



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

TO: Agency Members and Designees

FROM: Terry Martino, Executive Director

DATE: October 3, 2012

RE: Regulatory Programs Committee Agenda

(1) Approval of Draft Committee Minutes for September 2012

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

(3) 2012-84 (C. Parker)  
One Main On the Lake, LLC  
Village of Lake Placid  
Town of North Elba, Essex County  
Hamlet

**JURISDICTIONAL PREDICATES:** Class A project: §809 and 810(1)(4) of the Adirondack Park Agency Act which require that in a Hamlet land use area, a structure greater than 40 feet in height as measured from the highest point of a structure to the lower of either natural or finished grade requires an Agency permit as a Class A Regional Project.

**Variance Application:** §806 of the Adirondack Park Agency Act (Article 27 of the Executive Law) and 9 NYCRR Part 575 which require a shoreline setback variance for expansions of structures located within 50 feet of the mean high water mark in a Hamlet area.

**PROJECT STATUS/TIME CLOCK:**

**Class A project**

1. Completion Date: 8/28/2012
2. Public Comment Period Expires: 9/27/2012
3. 60 Day Clock: October 27, 2012
4. 90 Day Clock: November 26, 2012

**Variance Application:**

1. Date of Variance Hearing: September 18, 2012
2. 45 day post-hearing: November 2, 2012

**DESCRIPTION OF THE PROJECT:**

Replace a recently removed structure (partially located within 50 feet of the mean high water mark of Mirror Lake) with a new larger, structure that will be taller and slightly wider than the preexisting structure, and will include a new second story deck and an expanded third story deck, on the shoreline side of the building.

**Class A Regional Project:** The preexisting structure measured approximately 38 feet in height from the highest point of a structure to the lowest grade. The proposed expanded structure will measure from the lowest grade, 43 feet 2 inches in height to the new ridgeline.

**Variances from §806 shoreline setback requirements:** The proposed building will be expanded within the shoreline setback, laterally to the north by approximately 3 feet so as to connect with and stabilize the existing stone wall at the south edge of the adjoining Village property. The second story and third story portions of the building will also be expanded towards the shoreline, but not closer to the mean high water mark than the closest point of the former building's lower level porch which was constructed (unlawfully) in 1979.

**ISSUES AND DISCUSSIONS:** visual impacts, impacts to adjacent uses and variance criteria:

- a. *whether adverse consequences from denial outweigh the public purpose of statutory shoreline restriction;*
- b. *whether the application requests the minimum relief necessary;*
- c. *whether granting the variance will create a substantial detriment to adjoining or nearby landowners;*
- d. *whether the difficulty can be obviated by a feasible method other than a variance;*
- e. *the manner in which the difficulty arose;*
- f. *whether granting the variance will adversely affect existing resources;*
- g. *whether the imposition of conditions upon the granting of the variance will ameliorate the adverse effects noted above.*

**RECOMMENDATION:** Approve with conditions

EPS: C. Parker  
RASS: S. Lalonde

ATTORNEY: J. McAleese  
ECONOMICS: D. Kelleher

2005-271R3 Renewal (R. Weber)  
Adirondack Wind Partners, LLC  
Town of Johnsbury, Warren County  
Industrial Use

**JURISDICTIONAL PREDICATES:** The project as originally approved consists of the installation of a meteorological monitoring tower in an Industrial Use land use area, constitutes new land use and development requiring prior Agency review pursuant to Condition 6 of Agency Permit 89-535 and a Class B regional project requiring an Agency permit pursuant to §810(2)(e)(7) of the Adirondack Park Agency Act.

**PROJECT STATUS/TIME CLOCK:**

1. Project Completion Date: n/a
2. Public Comment Period Expires: n/a
3. 60-Day Clock: n/a
4. 90-Day Clock: n/a

**DESCRIPTION OF THE PROJECT:** The applicants are seeking to renew the permit to allow the temporary meteorological monitoring tower to remain an additional two years.

**ISSUES AND CONCERNS:** Wind monitoring has been occurring on the project site for over nine years. On October 23, 2003, the applicant was granted an amended Agency permit (Project and Permit No. 89-535A) authorizing temporary (two years) installation of a meteorological monitoring tower on Pete Gay Mountain (an adjoining Resource Management land use area). Renewed Agency Permit 89-535AR was issued on September 2, 2005 authorizing another 2 year two-year period because equipment breakdowns resulted in the loss of over six weeks of data, and because weather patterns over the past year appeared to be abnormal. The mast approved on Pete Gay Mountain collapsed due to excessive ice loading in 2008. It was not replaced. A second temporary mast (the subject of this permit) was approved on August 11, 2006) was approved for 2 years.

The mast in the new location has subsequently been renewed for successive two-year periods up to the most recent renewal 2005-271R2 issued on October 15, 2010 and conditioned to expire on October of 30, 2012.

By letter dated August 8, 2012, the Project Sponsor requested an additional renewal, of the permit providing a rationale for lack of certainty in the business and regulatory environments in order to determine the future for a wind project at the Barton site. At the

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same time, the justification for maintaining an up-to-date and continuous data stream of the wind potential at the site as cited in the prior renewal request still remains the basis for the renewal request

**RECOMMENDATION:** Approve with conditions

(4) Old Business

(5) New Business

TM:REW:PVC:MJG:CCP:mlr