



*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**

**JUNE 13, 2013**

**THURSDAY, JUNE 13, 2013**

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

Leilani Crafts Ulrich, Chairwoman  
Richard Booth, Member  
Sherman Craig, Member  
Arthur Lussi, 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

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

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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. Public Comment**

Daniel Plumley of Adirondack Wild referred to their Wilderness Stewardship Training program, which has provided training to over 1,000 college students for the past five years, and introduced summer intern, Toni-Marie Powell. Ms. Powell of Queens, NY, and a student at SUNY Plattsburgh, briefly discussed her interest in the environment and said she looked forward to spending the summer in the Adirondack Park.

### **2. Approval of May 9-10, 2013 Draft Agency Minutes**

On motion of Mr. Mezzano, seconded by Mr. Craig, the Agency unanimously adopted the Draft Agency Meeting Minutes of May 9-10, 2013. A copy of the official minutes as adopted by the Agency is on file at the Agency.

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

Executive Director Martino noted there has been a substantial amount of attention to the Adirondack Park recently involving public hearings on the Finch lands, word of an Adirondack Challenge boating event in Indian Lake on July 21, as well as Governor Cuomo's announcement on June 12 of an Interim Access Plan which allows for public access to the Upper Hudson and Cedar rivers. Additionally, the Common Ground Alliance will be meeting in Newcomb on July 18.

Ms. Martino also highlighted the following:

- The first in a series of eight public hearings on state land classification alternatives for the former Finch Pruyn lands, which were recently purchased by the State from the Nature Conservancy, was held on June 12 at the Agency. Fifty-six people attended, 27 of whom presented oral testimony. The hearing was webcast live and will be archived on the Agency's website. The lands contain some of the most important recreational and environmental assets in the Park, and for the first time in more than 100 years will be open for public use. Additional hearings will be held on June 17 in Minerva and Newcomb; June 19 in New York City; June 25 in Indian Lake; July 1 in Rochester; and July 2 in Albany and Lake George. Written comments will be accepted through July 19 and will be given the same consideration as oral comments, which will be part of the public record that will be brought before the Agency board.

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Since the last Agency meeting, planning staff have made edits to the draft EIS, posted it in the Environmental Notice Bulletin, scheduled the hearing locations and logistics, and publicized the hearing schedule. Staff from the Legal Division, Public Information Office and IT Department have also provided assistance to the process.

- Separate from the state land classification process, Agency staff have met with representatives from the towns of Newcomb, Minerva, North Hudson, Long Lake and Indian Lake to discuss recreational planning and the overall goal to work together to ensure that the towns gain in economic benefits and generate entrepreneurial activities that can be an outcome from the state land purchases, along with the tremendous value these towns will have as gateways.
- Discussion has continued regarding the Adirondack Rail Corridor, with the recent announcement by DEC Commissioner Martens and DOT Commissioner McDonald of unit management plan review for the rail corridor. The development and implementation of travel corridor unit management plans in relation to the Adirondack Park State Land Master Plan is addressed in a Memorandum of Understanding signed in 2009 by DOT, DEC and the Agency. The review of the plan follows high-profile public dialogue over the past two years about the use of the rail corridor. The corridor management plan review will engage the public with a range of opportunities for the travel corridor in terms of future recreational and rail use. The DOT and DEC will serve as co-lead agencies throughout the SEQR process, with the Agency participating as an involved agency. Ultimately, the management plan will be presented to the Agency for a determination regarding compliance with the State Land Master Plan.
- The Agency Public Information Officer has implemented new Facebook and Twitter accounts, allowing the Agency to be active with social media.
- Agency staff will be scheduling a meeting with DEC staff to discuss elements of the silvicultural general permit, particularly in relation to the size of the acreage cut to qualify to use the GP and the use of the GP with lands enrolled in State conservation easement programs. Staff believe this is an important step with DEC which monitors the largest acreage by far under certification by the Forest Stewardship Council and Sustainable Forestry Initiative.
- In follow up to the excellent presentation by Scott Kishbaugh of DEC at the May meeting, the Town of Chester successfully completed their aquatic herbicide Renovate treatment in Loon Lake on May 14. In a May 16 site visit, staff observed no non-target impacts in

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their evaluation of the treatment area. The Loon Lake Association has continued to monitor herbicide concentrations at eight sample stations and the herbicide levels have continued to decrease at all sample sites. Additionally, the sequestration curtain worked well and there were no impacts upstream to trigger the drinking water advisory. A full aquatic plant survey to evaluate the efficacy of the treatment will be completed later in the summer.

Chairwoman Ulrich referred to a concern that had been expressed over impacts to snails. Mr. Snizek responded that it had been a concern in Loon Lake given the large snail die-off that occurred in Lake Luzerne. Fortunately, there was no such impact to the snail population in Loon Lake.

- Agency staff have continued to be engaged with the applicants for the Essex County emergency communications project. In his monthly report to the Agency board, the Deputy Director, Regulatory Programs will discuss the site monitoring that has taken place by DEC in regard to the Bicknell Thrush.
- Agency board members and staff have all received training on Project Sunlight which requires reporting of appearances through in-person meetings or video-conferences. Project Sunlight, which is part of the Public Integrity Reform Act of 2011, uses an online database to provide the public with an opportunity to see the individuals and entities that are interacting with government decision makers.
- Agency staff expect a busy summer. The North Country Regional Economic Development Council will be meeting next week, followed by training sessions for the Consolidated Funding Application and new strategic work to address opportunities for people in poverty and innovation hotspots.
- The Wilmington/Whiteface Bike Fest is scheduled for the weekend of June 14-17, with the goal of promoting the Adirondack Park and Essex County as a biking destination. The festival will feature cross-country mountain biking and road races as well as recreational rides for all abilities. Agency Public Information Officer Keith McKeever has been active with the planning group while other staff members have been involved with the Barkeater Trail Alliance in trail building. The biking event will use State Forest Preserve lands and showcase the collaborative work of the Agency, DEC and ORDA, and the Towns of Wilmington, Jay, Keene, Lewis and Elizabethtown as well as the Wilmington/Whiteface Chamber of Commerce.

The Executive Director recalled Lee and Judy Borland's efforts to launch the Adirondack Biking Initiative, and Tim Tierney of Kingdom Trails in northern Vermont, and gave kudos to the

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Barkeater Trail Alliance for helping to create a similar kind of destination by building more than 25 miles of mountain bike trails in Wilmington, North Elba and Saranac Lake at no cost to the State.

Chairwoman Ulrich noted the importance of the Agency's new Facebook page in terms of providing opportunity for people to experience events such as the Bike Fest through imagery and for the Agency to tell the story of what happens at meetings and the work that is being done.

The Chairwoman noted that the Agency had lost DED Designee Pat Hooker, who has left Empire State Development to lead the Governor's Agriculture and Markets team. She expressed best wishes to Mr. Hooker.

Mr. Wray announced his retirement from the Agency, having served 14 consecutive years as a board member under four governors and four Agency chairpersons. He noted the demands of a 600-mile, round-trip drive on him, and that while the law provided him to continue to serve until his successor is confirmed, he did not plan to take advantage of that provision and would be making this his last meeting.

Chairwoman Ulrich, noting the need for a moment of levity in this time of change, said she was daunted with the task of finding an adequate way to mark Mr. Wray's accomplishments for the Agency and the Park in the past 14 years, but looked forward to hearing the mileage calculations covering his last 14 years. She also said she looked forward to a celebration of Mr. Wray's years of service.

**4. Adjournment into Committees**

On motion of Mr. Booth, seconded by Mr. Stegemann, the Agency unanimously adjourned into committees at 9:28 a.m.

**5. Committee Reports**

a. Regulatory Programs Committee

(1) 2012-199, Lydia's Place, Inc. and Timothy Sharlow

The project involves a new commercial use consisting of an RV and tent campground including 44 sites with water, electric and septic hookups, located in an area classified Resource Management in the Town of Hopkinton, St. Lawrence County.

Mr. Mezzano referred to the following new section proposed to be incorporated into the findings of fact in the draft permit:

Aquatic and Terrestrial Invasive Species

Invasive plants and animals are a threat to Adirondack native ecosystems. Stopping invasive species before they spread is the most effective option for long-term protection. Methods to assure preventing the spread of aquatic invasive species could include alerting patrons that it is important to check, clean and dry all watercraft and gear before using in Lyd's Brook or transporting to another waterbody.

To prevent importation of wood-borne invasive species, NYS Law prohibits transportation of firewood more than fifty (50) miles from its source unless it is kiln-dried. All transported firewood must be labeled according to regulation. The law is enforced by the NYS Department of Environmental Conservation and more information can be found on the DEC's website. The project sponsor is aware of and will advise campers of the regulation.

The Adirondack Invasive Plant Program (APIPP) can be consulted for additional information and training of campground staff regarding aquatic and terrestrial invasives as needed.

A brief discussion arose about the availability of firewood locally following a suggestion by Mr. Craig to require the applicant provide local firewood for purchase. Counsel advised that such a condition was legally inappropriate. It was noted that local firewood stands are dispersed throughout the area. Mr. Craig withdrew his suggestion.

Counsel referred to the campground guidance and a question regarding size limit. He advised there is no intent in the guidance to limit size of principle buildings. Accessory structures have a separate statutory definition and are permitted in campgrounds. He noted that if the structure is non-accessory, then the principal building calculations would apply.

Mr. Booth suggested the absence of a limit is potentially problematic and should be addressed with some type of threshold. He noted that at some point a structure stops being accessory.

Counsel pointed out that the statute authorizes an accessory structure without limit, and that a structure stops being accessory when it is no longer subordinate and becomes the predominant use.

On motion of Mr. Mezzano, seconded by Mr. Lussi, the Agency voted unanimously to approve the project in accordance with the staff draft permit, as amended to include a new section in the Findings of

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Fact entitled "Aquatic and Terrestrial Invasive Species." A copy of the permit as approved by the Agency is attached to the official minutes on file at the Agency.

b. Economic Affairs Committee

Mr. Lussi complimented the presentation by Colleen Lemza on Essex Pallet & Pellet located in the Keeseville Industrial Park in Essex County. He commended the company's "no excess" policy of using all material on the site. The manufacturing and warehouse facility was originally permitted by the Agency in 2001. The company expanded in 2009 from the production of pallets and crates to also include wood pellets for heating and artisanal grilling pellets.

c. Park Policy and Planning Committee

Mr. Craig noted an informational presentation that was provided by Jim McKenna and Bill Farber of the Adirondack Partnership, a subgroup of the Recreation Work Group.

d. State Land Committee

(1) Accessibility Standards and DEC Programs to Address Access for People with Disabilities

Mr. Booth noted an excellent informational presentation by Agency and DEC staff regarding accessibility for persons with disabilities.

(2) Draft Whiteface Mountain Unit Management Plan Amendment

On motion of Mr. Booth, seconded by Mr. Stegemann, the Agency voted unanimously to adopt a resolution and SEQR findings that the amendment is in conformance with the guidelines and criteria of the Adirondack Park State Land Master Plan. A copy of the resolution as approved by the Agency is attached to the official minutes on file at the Agency.

e. Legal Affairs Committee

(1) Consensus Rule

On motion of Mr. Wray, seconded by Mr. Mezzano, the Agency voted unanimously to adopt a resolution authorizing staff to undertake rulemaking for a consensus rule. The consensus rule would update citations, make technical corrections, and clarify language in existing rules. The resolution further authorizes staff to file the consensus rule with the Secretary of State and provide the required notice of adoption as required by SAPA, provided that no objections from the public to the rule adoption are submitted during the

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comment period. A copy of the resolution as approved by the Agency is attached to the official minutes on file at the Agency.

**6. Interim Reports**

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

Chairwoman Ulrich referred to the upcoming Invasive Species Council meeting on July 19 in Albany and noted that she and Mr. Valentino planned to be in attendance.

**7. Public Comment**

William Janeway of the Adirondack Council responded to Mr. Wray's retirement announcement. He expressed thanks to Mr. Wray for his 14 years of exemplary public service as a board member.

**8. Local Government Review Board Comment**

Local Government Review Board Executive Director Fred Monroe joined in expressions of appreciation to Mr. Wray for his service on the Agency board, and noted his thoughtful insights and legal analysis on the issues. He conveyed best wishes to Mr. Wray on his retirement.

He then commented on the state land classification process. He encouraged board members to visit the Essex Chain site to gain a stronger basis for their decision.

Mr. Monroe announced that the Review Board's monthly meeting on June 26 will be on the Thendara to Big Moose train with lunch in Big Moose. He extended an invitation to anyone interested in attending the meeting.

**9. Member Comment**

Mr. Wray reminded people that the Adirondack Park is an extraordinary resource that belongs to all the people of the state of New York, not just any given region. The Agency is among stewards of that extraordinary asset and a servant of the public in what it does. The Agency is a creature of the law and its charter is in the law. He urged members of the board, as they make decisions in the business of the Agency, to make sure that they are in compliance with the law. He referred to Section 801 of the Adirondack Park Agency Act, which sets for the purpose of the Agency:



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"To ensure optimum overall conservation, protection, preservation, development and use of the unique scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Adirondack Park."

Mr. Wray suggested an occasional self-reminder of the Agency's purpose in Section 801.

He also expressed his appreciation for the collegial group and atmosphere, which he would miss. At the same time, he described his retirement as a liberating experience and hoped to pay occasional visits to the Agency.

Mr. Craig said it had been a pleasure to sit at the table with Mr. Wray. He expressed his appreciation for the wisdom that Mr. Wray shared and wished him well.

Mr. Lussi commented on his recent trip to Austria, and Stams, a small village outside Innsbruck, where they use all the scrap wood material that is left over from the mills to heat 30 percent of their community. He also noted at the St. Anton Ski Resort they are realizing the effects of climate change on the length of their ski season and have started making snow. Skiing being one of the top industries in Austria, they are creating mountain lakes, pumping the water up in low-demand times, and storing it to make snow. Mr. Lussi then referred to Mr. Wray and stated it was an honor for him to sit beside someone who clerked for the Supreme Court, and to have the opportunity to discuss sensitive legal issues with such a poignant mind.

Mr. Stegemann echoed comments regarding Mr. Wray's insights and intellect, and added that he enhanced the diversity of the board and discussions, which helped make for better rounded decisions by the Agency. He also recognized Mr. Wray's commitment to the environment and to the Adirondack Park through his work on the Agency Board and as a private landowner.

Mr. Mezzano also commented on Mr. Wray and his impressive background. He appreciated Mr. Wray's witticisms and recalled a number of years ago an enforcement case involving the construction of a dock, which Mr. Wray named "Row versus Wade." Mr. Mezzano thanked Mr. Wray for all the years.

Mr. Booth expressed his displeasure with the detailed reporting requirements of Project Sunlight. He then said he would miss Mr. Wray. He noted Mr. Wray's many contributions to the Agency, including consistent legal analysis, and he also expressed appreciation for his own conversations with Mr. Wray about the Supreme Court and discussion of legal books.

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Mr. Thomas highlighted Mr. Wray's brief term as Agency Chairman, as well as his good humor and good times at the Agency.

Mr. Valentino noted Mr. Wray's many years of attending monthly Agency board meetings while practicing law 300 miles away. He said he would miss Mr. Wray's diligence and good company.

Mr. Townsend also expressed his appreciation for Mr. Wray's quick wit, and also for the opportunity to serve Mr. Wray.

Ms. Martino noted the public hearing in Ray Brook the previous evening, which was the first of a series of eight public hearings to be held on the state land classification actions involving the Essex Chain/Indian River/OK Slip parcels. She also noted the Agency's acceptance of the Whiteface Ski Area Intensive Use unit plan. Ms. Martino commended the State Land Planning Team for the work that had been done and for the work that lies ahead. Speaking on behalf of the staff, Ms. Martino commented on how Mr. Wray and his valuable legal guidance would be missed at the Agency. She also commended Mr. Wray's many years of commitment to the Agency and the Park.

Chairwoman Ulrich expressed her appreciation to the staff. She noted that by not having a July meeting, staff would have needed time to focus on the State land classification process. The Chairwoman said she looked forward to celebrating Mr. Wray's service at a later date. She noted Mr. Wray's impressive credentials and his many contributions within the Agency as well as outside the Agency in Keene and other communities. She referred to Mr. Wray as a gentleman and scholar beyond comparison.

**10. Adjournment**

The Agency unanimously adjourned at 4:40 p.m.

LCU/TDM/dal

Attachments:

Permit 2012-199, Lydia's Place, Inc. and Timothy Sharlow  
Resolution - Whiteface Mountain Unit Management Plan Amendment  
Resolution - Consensus Rule

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Leilani Crafts Ulrich, Chairwoman