

Draft



Regulatory Programs Committee  
July 12, 2012  
Agency Meeting  
REW:mlr

**Regulatory Programs Committee  
July 12, 2012**

**AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF PRESENT**

Leilani Crafts Ulrich, Chairwoman  
Richard Booth, Member  
Arthur Lussi, Member  
Frank Mezzano, Member  
William Thomas, 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  
Gerald Delaney, Local Government Review Board

Fred Monroe, Local Government Review Board, Chairman was not present for the Agency meeting.

The Committee convened at 9:00 am.

Chairman Ulrich recused herself from the Regulatory Committee's discussion of agenda item P2012-21.

1. Approval of July Draft Regulatory Programs Committee Minutes

On motion of Mr. Valentino, seconded by Mr. Booth the Agency unanimously adopted the Draft Agency Minutes of the June 14, 2012 meeting with a minor correction.

2. Deputy Director (Regulatory Programs) Report (R. Weber)

Mr. Weber highlighted the Workload Summary Report. Mr. Weber stated the Permits Issued report will now only reflect permits issued for the current month.

A comment was made regarding the decline in the number of applications received and permits issued at the Agency. Mr. Weber agreed that applications and permits issued have declined but noted preapplication requests have risen in numbers. He noted the preapplication process is a valuable process and may lessen the

process time in Regulatory Programs. He noted the economy may play a part in the decline of applications received at the Agency as well.

A brief discussion ensued regarding reasons projects brought to the Board for review and the process regarding the approval of general permits. It was stated that the Board or any Board Member at any time may suggest to staff to review an application being processed at the Agency.

3. 2012-21 (T. Darrah) Variance Permit and Order  
Town of Webb Tobie Trail Phase II  
Pedestrian/Bicycle Bridge  
Town of Webb, Herkimer County  
Hamlet

Ms. Darrah presented a power point presentation describing the proposed project, project site and location. She discussed Agency jurisdiction and existing environment and prior history of the proposed project site.

Ms. Darrah noted Town of Webb, Supervisor Ted Riele and Code Enforcement Officer Andy Getty are in the audience.

She noted that approximately 240 sq. ft. of wetlands associated with the shoreline of the Moose River will be impacted by the project as proposed. Ms. Darrah stated the variance is for the construction of a pedestrian/bicycle/cross country ski bridge, supporting abutments, wood railing and pavement.

Ms. Darrah discussed other regulatory permits and approvals for the proposed project. She discussed the economic and fiscal factors. Ms. Darrah noted three comment letters were received expressing concerns about specific elements of the proposal including vegetative cutting, impacts to wildlife, increase use of the area, and retaining the wild nature of the area. She stated at the public hearing four comments in support and four comments expressing concerns and/or asking questions were received.

Ms. Darrah discussed the two alternatives that were deemed not feasible by the applicant.

She discussed the variance impacts and criteria.

She briefly discussed the suggested Conditions listed in the draft permit.

A discussion ensued regarding administrative use and public use of motorized vehicles for the proposed project site. It was suggested adding a Condition to the draft permit to prevent snowmobiles from using the proposed project. Ms. Darrah stated the applicant's are proposing the trail to be non-motorized and at the public hearing the applicants discussed installing a bollard and gate system on the trail. Ms. Darrah noted the Town of Webb has the ability to revise the system to enable the Town to enforce the non-motorized policy.

Comments were made that the Town will have the motivation to protect the trail from motorized vehicles and that the Agency should not over step the applicant's proposed plan to enforce the non-motorized policy.

Question was asked whether the Board could add a Condition to the draft permit placing a physical obstruction on the bridge to prevent motorized vehicles from using the bridge. Counsel agreed that the Condition would not be a material change changing the project.

Mr. Weber noted the concerns regarding mechanized vehicles being prohibited were discussed with the applicants and he reiterated that the applicant's intentions are to keep this a non-motorized proposed project.

Mr. Valentino made a motion to revise the draft order to include a condition regarding placing an obstruction on the bridge to ensure that no motorized vehicles would be allowed. There was no second to the motion by Mr. Valentino.

Mr. Mezzano made a motion to keep the draft permit as is with no new Condition placing an obstruction on the bridge and Mr. Lussi seconded the motion. The Committee vote was three in favor and two opposed. Mr. Mezzano, Mr. Lussi and Ms. Scozzafava in favor with Mr. Valentino and Mr. Booth opposing.

The Committee vote did not receive a majority plus one vote therefore the proposed project moved to Full Agency without a recommendation from the Regulatory Committee.

4. Old Business: NO

5. New Business: NO

**Adjournment:** The Regulatory Committee meeting adjourned at 10:40 am.  
REW:mlr

Note: The power point presentations referred to herein are on file at the Agency. Copies are also available for inspection on request.