



**M E M O R A N D U M**

**TO:** Terry Martino

**FROM:** Daniel M. Spada

**DATE:** September, 2012

**RE:** RASS Division Report for September 2012

**Projects**

Field visits were conducted for those projects preceded by an asterisk (\*).

P1998-0313C-2A, Gagnier, Town of Watson: RASS staff reviewed and approved a revised on-site waste water treatment system engineered plan on a lot in a previously approved subdivision. Other involved Agency staff: C. Parker. (LaLonde)

P2003-0032A, Royal Anchorage, Town of Putnam: The request is for the expansion of a previously permitted single family dwelling within an already Agency permitted subdivision on the shoreline of Lake George. RASS issues include the capture and treatment of stormwater in a location within close proximity to Lake George. A coordinated review with the Lake George Park Commission will take place to ensure the adequate management of stormwater on the subject lot. A visual impact analysis may need to be performed due to the location of the proposed dwelling and the associated clearing. Other involved Agency staff: Saehrig. (Bendell)

\*P2006-0209, Issac, Town of Webb: A permit amendment for a building and bedroom expansion on a previously approved lot on Fourth Lake. A site visit was conducted to re-assess the lot, existing and proposed development, shoreline cutting/planting and on-site wastewater treatment. Review is on-going. Other involved Agency staff: S.Parker. (LaLonde/Ziemann)

\*P2012-0084, Gessner, Village of Lake Placid: Agency staff attended a variance and legislative hearing for an expansion of a pre-existing commercial use building within 50 feet of Mirror Lake in a Hamlet Land Use Area. The project is also a Class A project since the proposed structure exceeds 40 feet in height. Issues include height, alternative designs, variance square footage, visibility, code compliance, water quality, and adequacy of municipal

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infrastructure. Other involved Agency staff: C.Parker, McAleese.  
(LaLonde)

P2012-0086, Bassarab, Town of Keene: Agency staff reviewed a revised proposal for a commercial use building in a Hamlet Land Use Area. The project has been revised to eliminate the need for an on-site wastewater treatment variance and eliminated wetland impacts. As a result, the project is potentially non-jurisdictional. Other involved Agency staff: Darrah (LaLonde, O'Dell)

\*P2012-0093, Oksala, Town of Hadley: Agency staff conducted a second site visit to assess revised deep-hole test pits and proposed building envelopes for two new building lots in a three-lot subdivision. Soils were determined to be suitable for conventional on-site wastewater treatment systems. Other involved Agency staff: Yamrick (LaLonde, Ziemann)

\*P2012-0101, Northwood School, Town of North Elba: Agency staff reviewed a proposal for a new public/semi-public building. RASS issues included adequacy of municipal wastewater infrastructure, stormwater management, parking and waste disposal. The application has been deemed complete and final review is continuing. Other involved Agency staff: C. Parker. (LaLonde)

P2012-0106, NYS DOT, Town of Chesterfield: This project involves modifying an old beaver dam by breaching to facilitate highway repair activities and involves wetlands. Other involved Agency staff: Saehrig. Other involved agencies or municipalities: DEC. (Rooks)

P2012-0137, Naumberg/Hoffman, Town of Fine: Proposed boardwalk and footbridge to connect two areas of property over Oswegatchie River currently connected by a Town road involving wetland impacts. Plans have been reviewed and second NIPA issued. Staff await response including the justification for wetland impacts. Other involved Agency staff: McSherry. (Rooks, Bendell)

P2012-0149, Carville, Town of Belmont: Proposed pond dredging on a previously dredged pond, permitted in 1994. RASS issues include wetland and water quality protection. Site visits have been conducted. Staff await receipt of detailed plans. Other involved Agency staff: Walrath. (Rooks, Bendell)

P2012-0151, ARISE, Town of Tupper Lake: RASS staff reviewed an application for re-issuance of a permit to operate the Big Tupper Ski Area for the 2012-2013 season under the same terms as permitted last year and did not identify any issues for completeness. Other involved Agency staff: Walrath. (LaLonde)

\*P2012-0153, Town Hall, Town of Harrietstown: Attended a variance hearing for and new and expanded retaining wall/ rip-rap structure within 50 feet of the Saranac River in a Hamlet Land Use Area. Issues include code compliance, flood protection, public safety, water quality, aesthetics, alternatives and neighboring impacts. Other involved Agency staff: McAleese, Darrah. (LaLonde)

### **Pre-Application**

Field visits were conducted for those pre-application meetings preceded by an asterisk (\*).

\*A2012-0007, Washburn, Town of Stony Creek: Three lot subdivision along the shoreline of Lens Lake involving a pre-existing single family dwelling, one lot proposed for the construction of a single family dwelling, and a third non-building lot to be merged with a neighbor's property all located in Resource Management Land Use Areas. Agency staff evaluated soils for the installation of an on-site wastewater treatment system. The location of a dock on the subject lot was also investigated. Plans for the specific location of the proposed development are currently anticipated. Other involved Agency staff: Saehrig. (Bendell, Ziemann)

\*A2012-0044, McClaren, Town of Broadalbin: Agency staff investigated soils and wetlands for a proposed subdivision and conversion of a garage to a single family dwelling. To avoid having an on-site wastewater treatment system located beyond a wetland crossing and in an isolated location it was suggested by Agency staff to construct the absorption field within 100 feet of the wetland, approx. 85 feet. This approach will ensure that any future problems or failures are discovered expediently and increases the likelihood they are addressed in an appropriate manner. Proper siting and design of the OSWTS will ensure the future protection of the wetland. Other involved Agency staff: Yamrick. (Bendell, Ziemann, O'Dell)

A2012-0135, Fountains Forestry, Town of Clifton: Agency staff reviewed revised plans for a culvert replacement and determined that the project will not affect wetlands and is now NJ. Other involved agencies or municipalities: DEC. (Rooks, Ziemann, Bendell)

\*A2012-0138, Town of Ticonderoga: RASS staff investigated the site of proposed new water wells involving wetlands. Staff delineated wetlands at one possible well site and examined wetlands at another. Staff will process a future application for temporary impacts to wetlands for a test well and possibly evaluate an application for permanent impacts with mitigation, and will also provide the consultant with a wetland air photo interpretation for a second site so they can avoid wetlands with their access road. Other involved Agency staff: Darrah. (Rooks)

Other involved agencies or municipalities  
Field investigation conducted? Yes. Rooks

A2012-0141, Burnette, Town of Tupper Lake: This pre-application pertains to a multi-lot subdivision located on a lot previously permitted by the Agency. A site visit has been scheduled to investigate soils for the installation of on-site wastewater treatment systems on each of the newly created lots. RASS issues include steep slopes and potentially shallow depths of soils. Other involved Agency staff: McSherry. (Bendell, Ziemann)

### **Jurisdiction**

Field visits were conducted for those jurisdictional inquiries preceded by an asterisk (\*).

J2012-0314B, Thompson, Town of Ellenburg: RASS staff reviewed a proposed retaining wall project and determined that the proposed retaining walls would constitute an expansion and would also encroach further into the Lake thereby increasing non-compliance with the shoreline restrictions. As a result, a variance would have been required. Potential non-jurisdictional options were provided that protect the resources and meet the landowners objectives. An alternative design was chosen that did not require a permit or variance from the Agency and a letter of non-jurisdiction was issued. Other involved Agency staff: Miller. (LaLonde)

\*J2012-0466, Conover, Town of Ellenburg: RASS staff reviewed a proposed retaining wall project and determined that the proposed retaining walls would constitute an expansion and would also encroach further into the Lake thereby increasing non-compliance with the shoreline restrictions. As a result, a variance would have been required. During a site visit a non-jurisdictional alternative design was chosen that protects the resources and meets the objectives of the landowner. Other involved Agency staff: Miller. (LaLonde/Bendell)

J2012-0479, Garvey, Lincoln Pond, Town of Elizabethtown: RASS staff reviewed a proposed retaining wall project and determined that the proposed retaining walls would constitute a height expansion and would also encroach further into the Lake thereby increasing non-compliance with the shoreline restrictions. As a result, a variance would have been required. The Agency is currently coordinating with DEC and the applicant to determine if other alternatives can be explored. Other involved Agency staff: Miller. (LaLonde)

\*J2012-0485, Duffy, Town of St. Armand: This inquiry involved a subdivision possibly affecting wetlands. RASS staff determined

that a wetland was NJ because it was < 1 acre and not associated with a permanent stream. Staff also verified that the associated stream was intermittent. (Rooks)

\*J2012-0518, Rainbow Lake LLC, Town of Brighton: This inquiry involved rip rap/shoreline stabilization potentially involving wetlands. RASS staff examined the fringe shoreline wetland and talked with owner, determined that his project, hand-placing small stones along undercut shoreline, would not affect wetlands. Other involved agencies or municipalities: DEC. (Rooks)

### **Enforcement**

Field visits were conducted for those enforcement cases preceded by an asterisk (\*).

\*E2012-0075, Becker, Town of Long Lake: A site visit was conducted with the landowner and their attorney to assess and discuss remedial options for apparent shoreline structure constructed within the shoreline. Issues included identification of the mean high water mark and whether existing structures and proposed alternatives are structurally and functionally integrated. Other involved Agency staff: Fravor, McNamara. (LaLonde)

\*E2012-0131, Skelling, Town of Tupper Lake: Report of wetland fill and septic system installed w/in 100 ft of wetland. Report was unfounded; fill was not in wetland and no septic system has been installed. RASS staff flagged wetland to assist in septic system planning. Other involved Agency staff: Adams, Wagner. (Rooks)

\*E2008-192F. Shiel, Town of Lake Luzerne: A site visit was conducted with the landowner, contractor and potential buyer. Remediation of apparent wetland fill on the site is progressing. Other involved Agency staff: Burth. LaLonde/Ziemann)

### **Planning**

Town of Willsboro Septic Ordinance: Reviewed and provided written comments on the Town's proposed amendments to their Septic Ordinance included in the Agency approved Local Land Use Program. Other involved Agency staff: Grisi. (LaLonde)

### **Wetlands**

Field visits were conducted for those jurisdictional inquiries preceded by an asterisk (\*).

\*W2012-0194, DEC, Town of Duane: Proposed new road for canoe access to Madawaska Flow to replace recently closed access. RASS issues include wetland fill. Staff await receipt of permit application. Other involved agencies or municipalities: . (O'Dell)

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RASS staff provided 23 air photo interpretations for wetland determinations or GIS projects for: JIFs, Landowners, Enforcement cases, Reg Program projects, and towns. (Mark Rooks, Mary O'Dell)

#### **Meetings/Events Attended**

RASS staff attended a forestry tour of the Chateaugay Woodlands in the Town of Saranac. The tour was lead by Rick Denial and Richard Carbonetti of Landvest, LLC and Matt Sampson of the Forestland Group. The tour was offered as an opportunity to discuss silvicultural goals and objectives through a review of recent harvest activities. The tour was attended by local government and state agency officials, as well as the Governor's Assistant Secretary for the Environment, Basil Seggos.

Three locations within Chateaugay woodlands were visited: a shelterwood cut, a post-ice storm salvage harvest, and two sub-25 acre silvicultural clearcuts. Topics of conversation included the benefits of appropriate silvicultural treatments in restoring forest health, an overview of the state of the forest products industry, and opportunities for collaboration with government agencies to improve regulatory processes. (Ziemann, O'Dell, Rooks)

RASS Staff participated in a meeting of the LCBP Technical Advisory Committee. (Snizek)

Agency staff participated in the Lake George Asian Clam Rapid Response Task Force (LGACRRTF) conference call. Members of the LGACRRTF and volunteers have been conducting a lake-wide survey to identify new Asian clam infestations. Approximately seventy percent of the lake has been surveyed to date resulting in the identification of four new A. clam sites. Agency staff will be working closely with the task force during the next two weeks to complete site visits to evaluate all new sites for Agency permit requirements. Preliminary evaluation of one site indicates that any management at the site will be non-jurisdictional with the Agency. (Snizek)

Agency staff participated in a meeting with staff of the DEC, PSC and International Paper (IP) staff to discuss the Company's interest to convert its power and recovery boilers from fuel oil to cheaper natural gas. International Paper is working with Vermont Gas which is planning a new 10" natural-gas transmission pipeline from Burlington to Middlebury, Vt. International Paper is currently evaluating whether it is feasible to extend a spur line a few miles across Lake Champlain to the Ticonderoga mill site. An estimated 380,000 barrels of fuel oil are burned by the mill per year and the natural gas conversion could provide a significant savings. The project is important so IP can continue to produce paper competitively. The mill employs about 600 people. Staff

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discussed potential permitting procedures and jurisdiction of each State agency and whether permitting could be completed by February of 2014 and construction completed by December of 2015.

International Paper is in the early stages of planning for the routing of the transmission line and will have more detail within two months. It was agreed that another meeting would be scheduled to discuss permitting requirements when more detailed information was provided. (Spada, Weber)

Agency staff met with Peter Bauer from Protect! to discuss the draft Silvicultural General Permit. (Spada, Martino, Weber, Reynolds).

RASS staff participated in a teleconference with the Interim Action Committee of Algonquin to Adirondacks (A2A). The upcoming workshop was discussed. (Spada)

RASS staff participated in a teleconference with the Conference Committee of the Adirondack Research Consortium to discuss plans for the 20<sup>th</sup> Annual Conference on the Adirondacks. (Spada)

DMS:lhb

cc: RASS Staff

M E M O R A N D U M

**TO:** Daniel M. Spada  
**FROM:** Mary O'Dell  
**DATE:** September 25, 2012  
**SUBJECT:** Updated 2012 wetland field visit statistics

**Year 2012 Wetland Field Visits**

Time Period	Number of requests received during month	Number completed	Interval for processing. (Date received to date scheduled for those received in that month)	Number pending
January	2	2	N/A	0
February	6	3	N/A	3
March	25	8	N/A	20
April	33	36	15	17
May	38	48	8	7
June	26	23	14	10
July	26	27	12	9
August	27	31	9	5
September	22	23	10	4
Cumulative for 2012	205	201	Avg = 11	4

c: M. Rooks

**M E M O R A N D U M**

**TO:** Dan Spada  
**FROM:** Aaron Ziemann  
**DATE:** September 26, 2012  
**RE:** September Deep-hole Test Pit Statistics

To date in September of 2012, a total of 7 deep-hole test pit (DHTP) evaluations were conducted in review of 7 projects or pre-applications. All 7 of these evaluations were performed by Agency staff. Of the 7 DHTP locations, none met Agency guidelines for conventional wastewater treatment systems, 86 percent met Agency guidelines for shallow wastewater treatment systems, and 14 percent did not meet Agency guidelines for installation of an onsite wastewater treatment system.

<b>Deep Hole Test Pit Statistics</b>	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Year To Date</b>
<b>Projects Involving DHTPs</b>	<b>7</b>	<b>5</b>	<b>1</b>	<b>11</b>	<b>11</b>	<b>5</b>	<b>7</b>	<b>7</b>	<b>3</b>	<b>57</b>
DHTPs Described by APA	13	7	2	24	6	8	13	21	7	101
DHTPs Described by Consultants	5	4	0	1	5	0	1	3	0	19
<b>Total DHTPs</b>	<b>18</b>	<b>11</b>	<b>2</b>	<b>25</b>	<b>11</b>	<b>8</b>	<b>14</b>	<b>24</b>	<b>7</b>	<b>120</b>
Approved Conventional Systems	9	1	0	4	4	4	4	4	0	30
Approved Shallow Systems	3	5	0	14	6	4	4	9	6	51
Did not Meet Agency Guidelines	6	5	2	7	1	0	6	11	1	39
Approved Conventional Systems %	50%	9%	0%	16%	36%	50%	29%	17%	0%	25%
Approved Shallow Systems %	17%	45%	0%	56%	55%	50%	29%	38%	86%	43%
Did not Meet Agency Guidelines %	33%	45%	100%	28%	9%	0%	43%	46%	14%	33%
Approved Shallow Systems	3	5	0	14	6	4	4	9	6	51
Shallow Systems due to SHGWT	3	5	0	14	5	4	3	9	3	46
Shallow Systems due to Bedrock	0	0	0	0	2	0	1	0	3	6
Shallow Systems due to SHGWT %	100%	100%	0%	100%	83%	100%	75%	100%	50%	90%
Shallow Systems due to Bedrock %	0%	0%	0%	0%	33%	0%	25%	0%	50%	12%