

Draft



Regulatory Programs Committee
April 11, 2013 Agency
Meeting; REW:mlr

**Regulatory Programs Committee
April 11, 2013**

Committee Members present: Committee Chairperson, Frank Mezzano, Member Richard Booth, Member Art Lussi, and Member William Valentino. Other Members present: Agency Chairwoman, Leilani Crafts Ulrich, Member Cecil Wray, Designee Robert Stegemann (Department of Environmental Conservation), Members William Thomas and Sherman Craig. Agency Staff present: and Counsel Jim Townsend; James Connolly, Acting Executive Director.

Local Government Review Board Member Present: Mr. Fred Monroe

Executive Director: Terry Martino, Designee Dede Scozzafava (Department of State) and Designee Patrick Hooker, NYS Department of Economic Development were not present for April Agency meeting.

Chairwoman Lani Ulrich will be voting in the Regulatory Committee meeting in Designee Scozzafava's absence.

The Committee convened at 9:30 pm.

1. Approval of March Draft Regulatory Programs Committee Minutes

On motion of Mr. Lussi, seconded by Chairwoman Ulrich; Agency unanimously adopted the Draft Regulatory Committee Minutes of the March 2013 Agency meeting.

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

Mr. Weber reviewed the Status and High Profile reports for Regulatory Programs. He briefly discussed applications received and permits issued. Mr. Weber highlighted new preapplications received in March.

A suggestion was made by the Board to add the Applicant's name, Town and Land Use area to the High Profile Report.

Mr. Booth reminded the Board that several well done clear cutting projects will raise significantly more environmental and equity questions than the projects that Mr. Weber is discussing from the "High Profile Report". He noted that certification does not necessarily mean that there aren't negligible environmental effects.

He urged the Board members to review the magnitude of the projects on the "High Profile Report" and recognize the general permit process that will allow the Deputy Director to authorize a great number of the general permit without Agency review.

Mr. Weber recognized Mr. Booth's concerns and stated that the proposed general permit provides for the Deputy Director to determine whether the project as proposed conforms to the eligibility criteria cited herein. Where an application is determined to be ineligible for processing under this General Permit, the Agency will send a letter explaining why the project is ineligible and stating the activity may be reviewed upon receipt of the supplemental information necessary for processing a major project permit application.

Mr. Booth commented he understands Mr. Weber's comments and reiterated that the environmental effects from the projects listed on the "High Profile Report" may not be as substantial as what the environmental effects can be with the proposed general permit.

Mr. Weber commented that the "High Profile Report" included not only projects with environmental impacts but projects of interest within the Adirondack Park.

3. 2013-26 (S. McSherry)
Natural History Museum of the Adirondacks (Wild Center)
Town of Tupper Lake, Franklin County
Low Intensity Land Use Area

Ms. McSherry noted that Dan Kelleher and Aaron Zieman, Agency staff will also be presenting the project to the Board. She also introduced Dave St. Onge, Facility Director and Bill Palmer, Design Consultant for the Natural History Museum of the Adirondacks.

Ms. McSherry presented a slide show that illustrated the proposed project and project site. She noted this is a component of "Phase 3" development as described in Agency permit P2002-24 and is a material amendment to that permit. Ms. McSherry stated that this proposal is a re-design and expansion of the "Skywalk Observation Tower" project which was the subject of APA Permit 2007-32 but was never undertaken. That permit has expired.

She described the proposed project and noted the construction of the observation tower complex of steel and wood will be known as the "Wild Walk." Ms. McSherry noted the tallest individual tower will be 41.5 feet in height; the overall height of the structure is 57± feet. The Wild Walk is designed to be handicap accessible (except the snag) and all lighting will be either contained inside enclosures or will be directed toward the ground. Ms. McSherry stated a silviculture plan is focused on gradually removing the non-native scotch pine trees and restoring the site with trees more characteristic of a native Adirondack Forest over a period of decades.

Ms. McSherry noted that special evening programs will occur several times a month to permit experiences such as star gazing, nocturnal wildlife viewing and guided tours related to evening receptions.

Ms. McSherry noted at any one location, the top of all but one pole tower will be no greater than 40 feet above grade as measured from the lowest point of existing or proposed grade to the highest point of the individual tower. She also stated the Agency measures the height of the structure as a whole, not just any single portion of the structure.

Ms. McSherry briefly discussed the background and prior history of the Natural History Museum. She also noted staff concluded that because the current proposed structure is only slightly taller than the tower approved in 2007, staff determined the 2007 visual analysis would be sufficient and if the tower is visible at all it will only be slightly visible from long distances.

Ms. McSherry introduced Aaron Ziemann to discuss the "Silvicultural Plan for the Skywalk Site" prepared by a certified forester and is referred to as the "Gradual Conversion" approach. He showed several slides depicting the existing vegetation and explained the "Gradual Conversion" approach noting that individual or small group selection methodologies shall be employed to achieve a gradual conversion of the Scotch Pine forest to one more characteristic of the native Northern Adirondack forests.

Mr. Ziemann introduced Mr. Kelleher to discuss the economic factors for the proposed project. Mr. Kelleher stated that according to a 2011 report commissioned by the Wild Center, public attractions such as museums must re-invest to just stay competitive and maintain baseline visitation.

He stated the Wild Center employs 38 full-time equivalent staff and up to 72 payroll positions per year; the 2011 payroll for the Wild Center was approximately \$1.5 million and for these jobs to be retained, the Center must expand its attraction base.

Mr. Kelleher noted it can be expected that the new Wild Walk will help to generate over \$56,600.00 in consumer spending in the local economy over the project's first five years. During construction the project sponsor expects to employ 60 part-time workers. He said the project sponsor expects to employ an additional two full-time employees upon conclusion of the project.

Mr. Mezzano asked if there were any questions from the Board. Mr. Valentino made the motion to move the proposed project to Full Agency for approval and Mr. Booth seconded the motion.

It was noted that no comment letters were received from the public regarding the proposed project.

The Regulatory Committee vote was unanimous in favor of the motion.

4. Old Business: No

5. New Business: No

Adjournment: The Regulatory Committee meeting adjourned at 10:30 am.

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