NEW YORK STATE
Adirondack
parkagency

2011 Annual Report Presentation

March 15, 2012
Agency Meeting

Adirondack Park Agency

Action Coordination Efficiency

March 15, 2012

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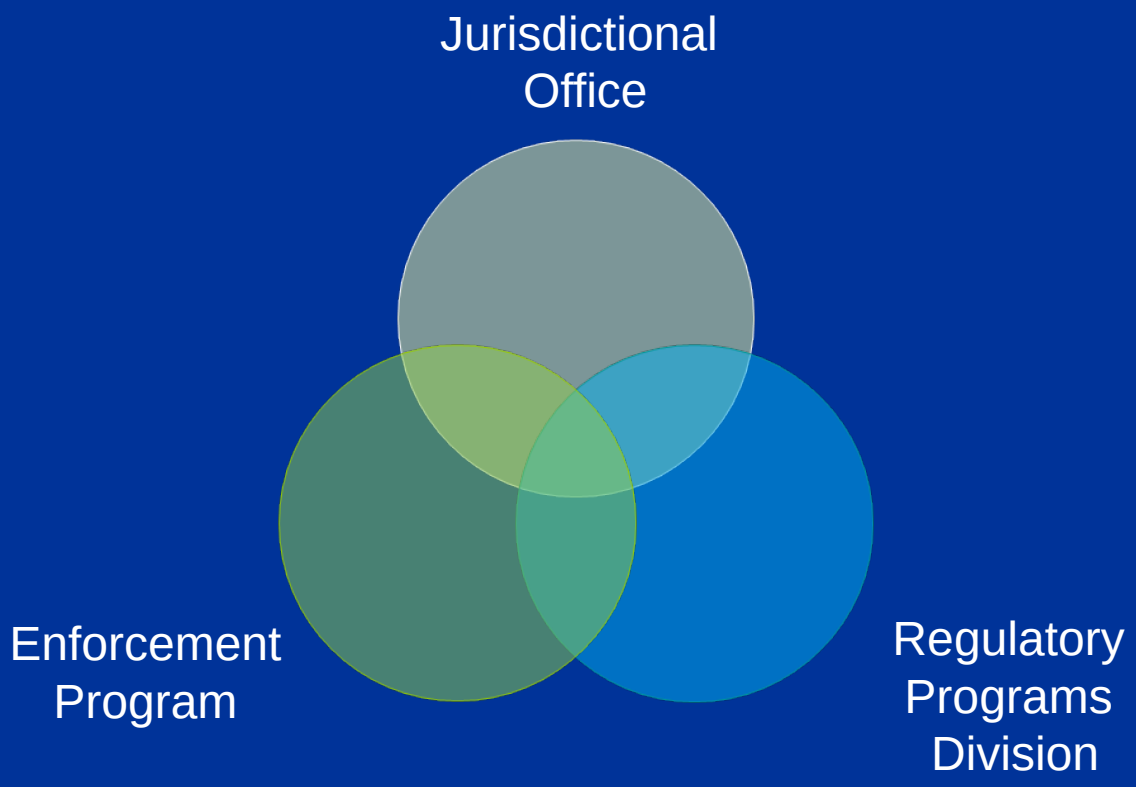
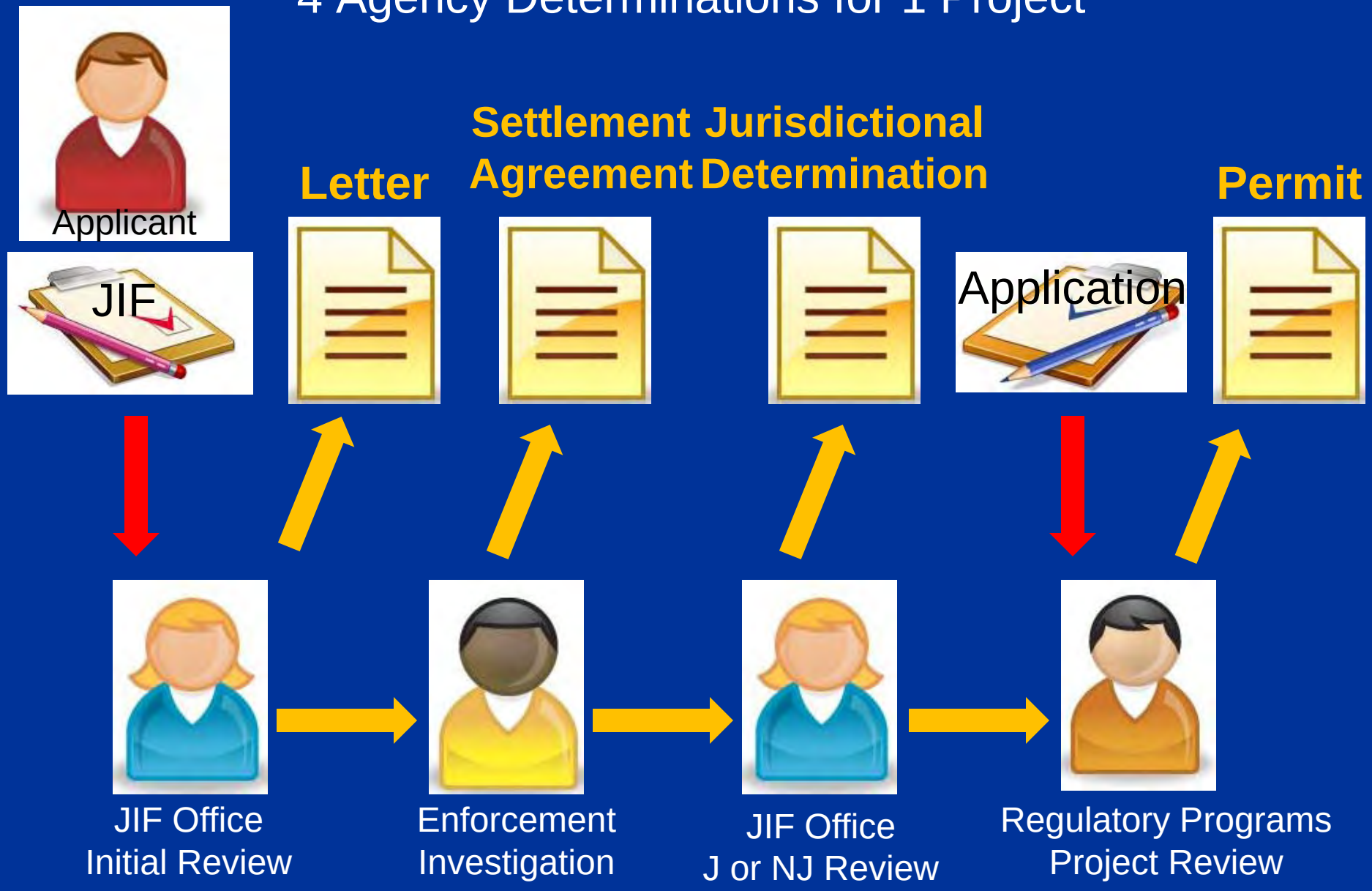
Why ACE?



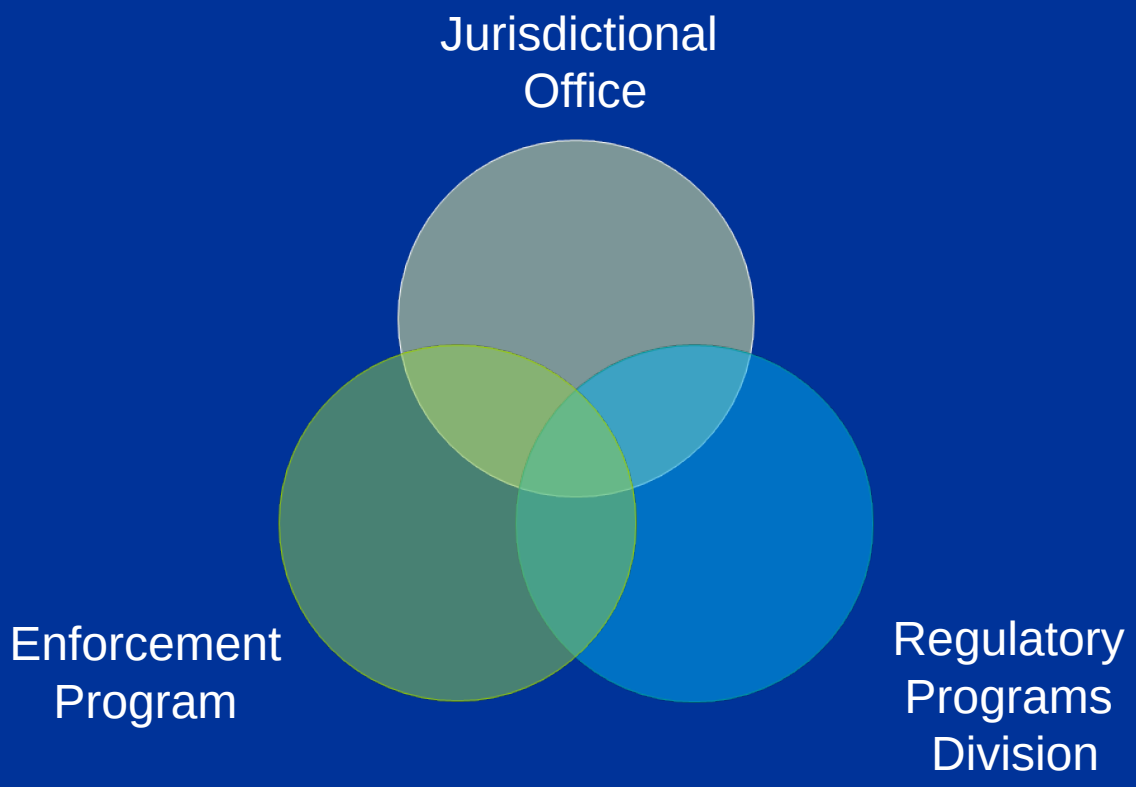
"What's the best way?"

Worst Case Scenario

4 Agency Determinations for 1 Project



Why ACE?



"What's the best way?"

Jurisdictional Office

- Initial point of contact for public
  - General inquiries
  - Jurisdictional determinations
- Source of jurisdictional advice
  - For landowners, project sponsors
  - For local government (CEOs)
  - For staff
- Coordinates with all divisions

Action

- Triage of JIFs
- JIF parties
- Phone calls to landowners
- Site visits

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Action: JIF Triage

- JIF = Jurisdictional Inquiry Form
- Initial review of JIFs received
  - Deeds
  - Landowner signatures
  - Complete buckslip
- Is a permit required?
  - If yes, is it a Minor Project?
- Is there a potential violation?

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Action: JIF Parties

- Staff cross-training
- Homework to staff
- Reduce response time

Action: Phone Calls & Site Visits

- Phone calls
  - To clarify JIF submittal
  - Obtain missing information
- Site visits
  - Does proposal need a variance?
  - Explain variance procedure
  - Discuss possible alternatives

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Coordination

- Enforcement
  - Potential violations
- Regulatory Programs
  - Minor project permits
- Referrals to RASS
  - Wetlands
  - Bridge / dam re-builds
- Planning
  - State land JIFs

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Coordination: Potential Violation

"What's the best way?"

- Consult with Enforcement Program on options for resolution
  - Address within J or NJ determination

  OR

  - Transmit to enforcement division

  OR

  - Consult with and transmit to Regulatory Programs Division

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Coordination: J Minor Projects

- Transmit materials to Regulatory Programs Division for JIF response
  - Scan materials
  - Update database for tracking

Regulatory Programs Division

- Review project applications
- Issue permits and variances

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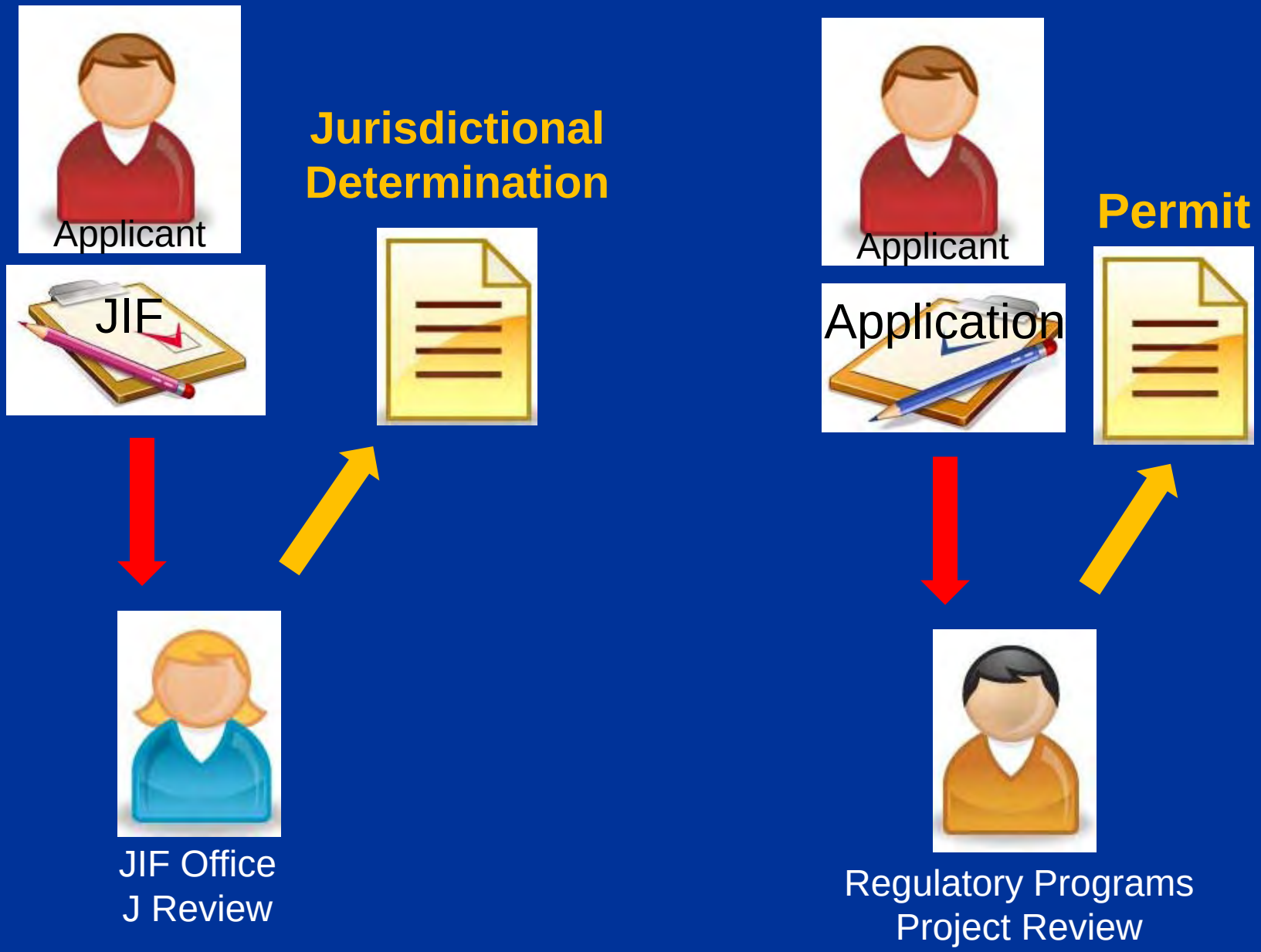
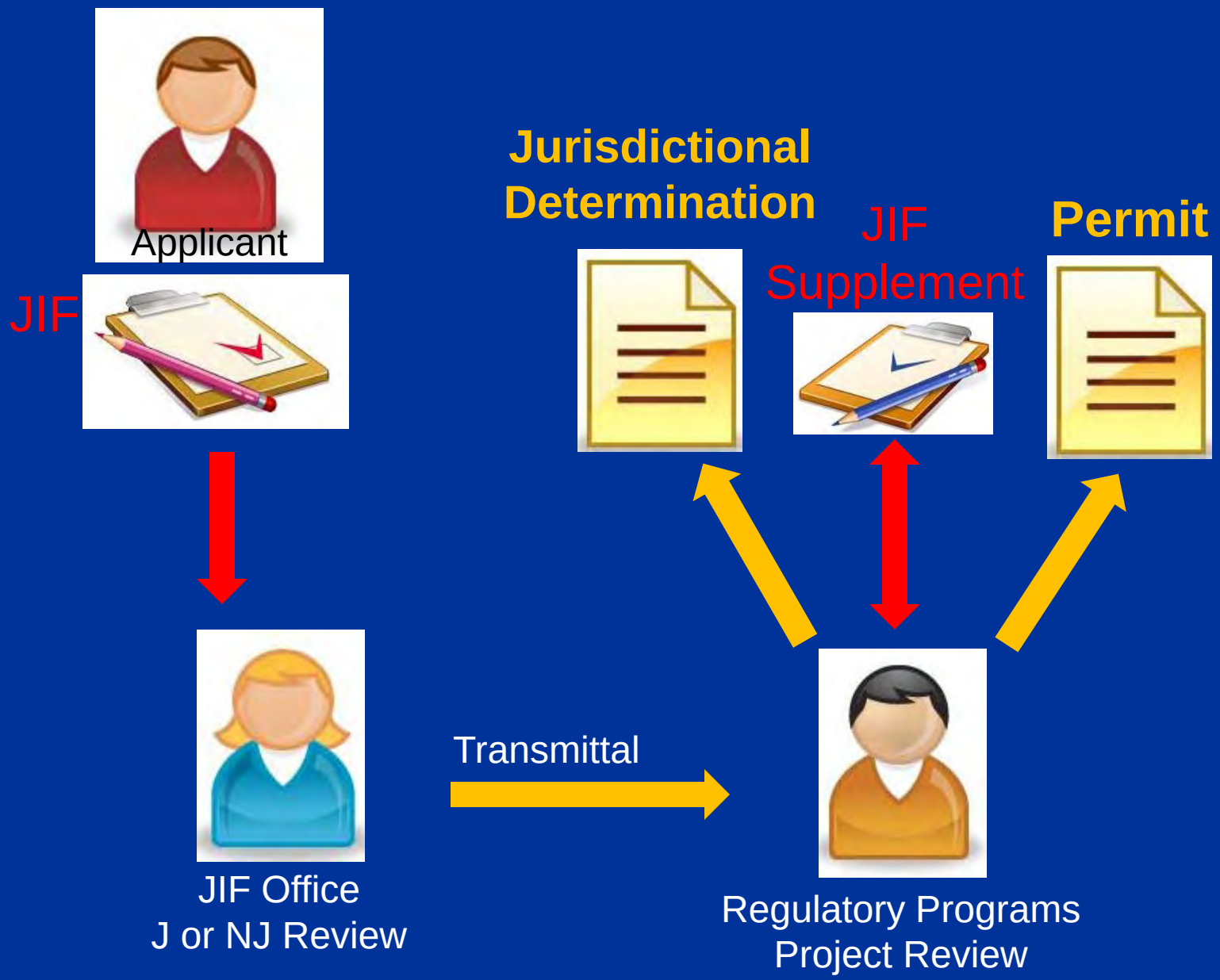
Action: J Minor Projects

- Receive transmittal form and JIF materials
- Assign EPS to Pre-application
- Send applicant letter and JIF Supplement

Jurisdictional Minor Project – Before



Jurisdictional Minor Project – Now



Efficiency: J Minor Projects

- New process in use for 10+ months
- Compared 2010 to 2011

	April 2010 – January 2011	April 2011 – January 2012
JIFs Received (J Minor Projects)	44	30
Applications Received	20	10
Permits Issued	12	10
Time to get a permit (calendar days)		

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Enforcement Program

- Investigate potential violations
- Resolve violations

Coordination: Potential Violations

- From JIF
- From permit application

- For Regulatory Programs Division
  - After-the-fact permits

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Action: PV from JIF

"What's the best way?"

- Address violation and answer jurisdictional inquiry
  - Close-out letter
  - Settlement agreement
  - J letter
- 35 Enforcement Cases referred from JIF (2011)

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Action: PV from Reg Progs

"What's the best way?"

- Address violation and authorize project
  - Stop clock and referral
  - Consultation and coordination → wrap-in ★

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Action: After-the-fact Permit

- Closer coordination between Enforcement and Regulatory Programs
- 9 ATF permits issued in 2011
- 12 ATF permits are currently under review

Enforcement Investigation

Regulatory Programs Project Review

Efficiency

- Fewer staff involved with each matter
- Reduced points of contact for landowner
- Reduced number of determinations
- Ensure consistent outcomes
- Improved upon the worst case scenario

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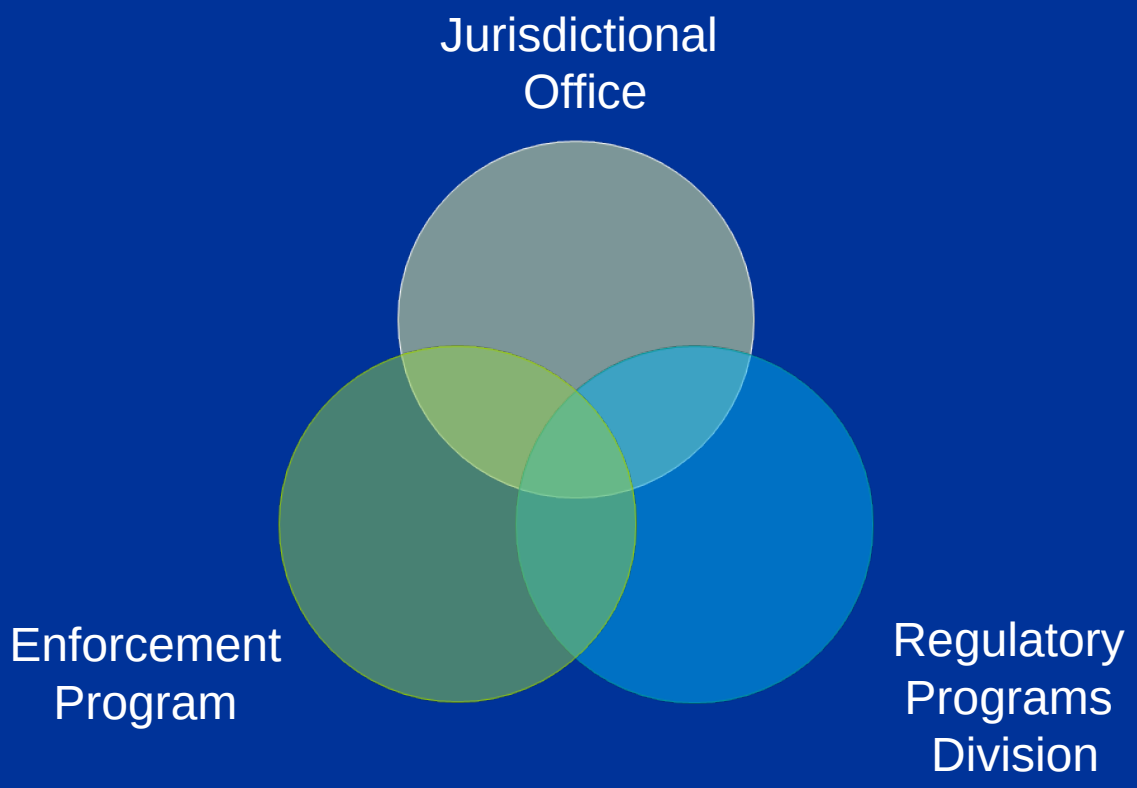
Worst Case Scenario

4 Agency Determinations for 1 Project

Action, Coordination, & Efficiency



"What's the best way?"

Agency
MAD & Lookup System

March 15, 2012 ~ John Barge

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Two Mission Critical Tools

- Used by every staff
- At every desktop
- For records retrieval
- And record entry
- Both home-grown custom applications
- Used daily to access & manage 10’s of thousands of Agency records

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???'s These Tools Help Answer:

- Have we ever had an Agency action on this parcel before?
  - JIF determination?
  - Project permit?
  - Enforcement case?
  - Wetland field visit?
  - Pre-existing subdivision?

???'s These Tools Help Answer:

- What do the maps tell me about …
  - Parcel ownership
  - Agency jurisdiction
  - Natural resources
  - Public infrastructure
  - Previous Agency actions

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???'s These Tools Help Answer:

- Show me other Agency transactions dealing with similar jurisdictional factors.

For example: Show me projects in …
this town,
in this land use area,
dealing with wetlands,
and recreational rivers,
requesting a permit for …

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Master Action Database 1 (MAD)

Since 1998

100,000 records

Query By Form

Adirondack Park Agency Master Action Database

SEARCH

JIF's

Applicant

Landowner

Agent

Type J Number *

Cross Reference

Project

SEC SSEC BLK LOT SLOT SUFX YR

Tax Map

Tax Map 1

Tax Map 2

Tax Map 3

Town Code

Land Use Area

Wetland

Shoreline

River Area

Critical Environmental Area

# of Lots

Notes

Date received

First request

Wet lands

Attorney

JIF office

Pending

Typing

Complete

Sent out determination

ENB

Reviewer Initials

EPS/PA Initials

Determination code

OK

Cancel

27,658

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Projects

Query By Form

Adirondack Park Agency Master Action Database

Applicants
Landowners
Auth. Rep
EPS Code
Date App Received
Type
Number*
APA Act
Project Desc Code
Schedule Code
Class A B
Town
>1
County
Project Location:
Rivers
Wild
Scenic
Recreational
Land Use Area
USGS
Cross References
Acres
Shoreline (ft)
Watershed Code
SEC SSEC BLK LOT SLOT SUFX YR
Additional
Lots
Principal Buildings
Tax Map
Wet Land
Variance
Description
Structure setback
Lot Width
Vegetative cutting
NIPA
Jurisdictional Co
State agency 814
Amendment
Renewal
Transfer
After the Fact
1st
Add info received
End 1 day clock
2nd
3rd
Board d
days extension
Stopped clock
Missing info letter sent
Initial 15 day clock
Notified/Involved
Highway CEA
State land CEA
Study River CEA
2500 foot CEA
mutual agreement
enforcement
restart clock
date certain
legal
RASS
Economic
State
local govt
Status Code
Date
Application Completion Date
45 day clock ends:
60 day clock ends:
90 day clock ends:
ENB Notice sent:
End of ENB comme
Next Deadline
5 day letter received:
Approved by DORP
Agency Meeting
Committee of Three
Settlement terms
enf number:
Term #
Due Date
Hearing needed
Date
Adjudicatory
public hearing NOI sent:
start of hearing:
complete hearing record:
Other agencies involved
DEC
DOH
DOT
COE
SHPO
HRBRRD
LGPC
Determination Date
Determination Code
Recorded county clerk's office
book page instrument:
Permit Compli Deadlines
Due Date
Check date
site visit
Compliance comment
Compliance Record
condition 1:
condition 2:
condition 3:
compliance check outcome:
Admin Notes
OK
Cancel

17,458

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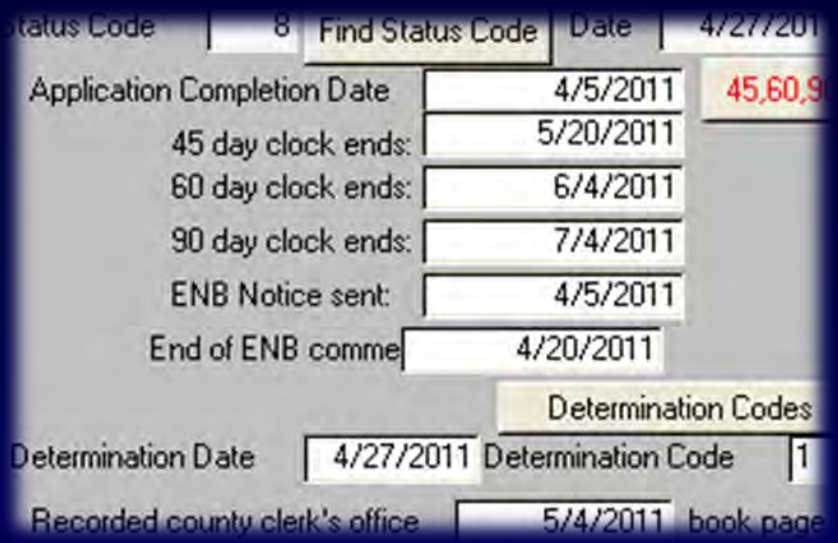
Tracking New Transactions:



<Project

JIF>

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Cross Reference & Document Access

Type J Number 2010-0013

Cross Reference

J85-95; PRJ 83-87, A; PRJ 84-293, A E99-101/E2008-223; E99-232, R2010-0069, R2010-

\\apawork\permits issued$\2011\P2011-0 11-0

THIS IS A TWO-SIDED DOCUMENT

Adirondack parkagency

P.O. Box 99 · Ray Brook, New York 12977 (518) 891-4050
www.apa.state.ny.us

General Permit 2005G-2R Certificate

Project #: 2011-54

Certificate for Minor Projects Not In or Impacting Wetlands

To the County Clerk: This permit must be recorded on or before July 25, 2011. Please index this permit in the grantor index under the following names:
1. **Oliver J. Hickok**
2. **Linda R. Hickok**

AUTHORIZATION

This certificate under General Permit 2005G-2R is granted to Oliver J. Hickok and Linda R. Hickok authorizing a two-lot subdivision involving wetlands, as described in an application for such certification and as shown on the attached Subdivision Map and Site Plan Map in an area classified Rural Use by the Official Adirondack Park Land Use and Development Plan Map. The project site is located on Mutton Hollow Road in the Town of Moriah, Essex County. It is identified on the Town of Moriah Tax Map as Section 106, Block 1 as Parcels 12 and 13. Reduced-scale copies of the Subdivision Map and Site Plan are attached as part of this permit.

This project may not be undertaken until this certification is recorded in the County Clerk's Office. This certification shall expire unless so recorded on or before July 25, 2011 in the names of all Project Sponsors referenced herein and in the names of all owners of record of any portion of the project site on the recordation date.

This project shall not be undertaken or continued unless the project authorized herein is in existence within four years from the date the permit is recorded. The Agency will consider the project in existence when the subdivision map and site plan have been properly filed and at least one lot has been conveyed.

Nothing contained in this permit 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.

PRIOR AGENCY CONTACT/SITE HISTORY

This project site was subject to the following Agency Actions: Jurisdictional Determination

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MAD 2.0

Adirondack Park Agency: Master Action Database (MAD) 2.0

Welcome Sam Malone | Sign Out

- Global Search
- Agency Referrals
- Enforcement
- JIFs
- Litigation
- Map Amendments
- Permit Compliance
- Pre-Applications
- Pre-Existing Subdivisions
- Projects
- State Land Compliance
- Variance - Local Govt
- Wetlands
- Administration
- Site Updates

Global Search

1. Select Transaction Types to Search [Clear All]

- [x] Agency Referrals
- [x] Enforcement
- [x] JIFs
- [x] Litigation
- [x] Map Amendments
- [x] Permit Compliance Monitoring
- [x] Pre-Applications
- [x] Pre-Existing Subdivisions
- [x] Projects
- [x] State Land Compliance
- [x] Variance - Local Govt
- [x] Wetlands

2. Define Filters [Reset Filters]

Town and Tax:

Town: [SELECT]

Section:

Block:

Lot:

Miscellaneous:

Transaction Year: = [SELECT]

Land Use Area: [SELECT]

EPS: [SELECT]

Name:

First Letter Selection Wildcard Typing

Name: A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

3. Run Search

Search

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Database and website designed by Fountains Spatial, Inc.

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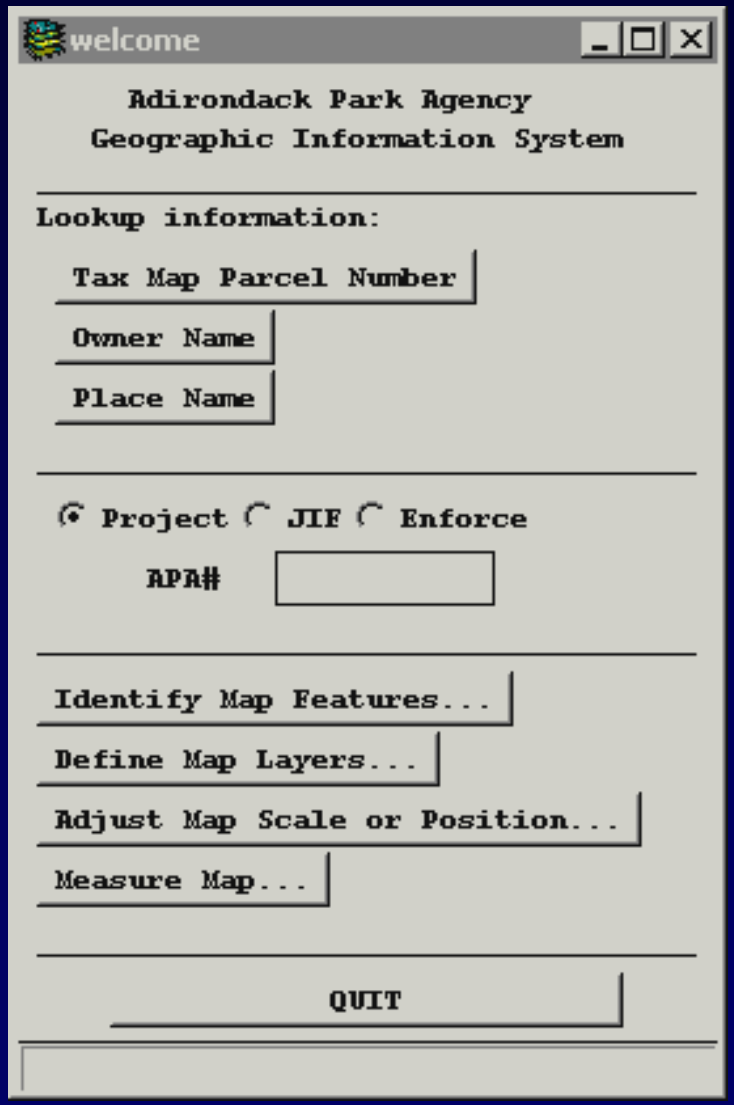
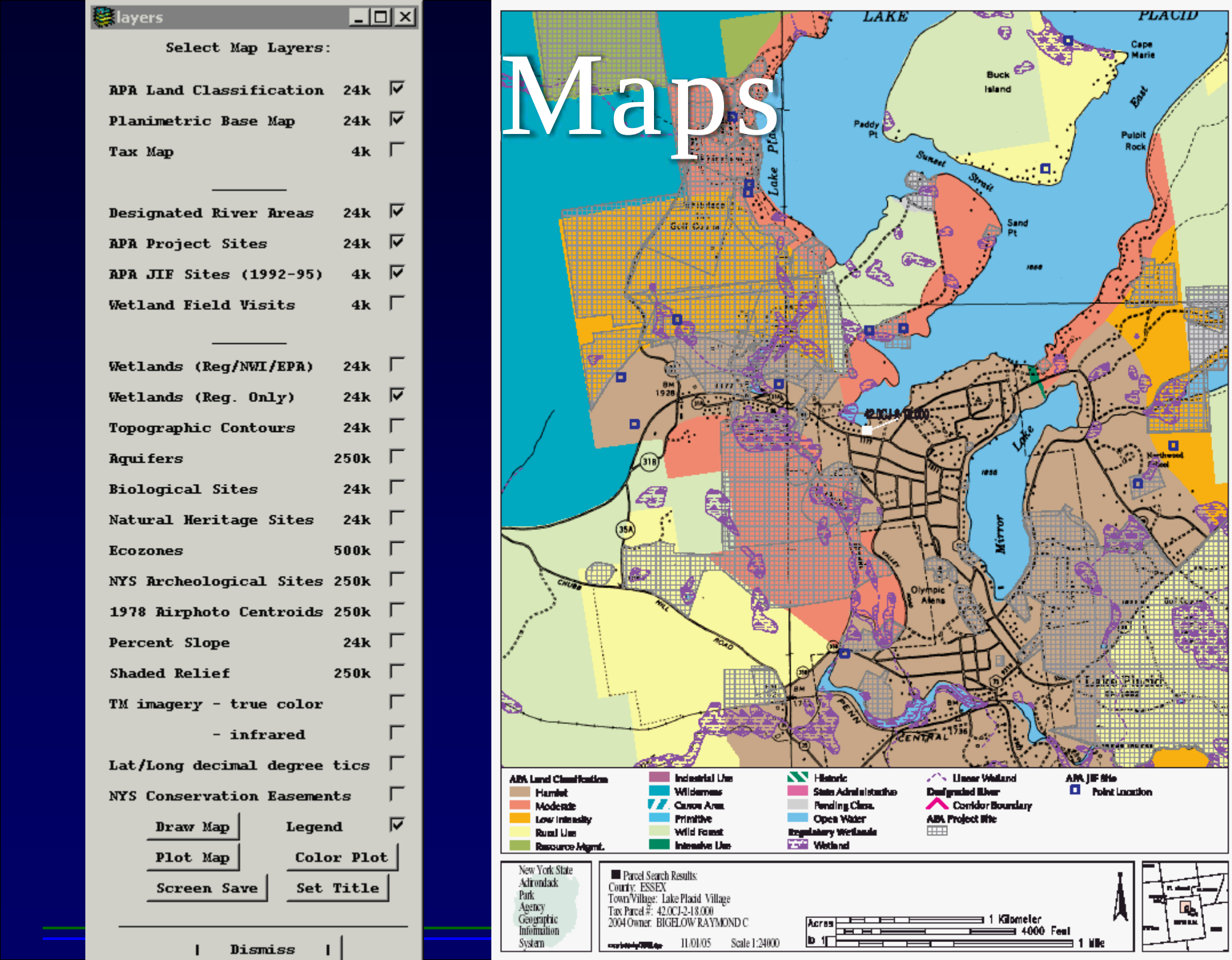
Agency GIS “Lookup System”

“One-Stop Shop” of Agency Cartographic Assets

1992



Maps


layers
Select Map Layers:
APA Land Classification 24k
Planimetric Base Map 24k
Tax Map 4k
Designated River Areas 24k
APA Project Sites 24k
APA JIF Sites (1992-95) 4k
Wetland Field Visits 4k
Wetlands (Reg/NWI/EPA) 24k
Wetlands (Reg. Only) 24k
Topographic Contours 24k
Aquifers 250k
Biological Sites 24k
Natural Heritage Sites 24k
Ecozones 500k
NYS Archeological Sites 250k
1978 Airphoto Centroids 250k
Percent Slope 24k
Shaded Relief 250k
TM imagery - true color
- infrared
Lat/Long decimal degree tics
NYS Conservation Easements
Draw Map
Legend
Plot Map
Color Plot
Screen Save
Set Title
Dismiss
LAKE PLACID
Cape Marie
Buck Island
Paddy Pt
Sunset Strait
Pulpit Rock
Sand Pt
Lake Placid
Mirror Lake
Olympic Arena
Northwood School
Lake Placid
APA Land Classification
Hamlet
Moderate
Low Intensity
Rural Use
Resource Mgmt.
Industrial Use
Wilderness
Canoe Area
Primitive
Wild Forest
Intensive Use
Historic
State Administrative
Pending Class.
Open Water
Regulatory Wetlands
Wetland
Linear Wetland
Designated River
Corridor Boundary
APA Project Site
APA JIF Site
Point Location
New York State Adirondack Park Agency Geographic Information System
Parcel Search Results:
County: ESSEX
Town/Village: Lake Placid Village
Tax Parcel #: 42.0CJ-2-18.000
2004 Owner: BIGELOW RAYMOND C
11/01/05
Scale 1:24000
Acres
1 Kilometer
4000 Feet
1 Mile

Lookup

welcome

Adirondack Park Agency
Geographic Information System

Lookup information:

Tax Map Parcel Number
Owner Name
Place Name

Project JIF Enforce

APA#

Identify Map Features...
Define Map Layers...
Adjust Map Scale or Position...
Measure Map...

QUIT

Parcel Results

The current matched parcel is: 67 of 67

Owner as of 2004 ROARING BROOK TRUST
MORGAN K SMITH

Tax map number: 72.2-1-44.000

Town/Village:
Keene

County:ESSEX JIF#:

Location:
Rusable Rd

Acres:
7.299999

Front ft:
0.000000

Year Built: 1920

Building Style: Old Style

Depth:
0.000000

Address:
1295 Main St

Deed Bk Pg:
0 0

Class: 260

Quad: D25NE

Concord MA
01742

78 photo:
41-40

Scroll selection:

Print One | Plot One | Draw One
Ecology | Print All | Plot All | Draw All

New Entry/Same Muni. | New Entry/New Muni.

ARCPLOT

Pan/Zoom

T Brook

Keene Valley

Brook

74328_A.tif - Imaging

File Edit View Page Zoom Tools Annotation Help

For Help, press F1 4.80%

ecodisp

Ecological Resources Information

Owner: ROARING BROOK TRUST

Tax map number: 72.2-1-44.000

. AQUIFER
Inside aquifer but within 1/4 mi. of aquifer edge.
The id number of the aquifer is . . . . . ' 41E'
. BIOLOGICAL SITES
Outside Biologic Diversity sites
. ECOZONE
ADIRONDACK HIGH PEAKS
. NATURAL HERITAGE SITES
The number of heritage site centroids within
one mile of the parcel centroid is 0

Dismiss

Industrial Use
Wilderness
Canoe Area
Primitive
Wild Forest
Intensive Use
Historic
State Administrative
Pending Class.
Open Water
Regulatory Wetlands
Wetland
Linear Wetland
Designated River
Corridor Boundary
APA Project Site
APA JIF Site
Point Location

5728 Y:7.44341 dx:5.68406 dy:-0.41831 Dist 5.69943

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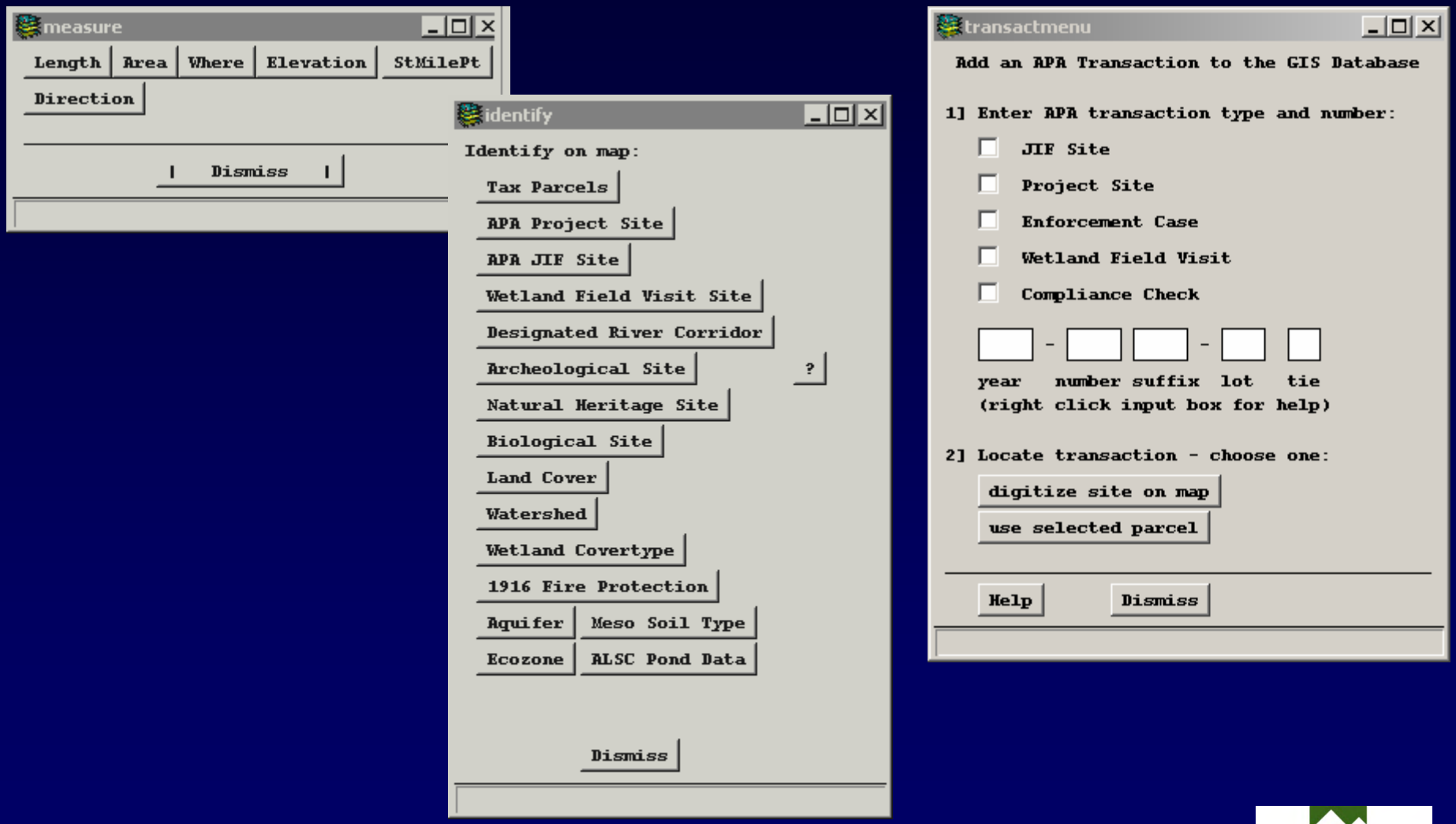
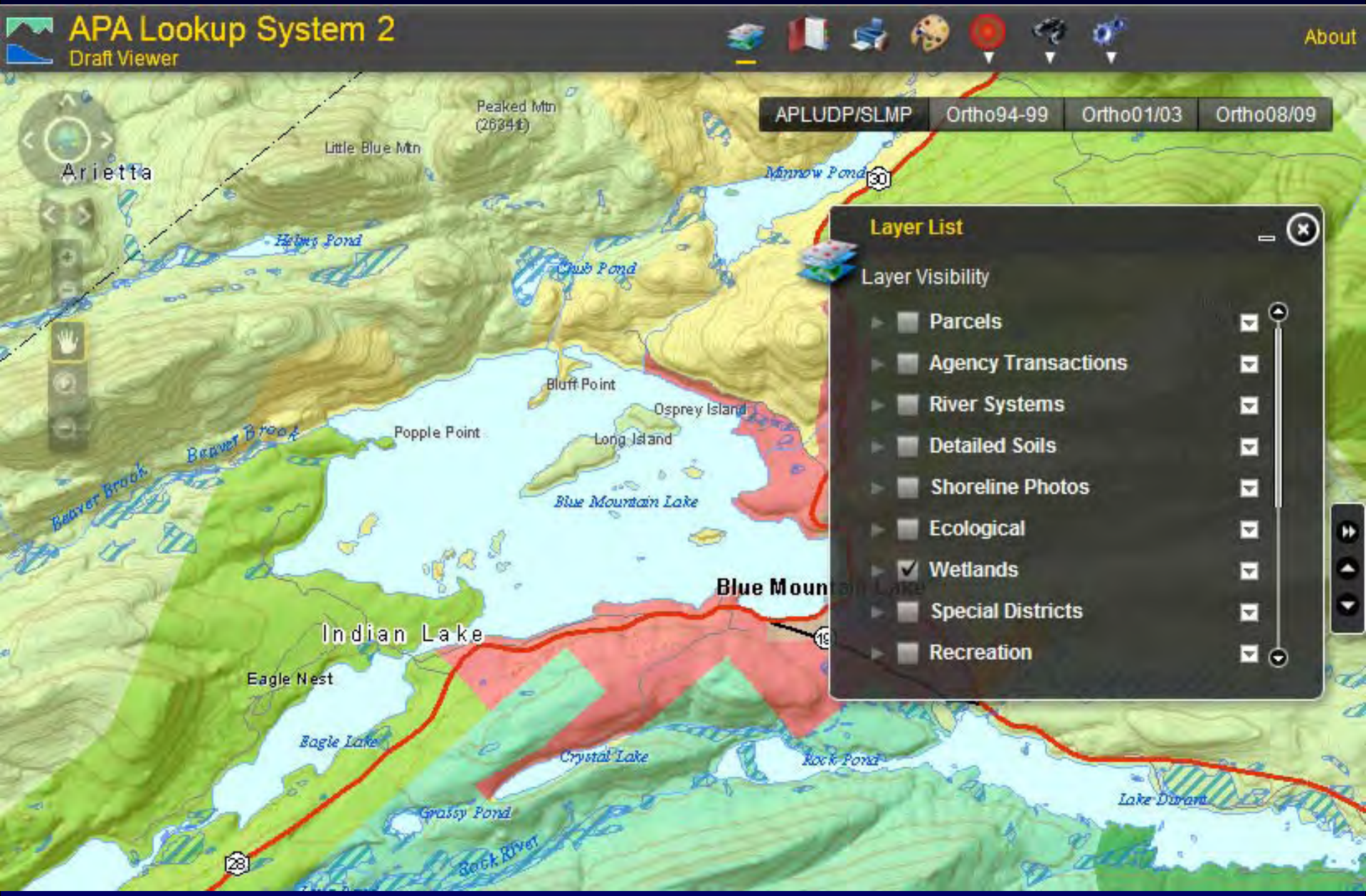
Measure - Identify - Add





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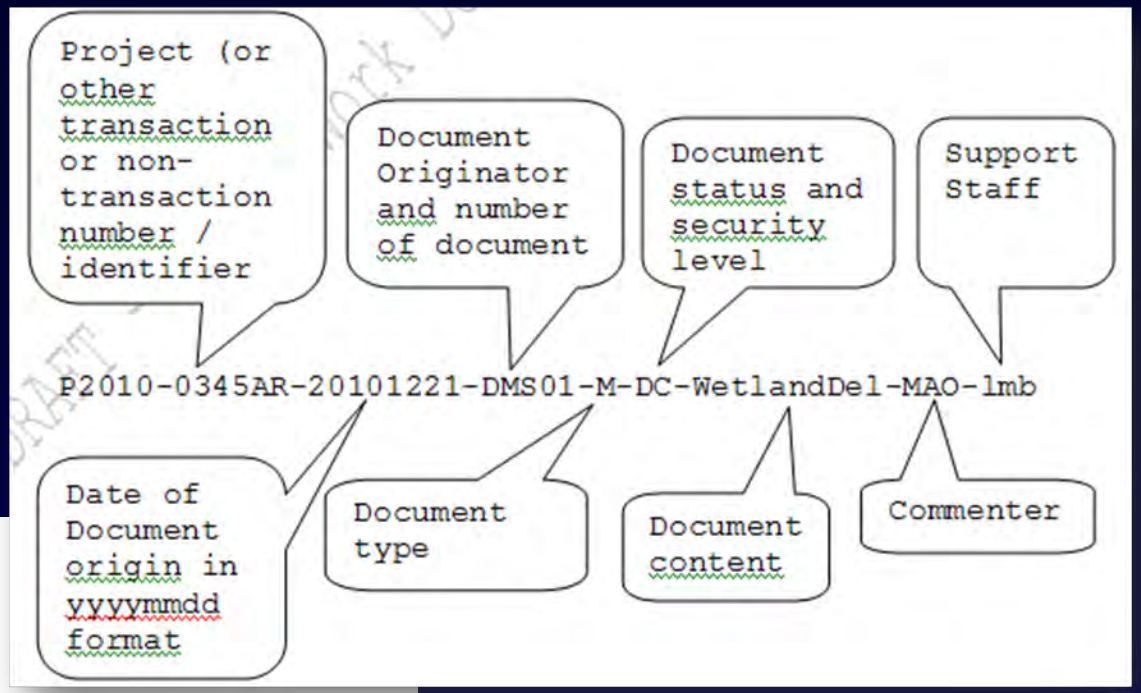
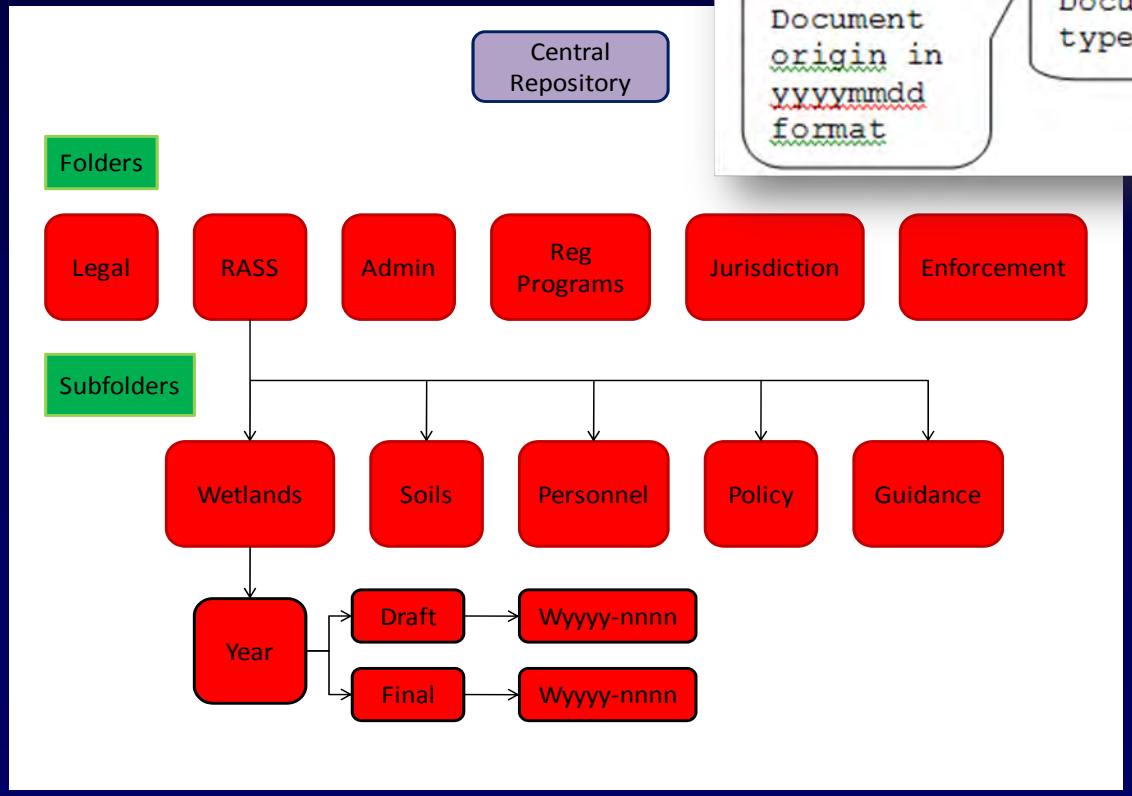
Document Management





File Naming Convention

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Wetlands

1. Determination request received from: public, other Agencies, JIF office, Reg Programs, Enforcement or State Lands
2. Office review including air photo interpretation
3. Field visit, if necessary to determine if wetland is jurisdictional and locate wetland boundary in relation to proposed activity
4. Discussion of ways to avoid, minimize and/or mitigate wetland impacts

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07.08.2011 10:23

Photo credit:
Jim Bisson

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The Deep-Hole Test Pit Process

Ron Tucker

March 15, 2012

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The Deep-Hole Test Pit Process

1. New development activity proposed involving on-site wastewater treatment
2. Consultant is hired or APA soil scientist is scheduled for a site visit
3. Desktop review: Prepare for site visit
4. Site Visit: Project plans discussed with land owner/project sponsor
5. Location of on-site wastewater treatment system identified
    A. Appropriate water body and wetland setbacks?
    B. Appropriate drinking water (well) setback?
    C. Appropriate land area for system plus 100 % replacement?
    D. Appropriate slope of the landscape?

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The Deep-Hole Test Pit Process

6. Excavator digs test pit to a depth of 6 feet
    A. Depth to seasonal high groundwater table?
    B. Depth to bedrock?
7. Separation requirements satisfied
    A. Memo issued approving location with detailed soil data
    B. Soil data is used to design the on-site wastewater treatment system
8. Separation requirements not satisfied
    A. Alternative sites sought
    B. Project may require modification to move forward

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Agency Variance Process

2011 PROGRESS

OVERVIEW OF VARIANCE ORDERS ISSUED

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VARIANCES IN 2011

Background

- **Management and staff anticipated increase in variance applications as a result of new shoreline regulations effective December 31, 2008.**

- **Management sought to**
  - **streamline the variance process,**
  - **comply with SAPA, and**
  - **allow the Agency all of its options when considering variances.**

- **Variance process initiated in late 2010 in accord with existing regulation 9 NYCRR § 576.5.**

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How does the new variance process differ from the previous process?

- **Hearings are more formal then the “mini-hearing” under 9 NYCRR § 576.6 but less formal than full-blown adjudicatory hearings**
- **Allows Agency to accept or reject a staff recommendation without sending the variance back for a full adjudicatory hearing unless the Agency seeks information outside the record**
- **Separate procedures apply to “pure” variance**
- **Applicants provided with summary of the process and what they need to establish to justify the variance**

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2011 variance process continued to evolve and improve

- Guidance Documents for public and staff
- Development of Intra-Agency Templates
- Memorandum of Hearing Summary Included in Agency Mailing

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2011 Review & Determination on 10 Variance Applications

9 Variance Orders Issued

1 Minor Permit Amendment Issued

8 Variances for Shoreline Setbacks

1 Variance for Sign

10 Variance Hearings

2010 - 5 Variances Issued

2009 - 1 Variance Issued

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AGENCY VARIANCE 2010-189 VELEZ MARINE, LLC

Order Issued January 2011

AGENCY VARIANCE 2010-273 Lofgren

Order Issued January 2011

SIGN
VARIANCE

KRYSTAL CHRYSLER

AGENCY VARIANCE 2010-196 ANDOLINA

Hearing January 2011 - Order Issued February 2011

AGENCY VARIANCE 2010-97 SERINO

Hearing February 2011 - Order Issued March 2011

AGENCY VARIANCE 2009-153 TOWN OF MORIAH

Hearing March 2011 - Order Issued April 2011

AGENCY VARIANCE 2010-138 **Village of Lake Placid**

Hearing March 2011 - Order Issued May 2011

AGENCY VARIANCE 2010-246 CAMP TULLER, LLC

Hearing August 2011 - Order Issued September 2011

ON-SITE WASTEWATER T REATMENT SYSTEM WITHIN 100' OF STREAM

AGENCY VARIANCE 2010-80 ALESSE

Hearing September 2011 - Order Issued October 2011

AGENCY VARIANCE 2010-205

Sacandaga Hudson Advisory Council Whitewater Park

Hearing August 2011 - Order Issued October 2011

2011 VARIANCE
Applications and JIFs Received

- **28 JIF Determinations = Variance required**

- **6 Variance Applications Submitted:**
  - **3 Revised Plans to be nonjurisdictional**
  - **2 Remain Incomplete and additional information requested**
  - **1 Variance was issued (Feb. 2012)**

- **Staff's Role**
  - Help applicant understand variance criteria, recognize potential alternatives, and provide complete application
  - Advocate for complete record

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2010 year end report:

“ Looking forward we will continue to work closely with the Legal Division to clarify, refine and hopefully simplify hearing procedure for variances ensuring that the appropriate, required record, is developed for Agency’s consideration while maintaining flexibility on the degree of hearing formality based on the complexity of a specific variance request. ….”

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State Administrative Procedure Act Law § 302

- For an informal variance hearing, the record should include:
  - all notices;
  - evidence presented, including exhibits and recorded statements and testimony;
  - a statement of matters officially noticed, such as regulations and prior proceedings;
  - proposed findings and exceptions, if any;
  - any findings of fact, conclusions of law or other recommendations made by a presiding officer; and
  - any decision, determination, opinion, order or report rendered.

Adirondack Park Agency
Permit Compliance Monitoring

2011 Year End Report

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Adirondack Park Agency
Permit Compliance Monitoring

What We Have Learned

- Permit Holders are Generally Not Violators
- Permitting Process is a Strength
- Targeted Compliance Review Serves Efficiency

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Adirondack Park Agency
Permit Compliance Monitoring

Procedure

- Mailing Cycle & Criteria for Review
  - Bi-Monthly Mailing
  - Project Deliverables
  - Targeted Review
- Time Sensitivity
  - Weekly Review
  - MAD Database

2011 Contacts

- 242 Contacts by mail

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Adirondack Park Agency
Permit Compliance Monitoring

Ongoing Benefits

- Additional Landowner Contact
- Public Awareness of Compliance Review
- Accountability to Permit Obligations

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2011 Annual Report
Legal

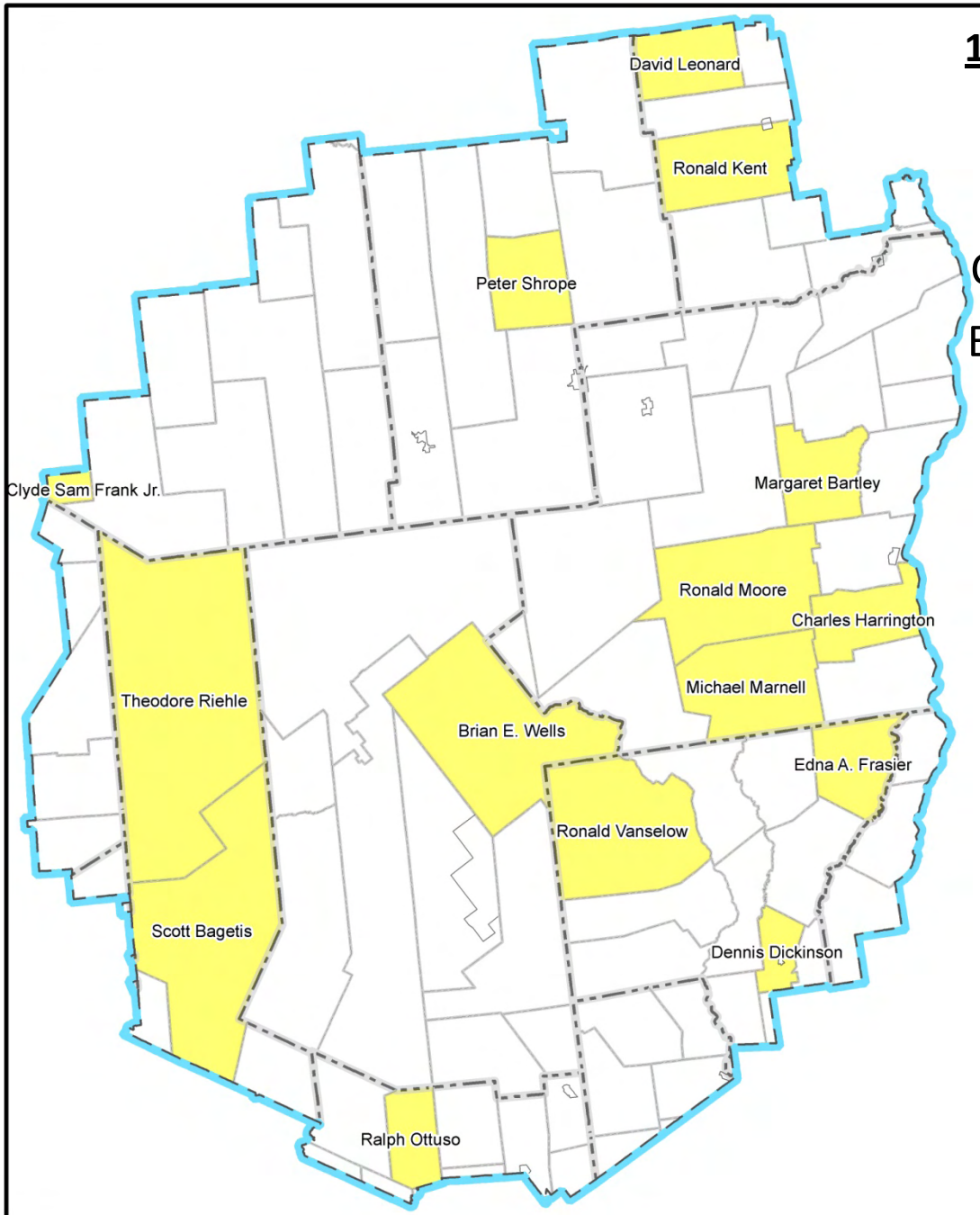
- Flyers
  - Campgrounds
  - Shoreline Restrictions
- Associate Counsel

2011
Local Government Services
The Year in Maps

Agency Presentation March 15, 2012

103 Towns & Villages

±131,000 Year-Round Residents



15 New Supervisors Elected in 2011

Brighton: Peter Shrope

Caroga: Ralph Ottuso

Crown Point: Charles Harrington

Elizabethtown: Margaret Bartley

Ellenburg: David Leonard

Hague: Edna A. Frasier

Indian Lake: Brian E. Wells

Johnsburg: Ronald Vanselow

Lake George: Dennis Dickinson

North Hudson: Ronald Moore

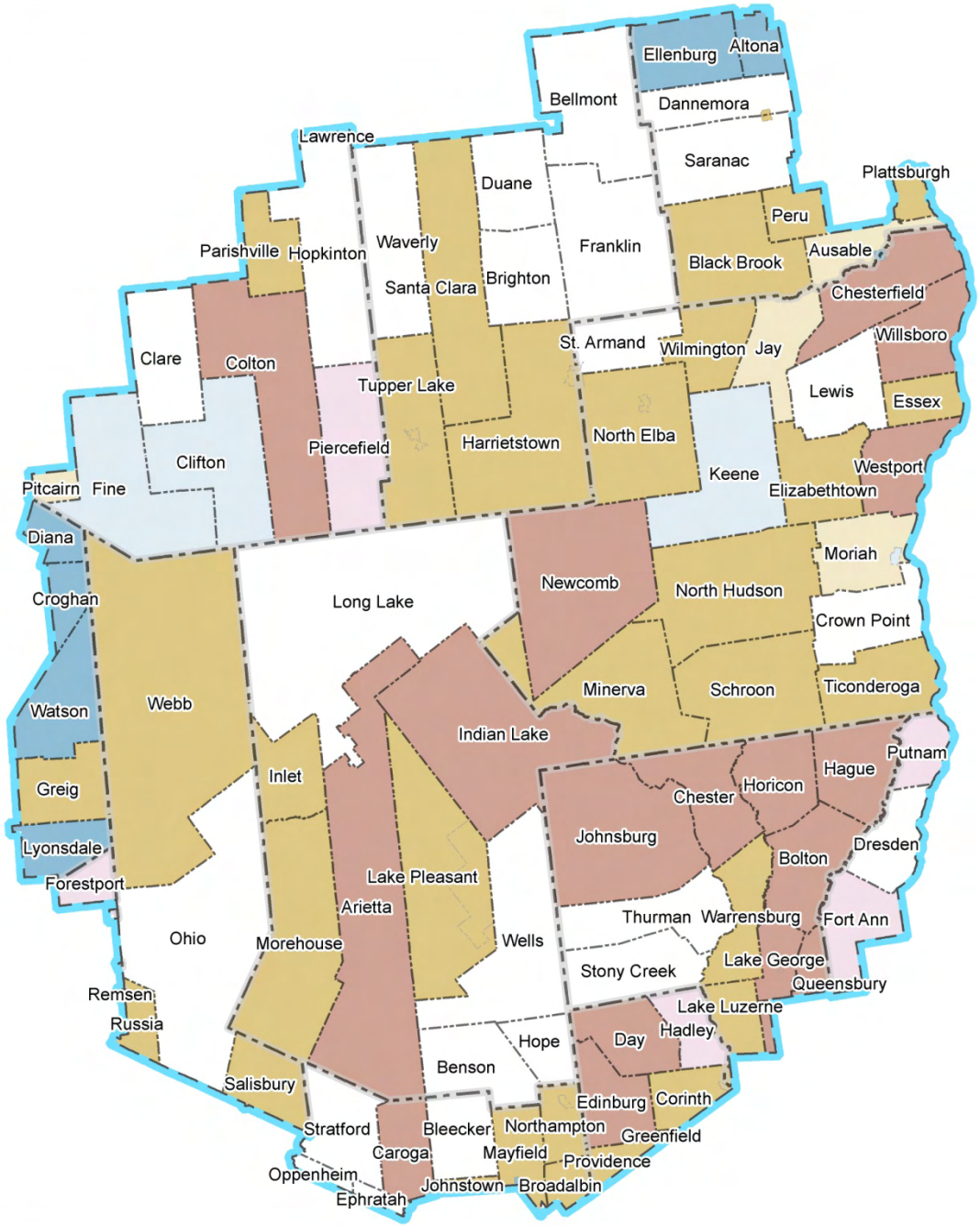
Ohio: Scott Bagetis

Pitcairn: Clyde Sam Frank Jr.

Saranac: Ronald Kent

Schroon: Michael Marnell

Webb: Theodore Riehle



Local Land Use Controls

64: with Zoning

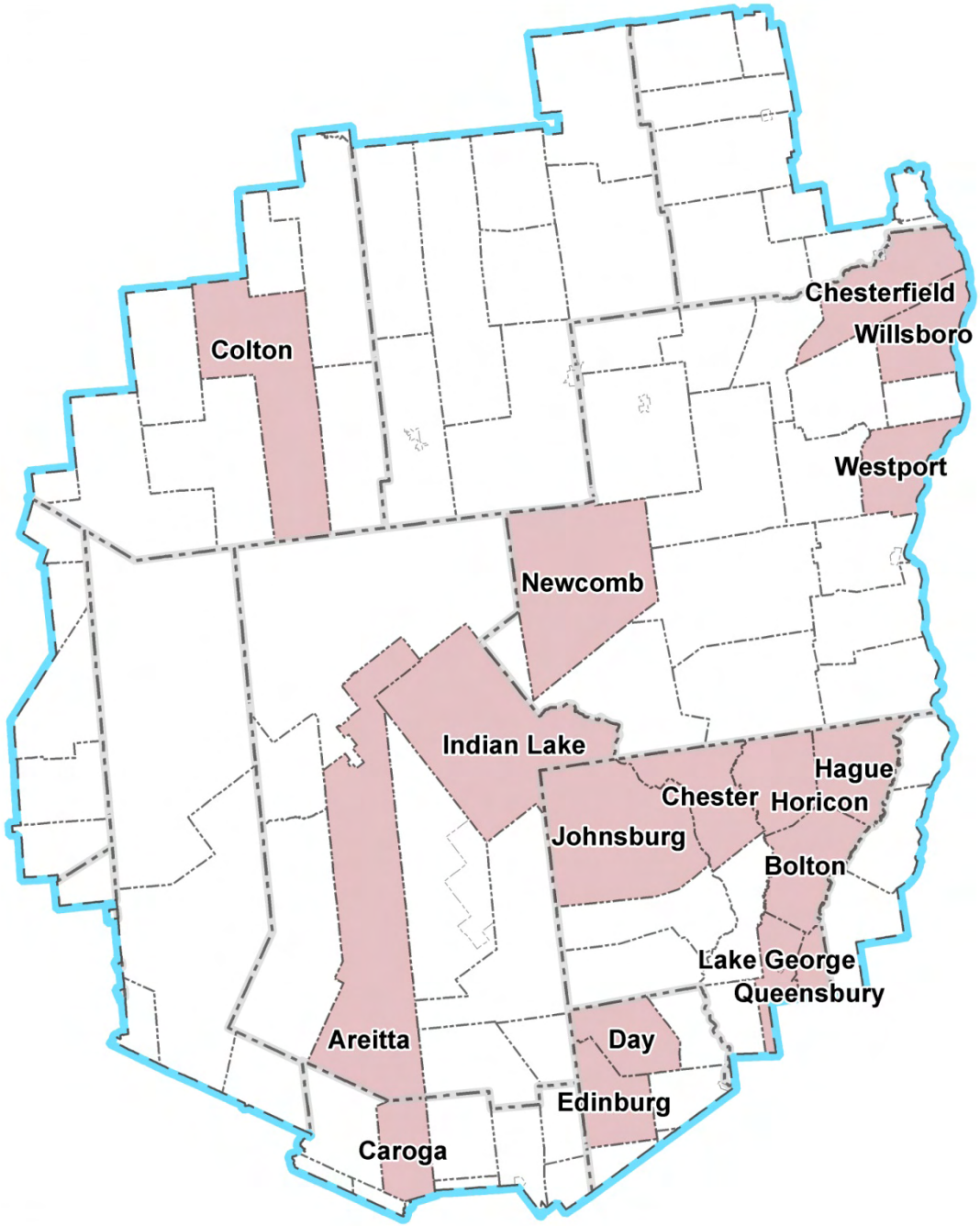
64: with Subdivision

4: with *only* Site Plan Review

18: ALLUP's

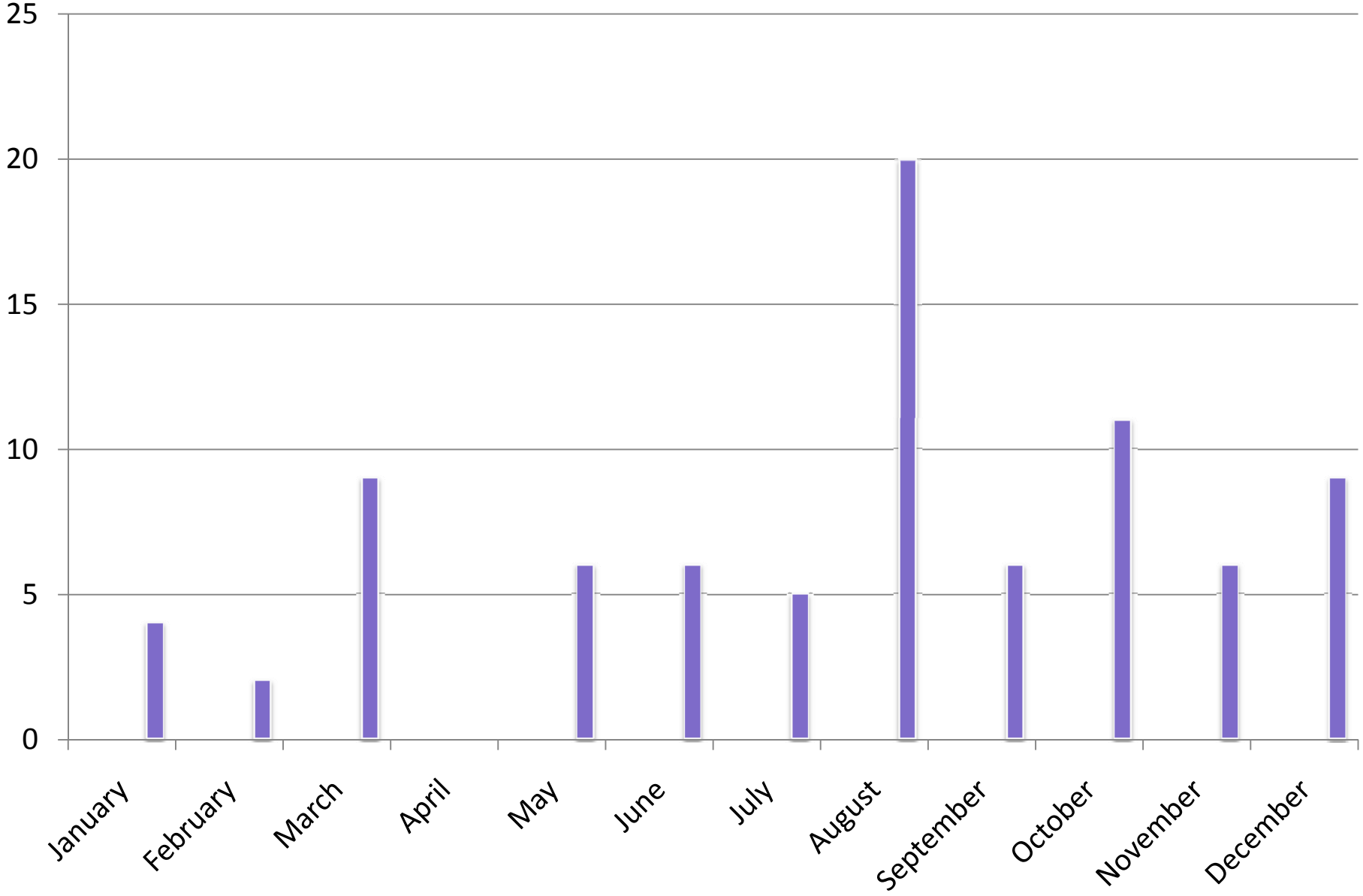
25: without
Local Land Use Controls

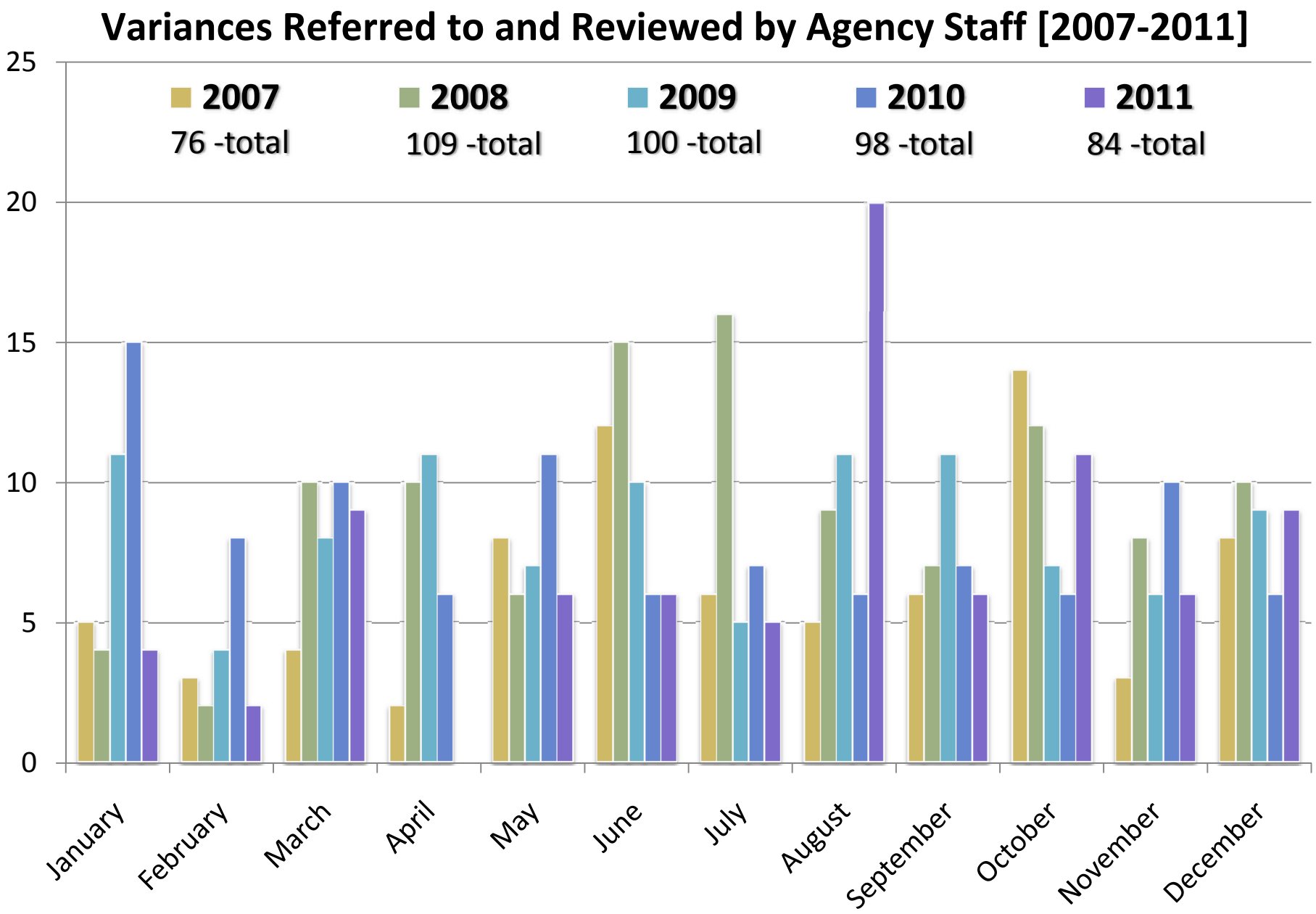
- No ALLUP, SD, SPR, or Zoning*
- Site Plan Review
- Subdivision Regulations
- Subdivision & Site Plan Review
- Zoning
- Zoning & Subdivision Regulations
- APA-Approved Local Land Use Program

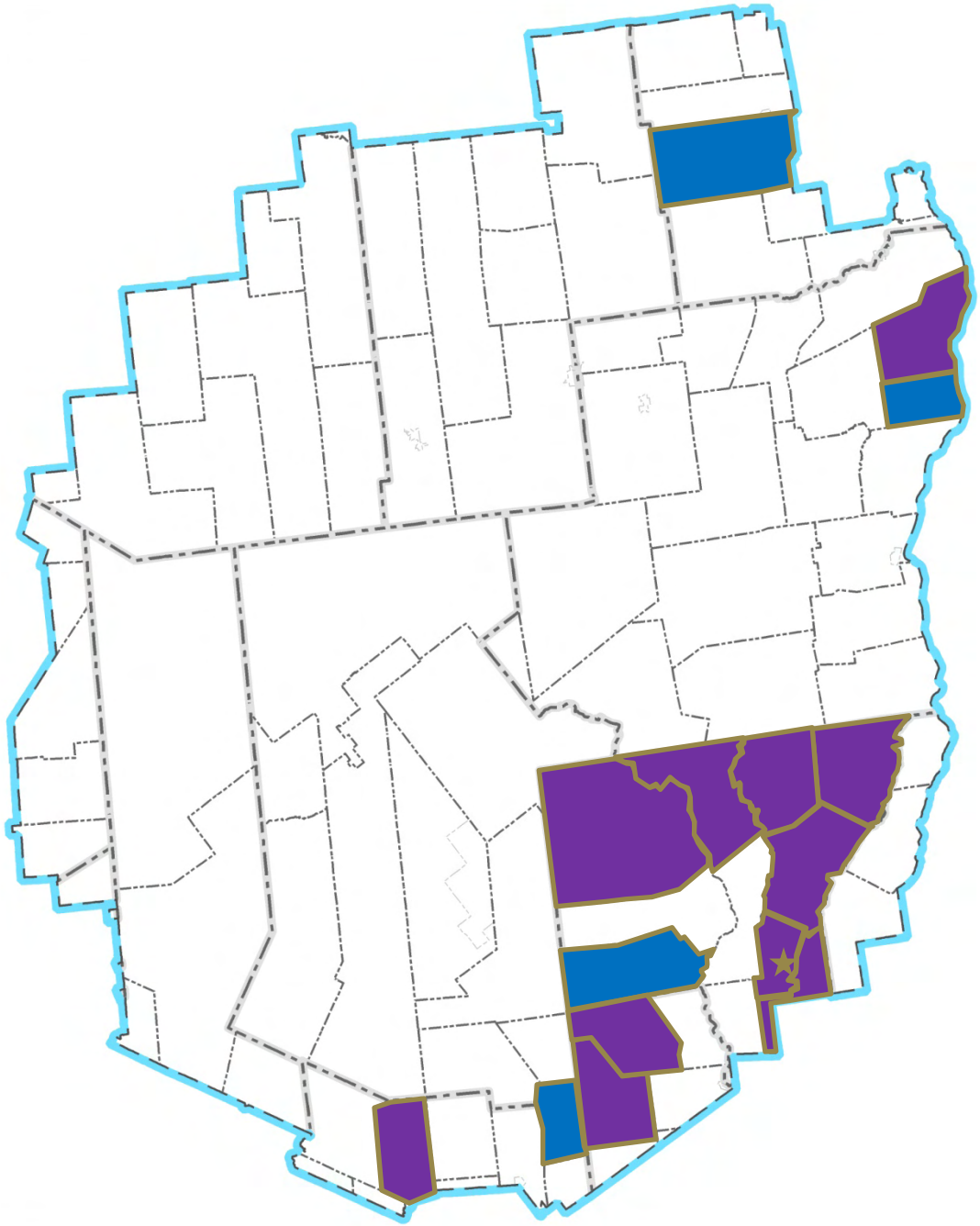


17 Towns
1 Village
with
Agency-approved
Local Land Use
Programs

84 Variances Referred to and Reviewed by Agency Staff in 2011




Variances Referred to and Reviewed by Agency Staff [2007-2011]
2007
76 -total
2008
109 -total
2009
100 -total
2010
98 -total
2011
84 -total
25
20
15
10
5
0
January
February
March
April
May
June
July
August
September
October
November
December



Local Land Use Review

Jan-

Feb-

Mar-

Apr- Chester

May- Edinburg, Queensbury, Village of Lake George

Jun- Willsboro, Northampton , Lake George

Jul- Saranac, Lake George

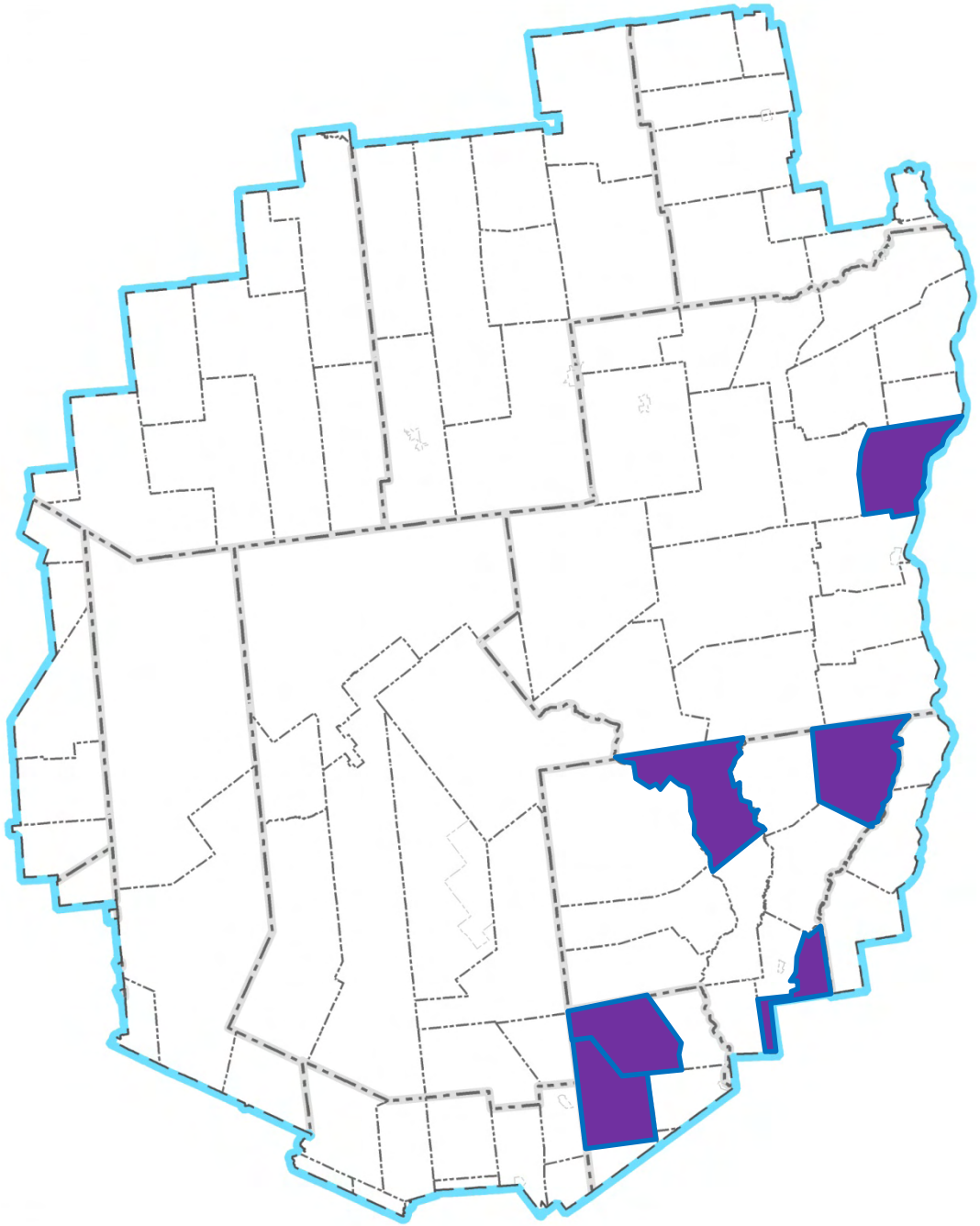
Aug- Hague

Sep-Queensbury,; Essex

Oct-

Nov-Willsboro , Stony Creek, Day

Dec- Caroga, Willsboro



Board Presentations

Jan-

Feb-Queensbury, Westport & Annual Report

Mar-

Apr- Chester, Queensbury & 2010 Census

May- GIS

Jun-

Jul-

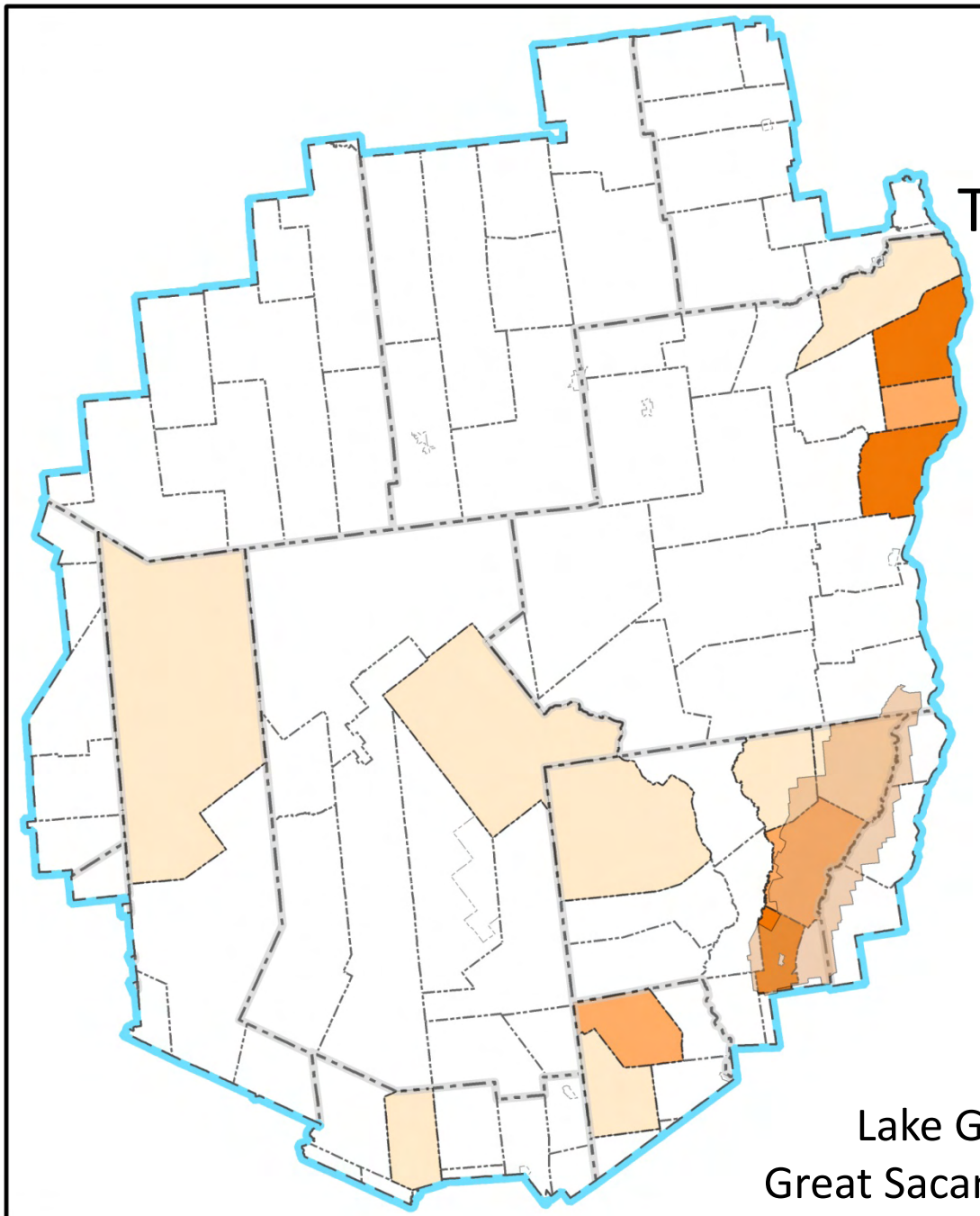
Aug- Hague

Sep- Shoreline Requirements of ALLUP's

Oct-

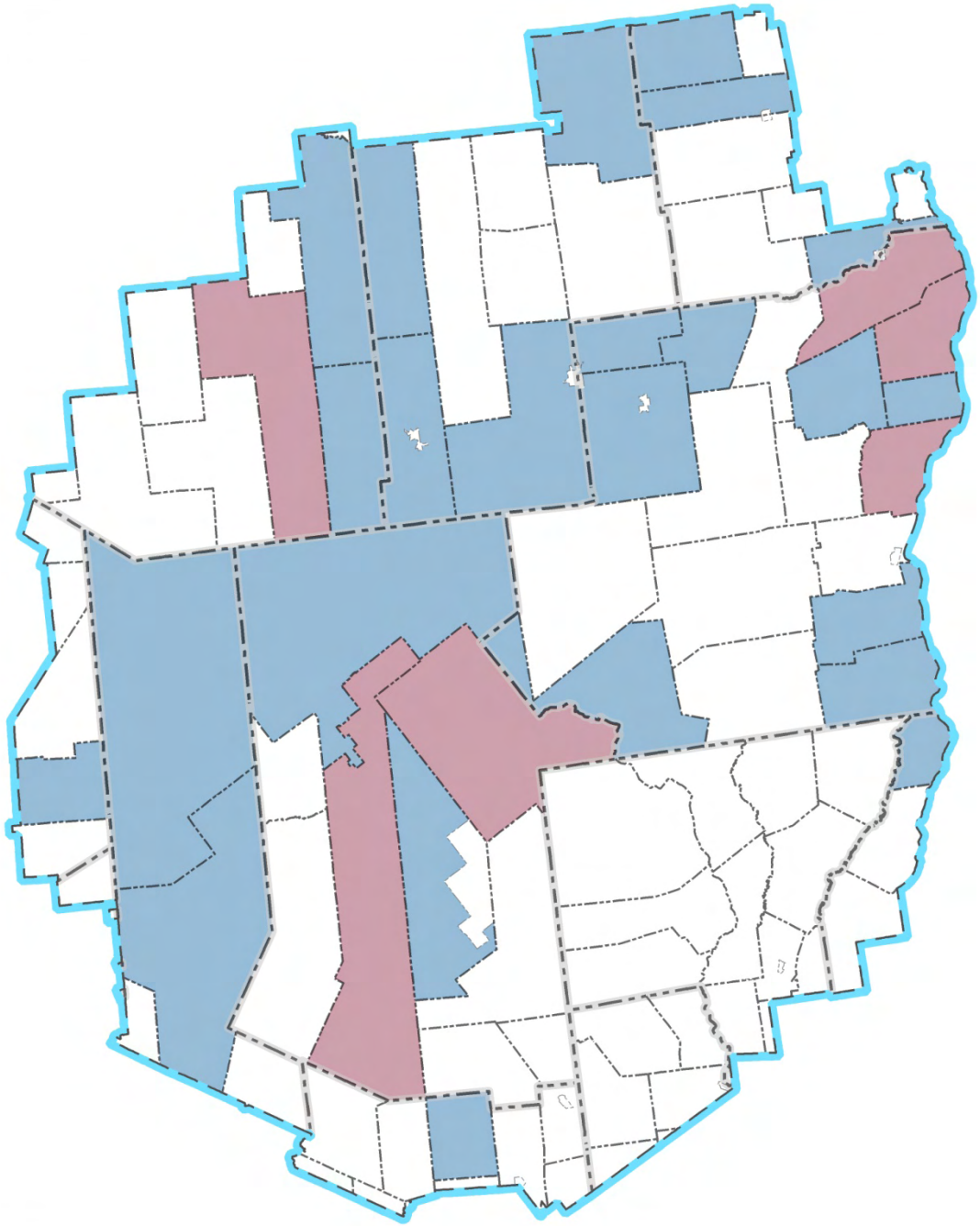
Nov-

Dec-

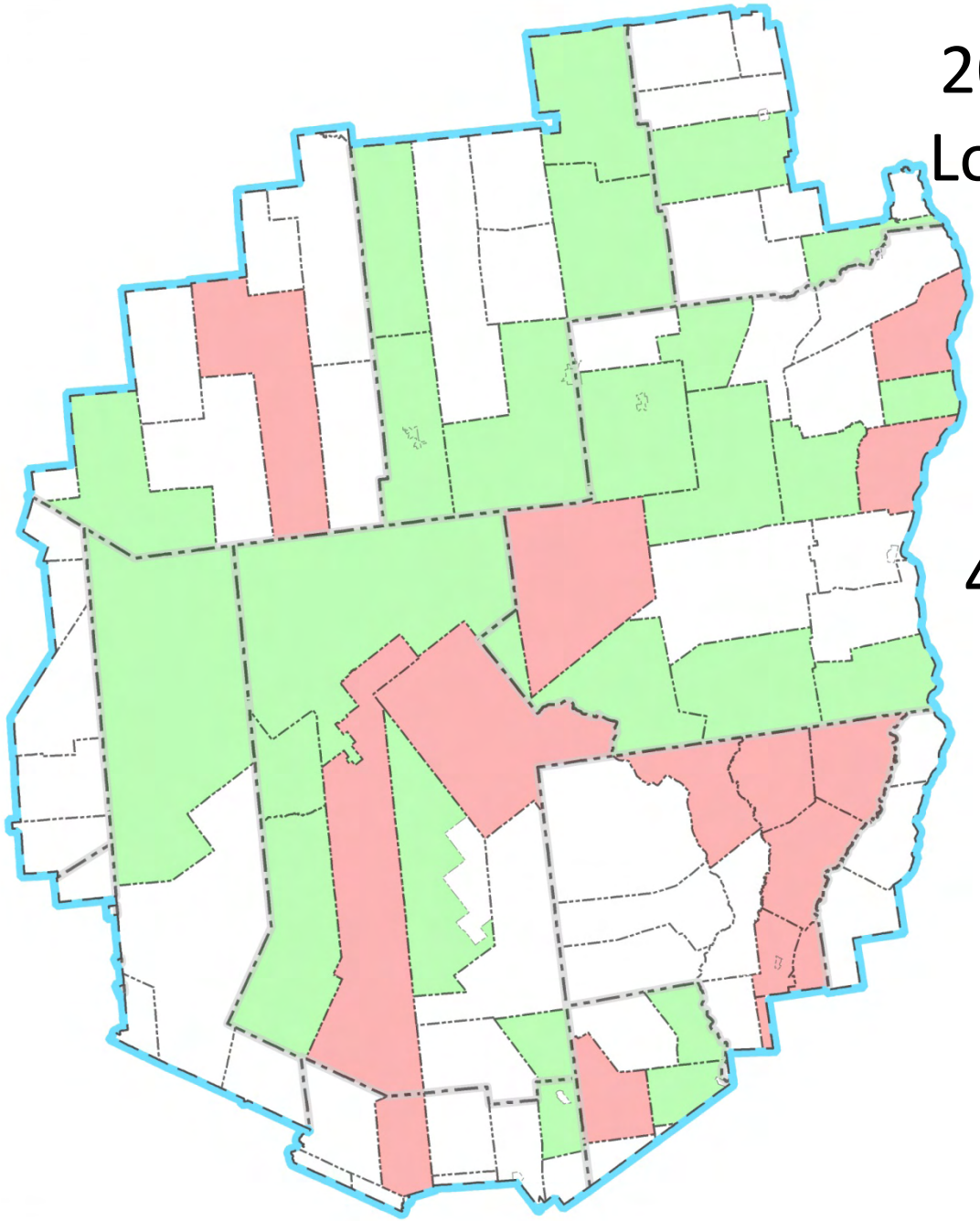


29
Meetings with Towns & Groups

Bolton
Caroga
Chesterfield
Day
Edinburg
Essex
Hague
Horicon
Indian Lake
Johnsburg
Lake George
Newcomb
Webb
Westport
Lake George Watershed Coalition
Great Sacandaga Lake Advisory Committee



2011
Northern Adirondack
CEO Training
Agency Staff
Interacted with Code
Enforcement Officers
from
31
Different Towns



2011 Adirondack Park Local Government Day Conference

238 Attendees

45 Towns & Villages

9 Counties

53 Other Entities

Planning Department:
State Land Team 2011 Summary

Agency Meeting

March 15, 2012

State Land Team 2011 Summary

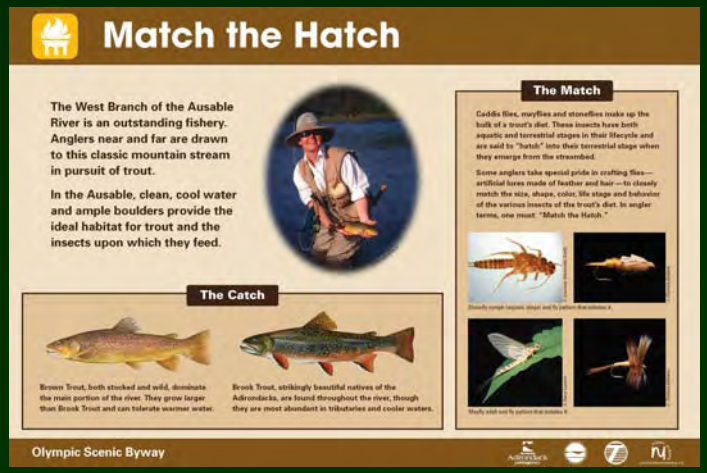
- Department of Environmental Conservation (DEC)
- Department of Transportation (DOT)
- Regulatory
- Legal
- Research Analysis & Scientific Services (RASS)

NEW YORK STATE Adirondack parkagency

State Land Team 2011 Summary
DOT

- Scenic Byways Planning on the Olympic Byway (Route 86)

- Travel Corridor Unit Management Planning (Route 3)



NEW YORK STATE Adirondack parkagency

State Land Team 2011 Summary DOT

- Permitting/JIF's:
  - Cascade Pass work
  - Champlain Bridge Restoration
  - Culverts

NEW YORK STATE Adirondack parkagency

State Land Team 2011 Summary
DEC

- Planning
  - SLMP
  - UMP's
- Classification Actions
- Permitting/JIF's

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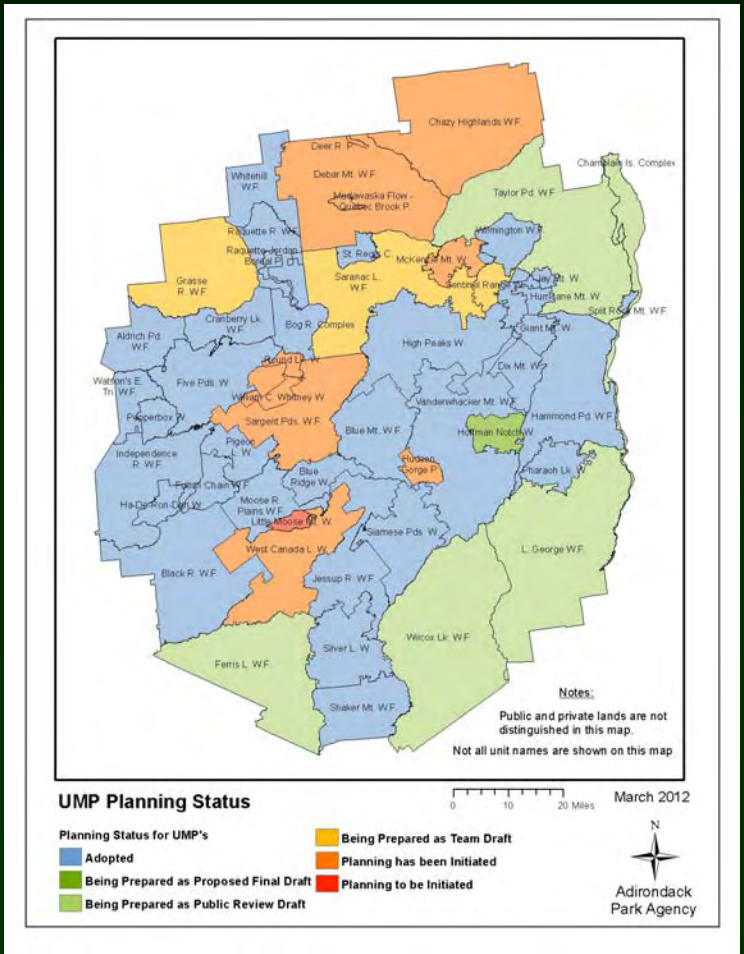
State Land Team 2011 Summary SLMP

- Updates to Area Descriptions and Delineations
- New Statistics: accurate and consistently measured
- Web based and easily updated

NEW YORK STATE
Adirondack
parkagency

State Land Team 2011 Summary UMP's

Monthly conference calls to improve communications and coordination between the Agency and the Department



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State Land Team 2011 Summary UMP's

Champlain Islands Complex

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State Land Team 2011 Summary UMP's

Taylor Pond Complex

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State Land Team 2011 Summary (Re-)Classification Actions

Second Pond Boat Launch

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State Land Team 2011 Summary
JIF's

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Adirondack
parkagency

State Land Team 2011 Summary Miscellaneous

- Snowmobile Trail Planning
- Conservation Easement Recreation Plans
- Presenting and representing the Agency at conferences
- Invasive species reporting
- Peer review of papers
- In-house consultation for new permitting guidelines

NEW YORK STATE Adirondack parkagency

State Land Team 2011 Summary