



**MINUTES OF THE PARK POLICY AND PLANNING COMMITTEE MEETING  
March 15, 2012**

Committee members in attendance included Agency Chairwoman Leilani Ulrich, William Thomas, William Valentino, Sherman Craig and Richard Booth, Committee Chair. Members Frank Mezzano, Arthur Lussi, Cecil Wray, and Designee Dierdre Scozzafava, Department of State joined the Committee. Also participating in the meeting was Executive Director Fred Monroe of the Local Government Review Board. Staff included Executive Director Terry Martino, Associate Counsel Sarah Reynolds, Planning Director James Connolly, and Associate Natural Resource Planner Matthew Kendall.

The Committee meeting convened at approximately 1:45 p.m.

**Approval of Draft Committee Minutes of February 2012**

A motion to approve the draft committee minutes was made by Member Craig and was seconded by Member Thomas. All were in favor.

Commissioner Valentino noted that at the Agency's February meeting he stated that he did not see sufficient justification for this request unless one considers a desire to develop a property to a greater density. If the land was classified incorrectly or this was part of a comprehensive community expansion, Commissioner Valentino noted that he could vote to approve this but it looks like the land was classified correctly and it's not part of a rational community expansion. Commissioner Valentino also noted that approval would negatively impact other property owners who purchased their property with the expectation of higher Resource Management protection.

**Map Amendment 2010-02 (M. Kendall)**

This item was an action item which included acceptance of the FSEIS and final determination of staff's recommendation for approval of the proposed map amendment.

Agency Chair Ulrich asked if the industrial area marked as the airport had a reduction in size since the 1974 map had been done. Mr. Kendall responded affirmatively.

Member Wray noted that the proposed amendment would allow the landowners to build two single family dwellings that are not currently allowed under the classification of Resource Management. Agency Chair Ulrich noted that one single family dwelling would be allowable for the applicant and an adjoining landowner would receive an additional principal building right if the amendment is approved. Associate Counsel Reynolds noted that Agency jurisdiction would change under a

Rural Use designation. However, Agency permits that require review of future development, regardless of the land classification, already apply to portions of this land

Member Lussi asked if the two existing lots were not ideal locations for single family dwellings due to steep slopes. Mr. Kendall responded affirmatively; the lots are not suitable due to steep slopes and shallow soils. Member Lussi asked if the lot locations could be changed under the current classification of Resource Management. Mr. Kendall and Associate Counsel Reynolds responded negatively. Member Lussi asked why the original composers of the Adirondack Park Land Use and Development Plan Map did not choose to classify this area as Rural Use originally. Agency Chair Ulrich responded that more soils information has been obtained since the original creation of the Land Use Plan for the Park thereby providing further resource information for the area. Agency Chair noted that this proposed amendment came as an application to the Agency; it was not prompted by the Agency. In response to the application, staff has analyzed the site and determined that a classification of Rural Use would be appropriate for the area based on the updated resource information obtained for the site.

Member Wray asked if the burden of proof rests with the Agency Board when approving a map amendment request. Associate Counsel Reynolds read from the statute the applicable guidelines for map amendment requests and the expectations of the Agency Board in the decision process.

Member Valentino noted that the soils and slope evaluation/argument could be used to shoehorn this site into a Rural Use classification with only 2 additional dwellings allowed but this reclassification isn't without environmental impact. There are shorelines which the Agency categorizes as fragile lands; the setback for Rural Use is 25 ft. closer to the water than it is for Resource Management; but is this a smart decision where 76% of the area contains soils or slopes that pose moderate to severe limitations for conventional onsite wastewater treatment systems to function properly. Member Valentino noted his other point coincides with Member Wray's comment; he believes that Agency regulations place a burden on the applicant. He remarked that as a Board we take the law, set up rules and regulations and then we decide what applications conform to the regulations. He added that if the Agency receives a proposal that doesn't conform to the rules and an applicant asks the Agency to change the rules to conform to the proposal, there is fundamentally something wrong with that. It goes to equity and fairness to everyone who has to live within the rules. It goes to precedent too. What will stop other landowners who own Resource Management classified land to come in and ask for a map amendment; it is only 2 buildings this time but what if there are more next time. It is a bad precedent not just for Lake Clear but for everything we do as an Agency.

DRAFT Minutes of the Park Policy Committee Meeting

March 15, 2012

Page 3

Member Lussi asked what the allowable uses are for the Rural Use land use classification. He noted that he believed mobile homes were listed as an allowable use for the Rural Use classification.

Agency Chair Ulrich thanked Mr. Kendall for his efforts in clarifying many points of the proposal. She noted that potential future development is not to be considered by the Board in making their decision. The applicant appears to have a proposal that is more environmentally appropriate than what currently exists.

Committee Chair Booth referred to page 31 of the EIS and asked that staff revisit the language and the chart for consistency.

Local Government Review Board Executive Director noted that the statute does take into account open space, public and economic as well as other land use factors. He added that it is relevant that the State acquired 1,200 acres adjoining and extinguished 27 building rights in Resource Management which has an impact on the economy in that community and on the public and also certainly made more open space in that area.

Committee Chair Booth noted there will be two votes; one on the acceptance of the FEIS and another on the map amendment itself.

Committee Chair Booth called for a motion to accept the FSEIS. Member Thomas moved acceptance of the FSEIS with the noted correction to page 31. The motion was seconded by Member Valentino and was carried.

Committee Chair Booth called for a motion to move the amendment request to the full Agency. Member Thomas moved the item for approval to the full Agency. Agency Chair Ulrich seconded the motion. Members Valentino, Craig and Committee Chair Booth opposed the motion. Member Thomas and Agency Chair Ulrich (sitting on the Committee for Designee McCormick) approved the motion. The motion did not carry but will move to the full Agency for a full Board vote without a recommendation from the Committee.

**Old Business**

None

**New Business**

None

The meeting was adjourned at approximately 2:45 p.m.