



DRAFT MINUTES
Legal Affairs Committee
May 17, 2012
Agency Meeting
CW:PVC:dal

**Legal Affairs Committee
May 17, 2012**

Committee Members Present: Committee Chairman Cecil Wray, Members Richard Booth and Frank Mezzano. Other Members Present: Agency Chairwoman Leilani Ulrich; Members Arthur Lussi, William Thomas and F. William Valentino, Designees Dierdre Scozzafava (Department of State) and Robert Stegemann (Department of Environmental Conservation). Agency Staff Present: Executive Director Terry Martino, Associate Attorney Paul Van Cott, Senior Attorney Jennifer McAleese.

The Committee convened at 2:00 p.m.

Counsel's Report

Mr. Van Cott called attention to the jurisdictional statistics for April, namely the average response time of 17 days compared to 33 days in April 2011. He also welcomed the assistance of Senior Attorney Jennifer McAleese in preparing jurisdictional determinations.

Legislative Update

Mr. Van Cott provided a brief update on an Agency departmental bill that relates to Section 809 of the APA Act. The bill was sponsored by Senator Little and was introduced and passed in the Senate. It has not yet been introduced in the Assembly. In addition to primarily procedural changes including clarifications and improvements to the permit modification process, the bill also includes two significant provisions: (1) elimination of the provision that makes a permit void if it is not recorded within 60 days of issuance, and (2) allowing the transfer by permit of development rights to less restrictive land use areas. The provision allowing the transfer of development rights is considered to be a Smart Growth initiative by moving density into areas where development might be more appropriate.

Adjournment: The Committee adjourned at 2:06 p.m.

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