



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

TO: Agency Members and Designees

FROM: Terry Martino, Executive Director

DATE: November 7, 2012

RE: Regulatory Programs Committee Agenda

(1) Approval of Draft Committee Minutes for October 2012

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

(3) 2012-153 (T. Darrah)  
Town of Harrietstown  
Town of Harrietstown, Franklin County  
Hamlet

**JURISDICTIONAL PREDICATES:** Sections 806 and 814 of the Adirondack Park Agency Act

**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:**

1. Section 576.5 hearing held on September 24, 2012
2. 45-Day Clock: (from completion of the hearing):  
November 8, 2012

**Variance Application:**

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

**DESCRIPTION OF THE PROJECT:** The variance as requested involves the replacement and expansion of an existing 105± foot long retaining wall within 50 feet of the Saranac River. The proposed new retaining wall will include: (1) a 107± foot section in the same location as the existing 105± section, (2) a section at the south end which extends 20 feet to the east (3) a new section that will extend 9 feet to the south to the edge of the existing NYS Route 3

bridge abutment. A 100± square foot access ramp with metal railing is also proposed. The portion of the wall extending to the NYS Route 3 bridge and the access ramp will be located on land owned by the State of New York as part of the highway right-of-way. The height of the 107± foot section of the retaining wall will be approximately 3 to 4 feet taller than the existing retaining wall to provide a 42 inch tall guard along the top of the wall.

**ISSUES AND DISCUSSIONS:** The Town of Harrietstown needs to replace the damaged retaining wall, which is beyond repair. The replacement retaining wall must meet current NYS Building Code and serve to protect the Town Hall from future potential flooding of the River. In order to meet building code and protect the property, the wall must be extended in height and length, which requires a variance from the structure shoreline setback restrictions. An Agency Section 814 Order is also required for the portion of the project located on lands owned by the State of New York and under the jurisdiction of the New York State Department of Transportation.

**RECOMMENDATION:** Grant the variance with conditions and approve the project

EPS: T. Darrah  
RASS: S. Lalonde

ATTORNEY: J. McAleese  
ECONOMICS:

2012-158 (A. Lynch)  
New Cingular Wireless, PCS, LLC ("AT&T")  
Village of Lake Placid  
Town of North Elba, Essex County  
Hamlet

**JURISDICTIONAL PREDICATES:** Section 809 of the Adirondack Park Agency Act

**PROJECT STATUS/TIME CLOCK:**

1. Completion Date: September 25, 2012
2. Public Comment Period Expires: not applicable
3. 60-Day Clock: not applicable
4. 90-Day Clock: not applicable

**DESCRIPTION OF THE PROJECT:** General Permit 2005G-3R for the removal of two existing omni-directional antennas, and a supporting 5.5-foot block, currently mounted on the roof of the Lake Placid Crowne Plaza Resort & Golf Club and their replacement with a nine-panel antenna array concealed behind roof gables designed to blend with the building façade.

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The two antennas to be removed each reach a height of 49.5 feet above the first floor (AFF). The panel antennas to be installed reach a height of 48 feet AFF behind the roof gables. The four gables to be constructed will each reach a height of 47 feet 10 inches AFF at their peak and will be built of radio-frequency transparent materials. Equipment associated with the antennas will continue to be located within an equipment room within the hotel. Related Agency Permit P2010-154 covers a similar upgrade of antennas and gables for Verizon Wireless on the same roof.

**ISSUES AND CONCERNS:** Towers policy, Aesthetic impact

**RECOMMENDATION:** Approve with conditions

EPS: A. Lynch

ATTORNEY: M. Goroski

(4) General Permits

General Permit 2008G-1B - Management of Aquatic Invasive Species Using Benthic Barriers and Hand Harvesting Techniques - Staff seek authorization to release draft general permit for public comment. (E. Snizek)

General Permit 2012G-1 - Silvicultural Treatments That Meet Jurisdictional Clearcutting Thresholds - Staff seek authorization to release draft general permit for public comment. (D. Spada)

(5) Old Business

(6) New Business

TM:REW:PVC:MJG:CCP:mlr