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This letter represents the Upper Saranac Lake Association's comments and support regarding the proposed Local Law No. 01 of 2020, which would impose a moratorium until June 30, 2021, on commercial development within the R-C-1.3 and R-C-3.2 zoning districts in the Town of Santa Clara for the purpose of allowing time for the Santa Clara Town Board to update regulations governing commercial development in those zoning districts.

The Upper Saranac Lake Association (USLA) represents about 550 members, most of whom own property on the shores on Upper Saranac Lake, Fish Creek ponds and several ponds in the Saranac Inn area. The purposes for which the USLA corporation is organized are: to preserve, enhance and protect the natural beauties and environmental purity of Upper Saranac Lake, its adjoining waters and the adjacent lands and forests; to encourage and assist in improving the recreational enjoyment of these waters and lands without thereby degrading or deteriorating the natural environmental quality thereof, and generally to conserve and protect the interests of owners and tenants of the area embraced within the Upper Saranac Lake watershed. USLA is also actively engaged in improving boater safety and regularly provide boater safety classes.

We believe our organization and membership should participate, contribute and collaborate more effectively to fulfill our purpose. USLA has previously provided input and recommendations regarding NYS DEC planning to also realize our purpose. The Fish Creek environs will be going through a lot of development by both landowners and the DEC over the next few years. Since the Fish Creek ponds are the largest tributary to Upper Saranac Lake, the Upper Saranac Foundation has invested heavily in cleaning the waterway and the USLA lake shore owners pay in excess of 90% of the town taxes, we should have an opinion on how this area is developed. To meet this goal, we have expanded the USLA Government Affairs Committee.

USLA members have been very supportive of the local businesses within the Town of Santa Clara. Those businesses zoned R-C include: the Saranac Inn Golf Course a favorite golf destination for our members; Hickok's Marina has continued to serve our membership boating needs for decades; and Donaldson's "Knapp's Trading Post", the local "go to location" for everything from baked goods to complete

meals. Rounding out the Santa Clara business group is The Point, which has been a good neighbor to our lakeside community.

While we want these businesses to continue to thrive, USLA strongly supports the Town's proposed moratorium to review the existing Code for R-C zoned properties. We believe that Land Use Code should have guidelines that are specific to commercial use instead of applying variances against existing residential intended code. However, we believe the Town should seriously consider amending the proposed moratorium. Better defining "Development" to allow for general maintenance, repairs and health/safety issues during the review period to enable the continued operation of the business. In essence, the moratorium does not prevent most work done when a building permit or variance is not required.

Additionally, our membership would like the Town to consider the following areas as part of their code review:

1). Consideration of the impacts and safety issues beyond the actual project/property proposed modifications.

As example:

NYS Boating Law states a boat "Cannot operate in excess of 5 m.p.h. within 100 feet of shore, a dock, float or anchored boat. 500 ft of a marked Swim Area."

- The Town code should address safety and the distance between the Marina and opposite shoreline with other organizations (DEC, APA) engaged when considering in totality the following:

- 200 foot proposed marina docks
- 40 ft docks on opposite shoreline (Grandfathered in at 40 foot)
- 100 foot of NYS Boating law at 5 MPH (from marina)
- 100 foot of NYS Boating law at 5 mph (from opposite shoreline)
- The remaining space for bi-directional boat traffic
- The high volume of fishing boats typically anchored in the area and the high volume of kayak/canoes usage in the Fish Creek ponds

2). Consider expanding and defining adequate notification distances beyond the exterior boundaries (currently 750 feet) for any commercial modification where the potential impacts go well beyond

exterior property boundaries: i.e.: if you can see, hear or feel the effects caused by the property within a specified distance from the subject location, those property owners should be notified. Unlike residential development, commercial use has a greater effect on the watershed and the town, not just the surrounding residences within the 750-foot radius.

3). Determine the need for an “Area Impact Study” before proceeding with commercial enhancements, projects or variance requests.

FYI, the Upper Saranac Foundation (USF) and USLA made similar Area Impact Study recommendations to the NYS DEC regarding the UMP plan for the Fish Creek State Campground renovations. We believe that a large expansion of the Marina will only amplify the usage concerns and impacts expressed to NYS DEC.

This is an extract from the USLA letter to NYS DEC (dated September 30, 2020)

“The UMP states the number of campsites does not increase, the enhanced quality of the campground will inherently increase demand, hence use. The UMP should include a study of both campground and pond capacity to handle the camper/boat load. An overloaded facility increases sound, light and groundwater pollution along with additional traffic and garbage. And, wave erosion at shoreline locations both within the facility and along Fish Creek to Upper Saranac Lake is already concerning at existing usage and speeds observed. The negative impact of overloading on the environmental will slowly degrade the overall experience for both campers and the local population. The campground allows for a large number of people to enjoy the beautiful Upper Saranac watershed and the greater Adirondack Park. In general, we welcome the suggested upgrades to the facility but ask that the DEC also recognize the substantial investment in maintaining the watershed environment for all users made by campground neighbors. We ask that they work with all stakeholders to enhance and maintain the pristine waters for future generations.”

4). Town should consider code modifications that place responsibility on businesses to develop methods for implementing increased awareness that dovetail NYS Law with an understanding of our local surroundings and/or the environment that exists on Santa Clara’s lakes.

For example: DEC / NYS Boating regulations include the following:
Existing NYS Boater Operator Training Rule Q&A listed on the NYS website:

- "What if someone rents a boat from a marina? Will that person need to have taken a boating safety course beforehand and have a safety certificate in their possession before going out?

No. If you are at least 18 years old, you may rent without completing a course. The livery should demonstrate how to properly use the boat before renting it, however. Persons under the age of 18 may only rent a motorboat if they hold a safety certificate".

Marina should be required to provide information for on water awareness regarding: right of way, bridge traffic and speed, the multiple marked swimming areas, the numerous 5 MPH zones and the narrow Fish Creek passage to Upper Saranac Lake, to all individuals that go well beyond just understanding "how to properly use the boat".

NYS and USLA training efforts in the Upper Saranac Lake region should not be compromised by a failure to provide awareness to boat renters.

USLA hopes that our recommendations, suggestions and concerns regarding code modifications are not viewed as opposing development and progress but rather as collaborating as a stakeholder in enhancing and maintaining the wilderness character and pristine waters for future generations. It is essential that our business, residential, and State owned facilities coexist within our Adirondack community and maintain the delicate balance necessary for all to positively exist.

Thank you for considering our input and the opportunity to participate.

Regards,

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Vice President, USLA

CC: USLA Governmental Affairs Committee