

Draft



Regulatory Programs Committee
September 13, 2012
Agency Meeting
REW:mlr

Regulatory Programs Committee
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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
William Valentino, Member
Dierdre Scozzafava, Designee, NYS Department of State
Robert Stegemann, Designee, NYS Department of Environmental Conservation
Terry Martino, Executive Director
Acting Counsel Sarah Reynolds
Fred Monroe, Local Government Review Board

Member Cecil Wray, and Designee Jen McCormick, NYS Department of Economic Development were not present at Agency meeting.

The Committee convened at 9:40 am.

1. Approval of August Draft Regulatory Programs Committee Minutes

On motion of Mr. Booth seconded by Mr. Lussi the Agency unanimously adopted the Draft Agency Minutes of the August 2012 Agency meeting with minor edits.

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

Mr. Weber reviewed the status report for Regulatory Programs and highlighted projects on the High Profile Report and the Workload Summary Report.

He briefly discussed the status of P2012-128 Essex County, NY State Police and NYSEG project.

Mr. Weber stated P2012-132, co-location of a telecommunications facility on an existing water tank in the Town of Newcomb, was determined not to be eligible for a general permit. A General Information Form and Supplemental Information Form was sent to applicant on August 15, 2012.

3. 2010-71 (L. Walrath)
New York RSA No. 2 Cellular Partnership
d/b/a Verizon Wireless
Village of Port Henry
Essex County, Hamlet

Mr. Walrath presented a power point which provided an overview of the proposed project, project site and location. He discussed Agency jurisdiction and the existing environment.

He showed several slides of the existing project site. He showed slides comparing the existing water tower and the proposed 115 foot tall simulated tree tower. Mr. Walrath noted the applicant considered several alternatives to the proposed project site.

He stated there are 14 properties and one street eligible to be listed on the National Register of Historic Places located within 0.5 miles of the project site. Mr. Walrath stated there were no comments received regarding the proposed project.

Mr. Walrath discussed the Agency's Tower's Policy and noted a visual analysis was prepared by the applicant. The visual analysis confirmed that the proposed simulated tree tower would be visible from portions of Lake Champlain, along a portion of NY State Route 22 southerly of the Village of Port Henry, and from the Village of Port Henry.

It was noted that the simulation photographs (prepared by agency staff) aided in the Board's review of this project.

The standard condition on page 4 of the draft permit was briefly discussed regarding tree removal on the proposed project site.

Question was asked if Verizon's guyed lattice tower located southwesterly of the village will be removed once the new telecommunications tower is constructed? Mr. Walrath answered yes, if this project is approved. It is a condition set forth in Agency Permit 90-601C.

Question was asked if the staff will continue to provide simulations of proposed telecommunication towers? Answer was given that it is the applicant's responsibility to provide photographs to staff to review.

Mr. Lussi noted he would not have voted to approve this project without the simulated tree photographs.

Mr. Mezzano asked for a motion to move the project to Full Agency for approval. Mr. Valentino made the motion and the motion was seconded by Mr. Lussi.

The Regulatory Committee vote was unanimous in favor of the motion to move the project to Full Agency for approval.

A Review of P2009-256 previously approved by the Agency: (E. Snizek)

Project 2009-256, Town of Lake Luzerne - Treatment of Lake Luzerne with the aquatic herbicide Triclopyr (Renovate® OTF) to control Eurasian watermilfoil. Treatment area involves 11 acres at the south end of Lake Luzerne in Warren County.

Mr. Snizek presented a slide show. He summarized the treatment, monitoring, and the results from the treatment in Lake Luzerne. He discussed (Renovate® OTF) label restrictions and the chemical's toxicity.

A brief discussion ensued regarding the costs associated with different management methods. Mr. Snizek explained that costs vary according to size and density of EWM bed. Lake Luzerne spent \$49,500 over 3 years to treat 3.25 acres of EWM using benthic mats. The cost to treat 11 acres using the aquatic herbicide Renovate was approximately \$18,000 as reported by the Lake Luzerne Association. Private consultants involved with handharvesting estimate that it costs between \$1800 -\$2000 to handharvest approximately 1/2 acre of dense milfoil in a waterbody.

4. Old Business: NO

5. New Business: NO

Adjournment: The Regulatory Committee meeting adjourned at 11:05 am.
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Note: The power point presentations referred to herein are on file at the Agency. Copies are also available for inspection on request and can be viewed at of this meeting:

http://nysapa.granicus.com/ViewPublisher.php?view_id=2