



NOTE: The attachments referred to herein are on file at the Agency and are on the Agency's website. Copies are also available for inspection on request.

DRAFT AGENCY MINUTES

FEBRUARY 10, 2011

THURSDAY, FEBRUARY 10, 2011

AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF PRESENT

Curt Stiles, Chairman
Richard Booth, Member
Arthur Lussi, Member
Frank Mezzano, Member
William Thomas, Member
Leilani Ulrich, Member
F. William Valentino, Member
Cecil Wray, Member
James Fayle, Designee, NYS Department of Economic Development
Michael McMurray, Designee, NYS Department of Environmental Conservation
Dierdre Scozzafava, Designee, NYS Department of State
Terry Martino, Executive Director
John Banta, Counsel

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Fred Monroe, Executive Director

AGENCY STAFF PRESENT

Richard Weber, Deputy Director, Regulatory Programs
Holly Kneeshaw, Assistant Director, Regulatory Programs
Keith McKeever, Public Information Director
James Connolly, Deputy Director, Planning
Shaun LaLonde, Soil and Water Engineering Specialist
Brian Grisi, Local Planning Assistance Specialist
Daniel Spada, Supervisor, Natural Resource Analysis
Kathleen Regan, Associate Natural Resources Planner
Milt Adams, Environmental Program Specialist 1
Amy Hall, Calculations Clerk
Elaine Caldwell, Administrative Officer
John Burth, Environmental Program Specialist 2
Mary Reardon, Secretary 1
Ariel Diggory, Environmental Program Specialist 1

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Susan Streiff, Keyboard Specialist 1
Mary Palmer, Keyboard Specialist 1
John Barge, Mapping Technologist 3
Deborah Lester, Secretary to Executive Director

Chairman Stiles called the meeting to order at 9:02 a.m.

1. Introductions

The Chairman introduced Michael McMurray, representing the Department of Environmental Conservation. He noted the Department's regular designee, Betsy Lowe, was attending a meeting at the Department's central offices in Albany with other Regional Directors. Mr. McMurray is familiar with the Agency's work as the Department's Permit Administrator for Region 5.

Chairman Stiles also welcomed Dierdre Scozzafava, the Secretary of State's designee to the Agency. Prior to her recent appointment as Deputy Secretary of State for Local Government, Ms. Scozzafava was a State Assembly Member for the past 10-11 years. The Agency welcomes Ms. Scozzafava's experience with local government and the North Country.

2. Minutes

On motion of Mr. Wray, seconded by Mr. Fayle, the Agency unanimously adopted the January 13, 2011 Draft Agency Minutes.

3. Executive Director's Report - 2010 Year in Review

Mrs. Martino noted that 2010 began with recognition of the impact of a large State budget deficit and the directive for the closure of the two VICs and the reduction of staff following their closure. Also in 2010, numerous retirements totaling 153 years worked at the Agency led to vacancies in Associate Counsel, Special Assistant for Economic Affairs, a soil scientist and EPS positions in the JIF office and Regulatory Programs. Rick Weber was appointed Deputy Director of Regulatory Programs in August 2010 following 8 months of guidance provided by Holly Kneeshaw as the Acting Deputy Director. In 2010 the Agency implemented strategic change in the organization of the Agency's enforcement operations with the assignment of John Burth as EPS 2 supervising the enforcement program.

With 2010 came a reduction in the Agency's FTE number from 72 to 56. The need to manage change took precedence at the staffing level and throughout the organization. Along with these changes

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came opportunities and success. On July 1 the Newcomb VIC was officially transferred to SUNY ESF, and the transfer of the Paul Smiths facility to Paul Smith's College followed on December 31. Both institutions and their leaders, Neil Murphy and John Mills, are to be applauded for their vision in seeing how the facilities could be operative within their institutions with continued community and public benefits.

Agency management instituted a circular seating arrangement for the monthly staff meetings. The new format provided an excellent opportunity for staff to come together to share news and information and explore in detail many of the topics that were discussed by the Board, such as variance procedures.

In October the Administrative Law Judge (ALJ) for the Adirondack Club and Resort project hosted a pre-hearing conference followed by his rulings on party status and discovery. The draft schedule proposes starting the hearings in the early part of the spring. The Agency anticipates receiving the final schedule and location(s) in the coming weeks. As the decision makers, Agency Board members, including the Chairman, are reminded of the ex parte rules which prohibit them from communicating with any party directly or indirectly. Board members are welcome to observe the hearing in person, or through the webcast or video record if available. If attending in person, members should observe only and not participate in discussion of the issues addressed by the hearing with anyone present. Any questions regarding this process should be addressed to the Agency Executive Director or Counsel. The Board will be provided a calendar of expected hearing activity as soon as the ALJ approves a final scheduling order.

Thanks go to the support staff for their contributions toward meeting preparation, follow-up and document management, as well as IT staff for their technological skills and live web casting. Also, thanks to all staff for their dedication, ability to turn on a dime and the perseverance that they bring to their work, and especially for their commitment during a year that was characterized by considerable amount of change.

Mrs. Martino led the "2010 Year in Review" group presentation, following the format of the Agency's just-released 2010 Annual Report. Management staff then presented highlights and statistics in the areas of Administration, Regulatory Programs, Economic Services, Planning, Local Government Services, State Lands, Resource Analysis and Scientific Services (RASS), Legal, Enforcement and Public Relations. A summarization of the presentation is attached to the official minutes.

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Mrs. Martino referred to last year's annual report, which was viewed and downloaded about 7,000 times, and she pointed out the substantial cost savings by uploading the annual report on the Agency's website as opposed to distributing it in print form. The 2010 report demonstrates the Agency's resourcefulness and remarkability in sustaining services throughout the year. In 2011, she said, staff will continue to provide services and programs and will work to ensure everyone experiences the environmental, community and economic benefits of the Adirondack Park.

Mr. Mezzano commended the report and expressed his appreciation to all staff for making adjustments in their work due to budget and staffing cuts. He called particular attention to the statement on the cover of the report, which sums up the spirit and intent of Section 801, and he urged the Agency to continue to focus on that in the year ahead.

Mrs. Ulrich gave kudos to the Executive Director for her substantial achievements since joining the Agency.

Mr. McMurray said that from DEC's perspective, 2010 has been a very cooperative year between the two agencies.

Chairman Stiles commended both Mrs. Martino and Mr. McKeever on the quality of the annual report, noting it continued to improve every year. He also recognized staff's hard work, which reflects care and consideration about this special place where they live and work. He called attention to the history of the Park and the transition in which it will always be in terms of how to balance this precious resource with economic sustainability which is needed to survive. The annual report points out that opportunity, as well as the degree of difficulty. There is opportunity in communicating and having a productive and constructive dialogue. For example, "Community Spotlight" focuses on the community and is an opportunity for the supervisor to discuss their town's assets, needs and issues with no guidelines or agenda attached. The Chairman suggested instituting an Agency Forum with specific policy issues as topics for discussion, with the idea that the Agency Board can discuss policy issues freely and without restraint to understand and embrace the issue before having to deal with it at the table. He noted that such a forum would also be helpful to staff as well as the public. A short list of potential topics will be developed and shared with the Agency.

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4. Motion to Adjourn into Committees

On motion of Mr. Booth, seconded by Mr. Wray, the Agency unanimously adjourned into committees at 10:40 a.m.

The Agency reconvened at 1:00 p.m. for the Community Spotlight presentation.

5. Community Spotlight: Town of Brighton, Franklin County

Town of Brighton Supervisor John Quenell gave a slide presentation featuring the Town of Brighton. He began with brief geographical and historical descriptions of the town, which is located in south-central Franklin County.

The State owns approximately 47 percent of the land with most of it classified as Wild Forest. Paul Smith's College lands account for an additional 20 percent of town acreage, and the Tucker and Leavitt Farms together account for about 1400 acres or about 3% of the town's area.

Brighton lies in two watersheds - the Ontario-St. Lawrence and the Saranac-Champlain watersheds. Within the St. Lawrence-Ontario watershed are the St. Regis Chain of Lakes including Upper St. Regis, Spitfire and Lower St. Regis lakes, which together form the headwaters of the Middle Branch of the St. Regis River. Rice Lake to the north of Lower St. Regis is the source of the East Branch of the St. Regis River, and Osgood Pond is the source of the Osgood River which flows north into Lake Meacham. Rainbow Lake, which is part of the Saranac-Champlain watershed, drains into the North Branch of the Saranac River. Other significant water bodies in the town are Jones Pond, the Spectacle Ponds, Black Pond, Church Pond, Barnum Pond, Forestmere Lakes, Slush Pond and Mountain Pond.

Two principal State highways run through Brighton. Route 30 runs north and south and Route 86 runs east and west, terminating at the intersection with Route 30 in Paul Smiths. Brighton has 8 miles of county road and 21 miles of town road, as well as a number of off-road trails for skiers, snowmobilers and canoers pass through the town.

Housing is generally clustered along the few roads in the town in neighborhoods referred to as McColloms (toward Duane), Paul Smiths, Keese Mills (Otisville), Easy Street, Gabriels, Split Rock and Rainbow Lake. There are substantial summer residential communities on Rainbow Lake and the St. Regis Lakes.

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According to 2000 Census figures, there were 1682 residents, which included 363 inmates at the Camp Gabriels Correctional Facility and 535 Paul Smith's College students. In the absence of the 2010 Census data, year-round residents are estimated to continue to be about 800, and with the loss of Camp Gabriels and the increased enrollment at Paul Smith's College, the total is estimated to be about 1600. There are about 550 registered voters with a 50-60% voter turn out. Total tax assessment is \$196 million with about 1,000 tax parcels on the tax rolls, and the town tax levy is \$564,777 (11%).

Paul Smith's College, which lies on the shore of Lower St. Regis Lake, matriculated its first class of 200 students in 1946. In 1998 the College began offering 4-year degrees, becoming first college in the Park to do so. Today nearly 1,000 students from 28 states attend the College, joining the 16,000 living alumni who have preceded them. The College currently offers 24 different degrees, most of them Bachelors degrees. The College and its predecessor, Paul Smiths Hotel Company, have been important benefactors to the town, having donated the land on which the Town Hall is located, the Town Park in Gabriels, and the land for the Paul Smiths Gabriels Volunteer Fire Department (PSGVFD) fire house. In addition, the College recently assumed ownership and operation of the VIC.

Brighton customarily contracts with PSGVFD for fire protection services. In addition to serving Brighton, the PSGVFD also serves the Bay Pond area in the neighboring Town of Santa Clara. PSGVFD is an important asset to the community as it provides a valuable service at a fraction of the cost to taxpayers. PSGVFD's annual budget is about \$90,000, of which \$75,000 is funded by the Town with the remaining balance achieved through fundraising, whereas an annual budget for a paid department would run close to \$1 million. Currently the Town contracts for ambulance service with Saranac Lake Volunteer Rescue, which is part of the Saranac Lake Volunteer Fire Department and the Village of Saranac Lake. The annual rescue calls to the town are about 50, about half of which are to the College. The PSGVFD currently has about 8 trained "first responders."

The Brighton Town Hall, constructed in 1914, was designed by famous local architect Ben Muncil and was placed on the NYS and National Registers of Historic Places in 2003. Through grant commitments and donations, the Town has been planning for the restoration and renovation of the Town Hall, including construction of a modest addition. To prepare for the project, Town offices were relocated to the highway garage on Jones Pond Road in May 2010 with the assumption the Town could start making

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construction commitments. Unfortunately, around the same time the State froze all payments on contracts and grant monies, putting a halt to the Town's project. Although the Town has been assured that the funds are now restored, there have been no payments to date. Additionally, earlier this week the Town was informed by the State Office of Historic Preservation that they will not pay out any grant money toward the proposed building addition. This is an unfortunate "game changer" since the building addition is a major part of the restoration plan for the Town Hall and was supported in a signed contract with the Historic Preservation Office. Additionally, \$30,000 has already been invested in the architecture phase, preliminary demolition work has been completed, and asbestos removal was completed at a cost of \$5,000. It is very important to the Town to complete the restoration project and move its offices back into the Town Hall.

With the exception of Paul Smith's College, much of the town is affected by the lack of cell phone and broadband services, which creates an impediment to economic development. About 30% of the residents have access to cable service, while about 40% of the road mileage and 80% of land area are outside the cell service range. The Town acknowledges that the economic realities might preclude distribution of digital services to such a sparsely populated town, but nevertheless is hopeful for a solution.

Camp Gabriels Correctional Facility which sits on 92 acres with 48 buildings was abandoned by the NYS Department of Correctional Services in 2009. The facility is now in the hands of the State Office of General Services (OGS) which is trying to sell it at auction. The first attempt last November ended with no bidders. Present plans are to hold another auction at the end of March or early April 2011. OGS is working on new marketing materials which will include an APA memo providing information regarding the reclassification of the property. Also, OGS is considering offering advisory consultations with potential buyers, including a contingency clause that will limit buyer risk and possibly lowering the minimum bid. Unfortunately, many buildings on the property are unsuitable and deteriorating, and any re-use of the property will likely require their removal at great expense to the buyer. If the property is abandoned in its current state with the 48 buildings intact, they could become a magnet for undesirable attention. The Town of Brighton is hopeful that the Governor's current plan to offer grant assistance to communities targeted for State prison closures to help with the transition will apply retroactively to include Camp Gabriels.

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In addition to the Camp Gabriels property, the Town is involved in other hazardous situations that should be removed. The Town enforced its abandoned buildings law with the removal of the former Over the Hill convenience store on Route 86 after repeated requests to the owner to remove the dilapidated structure were unsuccessful. Although the Town used its own work force and equipment and was assisted by Franklin County, the cost of the landfill fees totaled approximately \$17,000.

Another situation involves an abandoned mobile home on Rainbow Lake Road which is in a residential neighborhood with children. The Town spent \$500 to track down the absentee owners, one of whom is in Canada, and served them with papers. The next step is an asbestos survey, which has been quoted at \$2,400 for merely determining whether asbestos is present. Understandably, the Town Board is not enthusiastic about pursuing this opportunity.

Another eyesore on Route 86 at the bottom of the Easy Street hill is a junkyard with a number of automobiles and a variety of junk, which is operating in violation of the State's automobile junkyard law as well as the Town's litter law. Efforts to enforce both laws have been stifled or ignored for the past 10 years. Such violations go unresolved because small towns do not have the power in terms of public opinion, enforcement, and finances to address problems like this. Additionally, enforcement in a small town can become very personal, increasing the potential for retaliation against members of the enforcing body.

Governor Cuomo's proposal to limit property tax increases will have dramatic effects on Brighton and other municipalities throughout the state. The proposal has met with success in the Senate, and is likely to do the same in the Assembly. Unfortunately, the proposal overlooks the fact that a portion of the funds typically comes from State Aid and is not all tax revenue. In anticipation, the Town is pricing out potential cost savings from elimination of jobs and town services, lowering of pay levels, elimination of benefits, stretching out of equipment service lives and abandonment of town roads. In a similar situation in Massachusetts, Proposition 2½ enacted in the late 1980's limited annual tax increases to 2.5 percent. Consequently, the counties in Massachusetts are now empty shells and no longer functioning. New York counties will likely survive with the towns either absorbed into the counties or forced to consolidate into larger units. There is much value in having local government close to the people, but this might be a

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luxury the people can no longer afford with current government models.

The Town of Brighton website is accessible at www.townofbrighton.net.

Supervisor Quenell responded to a number of questions by the Board as summarized below:

- The cost associated with removing the abandoned convenience store was applied to the property owner's tax bill and theoretically it would eventually be reimbursed by Franklin County.
- There are approximately 200 school-aged children in the Town of Brighton attending school in the Saranac Lake Central School District.
- Of the taxable property in the town, 10-20% is owned by year-round residents, with 40-50% owned by seasonal residents and the remainder by the State of New York and Paul Smith's College.
- The PSGVFD is fortunate to attract younger members. A high enough percentage of the department personnel live outside of Brighton that the department is not able to recruit from out of town at this time.
- Camp Gabriels is the poster child that has triggered Governor Cuomo's offer of \$10 million "transition" grants to communities targeted for prison closure. Supervisor Quenell recommended the Town of Brighton should also be included in this grant program. He pointed out that unless sufficient funding is available to make the property suitable for re-use, it is likely to be abandoned.
- The Town Re-Use Development Committee, which was created about one year ago when Supervisor Quenell took office, has developed a list of ideas for reuse of the Camp Gabriels property. Among them are drug re-hab, VA clinic, school or facility for youth at risk, forest ranger training, teaching and/or research facility for green living, light manufacturing such as solar panels, housing, nursing home, sports programs, recycling center, and music center.

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- There is a need for middle-income housing in the Tri-Lakes. Re-use of the Camp Gabriels property for this purpose would alleviate the housing shortage while at the same time help to attract professionals to area schools, hospitals and government agencies.
- The 47% State land and 20% College lands are not felt to be a factor in the affordable housing problem.
- The State's tax payments comprise about 20% of the town's total tax revenues.

Counsel advised that if transferred to a private party, the Camp Gabriels property would revert from State Administrative to Moderate Intensity Use which was its classification prior to the prison facility opening.

It was recommended that the Town contact Alan Hipps at Adirondack Community Housing Trust in terms of partnership opportunities for housing.

Chairman Stiles thanked Supervisor Quenell for showcasing his town and presented him with an APA lapel pin.

The Agency temporarily adjourned into committees at 1:45 p.m., and then reconvened at 4:30 p.m. to receive committee reports and act on committee recommendations.

6. Committee Reports

a. Regulatory Programs Committee

(1) 2010-196, Laura Andolina

The matter involves a request for a shoreline structure setback variance to allow for the extension of an existing staircase of a boathouse on the shoreline of First Bisby Lake in the Town of Webb, Herkimer County.

On motion of Mrs. Ulrich, seconded by Mr. Lussi, the Agency unanimously granted the variance request. A copy of the order as approved by the Agency is attached to the official minutes.

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b. Local Government Services Committee

(1) Town of Queensbury Local Land Use Program Amendment

On motion of Mr. Thomas, seconded by Mr. Mezzano, the Agency unanimously approved a resolution authorizing amendments to the Town of Queensbury Zoning Regulations. A copy of the resolution as approved by the Agency is attached.

7. Interim Reports

The Legal Affairs, Enforcement, Park Policy and Planning and Park Ecology Committees did not meet this month. In addition to monthly program reports included in the Agency meeting mailing, the committees reported as follows:

a. Enforcement Committee

On motion of Mr. Wray, seconded by Mr. Lussi, the Committee unanimously approved the draft minutes of the January committee meeting.

b. Park Policy and Planning Committee

On motion of Mr. Booth, seconded by Mrs. Ulrich, the Committee unanimously approved the draft minutes of the January committee meeting.

Mr. Valentino noted some corrections to the recorded meeting date and attendance of former Agency Member James Townsend.

c. Park Ecology Committee

Mrs. Ulrich referred to the draft minutes of the January committee meeting which provided a brief summary of a significant topic involving Agency staff interaction on a global level. She invited more extensive coverage of such topics in future minutes.

On motion of Mr. Lussi, seconded by Mr. Fayle, the Committee unanimously approved the draft minutes of the January committee meeting.

8. Local Government Review Board Comment

Local Government Review Board Executive Director Fred Monroe commended the "Community Spotlight" series, noting it was helpful to hear first hand from town supervisors about the challenges they face and how the Agency impacts their business.

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9. Member Comment

The Chairman and Agency Members welcomed Ms. Scozzafava as a permanent Department of State designee to the Agency Board, and also Mr. McMurray as the designee for the Department of Environmental Conservation in Ms. Lowe's absence. The Board also commended the 2010 Year in Review presentation and expressed their thanks to the Executive Director and staff for their hard work.

Mr. Valentino noted a recent trip to Arizona which reminded him of how different land preservation is across the country. He spoke about attempts by the State of Arizona to preserve open space which were unsuccessful due to legal challenges by real estate developers, resulting in home developments systematically destroying Arizona's High Desert. Because it is unconstitutional for the State of Arizona to contribute towards open space in any monetary manner, they are encouraging local governments and philanthropists to join in the land preservation effort.

Mr. Fayle noted his diminished confidence in bridges and culverts after the presentation by DOT staff.

Ms. Scozzafava expressed her thanks for the warm welcome and said she looked forward to being a part of the Agency.

Mr. Lussi referred to the recent minus 36 degree weather in the Tri-Lakes area and said from a positive perspective the subzero weather would destroy some invasive species. Also, he expressed his appreciation to Kathy Regan for a thoughtful and detailed educational report on alpine vegetation.

Mrs. Ulrich noted that Mr. Valentino's comments brought to mind the powerful State Museum exhibit on the Adirondacks. Also, she said it was always a pleasure for her to get back to the Adirondack forest after seeing almost entirely deforested countryside and hearing about water wars out west, inconceivable in the Adirondacks given the amount of snowfall.

Mr. Wray stated that despite the fact that there were only two action items on the agenda, he was fascinated with the presentations on the deterioration of bridges and culverts in the Park, the Golden Arrow's "green" programs, and alpine meadow vegetation.

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Mr. Booth recalled the Agency's first or second winter on a minus 40 degree day when Clarence Petty, who typically arrived at 6:30 a.m., did not arrive that day until 8 a.m. Mr. Petty had explained his tardiness was because his car did not start so he walked the 8 miles to work.

Mr. Banta reflected on the past year and noted the remarkable job done by the Agency's Local Government Services staff in taking the complicated connection between local government and the Agency and making it understandable. For example, the Westport PUD concept and the years-long conundrum of how to make the connection between Hamlet and potential for expansion in the local land use program.

Mrs. Martino welcomed Ms. Scozzafava as a tremendous advocate for the North Country. She expressed appreciation for being able to share the 2010 Annual Report with the Agency. Also, she applauded Jenn Holderied Webb's presentation on The Golden Arrow's "green programs." She noted that through their involvement with the NYS Green Tourism Council, smaller facilities like Gauthier's in Saranac Lake and Shaheen's in Tupper Lake are also getting involved. She reported this makes an important statement about doing business in the Adirondack Park, how businesses are marketing, and the types of business decisions they are making. She noted the importance of bringing these kinds of discussion highlights to this forum so that people can hear about successful practices demonstrated by other businesses in the Park.

Chairman Stiles said that this meeting provided a good respite from decision making along with a good occasion for ideas. The variety of presentations heard at the meeting provides ideas and helps to frame the context in which the Agency can make better decisions. He noted in particular the importance of the Westport discussion, which presented a creative approach to solution of a problem that for many years has seriously constrained a town that has much to offer the Adirondacks. The Chairman said he looked forward to the March meeting, and noted it would be a full two-day meeting.

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10. Adjournment

The Agency unanimously adjourned at 4:40 p.m.

CFS:dal

Attachments: 2010 Year-in-Review
2010-196, Laura Andolina
Resolution 2011-1, Town of Queensbury

Curtis F. Stiles, Chairman

Summary of Adirondack Park Agency 2010 Year-in-Review

***Presentation by Management Staff
February 10, 2011***

Mrs. Martino led the "2010 Year in Review" group presentation, following the format of the Agency's just-released 2010 Annual Report. Management staff presented the following highlights and statistics in the areas of Administration, Regulatory Programs, Economic Services, Planning, Local Government Services, State Lands, Resource Analysis and Scientific Services (RASS), Legal, Enforcement and Public Relations.

Cover Page

The cover page of the annual report features an important quote from the Chairman which states "The Adirondack Park is one of New York's greatest assets. In the coming years, the protection of the Park's natural resources and the promotion of economic opportunities must remain one of the State's highest priorities."

Message from the Chairman

The cover page is followed by a Message from the Chairman highlighting activities of the Agency and successes in the region such as the ARISE project in Tupper Lake and the Keene broadband project, projects which are a reflection of the positive power of inspired leadership and what it means to Park communities.

Message from the Executive Director

The Executive Director's message provides details of change, opportunities, outreach. The statement "When in doubt, seek us out" encourages the public to engage the Agency in discussion, not only in terms of the permit process but also in terms of the tremendous public outreach that the Agency provides to such groups as Rotary Clubs, Chambers of Commerce and college students.

About the Adirondack Park

This page features aerial imagery and leads off with reference to the Park's centennial celebration as a place of people and natural wonder.

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About the Adirondack Park Agency

This section of the report describes the history of the Agency and the laws that it administers. It also speaks of the multi-disciplined staff who are dedicated to the Agency's mission and who live in towns and villages throughout the Park.

Adirondack Park Agency Board

The page lists all of those members and designees who served in 2010 along with a link to their bios. It also contains a link to 2010 Agency Board Highlights which provides an overview of the amount of work that was before the Agency during the year.

Administration

Agency Administrative Officer Elaine Caldwell provided highlights on behalf of Administrative Services. After a brief description of the Division and its work with other divisions in the areas of fiscal support, physical plant, fleet management, IT, health and safety, personnel, general support services and media relations, Mrs. Caldwell highlighted two prominent issues that stood out in 2010: (1) working within the 2010-11 budget set by Governor Paterson; and (2) the transfer of the VICs and the subsequent reduction in workforce as a result.

The Agency received funding cuts in the FY 2010-11 budget that it was able to implement in the areas of personnel and non-personnel services. The Agency was required to achieve an FTE level of 56 by December 2010 from 72 FTE's, a 23% decrease in staffing over the past two years. The Agency accomplished this task through retirements, attrition and layoffs due to facility closures. The Agency was at an FTE level of 52 at the end of 2010 and remains there today.

The Division continued to be stewards of the taxpayer's money by meeting mandated fiscal reductions, yet ensuring that the Agency could continue to focus and accomplish its core mission of the protection the Adirondacks.

The Division was involved in all aspects of the VIC closures/transfers. 2010 started off with the Reduction in Workforce process. This process is mandated by the NYS Department of Civil Service and involves all employees that may be affected by the layoffs, whether being laid off or a bump or retreat. The Agency took the full year to complete this process and provided affected staff timely information and meetings with the NYS Department of Civil Service, NYS Unemployment, Health Benefits, NYS Office of Career Mobility, Unions and other related agencies, as required.

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The Agency continued to work with NYS Office of General Services (OGS) Legal and Real Property Services, the Attorney General's Office and Office of State Comptroller on the lease termination and transfer processes for both facilities while at the same time working with the staff of both Centers to confirm inventory for proper transfers to SUNY ESF at the Newcomb VIC and surplussing via OGS for the Paul Smiths VIC. This work was being performed while both centers were still open and providing services to the public.

In addition, the Agency continued to look for ways to decrease its operations costs by a joint effort to consolidate the use of its fleet vehicles for site visits and other mandated travel, attending meetings via webinar or conference call vs. travel, internal energy savings with utilities and day-to-day review of operational needs.

In addition, the Division worked with the NYS Statewide Financial Management System (SFS) on a daily basis to provide information, charts and other required information for a go-live date of April, 2011, in addition to having regular conference calls with the SFS program statewide. In January, 2011 that go-live date was postponed until October, 2011. However, the Division continues to work daily on making sure all of the Agency data is ready for conversion to the new statewide financial management system.

The Division continued to work with both the CSEA and PEF Labor Management Committees; responded timely to mandated state reports; provided staff training; worked with the NYS Office of Taxpayer Accountability on required data gathering and reporting; worked on two federal grants, EPA and TEA; processed retirements; reviewed and implemented new IT improvements by switching to WestlawNext; and was successful in two appeals before the NYS Civil Service Commission.

The above work was completed in addition to the day-to-day operations which include payroll, health benefits, personnel issues, time records, accounts payable and contracts.

Regulatory Programs

Deputy Director Rick Weber presented on behalf of Regulatory Programs. 2010 was both a very productive and challenging year in terms of meeting review obligations for the relatively high number of applications and doing so with less staff due to retirements and military leave. The challenge was met only with the great effort of the staff to pick up and distribute the

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work, while also searching for ways to make the permitting process more efficient. Additional highlights and interesting trends during 2010 include:

- The Agency received more Major Project applications than Minor Projects, which indicates that last year's workload consisted of an overall high degree of project complexity. It is also important to note the benefit and growing use of General Permits which last year represented an estimated 19% of all permits issued, significantly streamlining process without compromising review standards.
- Predictably, the Agency is processing more shoreline variance requests. For the years 2006 through 2009, the Agency averaged 9 variance requests per year. In 2010, 20 variance requests were received, 5 of which were eventually modified by the applicant to become non-jurisdictional as they worked with Legal, RASS and Regulatory Program staff.

Looking forward, staff will continue to work closely with the Legal Division to clarify, refine and hopefully simplify hearing procedure for variances while ensuring that the appropriate record is developed for Agency consideration. It is staff's intent to provide for due process in a clear, more efficient and cost-effective manner.

- Providing for a clear and predictable permit review process is critical to fostering important development projects that are consistent with the Park Plan and will better position Adirondack communities for economic growth. In 2010 the Agency permitted over 40 projects that will directly contribute to the retention or creation of jobs and provide for new economic opportunities.

The landfill expansion for International Paper in the Town of Ticonderoga (Essex County) will support the operations of this regionally important mill which directly employs over 600 people and supports an additional 600 related forestry jobs. The project as approved provides for the needed expansion while ensuring that concerns for water quality, visual impacts and other development considerations are addressed.

The Chocolate Moose, a 510-site campground in the Town of Fort Ann (Washington County), is another case in point. The estimated 75 seasonal jobs the project will create along with the secondary economic impacts are very important to the surrounding communities. The project is also important for its new approach in regulating campgrounds. The new approach

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focuses on camping vehicles meeting a test of "readily moveable" as opposed to the past reliance on the observance of time limits to maintain transient occupancy. The new approach will provide needed clarity for the regulated industry while allowing for a greater focus on environmental concerns of shoreline and aesthetic impacts, wetlands and sanitary systems.

- Staff will accept the challenge to find additional efficiencies in permit review procedures, particularly for minor project review and subdivisions involving wetlands. Regulatory Program staff are currently working with Legal and RASS staff to develop a new General Permit for subdivisions involving wetlands. Staff are also working on a potential redesign of process and application forms for minor project applications to provide a more forward-moving, efficient process for these projects. This is intended to improve process without compromising standards of review.

In summary, staff remain dedicated to meeting the challenges while seeking new opportunities for effective change.

Economic Services

On behalf of the Economic Services Unit, Executive Director Terry Martino noted the retirement of Steve Erman, Special Assistant for Economic Affairs, in September 2010. The report highlights work activity in the areas of major projects, pre-application assistance and the Economic Affairs Committee, including a focus on reuse opportunities for the former Camp Gabriels prison site and a tour involving officials from the Town of Brighton, Franklin County and OGS. The Agency was able to provide additional input about potential reclassification of the Camp Gabriels property after its sale and will continue to work with OGS in this effort. The economic specialist also had opportunity to work with OGS in the transfer of the VICs. Among the highlights of the Economic Affairs Committee were presentations on Adirondack campgrounds, mountain bicycling, and other small business development issues and opportunities in the Park. The Agency considers it a priority to fill the economic specialist position as it works through staff needs in the coming year.

Planning

Deputy Director Jim Connolly reported for the Planning Division. "Hamlets of the Adirondacks," also known as "Hamlets 3," is the third in a series of reports scheduled for release in the near future and will be subject of a featured presentation to the Local Government Services Committee. Agency staff provided

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input for the report, which is being spearheaded by Bill Johnston of the Town of Westport (Essex County) and Roger Trancik of Cornell University. The "Hamlets" series dates back to the 1980's and 90's and serves as a guide for communities considering hamlet revitalization and expansion.

One of the most notable among travel corridor issues before the Agency in 2010 was a proposed change in federal signage standards for travel corridors. In a collaborative effort, the Commissioner of DOT, his two regional directors in the Park, and the Agency successfully petitioned the Federal Highway Administration to retain the historic standard of yellow-on-brown signage in the Park. In written comments to DOT, the Executive Director emphasized the history of byways branding associated with Adirondack Park signage and also demonstrated the Agency's past work with the Adirondack Highway Council.

Agency staff were also involved in the development of Memoranda of Understanding (MOU) with DEC and DOT. An MOU establishing protocol for DEC activities on State-owned easements on private lands in the Park was executed by the Agency and DEC, in addition to an MOU between the Agency, DEC and DOT concerning development and implementation of travel corridor unit management plans in the Park.

Agency Cartography and GIS staff continued to improve internal information analysis services through the Look-Up System as well as services to local government in the Park. Of particular note is a map developed by staff which depicts information collected by the NYS Office of Cyber Security (OCS) on broadband availability in the Park. The map is accessible exclusively on the Agency website. OCS started the project last year with stimulus funding, and as infrastructure grows the information will be updated every six months.

Local Government Services

Brian Grisi, Local Planning Assistance Specialist, reviewed the various local government services provided throughout the year. The administration of the 18 Agency-approved local land use programs, including review of amendments and variances, occupies most of staff's time pursuant to Section 807 and 808 of the APA Act. In addition to program review, staff organized, with a great deal of assistance from local government and state agencies, the annual Local Government Day conference. Throughout the year staff attended town meetings to provide program information, training, and answer questions.

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There are approximately 1,500 local officials in the Park, including supervisors, town clerks, town board members, town attorneys, historians. Although Local Government staff deal primarily with the code enforcement officers and planning and zoning board members, they are also available to other local officials. Staff regularly field questions from local officials ranging from the administration of a local program to Agency jurisdiction to uncommon land uses. While staff might not have all the answers, they serve as a clearinghouse of information and generally can provide guidance on how other communities have dealt with similar situations or how the Agency might deal with it. Staff have a great deal of respect for local officials and their work, and in most cases that respect is reciprocal. While the relationships and trust that are engendered by being a phone call away or attending a town meeting are among the most important work of Local Government staff, these are qualitative and not able to be displayed in the annual report.

With only two staff the Local Government Services program depends on all Agency staff as well as staff of companion agencies DOS and DEC. They are appreciative of the assistance that is provided to them in legal review, technical training programs, and answering questions from town officials.

State Lands

Deputy Director Connolly highlighted the four classification packages that were completed in 2010. Among them was the annual classification package involving over 30,000 acres in classifications and 400+ acres in reclassifications including reclassification of the Chazy Highlands to Wild Forest and addition of the Tahawus tract to the High Peaks Wilderness. Also, the Lows Lake-Bog River-Oswegatchie Wilderness canoe route reclassification added almost 8,000 acres to the Five Ponds and Round Lake Wilderness Areas and created the Eastern Five Ponds Primitive Area.

In a process that spanned several years and involved a substantial amount of public participation and interest by people who use the area, the Moose River Plains Wild Forest UMP was completed and deemed to be in compliance with the State Land Master Plan. In addition to the establishment of a new Intensive Use Camping Area along the Moose River Plains Road, 2,300 acres were added to West Canada Lake Wilderness and a new 12,000-acre wilderness area was created.

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Also approved were unit management plans for Independence River Wild Forest, Hurricane Mountain Primitive and Jay Wilderness, as well as amendments to the Jessup River Wild Forest plan dealing with snowmobile issues and trail maintenance guidance, Watson's East Triangle Wild Forest, and the Northville Boat Launch and Scaroon Manor Intensive Use Areas.

Finally, in another process than involved substantial public interest and participation, the Hurricane Mountain and St. Regis Mountain Fire Towers were reclassified to Historic to preserve them as historic landmarks.

RASS

Dan Spada, Supervisor of Natural Resource Analysis, recalled his remarks last year when he spoke about the role that RASS plays as a nexus within Agency staff, their concerns about the disconnect between science, policy and the public, and their general philosophy of education and interpretation regarding the natural resources of the Park as well as the reasons for their protection and how activities on the land affect those resources.

RASS staff advise all the other divisions on technical issues and determinations and often act as the interface among other staff. They are often the first face of the Agency that a project sponsor sees and reveals their development plans to.

Much of RASS's work is field oriented and consists of wetland determinations and delineations, deep hole test pit logs, height determinations, and site review of engineered plans for on-site waste water treatment systems, storm water management and erosion control. All are weather-dependent activities, with the field season typically extending from the time that snow melts until snow falls, which in the Adirondacks presents a fairly narrow window.

During the last year RASS also provided or organized several presentations at Agency meetings including:

"Impacts to Wildlife from Exurban Development:
Lessons from the Adirondacks" - Glennon & Kretser

"Ecological Impact Zones" - Rooks

"Promoting Systematic Forest Management Environmental
Compliance" - Phillips & Burth

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"Water: The Premier Adirondack Park Resource and Asset" - Spada & Snizek

"Forest Management in the Adirondacks - The Lyme Timber Company" - Ross

"Climate Change Biology" - Jenkins

In addition to the presentations, Sean Ross led a tour of active Lyme Timber forest management sites and explained how an investment group does modern forestry in the Park. Of compelling interest was his commentary regarding the value of Forest Preserve juxtaposed with managed private forest lands. The reality is that in the Adirondacks it is much easier to accomplish the biodiversity goals required under third party certification than almost anywhere else in the Northeast, precisely because of the unmanaged, old growth on Forest Preserve mixed in with the private working forest. These types of insights can only be obtained by talking with the people actually doing the work in a systematic and sustainable way in the field on a day-to-day basis.

These topics represent contemporary issues that face the Park and that the Agency and the public need to be aware of and have some understanding of. The presenters are respected scientists that have tremendous breadth and depth of knowledge on their topics and have spent years developing their skills and their message based on the science.

The seasonal field work, the review and the consultation with other staff and the public, as well as the information brought to the Agency about technical topics are important things that RASS provides. Staff work hard to "protect natural resources by applying applicable laws, regulations, standards and policies using good science and sound engineering judgment, while at the same time, being respectful and consistent with all those we come in contact with."

Legal

Counsel John Banta reported for the Legal Division, which is comprised of three major components: Jurisdictional Inquiry Unit, Office of Counsel which includes attorney services, and the Enforcement Unit. Like other divisions in the Agency, the Legal Division is at a point of transition due to retirements.

Jurisdiction - Staff try to remain conscious and aware of their function as one of the first points of contact for the Agency. In terms of statistics for 2010, of 856 contacts, 560 were non-

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jurisdictional and 73 were requests for general information. As such, the bulk of the contact and much of the activity that is taking place does not require an Agency permit.

Increasingly municipalities and mortgage lenders are requiring jurisdictional determinations from the Agency, making them an essential part of the land transaction in the Park.

With the retirement of the JIF supervisor, much appreciation goes to Agency professional staff for their assistance in writing jurisdictional determinations and to support staff for their efficiency.

Attorney Services - The staff attorneys are the unseen part of the Agency and like RASS staff, the attorneys provide their services and advice to other Agency divisions. The attorneys address priorities, giving their consideration to both process and documents that interface with the public. They are also concerned with defensible determinations. Legal services staff sees this as a time of great opportunity for getting involved in new experiences in terms of State lands, project review, etc.

The attorneys work closely with the Attorney General's Office and their senior attorneys who represent the Agency in matters of litigation. The Agency has 13 active litigations, some of which stretch over a long period of time, and the Agency's attorneys play a significant role. The Agency appreciates its partnership with the Attorney General's Office and their senior attorneys.

Counsel's Office - A primary function of Counsel is to maintain a focus on regulatory and statutory reform. Counsel's Office continued that focus last year with the promulgation of a new "boathouse" definition which was part of a five-year review of Agency regulations. After nearly 30 years of little to no regulatory activity, Counsel's Office inherited an active and able agenda that has been guided by Members Wray and Townsend with input from the 1995 Task Force on the APA. While the recent boathouse and dock regulations were implemented without challenge - a reflection of good public participation - the Agency's regulation addressing the expansion of non-conforming shoreline structures, which was upheld in Supreme Court in 2010 and was later appealed, continues to be under appeal but is not on hold. Legal staff were also involved in the development of a streamlined minor variance process.

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Agency Legal staff implemented the regulatory review as mandated in Executive Order 25, and looks forward to whatever opportunities are found there. The process will provide for a reprioritization of the regulatory reform as well as opportunity for reform ideas, and will filter through the Legal Committee and the full Agency.

Counsel's Office is pleased to have re-opened constructive and responsible dialogue with campground owners in the effort to produce guidance on campgrounds. A concrete example is The Chocolate Moose project approved by the Agency in October 2010. Staff look forward to moving on to address other more difficult aspects of the existing campgrounds.

Counsel's Office also manages the ethics program at the Agency pursuant to Executive Order 3 which gives priority to ethics in government. In the absence of the Associate Counsel, Counsel John Banta and Administrative Officer Elaine Caldwell remain available to staff and the Board. Ethics training for all staff is anticipated in the coming months.

Enforcement

Environmental Program Specialist and Enforcement Supervisor John Burth reported on behalf of the Enforcement Unit. He noted the continued hard work and dedication of the enforcement team as they all played a role in working with landowners in the Park to resolve violations in a fair and consistent manner. These are often complicated and challenging scenarios that directly affect the lives of people within the Park.

Mr. Burth reviewed trends and highlights of 2010.

The four most common types of violations resolved by enforcement staff in 2010 were subdivisions, shoreline setback, wetland disturbances, and permit violations:

- Of 238 subdivision violations, 154 were resolved, accounting for 65% of all violations resolved. Each resolution authorized parcels of land that were illegally created after review of development potential and environmental constraints, followed by recordation of the settlement agreement in the county clerk's office putting present and future landowners on notice that future development may require Agency review;
- Staff resolved 49 (21%) shoreline setback violations that involved illegal structures, septic systems, and cutting along shorelines within the Park;

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- Staff ensured remediation of 19 (8%) illegal disturbances to wetlands; and
- Staff corrected 17 (7%) violations of Agency Permit conditions.

Subdivision violations also accounted for 49% (193) of new cases opened in 2010. It is important to note that although these violations were recently discovered, data indicates that most of them occurred some time ago.

As described in the annual report, staff continually monitor subdivisions as they occur within the Park through the Real Property Database. Of the 98 reported subdivisions in 2010, only one was identified as a subdivision violation. Seventy percent of those landowners undertaking subdivisions had contact with the Agency prior to undertaking the subdivision by either obtaining a non-jurisdictional determination or an Agency permit. This is a tribute to the Agency's outreach efforts to educate public and work with local government to encourage submission of Jurisdictional Inquiry Forms prior to undertaking new subdivisions or development within the Park.

Moving forward, the enforcement team plans to continue outreach efforts and be proactive in their enforcement activities. Staff will work to immediately address environmental violations and gain cooperation from landowners before substantial financial expenditures occur, and continue the trend of very few new subdivision violations. Also, staff will continue to look for ways to become more efficient in resolving older subdivision cases, which represents the majority of enforcement caseload.

Community Spotlight

Public Information Director Keith McKeever reviewed the "Community Spotlight" presentations for 2010. After only its second year, "Community Spotlight" is already starting to see some positive effects. For example, in April 2009 Town of Westport Supervisor Dan Connell discussed the need for a map amendment within his town, and in September 2010 the Agency approved a map amendment creating 25 acres of Hamlet in Wadhams. Additionally, the Town is exploring a map amendment in conjunction with a planned unit development, which the Agency will be hearing about later in the meeting. The "Community Spotlight" series is developing into an effective communication tool. It is also a gratifying experience to hear town supervisors express both pride and hope for their communities.

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In 2010, the Agency heard eight inspiring presentations, including Moriah Supervisor Tom Scozzafava who spoke about the importance of the DOCS shock incarceration facility and Lake Champlain, as well as their working relationship with the Agency which resulted in a shovel-ready business park looking for industry to move in. Supervisor Scozzafava made it clear there is opportunity for growth in Moriah and encouraged the Agency to streamline its permitting process.

Supervisor John Frey of Inlet noted a close working relationship between the Town and the Agency on proposals to amend the Official Map, but also the need to improve process. He emphasized the importance of the Moose River Plains to the community's economic sustainability. The UMP for that area was approved by the Agency in November 2010 after a rigorous public hearing process. The Agency worked closely with the citizens to ensure their comments were incorporated in the UMP.

Town of Lake Pleasant Supervisor Neil McGovern discussed the importance of water and sewer infrastructure and some of the struggles small towns face with having to spread the cost across a small base of users, making it very expensive. He pointed out the need for funding opportunities as well as access to Agency staff expertise to help reduce costs.

Sue Montgomery Corey of the Town of Minerva noted the community's reliance on volunteerism, particularly fire and emergency. Minerva is a destination point for day trips and low impact adventures in the Adirondack Park. The school and the children are the heart of the community. She asked that the Agency keep in mind in its decision making process that not all Adirondack communities are alike.

Randy Preston, Supervisor of Wilmington, said his community like other communities in the Park, benefits from recreation and tourism. Wilmington's economic base has always been and will always be rooted in tourism, in large part because of the juxtaposition of the Forest Preserve and the hamlet. Mountain biking is becoming an increasingly popular summer activity, bringing many people into the community. The Town is working to secure easements with private landowners to connect new trails established in the Wild Forest to the town center. He also called attention to an issue involving local review of larger, more complicated projects, and the benefit of access to professional planning staff and review at the State level to rural towns in the Adirondacks.

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Lake George Supervisor Frank McCoy talked about Lake George being an economic engine for his community. He stressed the importance of water quality and the degradation they were seeing, which led to the Town banning use of phosphorous fertilizer on lawns and implementing a shoreline buffer plan. These are efforts at the local level to protect an environmental jewel.

Supervisor Lawrence Patzwald of the Town of Colton referred to his area of the Park as "a sleeping giant." The town's major industry is Brookfield Power, which contributes about 60% of the town's tax revenue, followed by forestry and tourism. Supervisor Patzwald said local schools are critical to the continued viability of Adirondack communities.

Barry Hutchins, Indian Lake Supervisor, spoke to the economic importance of tourism and rafting to the community. He urged the State promote rafting in the Hudson Gorge UMP process. He also noted the importance of community connector snowmobile trails, with a linkage to Lake Pleasant a priority.

Mr. McKeever commended the "Community Spotlight" for its open dialogue and stated that, looking forward, the Agency's Public Information Office would continue to improve outreach efforts and communication.

Mrs. Martino applauded each of the supervisors for their leadership in the Adirondack Park.

Adirondack Park Local Government Review Board

Mrs. Martino remarked on the Agency's partnership with the Local Government Review Board, stating the Agency's efforts to achieve balanced decision making are greatly enhanced by the dialogue with the Review Board and Fred Monroe's participation in Agency meetings.

Staff Retirements

Mrs. Martino referred to a number of retirements that took place in 2010, and on behalf of the Agency, she extended best wishes to Steve Erman, Barbara Rottier, Stephanie "Stevie" Summers, John Quinn, George "Skip" Outcalt and Rita Quinn, who together provided 153 years of service to the Agency.

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P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050

**APA Order Granting
Variance
2010-196**

Date Issued: February 11, 2011

In the Matter of the Application of

LAURA CALL ANDOLINA

for a variance pursuant to §806 of the Adirondack Park
Agency Act

To the County Clerk: This order must be recorded on or before **April 13, 2011**. Please index this Order in the grantor index under the following names.

1. Laura Call Andolina

SUMMARY AND AUTHORIZATION

Laura Call Andolina is granted a 92 foot variance, on conditions, from the applicable 100 foot shoreline structure setback restriction pursuant to sections 806(1)(a)(2) and §806(3)(a) of the APA Act, authorizing placement of a staircase and landing 8 feet from the mean high water mark of First Bisby Lake in an area classified Resource Management by the Official Adirondack Park Land Use and Development Plan Map in the Town of Webb, Herkimer County.

This variance shall not be undertaken or continued unless the staircase and landing authorized herein are in existence within four years from the date the order is recorded. The Agency will consider the variance in existence upon installation of the landing and staircase authorized herein.

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Nothing contained in this Order shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

AGENCY JURISDICTION

The applicant requests a variance of 92 feet from the applicable 100 foot shoreline structure setback restriction pursuant to §806(1)(a)(2) and §806(3)(a) of the Adirondack Park Agency Act (Executive Law, Article 27).

VARIANCE LOCATION AND DESCRIPTION

The site is a 3.3±-acre parcel of land located on First Bisby Lake in the Town of Webb, Herkimer County, in an area classified Resource Management by the Adirondack Park Land Use and Development Plan Map. It is identified on Town of Webb Tax Map Section 50.17, Block 1 as Parcel 14. The site is described in a deed from Barry R. Schuman to Laura Call Andolina dated December 12, 2008 which was recorded December 18, 2008 in the Herkimer County Clerk's Office as instrument 00148801.

The property is shown on a survey map entitled "Survey Map of Property of Elmore C. Schuman, Town of Webb, Herkimer County, New York" prepared by LaFave, White & McGivern, Land Surveyors and Civil Engineers, dated August 19, 1991. The existing boathouse is shown on the survey map and the proposed location of the staircase and landing are hand sketched on a copy of the survey map. The staircase and landing are shown on two sheets of drawings entitled "Proposed Andolina External Boathouse Stair Project" and "Side Elevation of Stairs" submitted with the application August 16, 2010 and date stamped received by the Adirondack Park Agency on that date.

A reduced-scale copy of the survey map and two detail sheets are attached as a part of this order for easy reference. The original, full-scale maps and plans referenced in this order are the official plans for the requested variance.

VARIANCE AS GRANTED WITH CONDITIONS

The variance as granted with conditions herein is summarized as follows: The applicant proposes to build a new set of stairs, approximately 94.5 square feet in area. The stairs will be attached to an existing staircase/walkway within the shoreline setback area to connect to the outside of the existing boathouse and provide access to the lower level boat storage and dock

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areas. The staircase and landing will be located approximately 8 feet from the mean high water mark of First Bisby Lake.

CONDITIONS

BASED UPON THE FINDINGS BELOW AND INFORMATION CONTAINED IN THE VARIANCE APPLICATION FILE, THE VARIANCE IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The staircase and landing shall be undertaken as described in the application, the Variance Description as Requested and Conditions herein. In the case of conflict, the Conditions control. Failure to comply with the Order is a violation and may subject the applicant, successors and assigns to civil penalties and other legal proceedings, including modification, suspension or revocation of the Order.
2. This variance may not be undertaken, and no transfer deed shall be recorded, until this Order is recorded in the Herkimer County Clerk's Office. This Order shall be recorded on or before April 13, 2011 in the names of all persons listed on the first page hereof and in the names of all owners of record of any portion of the project site on the recordation date.
3. This Order is binding on the applicant(s), all present and future owners of the project site and all contractors undertaking all or a portion of the approved variance. Copies of this Order and all the approved maps and plans referred to herein shall be furnished by the applicant(s) to all contractors prior to undertaking the staircase and landing, and to all subsequent owners or lessees of the site prior to sale or lease. All deeds conveying all or a portion of the lands subject to this Order shall contain references to this Order as follows: "The lands conveyed are subject to Adirondack Park Agency Order 2010-196 issued February 11, 2011, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
4. The Agency may conduct such on-site investigations, examinations, tests and evaluations as it deems necessary to ensure compliance with the terms and conditions hereof. Such activities shall take place at reasonable times and upon advance notice where possible.

Location and Size

5. The staircase and landing shall be constructed in the location shown on the plans in the application file. The authorized staircase and landing shall not exceed a footprint of 94.5 square feet consistent with those plans.

Color

6. All exterior building materials, including framing, decking, stringers and stair treads used to construct the staircase and landing shall be of a color which blends with the existing boathouse exterior colors, i.e., a shade of dark brown. The Agency will, upon request, advise whether any particular color complies with this condition.

Outdoor Lighting

7. Any new free-standing or building mounted outdoor lights, including but not limited to lighting attached to the boathouse, shall employ full cut-off fixtures, that is, they shall be fully shielded to direct light downward and not into the sky. The fixtures shall be oriented so as to not cast light toward First Bisby Lake or adjoining property. The intent is to reduce nighttime light pollution (glare, light trespass and sky glow).

Shoreline Cutting

8. With regard to the shoreline of First Bisby Lake, the following minimum shoreline vegetative cutting restrictions shall apply:
 - a. within 35 feet of the mean high water mark, not more than 30% of trees in excess of six inches diameter at breast height shall be removed over any 10-year period, and
 - b. within 6 feet of the mean high water mark, no vegetation shall be removed, except that up to a maximum of 30% of the shorefront may be cleared of vegetation on any individual lot.

This condition shall not be deemed to prevent the removal of dead or diseased vegetation or of rotten or damaged trees or of other vegetation that presents a safety or health hazard.

Shoreline Setbacks

9. Except for the staircase expansion and landing structure approved by the variance contained herein, all new structures, except docks and boathouses, 100 square feet in size or greater, including attached decks, shall be set back a minimum of 100 feet, measured horizontally, from the closest point of the mean high water mark of First Bisby Lake.

Review of Future Development

10. No expansion or other alterations, except in-kind replacement, to the staircases or landings located within the shoreline setback area on the property shall occur without first obtaining a jurisdictional determination and, if necessary, a permit or order from the Agency.

FINDINGS OF FACT

1. The record in this matter consists of the application file and supporting materials and Agency staff's powerpoint presentation.
2. A variance of the terms of the Adirondack Park Agency is not personal and runs with the land. Recording of this Order ensures notice to subsequent owners of the land.

Background/Prior History

3. The site is developed with two pre-existing single family dwellings. One dwelling is located approximately 90 feet from the mean high water mark (MHWM) of First Bisby Lake and the other is located approximately 150 feet from the MHWM of the lake.
4. There is also a pre-existing two story boathouse at the shoreline of First Bisby Lake as shown on the project survey map.
5. There is a pre-existing permanent dock on the lake side of the boathouse and the owners install additional seasonally used docks.
6. There is a pre-existing series of exterior stairs, handrails and landings leading down the steep slopes of the project site which terminate at the uphill side of the boathouse. There is an interior set of stairs in the

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boathouse. This requested variance is for an expansion of the pre-existing exterior staircase within the shoreline structure setback area. The proposed landing and staircase will connect the pre-existing stairs, handrail and landings directly to the shoreline of First Bisby Lake. The new landing and staircase will provide exterior access to the site from the lake without having to enter the boathouse and use the interior staircase. It will also provide the same access to the lake from the dwellings on the site.

Existing Environmental Setting/Character of the Area

7. The site is located within the boundaries of the Adirondack League Club on one of the private lakes surrounded by League Club property. The public does not have access to this private property, therefore, only individuals that own property within the League Club property and their guests are allowed on the surrounding lands.
8. First Bisby Lake is a 150 acre lake with seasonal use dwellings along a very small percentage of the shoreline. Bisby Lodge is a larger structure which is used by League Club members and occupied by a caretaker during some periods of the year.
9. The site is close to Bisby Lodge and located on the more developed shoreline of the lake. The site is accessible by motor vehicles year round.

Public Notice and Comment

10. The Agency notified all landowners within 500 feet of the site and those parties as statutorily required by 9 NYCRR Part 576 and published a notice of the variance request in the Environmental Notice Bulletin. No comments have been received.

Public Hearing

11. A public hearing was conducted January 18, 2011 at the Town of Webb Town Hall. There were no people in attendance, therefore, no comments were received.

Other Regulatory Permits and Approvals

12. A building permit was issued for the construction of the landing and stairs by the Town of Webb Office of Code Enforcement on July 14, 2010, on the condition that no roof is allowed.

Historic Sites or Structures

13. The site is not located within an archeologically sensitive area and the staircase and landing will not impact any historic structures. Therefore, the variance as requested and granted herein will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR Section 426.2 for the purposes of implementing §14.09 of the New York State Historic Preservation Act of 1980.

VARIANCE IMPACTS AND CRITERIA

The following findings of fact evaluate the proposed project against the variance factors set forth in 9 NYCRR § 576.1.

Whether there are practical difficulties in carrying out the strict letter of the provisions of the shoreline restrictions?

14. Currently there are no functioning exterior stairs to access the shoreline of the lake from the dwellings on the site. The only access involves going through the boathouse and using an interior staircase. Exterior access involves traversing steep slopes over a footpath that is eroding and dangerous. Canoes, kayaks and other water craft and accessories cannot be easily carried through the boathouse to store them during the off season, therefore, they must be carried up the steep slopes and ongoing erosion is evident. The steep slopes along the entire shoreline of the site create a practical difficulty in carrying out the strict letter of the provisions of the shoreline restrictions.

Whether adverse consequences from denial outweigh the public purpose of statutory shoreline restriction?

15. If the variance were to be denied there would be potential future shoreline erosion and water quality impacts from the slopes into the waters of First Bisby Lake. Since the landing and staircase will be attached to an existing structure and substantially invisible from the waters of

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First Bisby Lake, denial of the variance would not serve the public or better preserve the shoreline of First Bisby Lake.

Whether the application requests the minimum relief necessary?

16. The 94.5 square feet landing and staircase is the minimum size necessary to build an addition to the exterior staircase on the existing boathouse on the shoreline of First Bisby Lake.

Whether granting the variance will create a substantial detriment to adjoining or nearby landowners?

17. Since the landing and staircase will not be visible from adjoining properties, except from a boat, canoe or kayak in the immediate vicinity of the boathouse, granting the variance will not create a substantial detriment to adjoining or nearby land owners. Additionally, the new landing and staircase will provide an improved and safer daytime and nighttime access to the residence on the project site for adjoining and nearby landowners visiting the site.

Whether the difficulty can be obviated by a feasible method other than a variance?

18. Since access to the dwellings on the project site is up steep slopes, the proposed staircase and landing has to be located along the shoreline of First Bisby Lake. Alternatives have been evaluated, but there does not appear to be a feasible method to provide access up the steep slopes other than granting a variance.

The manner in which the difficulty arose?

19. The difficulty arose because the original boathouse has an interior staircase and detached ruins of an exterior staircase not attached to the boathouse. The original staircase is beyond repair and would be much larger than 94.5 square feet if replaced in the same location. If the existing staircase was refurbished there would be greater visual impacts to the shoreline of First Bisby Lake than granting the variance described herein.

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Whether granting the variance will adversely affect existing resources?

20. Granting the variance will not adversely affect existing resources because the landing and staircase will be attached to an existing boathouse. The staircase will also provide access to the project site in a manner that will not cause future erosion of the steep slopes on the project site. Because the new structure will blend in with the existing structure and not be highly visible from First Bisby Lake, there will not be visual or aesthetic impacts to the shoreline of the lake.

Whether the imposition of conditions upon the granting of the variance will ameliorate the adverse effects noted above?

21. Conditions requiring the staircase and landing to be as small as feasible and of a color that blends with the existing boathouse, will ameliorate any potential adverse visual, aesthetic or shoreline impacts.

CONCLUSIONS OF LAW

1. There are practical difficulties in the way of carrying out the strict letter of the shoreline setback restriction set forth in §806 of the APA Act (9 NYCRR § 576.1[a]).
2. The adverse consequences to the applicants resulting from denial are greater than the public purpose sought to be served by the restrictions (9 NYCRR Part 576.1[b]).
3. The factors set forth in 9 NYCRR § 576.1(c) have been addressed:
 - a. the application requests the minimum relief necessary;
 - b. there will be no substantial detriment to adjacent or nearby landowners;
 - c. the difficulty cannot be obviated by a feasible method other than the variance;
 - d. the difficulty arose due to the proximity of the preexisting structure and waterfront uses to the mean high water mark;

RESOLUTION 2011-1

**AMENDMENTS TO THE TOWN OF QUEENSBURY
LOCAL LAND USE PROGRAM
(Amendments to the Town of Queensbury
Zoning Regulations)**

February 10, 2011

WHEREAS, the Town of Queensbury administers a local land use program conditionally approved by the Agency pursuant to Section 807 of the Adirondack Park Agency Act, the Agency having approved said program on April 24, 1981; and

WHEREAS, the Town of Queensbury proposes amendments to the 2009 Town of Queensbury Zoning Regulations which were approved by the Agency on April 10, 2009, and took effect on April 20, 2009; and

WHEREAS, the Town of Queensbury has over one year's experience with these Regulations and now seeks to refine several provisions of the Regulations to provide better administration and enforcement of the land use controls within the Town; and

WHEREAS, the proposed amendments were submitted to the Agency for approval by Town Board Resolution 52-2011, dated January 24, 2011; and

WHEREAS, the proposed amendments satisfy the approval criteria set forth in Section 807(2) of the Adirondack Park Agency Act and 9 NYCRR Part 582; and

WHEREAS, the Town, as lead agency, has on January 24, 2011, issued a negative SEQR declaration on the proposed amendments set forth in Town Resolution 52-2011;

NOW, THEREFORE, BE IT RESOLVED, that the amendments are hereby approved by the Adirondack Park Agency; and

BE IT FURTHER RESOLVED, that upon filing the local law with NYS Department of State, the Town shall provide a copy of the final version of the document to the Agency's Local Government Services Office so that the Agency may update its copies of the Town Zoning Regulations; and

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BE IT FINALLY RESOLVED, that the Agency further directs its staff to continue to provide technical assistance to the Town of Queensbury on their local land use program and to provide coordination on reviewing projects of regional significance.

Resolution adopted on this date, February 10, 2011.

Ayes: R. Booth, A. Lussi, F. Mezzano, C. Stiles,
 W. Thomas, L. Ulrich, F. W. Valentino,
 C. Wray, J. Fayle (DED), M. McMurray (DEC),
 D. Scozzafava (DOS)

Nays: None

Abstentions: None

Absences: None