



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

**TO:** Terry Martino  
**FROM:** RASS Staff  
**DATE:** February 28, 2013  
**RE:** RASS Division Report for February 2013

**Projects**

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

P2013-0019, Hilton, Sacandaga Lake, Town of Lake Pleasant: RASS staff reviewed variance application materials for a proposed expansion (in height only) of a single family dwelling located partially within the shoreline setback of Sacandaga Lake in a Moderate Intensity Land Use Area. Staff reviewed the existing on-site wastewater treatment system design and provided an alternatives analysis for the proposal. Other involved Agency Staff: Darrah (LaLonde)

P2012-0125, Sipp, Town of Keene: RASS staff reviewed a proposed survey map proposing a two lot subdivision involving wetlands creating one lot developed with existing commercial uses and one lot developed with an existing single family dwelling. The commercial use lot is also a substandard sized lot. RASS staff assessed wastewater generation and potential suitable absorption field replacement areas depicted on the map and as discussed during a prior field visit. The proposed subdivision addresses current wastewater use and future use can be addressed by condition in any draft permit. Other involved Agency Staff: Darrah (LaLonde)

P2012-0159, Bender, Lake George, Town of Fort Ann: RASS staff provided suggested permit language for a shoreline subdivision including two existing single family dwellings which address water quality and visual impacts. Other involved Agency Staff: Yamrick (LaLonde)

P2011-0103, White, Lake George, Town of Putnam: RASS staff reviewed most recent submission associated with a seven lot subdivision (4 jurisdictional lots) with shoreline on Lake George. Staff assessed natural site factors and the potential for adverse visual and water quality impacts related to clearing, on-site wastewater treatment, stormwater management and other site development activities. Attended a meeting on February 26, 2013 with the applicant's legal and technical consultants to discuss remaining issues. The project remains incomplete. Other involved Agency Staff: McSherry/Phillips. (LaLonde)

P2012-0201, Reiss, Lake Placid, Town of North Elba: The project includes a temporary two-lot subdivision into sites adjacent to shoreline on Lake Placid resulting from the construction of a proposed new single family dwelling on a 1.15 acre parcel with existing development. RASS staff reviewed the most recent survey map and determined it adequately addressed siting of the development envelope, vegetative clearing and erosion and sediment control. Other involved Agency Staff: S. Parker. (LaLonde)

P2012-0172, Paradise Point, Great Sacandaga Lake, Town of Mayfield: The project consists of a 26 lot subdivision involving wetlands resulting in the creation of 23 lots in a Moderate Intensity Use land use area; and construction of seven multiple family dwellings comprised of twenty dwelling units in a Moderate Intensity Use land use area. Provided permit findings and conditions for wastewater treatment, stormwater management and Town ownership, operation and maintenance of all stormwater, sewer and road infrastructure. Other involved Agency Staff: Yamrick (LaLonde)

P2013-0013, Warren County DPW, Town of Johnsburg: Proposed replacement of the Crane Mountain Road bridge over Mill Creek. The project will involve permanent and temporary wetland loss during the placement of a temporary bridge and construction of the replacement bridge. RASS staff reviewed permit application and provided NIPA questions. Other involved Agency Staff: Saehrig. Other involved agencies or municipalities: DEC, ACOE. (Rooks, O'Dell, Bendell)

P2013-12, Conover/Carpenter, Town of Ellenburg: This proposal involves a requested shoreline setback variance for a retaining wall replacement and expansion. RASS staff reviewed the proposed planting plan and applied the appropriate variance criteria for

inclusion into a request for additional information. Other involved Agency Staff: McSherry. (Rooks, Bendell)

P2013-0020, NYSDEC, Town of Essex: Application of the pesticide rotenone to Rhododendron Pond to remove non-native fish species. The pond will be restocked with brook trout following a successful reclamation. Rhododendron Pond is 2.6 acres in size and located in the Dix Mountain Wilderness Area, Town of Keene, Essex County. An approved UMP is available for the Dix Mountain Wilderness Area. RASS staff (Snizek) is responsible for drafting NIPA and will be involved in drafting permit after site visit is completed.

P2013-001, Old Forge Arts Guild, Town of Webb: Interpretive boardwalk through a wetland. Edited draft permit. Other involved Agency Staff: Walrath. (Rooks)

P2012-0100; Upper Jay Fire Department, Town of Jay: Subdivision permit issued in October, 2012, for the creation of three lots. As required by permit condition, applicant submitted plans for a new proposed fire station on one of the newly created lots. RASS attention for review of proposed stormwater plan (including a proposed rain garden), septic details, utility proposal, and proposed landscaping. Other involved Agency staff: Saehrig. (Ziemann, Bendell)

P2013-0021, Sykes, Town of Russia: This project is for the proposed construction of a retaining wall along the shoreline of Hinckley Reservoir along the toe of a steep slope requiring a variance from the Agency. Comments have been provided by RASS staff for a request for additional information along with a request for a site visit should the applicant choose to pursue the proposal. Other involved Agencies: USACOE, NYSDEC. Other involved Agency staff: S. Parker. (Bendell)

P2013-0027; Brunette, Town of Tupper Lake: The project is a seven lot subdivision, creating more than 15 lots since May 22, 1973 in a Moderate Intensity land use area. The project is also jurisdictional by condition 5 of Permit 2010-0160. One new single family dwelling with an onsite wastewater treatment system and onsite well is proposed for each lot. Previous analysis completed in pre-application (A2012-0141). RASS attention required for review of submitted DHTP soils data, wetlands analysis, stormwater management, and slopes. Staff reviewed submitted materials. Staff require the submitted plans be amended to include the soils data collected during the pre-

application process. Other involved Agency staff: McSherry, Fravor. (Ziemann, Bendell)

P2013-0016, Rayder, Town of Stony Creek: Four lot subdivision. Reviewed subdivision plans for accuracy of wetland locations and wetland impacts. Other involved Agency staff: S. Parker. (O'Dell)

P2012-0199, Sharlow, Town of Hopkinton: Proposed campground along Lyd Brook for both RV's and tent sites with sewer and water service proposed. Reviewed submission of response to first NIPA and provided comments for inclusion in second NIPA. Other involved Agency staff: McSherry. (O'Dell, Ziemann, Bendell)

P2012-0092, Warren County Railroad: multiple towns: Application of herbicide within 100 feet of wetlands for railroad corridor maintenance. Reviewed response to first NIPA and provided comments. Other involved Agency staff: Walrath. (O'Dell)

P2012-0032, Feeley General Store, Town of Lewis: This project is for the conversion of a four unit apartment into a general store with one apartment. RASS staff have evaluated the proposal, specifically the increase in impervious parking area, the existing on-site wastewater treatment system (OSWTS), along with highway safety concerns. A site visit will be conducted in the near future. Other involved Agencies include: NYS Agriculture & Markets, NYSDOH. Other involved Agency staff: Saehrig. (Bendell)

P2012-0135, Green Harbor HOA, Town of Lake George: Reconfiguration of existing marina. Reviewed draft permit and provided comments. Other involved Agency staff: Lynch (O'Dell)

P2012-0102, Evangelism Baptist Church, Town of Indian Lake: Two lot subdivision. Provided GPS data to applicant to assist in finding field-located wetlands. Other involved Agency staff: S. Parker. (O'Dell)

P1989-0146, Towns of Black Brook and Jay Sewage Treatment Plant: This previously issued Agency permit and variance authorized the construction of a sewer district and treatment facility. The facility includes lagoons that have accumulated sludge that must be addressed to ensure future operations. A site visit on February 27, 2013 provided many details on the proposed project. The Agency is awaiting updated plans that reflect the discussions that took place in the field. Other involved

Agencies: FEMA, NYSDEC. Other involved Agency staff: Saehrig.  
(Bendell)

### **Permit Compliance**

P1999-0991, NYCO, Seventy Road Mine, Town of Lewis: RASS staff reviewed annual report which included permit compliance issues related to a number of previous permits and issues pertaining to quantity of material mined, surface water quality, daily truckload limits, hours of operation and days of operation. The Agency is currently evaluating whether or not a more efficient process can be implemented to address permit compliance at the various NYCO facilities. Other involved Agency staff: Saehrig (LaLonde)

### **Pre-Applications**

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

A2013-17, NYSDEC, Town of Arietta Pre-Application for proposed use of the pesticide rotenone in Lower Sargent Pond to remove non-native fish species. The pond will be restocked with brook trout. Lower Sargent Pond is 130± acres in size and located in the Sargent Pond Wild Forest Area, Town of Keene, Essex County. Currently there is not an approved UMP for the Lower Sargent Pond Wild Forest Area. RASS staff (Snizek) is responsible for drafting NIPA and will be involved with drafting permit after site visit is completed in July.

A2013-0010, Sunderlin, Town of Forestport: Met with the project sponsors on February 8, 2013 to discuss a conceptual plan for a Quarry/RV park/Zip Line. Other involved Agency staff: McSherry, Kelleher (LaLonde)

A2013-0022, LaBar, Town of Minerva: Met with the project sponsors on February 28, 2013 to discuss a conceptual plan for new ice cream stand/ maple sugaring facility at an existing cabin complex. Other involved Agency staff: Yamrick, Kelleher (LaLonde)

A2013-007, Allen, Coates Point Subdivision, Town of Ticonderoga: Met with the new landowner of the peninsula lot to discuss redevelopment of an existing single-family dwelling and compliance with on-site wastewater treatment conditions included in a previous permit. Potential variance jurisdiction for the replacement dwelling and other shoreline structures was also discussed. Other involved Agency staff: S. Parker, Goroski (LaLonde)

### **Jurisdiction**

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

\*J2013-0043; Essex County Department of Public Works, Town of North Elba: Conducted site visit and reviewed jurisdictional inquiry regarding plan to replace the Adirondack Loj Road Bridge spanning the Ausable River in the Town of North Elba. The Ausable is a designated Recreational River at the project site and is located in a designated Resource Management land use area. RASS review addressed the following: shoreline cutting restrictions, rivers area forest management restrictions, Bridge replacement and rip-rap variance jurisdiction, municipal road expansion analysis, wetland impacts and DEC Rivers project/watershed management coordination. Other involved Agency staff: Heath, Rooks. (Ziemann/LaLonde)

J2013-0045, Rettig, White Lake, Town of Forestport: RASS staff evaluated an existing on-site wastewater treatment system installed within 100 feet of White Lake and determined no variance was required. The current proposal to increase occupancy (new detached structure) may require a variance if the existing on-site wastewater treatment system serves the new structure. Other involved Agency staff: Heath, Miller (LaLonde)

### **Enforcement**

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

E2012-0209, Lot 11, Coates Point, Lake George, Town of Ticonderoga: RASS staff assessed permit compliance associated with existing on-site wastewater treatment system serving Lot 11 of the subdivision. Other involved Agency staff: Wagner. (LaLonde)

E2012-0134, Trepanier, Town of Tupper Lake: Provided suggested terms in proposed settlement agreement to address existing on-site wastewater treatment systems serving a multi-family dwelling. Other involved Agency staff: Adams/Burth/Brewer (LaLonde)

\*E2012-0208, Denno, Town of Putnam: Joint site visit with LGPC to investigate potential violation involving the alleged construction of structures within the shoreline structure setback area of Lake George. Other involved Agencies: LGPC. Other involved Agency staff: MacNamara. (Bendell)

\*E2013-0006, Torre, Town of Putnam: Site visit to investigate alleged violation involving the recent construction of structures within the shoreline structure setback of Lake George. Agency staff will also be reviewing plans related to the alleged violations. Other involved Agency staff: Adams. (Bendell)

**State Land**

Provided comments on the revised Whitface Unit Management Plan amendment. Other involved Agency staff: Linck (LaLonde)

**Deep-Hole Test Pits**

To date in February of 2013, RASS staff has not conducted any deep-hole test pit (DHTP) evaluations in review of Agency projects, pre-applications or enforcement cases. Additionally, RASS staff have not reviewed any submissions of test pit data from outside consultants.

<b>Deep Hole Test Pit Statistics</b>	<b>Jan</b>	<b>Feb</b>
<b>Projects Involving DHTPs</b>	<b>2</b>	<b>0</b>
DHTPs Described by APA	0	0
DHTPs Described by Consultants	4	0
<b>Total DHTPs</b>	<b>4</b>	<b>0</b>
Approved Conventional Systems	1	0
Approved Shallow Systems	0	0
Did not Meet Agency Guidelines	3	0
Approved Conventional Systems %	25%	0%
Approved Shallow Systems %	0%	0%
Did not Meet Agency Guidelines %	75%	0%
<b> </b>		
Approved Shallow Systems	0	0
Shallow Systems due to SHGWT	0	0
Shallow Systems due to Bedrock	0	0
Shallow Systems due to SHGWT %	0%	0%
Shallow Systems due to Bedrock %	0%	0%

**Meetings/Events/Teleconferences Attended**

**February 6, 2013\_** Attended monthly LCBP TAC meeting. The LCBP TAC reviewed technical projects for 2013 budget and were advised what projects were to be funded. Federal budget sequestration is a big concern since LCBP funding will be significantly

reduced. TAC also reviewed RFPs for a proposed stormwater infrastructure assessment project. The RFP was developed to address specific concern in NYS and TAC voted to award the funding to the City of Plattsburgh. (Snizek)

January 30, 2013 A meeting with NYSDOT Region 7 staff including Mr. Bob Peck was conducted to discuss components of a project to resurface I-87. The specific items of concern involved the construction of safety lanes for deceleration into U-turn paths for construction, maintenance, and law enforcement vehicles. The Agency must decide whether the impacts associated with these lanes trigger Agency jurisdiction. Other involved Agency staff: Saehrig. (Bendell)

**February 13, 2013** - Agency staff met with VSL Mayor Rabideau about a recreational trail map we are helping with. (Rooks)

**February 19, 2013** - Village of Saranac Lake trail/GIS project: as a follow-up to a meeting with Mayor Rabideau on February 13, staff walked some potential trail routes and trails under construction collecting GPS data in the development of a series of GIS working/draft maps. (Rooks)

**February 26, 2013** - Meeting with SLIC Network Solutions, DEC and DOT about a proposed fiber-optic line from Tupper Lake to Long Lake. It will be mostly on existing poles although some poles may need to be replaced. Staff are evaluating if the project is jurisdictional. Other staff present included Weber, Reynolds, Saehrig and Miller. (Rooks)

**February 28, 2013** - Attended a meeting of the Interagency Review Team (IRT) for the NYS DOT Adirondack Park wetland mitigation program under development. The IRT consists of representatives from APA, US Army Corps of Engineers, NY DEC, US Environmental Protection Agency, and US Fish and Wildlife Service. The project sponsors included representatives from NYS DOT and US Federal Highway Administration. (Rooks)

#### **Ongoing projects**

2012-0001G1; Silvicultural Treatments for Sustainable Forestry in the Adirondack Park: Agency meeting presentation February 14, 2013. RASS Analyst for Forest Resources prepared and delivered a presentation to the Agency board describing the proposed General Permit and the Agency's interaction with the Forest Stewardship Council and Sustainable Forestry Initiative certification programs. Other involved Agency staff: Martino, Weber, Reynolds, Townsend. (Ziemann)



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Development in the Adirondack Park(DAP). Continue to provide technical input in DAP. Other involved Agency staff: McAleese. (LaLonde/Rooks)

Air photo interpretation: Five air photo interpretations for Project Review, two for Enforcement, one for a consulting engineer and 14 JIFs. (Rooks)

APIPP has provided locations for 291 terrestrial invasive plant infestations that may be in or within 100 feet of wetlands. These sites may need a permit for treatment with herbicides. Agency staff are using GIS and air photo interpretation to determine if these sites are within 100 feet of wetlands. APIPP will then submit an application for treatment of some of these sites. (Rooks)

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