where highly variable resource characteristics within the land use area necessitate considering a larger area as the functional unit. FGEIS at 18. It is unusual for the property of a single landowner to meet the regional scale requirement for the map since individual property lines are not considered regional boundaries. Further, the Agency retains authority, on its own initiative, to reclassify land from any land use to any other land use under twenty-five hundred acres. Section 805(c)(2) of the APA Act; FGEIS Appendix E, Section II.

#### **16. Comment:**

When the APA extended the boundaries, they did not include areas with similar characteristics to the areas in the map amendment proposal. The applicant specifically made it a point to only include soils that had few expected limitations for on-site wastewater treatment, and to not include wetlands or stream areas in the requested map amendment areas. When the APA expanded the boundaries, the Agency included all soils and all wetlands and streams and it seems like they did not expand the map amendment area to an area with similar characteristics. The APA should revise their draft to only include soils with few expected limitations for on-site wastewater treatment, which would result in areas that do not include wetlands or streams.

Response:

As the comment states, the applicant requested two separate portions of one parcel that are believed to contain soils that could support on-site wastewater treatment systems. During the course of the Agency's review, the applicant requested reclassification for two portions of their property that they believed to contain soil and slope characteristics that are most suitable for development. By using the soils survey boundaries in their request, the applicant also avoided wetlands and minimized or avoided areas with frontage along public roads despite owning frontage on three public roads. Soils are one important natural characteristic in determining potential for development, but other characteristics must be considered as well. Since the applicant has only requested the areas that are believed to contain the most development-suitable soils using soils survey data, which cannot be used to draw land use area classification boundaries, expanding the areas inevitably included areas that present barriers to increased density and development, such as lands with less suitable soils and wetlands present. Section 805(3) of the APA Act describes both Moderate Intensity Use and Low Intensity Use areas as being "readily accessible," meaning that they are located along highways, accessible shorelines, and within reasonable proximity to hamlet areas. The requested areas, with little to no frontage to public roads, are not readily accessible. When the Agency expanded these areas to consider this request in manner that would reflect the regional nature of the map, roads were used as boundaries. These alternatives, which propose creating multiple, small land use areas for the benefit of one landowner would also not be consistent with the regional nature and scale of the Plan Map. Therefore, the Agency has determined that no change to the regional boundaries was necessary.

17. Comment:

The Agency should deny this map amendment with prejudice, and the request not be allowed to be brought again.

Response:

Section 805(2)(c) of the APA Act permits applications by a landowner to amend the Plan Map under 2,500 acres and does not place any other limitations. The Agency reviews all requests according to the statutory and regulatory criteria. The Agency does not have legal authority to further limit applications, unless the APA Act is amended.

18. Comment:

Commenters mentioned a previous denial of a map amendment request for a similar area. Commenters highlight that the condition of the land has not changed since the previous denial.

Response:

The prior map amendment request involved only a portion of the areas under consideration in the current map amendment request. The current request involves lands that were included in MA2019-01 as well as lands that were not considered in that review. The Agency reviews all applications, to the extent they contain new or additional

information, according to the applicable statutory and regulatory criteria described in the DSEIS and FSEIS.

**19. Comment:**

Commenters believe that if this map amendment proposal were approved, it would set a precedent for future map amendment requests.

**Response:**

Section 805(2)(c) of the APA Act permits applications by a landowner to amend the Plan Map under 2,500 acres at the request of local governments and landowners. The Agency reviews all requests according to the statutory and regulatory criteria described in the DSEIS and FSEIS.

**20. Comment:**

Commenters expressed concern about a landowner requesting a map amendment of this size and scale.

Commenters also expressed concern regarding a landowner requesting a map amendment after they have purchased the property, and feel that those who purchase land knowing the classification should not then be able to request an amendment.

**Response:**

Section 805(2)(c) of the APA Act permits applications by a landowner to amend the Plan Map under 2,500 acres and does not place any other limitations. The Agency reviews all requests according to the statutory and regulatory criteria. The Agency does not have legal authority to change these requirements unless the APA Act is amended.

The Preferred Alternative, the denial of the map amendment request, will not result in a change to the Plan Map as it preserves the status quo.

**21. Comment:**

Commenters expressed concern that the map amendment would be an action of spot zoning and should not be allowed where such actions lead to personal benefit.

**Response:**

Spot zoning refers to rezoning a small area of land differently from the surrounding area in a manner that primarily benefits a single landowner and does not align with a comprehensive plan. Section 805(2)(c) of the APA Act authorizes the Agency to amend the Adirondack Park Land Use Development Plan Map at the request of a single landowner; however, a map amendment must be consistent with the regional scale and approach of the Map. In order to be consistent with the regional scale and approach, the area under consideration is often extended to include nearby areas and neighboring landowners. In this case, the expanded area involves 21 individual parcels. The requirement that map amendments be regional in scale is intended to avoid carve-outs based on individual property lines that would be inconsistent with the regional nature of the Plan Map.

The Preferred Alternative, the denial of the map amendment request, will not result in a change to the current land use classifications of the Plan Map as it preserves the status quo.

## **Comments Related to Standards for Agency Decision**

### **22. Comment:**

The land is properly classified. The Agency's Draft Supplemental Environmental Impact Statement and our own investigations show that both areas, nearly 200 contiguous acres, meet the existing Rural Use classification and its character description, purposes, policies, and objectives. Consistent with Rural Use, there is a low level of development in both these areas. Area A has only 3 private residences, while Area B has 7 residences. Also consistent with Rural use, both areas are five miles between the existing hamlets of Lake Luzerne and Lake George, thereby being "reasonably remote from existing Hamlet areas. As for open space character, a key stated purpose of Rural Use, both Area A and Area B appear and are mapped as substantially forested open space consistent with their current classification. Both areas are part of a contiguous 18,000-acre block of lands classified as Rural Use. This block of Rural Use inclusive of Areas A and B also forms a part of a regionally important forest block identified by the Wildlife Conservation Society. This regionally important forest block should not be fragmented.

In terms of its roadside character, the Rural Use portions of Hidden Valley Road, Rt. 9N, and Hall Hill Road contrast sharply with the Moderate Intensity Use portions of Hidden Valley Road. There are far fewer structures, driveways and commercial uses on the Rural Use side of Hidden Valley Road, for example. Most of that area appears thickly forested from the roadway, consistent with maps provided in the Draft Supplemental EIS (DSEIS).

The proposed 73-acre reclassification area (to Moderate Intensity Use) is not "readily accessible to existing hamlets... where community services can most readily and economically be provided" (APA Act). Nor does the proposed 123-acre reclassification area (to Low Intensity) offer "a relatively high level of residential development and local services," or "provide an orderly growth of housing development opportunities in the Park" (APA Act).

While both residential and commercial development is heavy at one end of Hidden Valley Road, it is not on the Rural Use end. While just a portion is "located along highways or accessible shorelines where existing development has established the character of the area" (APA Act), many of both areas are not so located, but form part of a larger, interior block of Rural Use.

### **Response:**

The Preferred Alternative, the denial of the map amendment request, will not change the land use classification of the area and will preserve the present statutory and

regulatory requirements for overall intensity guidelines, compatible uses, and other land use controls.

**23. Comment:**

Also consistent with Rural use, both areas are five miles between the existing hamlets of Lake Luzerne and Lake George, thereby being “reasonably remote from existing Hamlet areas.”

**Response:**

The proximity to existing communities and services is a land use area classification determinant. The character description for Moderate Intensity Use states that these areas are primarily located near or adjacent to Hamlets and along highways and accessible shorelines, while the character description for Low Intensity Use states that these areas are normally within reasonable proximity to a Hamlet. The proposed map amendment areas are immediately adjacent to an approximately 4,000-acre Moderate Intensity Use area that stretches from the western boundary of the Town of Lake Luzerne to the eastern boundary of the town, running along the NYS Route 9N corridor, indicating that the general area is not considered remote despite the distance to the Hamlet areas.

The Preferred Alternative, the denial of the map amendment request, will not change the existing land use area classifications.

**Comments Concerning the Effect on Future Review/Permitting**

**24. Comment:**

The lack of planning represents a serious problem given the greatly increased potential development intensity and the fact that many forms and intensities of development would no longer be jurisdictional to the Agency's review and permitting decisions.

**Response:**

A map amendment can change the threshold for Agency jurisdiction over future projects. For example, under current land use classification, a residential subdivision of five or more lots would require a permit from the Agency if there were no other basis for Agency jurisdiction. If the requested amendment for Area A were approved and the area was classified as Moderate Intensity Use, a residential subdivision of up to approximately 14 lots could occur without a permit if there were no other basis for Agency jurisdiction. If the requested amendment for Area B were approved and the area was classified as Low Intensity Use, a residential subdivision of up to approximately nine lots could occur without a permit if there were no other basis for Agency jurisdiction.

The Preferred Alternative, the denial of the map amendment request, will not result in a change to the Agency's jurisdiction or permitting authority as it preserves the status quo.

## Comments Concerning Proposed Development

### 25. Comment:

Commenters mentioned both support and opposition to a proposed housing development plan. Commenters requested that any reclassification be rejected until specific plans for use of the property as well as any needed mitigating safety measures are presented by the applicant.

#### Response:

The Agency is not reviewing a specific project at this time and cannot consider private land development proposals as relevant in its deliberation on a map amendment request (9 NYCRR §583.2[b]). Landowners may have specific development goals or plans in mind when they request map amendments, but these plans cannot be considered in the Agency's map amendment decision.

### 26. Comment:

Once this amendment is passed it can't be undone and there would be no way to stop large scale development with little controls over the contractors' environmental practices.

#### Response:

If the amendments were approved, the Agency would maintain jurisdiction over future land use and development; however, the thresholds that trigger an Agency permit being required would be changed, typically allowing more projects to occur without an Agency permit. See the "Growth-Inducing Aspects and Impacts to Open Space Resources" section of the FSEIS. The Preferred Alternative, the denial of the map amendment request, will not result in a change to the Agency's jurisdiction or permitting authority as it preserves the status quo.

## Comments Regarding Local Land Use Planning

### 27. Comment:

Applicant suggests the changes are in compliance with the Town of Lake Luzerne Comprehensive Plan and they are not.

These reclassification proposals contain no information whatsoever regarding the Town of Lake Luzerne's planning (infrastructure, transportation, services, water quality and quantity, etc.) to prepare for such greatly increased development intensity on this 200-acre portion of the town. The APA does not use Town Zoning as a specific criteria in their Map Amendment decisions. However, the Town Zoning does explain the Town's view of how the area should be developed and the resulting character of the area. The parcel in the initial map amendment request has Town Zoning that supports the potential for 55 houses. This is also supported by the Town Land Use Designation of Residential Vacant. Town Land Use Designation is a specific criteria that is supposed to be used to help determine the character of the area when the APA is making Map Amendment decisions. Further, the Town 2010 Comprehensive Plan has designated

the Lake Vanare area as a secondary Hamlet, and has supported this designation with road signs on Route 9N showing where the Lake Vanare secondary Hamlet begins and where the Lake Vanare secondary Hamlet ends. Town Comprehensive Plans are also supposed to be used as criteria by the APA to make Map Amendment decisions.

Response:

Pursuant to Section 805(2)(c)(5) of the APA Act, the Agency must take into account 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, such as soils, slopes and wetlands. The Town Comprehensive Plan is consistent with and derived from the same sources that the Agency used in its review. However, APA regulations at 9 NYCRR § 583.2(b) state: "The [A]gency will not consider as relevant to its determination any private land development proposals or any enacted or proposed local land use controls." This includes town zoning. The Agency relies on the existing characteristics of the area in question, so to the extent that the town zoning has encouraged the development that currently exists and has established the character of the area, it is factored into the Agency's decisions.

The commenter suggests that there is a conflict between the Town's zoning density and the Agency's overall intensity guidelines that justifies the proposed reclassifications. However, no such conflict exists. Town zoning establishes a minimum lot size, while the Agency's overall intensity guidelines are reflected as average lot sizes. The average lot size for Rural Use is 8.5 acres per principal building, but smaller lots can be created. The purposes, policies and objectives for Rural Use suggests that residential and related development and uses can occur in relatively small clusters on carefully selected and well-designed sites to provide for further diversity in residential and related development opportunities in the Park. The smaller lot size allowed by Town zoning may make it possible for clustering of smaller Rural Use lots in a carefully selected location, while maintaining consistency with the Agency's OIGs. If the minimum lot size in the Town zoning were the same as the average lot size established by the OIGs, this clustering of smaller lots could not occur without a variance granted by the Town Zoning Board of Appeals.

The Town Land Use Designation that the commenter refers to is likely the existing land use category used in the Existing Land Use and Development section of the FSEIS. These categories come from a statewide classification system for assessors to describe the primary use of each parcel of real property on an assessment roll and are parcel of the County's parcel mapping data. It is classified by the assessor as Residential vacant land over 10 acres, which reflects the parcel's lack of existing development.

The commenter states that Lake Vanare is a "secondary Hamlet". The APA Act has one Hamlet classification and there is no recognition of a "secondary Hamlet". There are settlements inside and outside of the Park that are referred to as a hamlet, but the Agency uses the term "Hamlet" specifically referring the land use classification

described in Section 805 of the Act. The settlement around Lake Vanare is classified as Moderate Intensity Use, not Hamlet.