



*NOTE: The attachments referred to herein are on file at the Agency and are on the Agency's website. Copies are also available for inspection on request.*

**DRAFT AGENCY MINUTES**

**MAY 9-10, 2013**

**THURSDAY, MAY 9, 2013**

**AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF PRESENT**

Leilani Crafts Ulrich, Chairwoman  
Richard Booth, Member  
Sherman Craig, Member  
Frank Mezzano, Member  
William Thomas, Member  
F. William Valentino, Member  
Cecil Wray, Member  
Patrick Hooker, Designee, NYS Department of Economic Development  
Dierdre Scozzafava, Designee, NYS Department of State  
Robert Stegemann, Designee, NYS Department of Environmental Conservation  
Terry Martino, Executive Director  
James Townsend, Counsel

**AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF ABSENT**

Arthur Lussi, Member

**LOCAL GOVERNMENT REVIEW BOARD PRESENT**

Frederick Monroe, Executive Director

**AGENCY STAFF PRESENT**

James Connolly, Deputy Director, Planning  
Richard Weber, Deputy Director, Regulatory Programs  
Keith McKeever, Public Information Director  
Brian Grisi, Local Planning Assistance Specialist  
Robyn Burgess, Environmental Program Specialist 1  
Elaine Caldwell, Administrative Officer  
Douglas Miller, Environmental Program Specialist 2  
Kathy Regan, Senior Natural Resources Planner  
Edward Snizek, Supervisor, Natural Resource Analysis  
Matthew Kendall, Associate Natural Resources Planner

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Walter Linck, Associate Natural Resources Planner  
Elizabeth Phillips, Senior Attorney  
Colleen Parker, Environmental Program Specialist 3  
Deborah Lester, Secretary to Executive Director

Video and MP3 audio recordings of the proceedings, including public comment, are available in their entirety via webcast at [http://nysapa.granicus.com/ViewPublisher.php?view\\_id=2](http://nysapa.granicus.com/ViewPublisher.php?view_id=2).

Chairwoman Ulrich called the meeting to order at 9 a.m.

### **1. Approval of April 11, 2013 Draft Agency Minutes**

On motion of Mr. Booth, seconded by Mr. Thomas, the Agency unanimously adopted the Draft Agency Meeting Minutes of April 11, 2013. A copy of the official minutes as adopted by the Agency is on file at the Agency.

### **2. Adirondack Day**

Prior to the Executive Director's Report, Chairwoman Ulrich commented on "Adirondack Day," an event that was held recently in the Well of the Legislative Office Building in Albany. She noted her attendance at the event, in addition to DEC Designee Bob Stegemann and Local Government Review Board Director Fred Monroe, and numerous other local government leaders. The program was well organized and well attended, as was the reception that followed, which highlighted Adirondack foods. Senators Little and Skelos, and former Assemblywoman Sayward were also in attendance. The Chairwoman noted she extended an invitation to Senator Skelos for an introductory tour of the Adirondacks. She commended everyone who worked on the event, and looked forward to greater Agency involvement in future Adirondack Day events.

### **3. Executive Director's Report**

Executive Director Martino expressed her appreciation to Deputy Director for Planning Jim Connolly for providing day-to-day coverage while she was away last month and during the April Agency meeting. She then highlighted the following:

- The Chairwoman and Executive Director attended a day-long meeting with the Governor's environmental team on May 6. Other participants included DEC, Office of Parks, Recreation and Historic Preservation, Lake George Park Commission, Hudson River Regulatory Commission, Hudson River Greenway and Environmental Facilities Corporation.

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- Kudos to Brian Grisi and Robyn Burgess in the Planning Division, as well as partners AATV, Local Government Review Board, DEC and DOS, for yet another successful Local Government Day program, with 340 registrants. This year's Local Government Day fostered increased discussion and understanding which added up to the best Local Government Day yet. The event, which was held April 24-25 in Lake Placid, featured a legislative discussion which included Senator Little, Assemblymen Butler and Stec, and recognition of former Assemblywoman Teresa Sayward.

The Wednesday panel also included participation of Commissioner Martens and Chairwoman Ulrich. There was increased emphasis on regional Park-wide marketing with the web portal project, and discussion of opportunities related to the integration of public lands with communities.

In a conversation the Executive Director had with Jim Herman and Dave Mason about their recent trip to Costa Rica, they remarked how impressed they were with how the country has branded itself as an ecotourism destination with national parks and nature preserves. The country is unique with its integration of the travel and tourism experience with the natural environment and biological diversity. For example, the gardener at your lodge might also be the birder who leads you on a three-hour tour and identifies numerous birds and describes their feeding habits. The story is told and appreciated by residents who understand the economic value of tourism to their country and the brand they have.

The connections being made brought excitement to Local Government Day. AATV president Brian Towers, pointing to a link between a natural experience in his town and the viewing of large, virgin trees, demonstrated how we can bridge an ecological awareness to community experiences.

The discussions at Local Government Day provided an important foundation to what the Agency will hear about in the State Land Committee meeting through a thorough and detailed overview by staff of the alternatives for classification of the former Finch lands. The staff presentation will be complemented by photos of the remarkable landscape of the Essex Chain, OK Slip Falls and Indian Tract, all courtesy of photographer Carl Heilman.

Also at Local Government Day, Agency staff fielded questions about the Agency's application of building density guidelines to hotels, motels and tourist cabins. This has provided an opportunity for the Agency to clarify its existing practice which will be communicated to local governments throughout the Park. As always, when in doubt, the public is encouraged to contact the Agency's Jurisdictional Office.

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Chairwoman Ulrich added it was an honor to stand together with Commissioner Martens and field questions from the participants, with the Department's full support of the State land classification process that is now moving forward at the Agency. With regard to building density guidelines for hotels, motels and tourist cabins, the Chairwoman referred to repeated conversations about accommodations and the built community with the opening of new public lands, and expectations of the traveling public. She noted a need for the Agency to proactive.

- Agency staff will continue their work in relation to the permitting process for jurisdictional silvicultural practices. Staff will review recent presentations to the Agency and have more dialogue with DEC, which monitors the largest acreage under certification by the FSC and SFI. Staff also believe there is more work to be done with the stakeholders. The future review of the regulations will begin with a meeting to be coordinated by Agency counsel, similar to the TAL format. The meetings will continue examination of the current state of the forest, industry practices, and examination of Agency regulations with the possibility of regulatory revision.
- Agency staff have been actively engaged with the applicants for the Essex County emergency communications project and follow-up with the implementation of the Order that was authorized by the Agency in December 2012. Recent attention has been focused on the 814 Order for the Ski Patrol Building on the summit of Little Whiteface. Deputy Director for Regulatory Programs Rick Weber will brief the Agency about actions the Agency has taken to fulfill the permit conditions, particularly in relation to the Bicknell Thrush monitoring. Mr. Weber's overview will be within the context of the Whiteface UMP presentation by ORDA staff immediately following. This has been an important topic of interest to the public, and the Agency's goal to have habitat protection and the UMP aligned with the project applicant's goal to build an important emergency communications network.
- The Agency signed its required Internal Control Report on April 30. The report documents the internal reviews the Agency undertakes to meet the goals of accountability and transparency. The Agency received positive feedback from the Division of Budget and will be working toward addressing education and training.
- Agency policy makers are required to submit their Financial Disclosure Statements by the May 15 deadline.
- The Agency will celebrate Arbor Day with the planting of a tree in honor of Richard Lawrence, who served as the Agency's first chairman from 1971 to 1975. Ms. Martino recalled having the opportunity to know Mr. Lawrence through their involvement with

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ANCA. She described him as a gentleman and a wonderful thinker with a tremendous appreciation for and commitment to the Adirondack Park. Ms. Martino referred to an updated brochure which outlines the Agency's commitment to a sustainable landscape that combines the approach of mowing and non-mowing with a walking path, and which also highlights the honorees over the years. Included with the brochure was a map which depicts the locations of the trees planted over the years. Individual plaques for each tree are planned in the future.

Mr. Booth raised a question about Project Sunlight and the status of the Agency's request to exempt conversations between applicants and policy makers. He asked for an example of what would constitute an appearance.

Mr. Townsend deferred response to Mr. Booth questions until the legal advisory session, scheduled after the Agency meeting on Friday, when Project Sunlight would be discussed in detail.

The Executive Director briefly described Project Sunlight, an important component of the Public Integrity Reform Act of 2011 that provides for transparency in government. Project Sunlight involves the creation of a new database of any individual or firm that appears in a representative capacity before any state governmental entity. State agencies are required to report instances where dialogue could have been an effort or intent to change public policy.

#### **4. Executive Session**

On motion of Mr. Thomas, seconded by Mr. Hooker, the Agency unanimously approved an executive session to discuss an administrative proceeding involving the Champlain Hudson Power Express, Inc.

#### **5. Adjournment into Committees**

The Agency unanimously adjourned into committees at 9:28 a.m.

#### **6. Tree Planting in Honor of Richard Lawrence**

During the lunch break, Agency Members and Designees and assembled guests took part in the planting of a tree in honor of Richard Lawrence, the first chairman of the Adirondack Park Agency. A brief summary of the tree planting is attached, and is on file with the official minutes at the Agency.

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**7. Community Spotlight: Town of Queensbury, Warren County**

Following the lunch break, Agency Members and Designees heard a Community Spotlight presentation from Town of Queensbury Supervisor Ron Montesi, Craig Brown and Stuart Baker of the Town's Community Development Department. A summary of the presentation is attached, and is on file, along with a copy of the PowerPoint presentation, with the official minutes at the Agency.

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**FRIDAY, MAY 10, 2013**

**AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF PRESENT**

Leilani Crafts Ulrich, Chairwoman  
Richard Booth, Member  
Sherman Craig, Member  
Frank Mezzano, Member  
William Thomas, Member  
F. William Valentino, Member  
Cecil Wray, Member  
Patrick Hooker, Designee, NYS Department of Economic Development  
Dierdre Scozzafava, Designee, NYS Department of State  
Robert Stegemann, Designee, NYS Department of Environmental  
Conservation  
Terry Martino, Executive Director  
James Townsend, Counsel

**AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF ABSENT**

Arthur Lussi, Member

**LOCAL GOVERNMENT REVIEW BOARD PRESENT**

Frederick Monroe, Executive Director

**AGENCY STAFF PRESENT**

Richard Weber, Deputy Director, Regulatory Programs  
Keith McKeever, Public Information Director  
Dan Kelleher, Special Assistant for Economic Affairs  
Shaun LaLonde, Soil and Water Engineering Specialist  
Kathy Regan, Senior Natural Resources Planner  
Deborah Lester, Secretary to Executive Director

Chairwoman Ulrich called the meeting to order at 11:20 a.m.

On motion of Mr. Stegemann, seconded by Mr. Wray, the Agency exited Executive Session.

**1. Report on Executive Session**

Chairwoman Ulrich reported on the Agency's discussion in Executive Session regarding the authority of the Executive Director to execute a Governance Agreement for the Hudson River and Lake Champlain Habitat Enhancement, Restoration, and Research/Habitat Improvement Project Trust, which is part of the Certificate of Environmental Compatibility and Public Need issued by the Public Service Commission (PSC) to the Champlain Hudson Power Express, Inc. (CHPEI). She proposed the following motion:

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The Adirondack Park Agency Members and Designees authorize the Executive Director to execute, on behalf of the Agency, the Governance Agreement for the Hudson River and Lake Champlain Habitat Enhancement, Restoration, and Research/Habitat Improvement Project Trust, upon approval of the Office of the Attorney General and the State Comptroller, or upon notification that no such approval is required.

The motion follows on the Public Service Commission's issuance of a Certificate of Environmental Compatibility and Public Need to Champlain Hudson Power Express, Inc. (CHPEI) on April 18, 2013, which provides for the Hudson River and Lake Champlain Habitat Enhancement, Restoration, and Research/Habitat Improvement Project Trust for the purposes of protecting and improving aquatic habitats and fisheries resources in the Hudson River Estuary, the Harlem and East Rivers, Lake Champlain, and their tributaries.

Mr. Wray so moved and Mr. Hooker seconded the motion.

Prior to voting, Agency Counsel Jim Townsend commended Senior Attorney Beth Phillips for her intense engagement throughout this process. He advised that the Settlement Agreement that was reached in this matter and the Governance Agreement are expected to become public through the PSC sometime next week. Other involved state agencies include DEC, DOS and OPRHP.

Mr. Stegemann stated that the matter had not yet been discussed within DEC, and that he would be voting as a member of the Agency and to provide flexibility for the Agency to act at the appropriate time.

Chairwoman Ulrich called the question, which passed unanimously.

**2. Committee Reports**

a. State Land Committee

(1) Whiteface Mountain Unit Management Plan Amendment

Mr. Booth noted an informational presentation by ORDA staff on a proposed amendment to the Whiteface Mountain UMP.



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(2) Essex Chain of Lakes/Indian River Tracts Classification Alternatives and Draft SEQR Documents/Supplemental Programmatic EIS

On motion of Mr. Booth, seconded by Mr. Craig, the Agency voted unanimously to accept the DSEIS and to authorize staff to proceed to public notice and public hearing on the draft SEQR documents and the alternatives as presented in the DSEIS.

b. Regulatory Programs Committee

Mr. Mezzano reported that staff provided an update on cell tower permit applications currently under review at the Agency.

c. Local Government Services Committee

Mr. Thomas reported that the Committee had a comprehensive discussion of the 16<sup>th</sup> Annual Local Government Day Conference held April 24-25 in Lake Placid. He welcomed suggestions for next year's conference.

d. Legal Affairs Committee

Mr. Wray noted informational reports by staff on the referral process for jurisdictional inquiries and the status of the Agency consensus rule making.

e. Park Ecology Committee

Mr. Valentino commended the DEC staff presentation on use of the aquatic herbicide, Renovate® OTF, in State-owned water bodies outside the Park. The presentation was yet another reminder that this continues to be an ongoing issue.

**3. Interim Reports**

The Administration, Economic, Enforcement, Park Policy and Planning, and Public Awareness and Communications committees did not meet this month. Monthly reports for some of these committees were included in the mailing.

a. Economic Affairs Committee

On motion of Mr. Hooker, seconded by Mr. Mezzano, the Committee unanimously approved the draft meeting minutes of April 11, 2013.

b. Park Policy and Planning Committee

On motion of Mr. Thomas, seconded by Mr. Valentino, the Committee unanimously approved the draft meeting minutes of April 11, 2013.

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### **4. Public Comment**

Robert Glennon referred to inconsistencies in recent newspaper articles regarding Whiteface and the Bicknell Thrush, and requested clarification from the Agency.

Daniel Plumley commended the tree planting honoring Richard Lawrence and the comments about his government career, leadership and legacy; he noted Mr. Lawrence's involvement in civil society and his great support for the not-for-profit community including the environmental sector. Mr. Plumley also offered several suggested topics for future Agency dialogue.

### **5. Local Government Review Board Comment**

Local Government Review Board Executive Director Fred Monroe commented on the classification process for the former Finch Pruyn lands. He noted a possible inconsistency between the APA Act and the State Land Master Plan, with Section 801 recognizing local government concerns and the Master Plan giving paramount importance to resource considerations to the exclusion of local government concerns. He asked which one governed in the event of such inconsistency.

### **6. Member Comment**

Agency Members commended the presentations on the state land classification presentation and the substantial work that had been achieved by Agency and DEC state lands staff and the wide range of alternatives for consideration. Also recognized was the work by Agency local government staff and DEC public affairs staff on Local Government Day.

Mr. Hooker added that the Governor's Tourism Summit on May 8 made it easy to imagine the possibilities.

Mr. Stegemann commented that the state land classification process was a great opportunity to work together with local government and the public in finding the best option for this new asset.

Mr. Booth complimented Scott Kishbaugh's presentation and suggested a future session be organized, to include a group of experts like Mr. Kishbaugh, with prepared questions and answers. He noted the uncertainty surrounding pesticide use, which is an ongoing, complicated and largely scientific issue.

Ms. Martino acknowledged the Agency's compliments to State land planning staff. She noted the high level of coordination between Agency and DEC staff, and the extensive work and preparation that

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has gone into this process since the Governor's announcement last year, and looked forward to bringing it back to the Agency in August or September. Ms. Martino also acknowledged compliments to local government staff, and commented on the sea change among Adirondack communities in their appreciation and understanding regarding the value of Forest Preserve. She also commended ORDA on their discussion of the Bicknell's Thrush monitoring and the emergency communications portion of the Whiteface Mountain UMP.

Chairwoman Ulrich called attention to the Adirondack Research Consortium meeting next week, which promised discussion of issues relevant to the Agency. She also noted her participation, at the invitation of DEC Commissioner Martens and Regional Director Bob Stegemann, in the announcement of the State's purchase of the Cat and Thomas Mountains and East River Road tracts in the Town of Bolton. She noted the Local Government Review Board's monthly meeting that was held August 24 at the Agency's headquarters. She also highlighted the phenomenal work on Local Government Day. She acknowledged there was a major change within communities in the Park, who are now expressing a willingness to listen and consider a better way of doing things and protecting the assets within their communities. The Chairwoman also commented regarding the Whiteface Mountain UMP amendment, and her wish for greater support for additional follow-up on the Bicknell's Thrush, including their wintering grounds in the Dominican Republic. Finally, she reiterated the three greatest threats identified at Common Ground - acid rain, invasive species, and climate change - and a fourth threat of poverty. As pointed out by Mr. Booth and AATV President Brian Towers and local government, people affected by poverty are not thinking about the environment.

**7. Adjournment**

The Agency unanimously adjourned at 11:50 a.m.

LCU/TDM/dal

Attachments:

Summary - Tree Planting in Honor of Richard Lawrence

Summary - Community Spotlight: Town of Queensbury, Warren County

PowerPoint Presentation - Community Spotlight: Town of Queensbury

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Leilani Crafts Ulrich, Chairwoman

Summary

Tree Planting in Honor of Richard Lawrence

Chairwoman Ulrich presided over a tribute to former Agency Chairman Richard Lawrence with the planting of a Sugar Maple tree in the Agency's arboretum. Mr. Lawrence served as the Agency's first chairman from 1971 to 1975, guiding the Agency through its formative years. Former colleagues provided remarks including Peter Paine, Richard Booth, Richard Persico, George Nagle, Robert Glennon, William Curran, and Gary Duprey. Among the comments made, Mr. Lawrence was referred to as a tower of strength and tremendous diplomat, as well as a quiet and reserved man who led the Agency with strength and dignity during some turbulent times. In addition to his work with the Agency, Mr. Lawrence was also a strong advocate of environmental education and was devoted to a number of community projects and organizations throughout the North Country.

Summary

Community Spotlight: Town of Queensbury, Warren County

Ronald Montesi, Sr., Supervisor of the Town of Queensbury, was the featured Community Spotlight speaker. Supervisor Montesi, assisted by Craig Brown and Stuart Baker of the Town's Community Development Department, presented an overview of Queensbury including its history, demographics, land use planning and development, tourism and economy.

The Town responded to questions from Agency Members and Designees. They explained aspects of the Queensbury South Vision Plan, which is composed of the Brownfield Opportunity Area (BOA) Study and Local Waterfront Revitalization Plan (LWRP), both of which are funded with grants from the NYS Department of State. The Vision Plan is a strategy for the redevelopment of the South Queensbury neighborhood and the former Ciba-Geigy industrial site. The brownfield site is part of the Ciba-Geigy property and has been classified by DEC as a class 2 hazardous waste site. The study area is comprised of equally divided acreage of commercial, residential, industrial, vacant and public sector land uses. The work produced from the BOA Study will be used in the development of a Vision Plan that will focus on the reuse of the Hudson River waterfront, while the LWRP will focus on specific redevelopment opportunities. Because the areas overlap, the BOA and LWRP are being done concurrently to ensure a shared revitalization vision for the study area.

The Town was also asked about water supply for the properties along Lake George and advised that most of them draw their water from wells, while others draw directly from the lake. Additionally, a package treatment plant, which is open seasonally from May 1 to October 12, using Lake George water serves 48 homes. With regard to sewage treatment, all are on individual septic systems. The Town received a \$100,000 grant through DEC which it had planned to use form septic tank districts and provide assistance with septic tank pump-outs. The proposal was not warmly received by one particular group. Fortunately, with the help of the Fund for Lake George, divers found algae growing in the water in front of 35 of 80 homes. The Fund then gathered data on the homes (i.e., when building permit was issued, how often septic tank is pumped). The Town hopes the first group will eventually be receptive to the proposal.

The Town also noted the significant sales tax revenue generated by the two Wal Mart Super Centers at Exit 19 and on the border with Washington County.

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When asked if it had seen anymore growth within its in-Park communities in the last four years since the completion of the Adirondack Park Regional Assessment Project, the Town indicated less growth in the in-Park areas which are primarily lakefront and ridge line. There has been an abundance of apartment/townhouse development, serving primarily as workforce housing.

In response to a question about interpretive/educational use of the extensive wetland area south of Dunham's Bay, the Town responded that the area did not see much activity.

The Town also confirmed that the traffic roundabout was a very effective design.

Chairwoman Ulrich asked how the Agency might be of assistance to the Town. Supervisor Montesi noted the Town's efforts to improve communications with the Agency. He recalled the Town's experience with the Agency in 2002 and described it as an onerous process that involved 23 pages of comment, and noted improvement since that time.

Chairwoman Ulrich commended the Town's presentation and presented Supervisor Montesi with a certificate of appreciation.