



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

April 19, 2012

THURSDAY, April 19, 2012

AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF PRESENT

Leilani Crafts Ulrich, Chairwoman
Richard Booth, Member
Sherman Craig, Member
Arthur Lussi, Member
Frank Mezzano, Member
William Thomas, Member
Cecil Wray, Member
Jen McCormick, Designee, NYS Department of Economic Development
Dierdre Scozzafava, Designee, NYS Department of State
Robert Stegemann, Designee, NYS Department of Environmental Conservation
Terry Martino, Executive Director
John Banta, Counsel

AGENCY MEMBERS ABSENT

F. William Valentino, Member

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Fred Monroe, Executive Director

AGENCY STAFF PRESENT

Richard Weber, Deputy Director, Regulatory Programs
James Connolly, Deputy Director, Planning
Daniel Kelleher, Special Assistant for Economic Affairs
Holly Kneeshaw, Assistant Director of Regulatory Programs
Colleen Parker, Environmental Program Specialist 3
Kathy Regan, Associate Natural Resources Planner
Daniel Spada, Supervisor, Natural Resource Analysis
Virginia Yamrick, Environmental Program Specialist 1
Tracy Darrah, Environmental Program Specialist 1
Milton Adams, Environmental Program Specialist 1
Susan Parker, Environmental Program Specialist 1
Ariel Lynch, Environmental Program Specialist 2

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Jen McAleese, Senior Attorney
Keith McKeever, Public Information Director
Shaun LaLonde, Soil and Water Engineering Specialist
Brian Grisi, A.P. Local Planning Assistance Specialist
Greg Bendell, Environmental Engineer
Elizabeth Phillips, Senior Attorney
Paul VanCott, Associate Attorney
Sarah Reynolds, Associate Counsel
Mitch Goroski, Senior Attorney
Laurie Bullis, Secretary 1
Mary Reardon, Secretary 1
Amy Hall, Calculations Clerk
Mary Palmer, Keyboard Specialist 1
Sue Streiff, Keyboard Specialist 1

Chairwoman Ulrich called the meeting to order at 9 a.m. She spoke of the change of the season to spring as well as changes that the Agency will be experiencing.

1. Public Comment

Brian Houseal, Adirondack Council Executive Director, thanked Mr. Banta for his service, portraying him as "a very good ally, and occasionally a very worthwhile adversary." He also said the Adirondack Council is advocating sweeping changes to private land use and development in the Park and welcomes all input.

Mr. Houseal's comments are available in the webcast of this meeting: http://nysapa.granicus.com/ViewPublisher.php?view_id=2

2. Approval of March 15, 2012 Draft Agency Minutes

On motion of Mr. Booth, seconded by Mr. Craig, the Agency unanimously adopted the Draft Agency Minutes of the March 15, 2012 meeting with minor editorial changes by Mr. Booth on pages 8, 12 and 14.

3. Executive Director's Report

Ms. Martino thanked Mr. Connolly and Mr. Weber for acting as Executive Director in her absence. She thanked Mr. Grisi and Ms. Burgess and all those who participated in the very successful Local Government Day, and she noted the new banner created for the event.

Ms. Martino referred to a presentation to be given by Karen Roy, Jed Dukett and Nate Houck of Adirondack Lakes Survey Corporation (ALSC). She invited interested members of the public to join in a tour of the ALSC lab following the meeting.

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Ms. Martino then referred to a draft resolution commemorating Earth Day 2012. On motion by Mr. Booth, seconded by Mr. Craig, the Agency unanimously adopted the resolution with a minor editorial change by Mr. Booth. A copy of the resolution as approved by the Agency is attached to the official minutes.

Ms. Martino welcomed Jennifer McAleese as Senior Attorney with the Agency. She noted that Jennifer is a St. Lawrence University and Pace University School of Law graduate who had previously interned with the Adirondack Park Agency.

Ms. Martino also announced the departure of Agency Assistant Director of Regulatory Programs Holly Kneeshaw and Counsel John Banta. Ms. Kneeshaw will be joining the DEC in Albany to work on hydrofracking. She will also be closer to her grandson, Owen. Mr. Banta will be retiring after decades of service at the Agency and also has the lure of a grandson, Sam. Ms. Martino then read and presented Ms. Kneeshaw and Mr. Banta with resolutions, and thanked them for their dedicated civil service with the Agency. Copies of the resolutions are attached to the official minutes.

Mr. Banta spoke about his tenure with the Agency. He closed with a message for Agency staff. A copy of Mr. Banta's remarks is attached to the official minutes.

Chairwoman Ulrich asked Agency Board Members to withhold their remarks about Mr. Banta until the close of the meeting. She also noted that Mr. Banta was serving his sixth Governor and eleventh Agency Chair in his time with the Agency. She said she will be forever thankful for the training that she has received as Chairwoman from Mr. Banta.

Ms. Martino concluded the Executive Director's Report by expressing her deep appreciation to Ms. Kneeshaw and Mr. Banta.

4. Recusals

Mr. Craig referred to P2011-156, which involves a telecommunication tower in the Town of Clifton, and said that while he would not be directly impacted by the project, he knew people who would be. He asked whether it would necessitate his recusal in this matter. Mr. Banta advised that as long as Mr. Craig remained unbiased, recusal would not be necessary.

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5. Motion to for Executive Session

On motion by Mr. Stegemann and seconded by Mr. Wray, the Agency unanimously agreed to convene in executive session for the purpose of discussing litigation involving the Adirondack Club and Resort project.

The full Agency adjourned into committees at 9:45 a.m. and then reconvened at 4:00 p.m. to act on the recommendations of the Committees.

6. Committee Reports

a. Regulatory Programs Committee

(1) 2011-182, Thomas and Christine Travaglini

The matter involves a variance for construction of a single-family dwelling within the 75-foot shoreline setback of Silver Lake in the Town of Black Brook, Clinton County.

On motion of Mr. Mezzano, seconded by Mr. Booth, the Agency voted unanimously to grant the variance request and approve the project. (Chairwoman L. Ulrich, R. Booth, S. Craig, A. Lussi, F. Mezzano, W. Thomas, C. Wray, J. McCormick [DED], D. Scozzafava [DOS], and R. Stegemann [DEC] voted in favor.) A copy of the Order Granting Variance, as approved by the Agency, is attached to the official minutes.

(2) 2011-156, Independent Towers Holdings, LLC (Ariel Lynch)

The application involves the construction of a telecommunication tower with ancillary development in the Town of Clifton, St. Lawrence County.

On motion of Mr. Mezzano, seconded by Mr. Craig, the Agency voted unanimously to grant the application request. (Chairwoman L. Ulrich, R. Booth, S. Craig, A. Lussi, F. Mezzano, W. Thomas, C. Wray, J. McCormick [DED], D. Scozzafava [DOS], and R. Stegemann [DEC] voted in favor.) A copy of the Project Permit, as approved by the Agency, is attached to the official minutes.

(3) 2004-135R, Karen A. Fountain and Virgil Lupo (Tracy Darrah)

The matter involves a second permit renewal request involving construction of a single-family dwelling within a designated recreational river area on the East Branch of the AuSable River, in the Town of Jay, Essex County.

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On motion of Mr. Mezzano, seconded by Mr. Lussi, the Agency voted unanimously to grant the permit renewal (Chairwoman L. Ulrich, R. Booth, S. Craig, A. Lussi, F. Mezzano, W. Thomas, C. Wray, J. McCormick [DED], D. Scozzafava [DOS], and R. Stegemann [DEC] voted in favor). A copy of the Project Permit, as approved by the Agency, is attached to the official minutes.

7. Interim Reports

The Enforcement, Public Awareness and Communications and Administration committees did not meet. A monthly activity report for the Enforcement Committee was included in the mailing.

a. Legal Affairs

On a motion of Mr. Booth, seconded by Mr. Craig, the Committee voted unanimously to approve the March 15, 2012 Legal Affairs Committee minutes.

Mr. Banta stated that proposed changes to Section 809(10)(c) are being sponsored by Senator Little. The changes include Smart Growth principles by allowing the transfer by permit of development rights to less restrictive land use areas.

b. Economic Affairs

On motion of Committee Chair Lussi, seconded by Mr. Thomas, the Committee unanimously approved the March 15, 2012 Economic Affairs Committee minutes.

8. Public Comment

Chairwoman Ulrich invited public comment. Dan Plumley of Adirondack Wild congratulated Ms. Kneeshaw. Mr. Plumley also recognized Mr. Banta on his retirement, and described him as a welcoming host and productive advocate to the many foreign groups which came here to learn about land use plans and forever wild lands. Mr. Plumley also distributed the first annual report of Adirondack Wild to the Board.

9. Local Government Review Board Comment

Review Board Executive Director Fred Monroe expressed his support of the statutory changes being sponsored by Senator Little. He also congratulated and expressed his appreciation to Ms. Kneeshaw and Mr. Banta.

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10. Member Comment

Ms. McCormick expressed her appreciation to Ms. Kneeshaw and Mr. Banta.

Ms. Scozzafava thanked Ms. Kneeshaw for her assistance and said she looked forward to seeing her in Albany. She also said she had thoroughly enjoyed working with Mr. Banta, and she compared him to Atticus Finch, the fictional lawyer from the novel "To Kill a Mockingbird."

Mr. Thomas noted his lengthy acquaintance with Ms. Kneeshaw starting with her work in Johnsbury and then again at the Agency, and he wished her success. He also expressed his appreciation for the opportunity to work with Mr. Banta since the 1990s, and thanked him for his service and assistance with local land use planning.

Mr. Mezzano congratulated Ms. Kneeshaw. He also congratulated Mr. Banta, but at the same time lamented on the Agency's loss. He thanked Mr. Banta for the great service that he has provided over the years.

Mr. Stegemann congratulated Ms. Kneeshaw and wished her the best of luck. He also congratulated Mr. Banta and summed up his career as having integrity, class and expertise.

Mr. Lussi stated that having personally experienced the angst of being an applicant, his experience was made much easier due to Ms. Kneeshaw's professionalism. Mr. Lussi also wished Mr. Banta well and thanked him for his integrity and ability to interpret the law with substance and backbone.

Mr. Craig congratulated Ms. Kneeshaw and looked forward to a continued working relationship in her new job at DEC. Mr. Craig then expressed best wishes to Mr. Banta on his retirement, and noted that the admiration and respect for Mr. Banta by staff and commissioners speaks volumes.

Mr. Wray commended Ms. Kneeshaw on a superb job while at the Agency and said she will be missed. Mr. Wray then stated that in over 50 years as a lawyer, he knew a smart lawyer when he saw one, and Mr. Banta is a smart lawyer whose intelligence and knowledge of the law has benefitted the Agency for many years. He said that like fictional lawyer Atticus Finch, Mr. Banta provided good counsel and advice.

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Mr. Booth commended John Barge's presentation on GIS, noting it was fascinating and something that the Agency would like to see more of. He also said the program on water was very exciting and looked forward to the ALSC lab tour following the meeting. Lastly, he complimented the new banner displayed at the Agency. He called attention to the Agency logo, and expressed his hope that someday it would be changed to reflect "Adirondack Park Agency" as separate words to give distinction to the word "Park." Mr. Booth also wished Ms. Kneeshaw well in her new position and thanked Mr. Banta for his decades of service.

Ms. Martino announced the recent activation of the Bloomingdale cell tower. She commented on Ariel Lynch's work on the cellular project in Cranberry Lake, and she also complimented Brian Grisi and Robyn Burgess on Local Government Day highlights. She expressed best wishes to Ms. Kneeshaw, who will be bringing a considerable skill set to her new position, and she expressed her appreciation for her service. Ms. Martino complimented Mr. Banta's integrity, dedication and hard work, and her appreciation for the privilege of working with him. She noted Mr. Banta has stellar attributes and noted in particular his patience and willingness to answer questions. She said Mr. Banta would be sorely missed.

Chairwoman Ulrich recalled her acquaintance with Mr. Banta for many years. She said that while she is saddened over Mr. Banta leaving the Agency, at the same time she is confident that he is leaving the Agency in good hands. She thanked Mr. Banta for his guidance and careful protection of the Board, the Agency and the Park. She also wished Ms. Kneeshaw well in her career at DEC.

Mr. Banta expressed his appreciation to Ms. Kneeshaw. He spoke of Ms. Kneeshaw's ability to move a project along, yet also be unyielding when necessary, and he wished her well. Mr. Banta recalled his early days at the Agency, and noted it was the first to have a GIS system built on a microcomputer. The technological advances he has seen at the Agency since then, particularly in terms of GIS capabilities and sophisticated computer work have provided huge benefits. Mr. Banta said he was humbled by the diverse expertise among the staff, and thanked the staff for their dedication to their jobs and to the people whom they serve.

The Agency unanimously adjourned at 4:50 p.m.

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Attachments:

Earth Day Resolution

Kneeshaw Resolution

Banta Resolution

Banta Remarks

Order 2011-182

Permit 2011-156, Independent Towers Holdings, LLC, New
Cingular Wireless PCS, LLC, St. Lawrence county Office of
Emergency Services, and Lisa Anne Sizeland

Permit 2004-135R2, Virgil Lupu and Karen Fountain

Leilani Crafts Ulrich, Chairwoman