



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

AUGUST 16, 2012

THURSDAY, AUGUST 16, 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
F. William Valentino, Jr., Member
Cecil Wray, Member
Dierdre Scozzafava, Designee, NYS Department of State
Robert Stegemann, Designee, NYS Department of Environmental Conservation
Terry Martino, Executive Director
Sarah Reynolds, Acting Counsel

AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF ABSENT

Jen McCormick, Designee, NYS Department of Economic Development

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Frederick Monroe, Executive Director

AGENCY STAFF PRESENT

Daniel Spada, Supervisor, Natural Resource Analysis
Shaun LaLonde, Soil & Water Engineering Specialist
Richard Weber, Deputy Director, Regulatory Programs
Ariel Lynch, Environmental Program Specialist 2
James Connolly, Deputy Director, Planning
Daniel Kelleher, Special Assistant for Economic Affairs
Colleen Parker, Environmental Program Specialist 3
Keith McKeever, Public Information Director
Elaine Caldwell, Administrative Officer
Denise Wagner, Environmental Program Specialist 1
Aaron Ziemann, Associate Project Analyst, Forest Resources
John Burth, Environmental Program Specialist 2
Mitch Goroski, Senior Attorney

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Elizabeth Phillips, Senior Attorney
Laurie Bullis, Secretary 1
Mary Reardon, Secretary 1
Deborah Lester, Secretary to Executive Director

The webcast of this meeting is available at
http://nysapa.granicus.com/ViewPublisher.php?view_id=2.

Chairwoman Ulrich called the meeting to order at 9 a.m.

1. Approval of July 12, 2012 Draft Agency Minutes

On motion of Mr. Booth, seconded by Mr. Thomas, the Agency unanimously adopted the Draft Agency Minutes of the July 12, 2012 meeting.

2. Executive Director's Report

Ms. Martino presented a report on staff activities over the past month and other items of note, including:

- Increasing concern about invasive species including the discovery of Emerald Ash Borer in a NYS campground in the Catskills, as well as Spiny Water Flea in Lake George and prior to that in the Champlain Canal;
- Recent enactment of the Invasive Species Transport Law which provides NYS DEC and Department of Agriculture and Markets with the authority to regulate the sale, purchase, possession, introduction, importation and transport of invasive species and establishes penalties for violators;
- The importance of boat stewardship programs throughout the Park for preventing the spread of invasive species and educating the public;
- Agency work with communities and lake associations throughout the Park in terms of control of invasives through chemical treatment and hand harvesting;
- The Agency's ongoing activity in reform initiatives including internal improvements in efficiency, support to the Regional Economic Development Councils, interagency efficiency planning with DEC, potential future improvements and development of an outline of regulatory and statutory reform;
- Agency participation in a construction and permitting workgroup of the Regional Economic Development Councils Statewide Chairman's Committee which identified four priority topics: State Building

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Code implementation at the local level, freshwater wetlands banking, Project Labor Agreements, and insurance;

- August 5 press conference by Governor Cuomo, attended by the Chairwoman and Executive Director, announcing the State's acquisition of 69,000 acres of former Finch, Pruyn lands for addition to the Adirondack Forest Preserve; the Agency looks forward to development of a coordinated recreation access plan as part of the next steps towards a classification package;
- Plans for DEC State Forester Rob Davies to present the State's overall acquisition plan for the next five years at the September or October Agency Board meeting;
- Ongoing work of the Common Ground Alliance since 2006, bringing people together to form consensus on the greater topics of economic need, community sustainability and environmental protection through discussion along with steps and recommendations on issues such as invasive species, improved infrastructure, and energy production and efficiency;
- Presentations to be given at this month's meeting by Kate Fish and Bill Farber on their perspective of the Alliance's work to date including work that took place at the 2012 forum, to be followed by an overview by Jim Herman and Dave Mason of the results of their year-long strategic visioning work done in partnership with the Alliance. Additionally, Fred Monroe of the Local Government Review Board and Brad Gentry of Yale School of Forestry and Environmental Studies will discuss their involvement with a recent forum in Wisconsin on the future of healthy communities and how conservation organizations can work with them;
- Staffing announcements including the appointment on July 19 of Aaron Ziemann to Associate Adirondack Park Project Analyst Forestry, and the appointment on July 26 of Denise Wagner to Environmental Program Specialist 1. Additionally, Matt McNamara will be joining the Agency as an Environmental Program Specialist 1 on August 20. The Assistant Director of Regulatory Programs and the Counsel vacancies are yet to be filled.

In response to a staffing question by Mr. Mezzano, Ms. Martino advised that the recent hires together with anticipated appointments to the Counsel and Assistant Director positions would bring the staffing level to 56 FTE.

Chairwoman Ulrich noted her participation in the August 7th meeting of the Invasive Species Council. She echoed the Executive Director's point regarding the importance of stewardship programs, and shared a story about a steward at Cranberry Lake who skillfully

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intercepted the launching of a recently purchased dock from the St. Lawrence that was covered with zebra mussels.

Mr. Booth noted the importance of the Regional Councils Statewide Chairman's Committee review of State Building Code implementation at the local level, particularly in terms of reutilization of older buildings.

Ms. Martino advised that the Statewide Chairman's Committee will be looking at a model that addresses work that needs to be done as well as training/education needs of local code enforcement officers (CEO).

Mr. Booth acknowledged the training needs of CEOs, but also pointed out that the State Building Code effectively discourages the re-use of existing buildings by making the redevelopment of second or third floors significantly more expensive. There is a feeling among many communities that the improvements created by the Building Code are sometimes outweighed by the great expense involved with the renovation of existing buildings. He urged that the Statewide Chairman's Committee consult Adirondack communities about the impact of the Building Code on the re-use of existing buildings.

Mr. Lussi acknowledged Mr. Booth's point based on his own personal experience. For example, the requirement in the Building Code of sprinkler systems generates greater expense with renovation projects than with new construction.

Mr. Monroe added that interpretation of the Code is also an issue. For example, in a recent interpretation walk-out basements were considered to be a floor, and therefore buildings that were considered to be two stories in the past are now considered to be three stories and are subject to the corresponding requirements.

3. 2013 Agency Meeting Calendar

Chairwoman Ulrich invited comment on the draft 2013 Agency Meeting schedule that was included with the Agency meeting mailing material. She noted that, for purposes of predictability, the proposed schedule reflects to the greatest extent possible a return to the second Thursday and Friday of the month, taking into account holidays and the time span between meetings. Additionally, she noted the proposed schedule does not reflect meeting dates for July and December based on staff field work and holidays.

In the Agency's discussion of the proposed calendar, there appeared to be general consensus to schedule the July and December meetings with the discretion to cancel as needed. The budgetary savings associated with the cancellation of the two meetings was also

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mentioned. At the same time, more use of two-day meetings was encouraged to give due time for discussion of in-depth issues. Regarding one-day meetings, Mr. Wray noted Friday as the preferred meeting day to provide reasonable time for long-distance travel. At the same time, Friday meetings were noted as inconvenient due to conflicts with local government meetings.

Chairwoman Ulrich acknowledged the Board's input, which would be taken into consideration in developing a revised schedule to be presented to the Agency for adoption in September.

4. Motion for Executive Session

On motion of Mr. Wray, seconded by Mr. Valentino, the Agency unanimously voted to convene in executive session during the lunch break for the purpose of discussing litigation concerning the Adirondack Club and Resort project.

5. Motion to Adjourn into Committees

On motion of Mr. Wray, seconded by Mr. Booth, the Agency unanimously adjourned into committees at 9:35 a.m.

The Agency reconvened at 4:10 p.m. to receive and act on committee reports and recommendations.

6. Old Business/New Business

- (1) Resolution Commemorating the 100th Anniversary of the SUNY College of Environmental Science and Forestry Ranger School at Wanakena

Chairwoman Ulrich welcomed Town of Fine Supervisor Mark Hall.

The Chairwoman expressed her appreciation to Mr. Craig for the invitation to participate in the kickoff of the Ranger School's centennial celebration on August 4. She described the event as a once-in-a-lifetime opportunity, with several hundred people in attendance. She also commended Designee Scozzafava, who was a guest speaker at the event.

Chairwoman Ulrich read aloud a Resolution commemorating the 100th year anniversary of the Ranger School, and proposed its adoption by the Agency.

On motion of Mr. Craig, seconded by Mr. Wray, the Agency unanimously adopted the Resolution. A copy of the Resolution as approved by the Agency is attached to the official minutes on file at the Agency.

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On behalf of the Agency, Chairwoman Ulrich extended congratulations and best wishes.

Supervisor Hall noted the absence of Ranger School Director Christopher Westbrook due to a recent foot surgery. He expressed appreciation for the Agency's commemoration and said Mr. Westbrook will be honored by the Resolution.

(2) Presentation to Basil Seggos, Governor's Office

Chairwoman Ulrich welcomed Basil Seggos of the Governor's Office. She expressed her appreciation to Mr. Seggos for taking time from his busy schedule to join the Agency.

She presented Mr. Seggos with a framed poster for display in the Capitol's Second Floor Conference Room. The picture depicted the Adirondack Park on satellite imagery of the northeast United States and Canada.

In accepting the picture, Mr. Seggos commented on the optimistic tone of the meeting and the show of commitment both at the commissioner level and by the individuals and organizations in attendance regarding issues that are confronted on a daily basis. Mr. Seggos gave his assurance that State Government and the Agency are working hard on achieving balance within the Adirondack Park. He also felt confident that some of the ideas presented through Common Ground and the visioning process can be used in fulfilling the Governor's work on behalf of the North Country and its future.

7. Committee Reports

a. Regulatory Programs Committee

(1) 2012-58, Constance and Michael Cunningham

The matter involves a request for a shoreline structure setback variance to allow the lateral expansion of an existing single family dwelling within the 50-foot shoreline setback area of Schroon Lake. The project site is in an area classified Moderate Intensity Use in the Town of Schroon, Essex County.

Mr. Mezzano moved and Mr. Lussi seconded the Committee's recommendation to approve the draft Order Granting Variance.

Prior to voting, Mr. Booth noted his request in committee discussion for two minor corrections. The first correction involved the addition of practical difficulty language in the "Variance Impacts and Criteria" section of the Order. He noted that upon further

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consideration and discussion with staff, he had agreed to withdraw his request to add the word "minimal" before "adverse impacts."

Chairwoman Ulrich called the question, which passed by a 9 to 1 vote. (Chairwoman Ulrich, Members Booth, Craig, Lussi, Mezzano, Thomas, Valentino, DOS Designee Scozzafava and DEC Designee Stegemann voted in favor of the motion; Member Wray voted against the motion.)

A copy of the Order Granting Variance as approved by the Agency is attached to the official minutes on file at the Agency.

(2) 2010-269, Highlands Farmers, LP

The project involves a 13-lot subdivision in an area classified Resource Management in the Town of Keene, Essex County.

Mr. Mezzano moved and Mr. Lussi seconded the Committee's recommendation to approve the draft Project Permit.

Prior to voting, Mr. Booth proposed an amendment to revise Condition #17 as follows:

"Any new permit application for further subdivision or development on Lots 5, 6, 10 or 12 shall include an open space plan for those four lots and implementation measures for the permanent protection of open space resources on those lots as appropriate."

Mr. Wray seconded the proposed amendment, which failed to carry by an 8 to 2 vote. (Members Booth and Wray voted in favor of the motion; Chairwoman Ulrich, Members Craig, Lussi, Mezzano, Thomas, Valentino, DOS Designee Scozzafava and DEC Designee Stegemann voted against the motion.)

Mr. Booth then moved an amendment to revise Condition #17 to state "Lots 10 or 12" and to require an open space plan for both lots if subdivision or development is proposed on either lot. He also noted that the proposed project calls out for a cluster design.

Mr. Wray seconded the proposed amendment.

Chairwoman Ulrich asked Mr. Booth if he intended for a single plan to be required for Lots 10 and 12 together, regardless of whether the lots are in separate ownership.

Mr. Booth responded in the affirmative.

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In response to a question by Mr. Stegemann, Mr. Weber advised that to his knowledge the Agency had never imposed a condition that required a single plan for two lots under separate ownership.

Mr. Stegemann suggested that the development of a single plan for two lots under separate ownership when there might be competing interests would present practical problems.

Acting Counsel Reynolds reiterated Mr. Weber's comment, noting staff had researched permits issued over the past decade for subdivisions in Resource Management and hadn't found any where there was one plan covering more than one lot.

At the Chairwoman's request, Mr. Booth re-stated his motion to amend Condition #17:

"Any new permit application for further subdivision or development on Lot 10 or 12 shall include an open space plan and implementation measures for the permanent protection of open space resources on both of those lots as appropriate."

Chairwoman Ulrich called the question. The motion failed to carry by an 8 to 2 vote. (Members Booth and Wray voted in favor of the motion; Chairwoman Ulrich, Members Craig, Lussi, Mezzano, Thomas, Valentino, DOS Designee Scozzafava and DEC Designee Stegemann voted against the motion.)

Mr. Booth referred to Finding of Fact #14 which reflected changes incorporated by staff and pointed out that the draft permit does not state that the assigned building opportunities can be moved around on all four of the lots (Lots 5, 6, 10 and 12).

Ms. Reynolds reminded that the statute allows the potential reallocation of density among the lots regardless of whether it is stated in the permit.

Mr. Booth requested that relevant language be incorporated into the permit.

Mr. Weber acknowledged Mr. Booth's request.

Chairwoman Ulrich then called the question on the original motion as recommended by the Committee, which passed by a 9 to 1 vote. (Chairwoman Ulrich, Members Craig, Lussi, Mezzano, Thomas, Valentino, Wray, DOS Designee Scozzafava and DEC Designee Stegemann voted in favor of the motion; Member Booth voted against the motion.)

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A copy of the Project Permit as approved by the Agency is attached to the official minutes on file at the Agency.

The Economic Affairs and Joint Park Policy and Planning/Public Awareness and Communications Committees had no items that required Agency action.

8. Interim Reports

a. Local Government Services Committee

On motion of Ms. Scozzafava, seconded by Mr. Craig, the Committee unanimously approved the July 2012 Draft Committee Minutes as amended to correct a spelling error in Mr. Stegemann's name.

The Enforcement, Administration, Local Government Services, Park Ecology, Legal, and State Land committees did not meet this month. Monthly activity reports for several of these committees were included in the mailing.

9. Local Government Review Board Comment

Review Board Executive Director Fred Monroe commented on invasive species and called attention to a meeting to take place that day in Brant Lake to discuss progress in the control of invasives. He opined that while regional progress has been made in the control of terrestrial invasives, the battle against aquatic invasives is being lost. Mr. Monroe stressed the need for a statewide solution which should include sufficient funding targeted for invasive species control. He referred to Lake George, the "Queen of American Lakes" whose beauty once inspired President Thomas Jefferson, but which is now plagued with Eurasian milfoil, Asian clam, curly-leaf pondweed, zebra mussel and most recently the spiny water flea.

10. Member Comment

Mr. Valentino commended the Herman/Mason presentation on their strategic visioning work and complimented the leadership demonstrated by Messrs. Herman and Mason through their project. He also acknowledged the serious situation involving invasive species and applauded the Governor's recent signing of the Invasive Species Transport Law.

Ms. Scozzafava added her compliments regarding the meeting. She noted significant potential not only in opportunities for the future, but also in what is occurring now. Ms. Scozzafava also called attention to grants available through the Department of State. Additional information can be found on the Department's website at <http://www.dos.ny.gov/grants.html>. Ms. Scozzafava then

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commented on recent discussions with the Agency regarding opportunities for collaboration.

Mr. Thomas commended the meeting, particularly the presentations by Regulatory Programs staff.

Mr. Mezzano added his compliments regarding the meeting and thanked Regulatory Programs, Legal and RASS staff, particularly for their efforts on the Highlands Farmers project. He also expressed his appreciation to Basil Seggos of the Governor's Office for taking time to attend the Agency meeting.

Mr. Stegemann expressed his enthusiasm about the positive energy within the Park. He also noted passing the 8-month mark with DEC and the substantial learning involved. At the same time, he noted private interests affecting decisions in the Park, and he emphasized practical thinking when doing our work. Mr. Stegemann also called attention to the recent Finch land deal and DEC's plans to involve various interest groups to achieve an end result that is workable for the Park as it moves toward recommendation on a classification package and unit management plan. Regarding invasive species, Mr. Stegemann acknowledged the Department's great concern and the importance of communication and collaboration among agencies and groups.

Mr. Lussi commended the program by Fred Monroe and Brad Gentry on Healthy Rural Economies, which illustrated how seemingly diametrically opposed organizations can learn from and help each other. Mr. Lussi also commended Jim Herman and Dave Mason on their visioning work for the Park and finding common ground in the process. He expressed optimism and looked forward to implementation. With regard to previous comments regarding jobs in a tourism-based economy, Mr. Lussi noted that IT jobs are an example of a non-tourism-based business that can substantially help tourism and provide substantial benefits for communities and small businesses.

Mr. Craig thanked the Chairwoman and Executive Director for their recognition of the Ranger School's 100th Anniversary. He noted there was significance in that the Agency and its policies rely on private forest lands that are healthy and profitable. He then referred to the poor condition of the wooden Adirondack Park signs marking entry to the Park and the need to refurbish them to appropriately reflect pride in the Adirondack Park.

Mr. Wray commended the substantive meeting content. He referred to the Cunningham variance and noted his vote was intended primarily as a statement against the way the Agency deals with variances in general. He requested the Agency review the criteria by which it

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grants variances, particularly as it relates to practical difficulty/unnecessary hardship.

Chairwoman Ulrich encouraged a future discussion and debate on variances. Mr. Wray suggested it occur outside of the parameters of a particular case.

Ms. Martino commented on the positive and productive energy and the sharing of information at this meeting. She expressed her appreciation to the Board for its thorough review and deliberation on the values of open space in the Park. Ms. Martino also thanked the staff team for their work on the Highlands Farmers project. She referred to the work of Jim Herman and Dave Mason and noted its importance in defining the Park's future. Ms. Martino then referred to Ms. Scozzafava's comment regarding the Department of State's work with the Agency, and she noted that the Agency has been working with all three designees at the table looking at opportunities for collaborative work with the Department of State, Department of Environmental Conservation and Empire State Development.

Chairwoman Ulrich commended Agency staff for their preparation and presentations over the past two meetings. She noted the last of the Adirondack Park Invasive Plant Program's invasives training in Old Forge on August 21 from 1 to 3 p.m. She also said she was looking forward to conveying to the Invasive Species Council the concerns expressed at the Agency meeting about the need to elevate actions in the control of invasive species. The Chairwoman also noted with interest that the Local Government Review Board was the sole presenter on invasive species that she had heard in the last several months. The Chairwoman concluded her remarks with best wishes to the Executive Director for her birthday.

12. Adjournment

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

LCU/TDM/dal

Attachments:

Resolution, 100th Anniversary of the SUNY CESF Ranger School

2012-58, Constance and Michael Cunningham

2010-269, Highlands Farmers, LP

Leilani Crafts Ulrich, Chairwoman