

Draft Minutes



Regulatory Programs Committee
June 13, 2013 Agency
Meeting; REW:mlr

**Regulatory Programs Committee
June 13, 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), Designee Patrick Hooker, NYS Department of Economic Development, Members William Thomas and Sherman Craig. Agency Staff present: Executive Director: Terry Martino and Counsel Jim Townsend

Local Government Review Board Member Present: Mr. Fred Monroe

Designee Dede Scozzafava (Department of State) was not present for Agency meeting. Chairwoman Lani Ulrich will be voting in the Regulatory Committee meeting in Designee Scozzafava's absence.

The Committee convened at 9:30 am.

1. Approval of May Draft Regulatory Programs Committee Minutes

On motion of Mr. Booth and seconded by Mr. Valentino Agency unanimously adopted the Draft Regulatory Committee Minutes of the May 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 May. Mr. Weber stated he would be available to discuss projects in more detail if required

Mr. Weber highlighted project 2013-103 a conceptual review of a draft recreation management plan for private lands located near Debar Mt. Wild Forest. He noted prior agency action involves a 2010 Memorandum of Understanding (MOU) with the NYS DEC for the review of Recreation Management Plans.

Mr. Weber discussed P2012-128, the public safety radio system and shared microwave network. He stated he microwave network will be utilized by Essex County, New York State Police, and New York State Electric and Gas

Condition 6 stated a written report is required concluding that the proposed construction activity will not have an impact on Bicknell's Thrush breeding/nesting between May 15 and August 1.

A June 11 Report prepared by DEC professional wildlife staff regarding the results of the recent Avian Surveys on the Little Whiteface confirm the findings of a preliminary report of a month ago that the potential impact of the construction activity will not have a population level effect on the Bicknell's Thrush in the Adirondacks.

Mr. Stegemann stated DEC staff will continue to monitor the project site for any potential impacts to the Bicknell Thrush breeding and/or nesting season.

Mr. Weber concluded the conversation by acknowledging the cooperation between all the parties involved in Project 2012-128 and the Bicknell Thrush assessment. He also noted that the Agency will continue to be proactive and will continue to monitor the project site for potential impacts.

2012-199 (S. McSherry)

Lydia's Place, Inc. and Timothy S. Sharlow
Town of Hopkinton, St. Lawrence County
Resource Management

Ms. McSherry presented a power point presentation and described the proposed project site as a 52.28 acre parcel of land located on Lake Ozonia Road in the Town of Hopkinton, St. Lawrence County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map.

Ms. McSherry discussed and showed several slides of the existing and proposed project site from various locations.

Question was asked if there are any plans to build a dock or boat launch on the shoreline of Lyd's Brook? Ms. McSherry answered no, that the applicant felt docks or any type of launching area were not necessary.

Ms. McSherry explained that the brook was determined navigable by the RASS division and is navigable by canoe or kayak.

Ms. Mcsherry explained that twenty-four of the campsites are located on the upper plateau (all of the "B" and "C" sites), and 20 are located on the lower plateau (all of the "A" sites). Each is 25 feet by 50 feet.

Mr. Craig asked if an Invasive Species Condition could be added to the draft permit. Board members agreed that the request to include language regarding Invasive Species concerns (such as transporting firewood) in the Adirondacks is a reasonable request.

Mr. Stegemann referred Ms. McSherry to the DEC website to obtain information regarding regulations regarding transporting fire wood more than 50 miles without it being inspected and tagged.

It was suggested also that firewood is made available to campers at the entrance of the campground. Executive Director Martino stated that private campgrounds are mirroring state laws in terms of transporting firewood.

Ms. McSherry reviewed selected permit conditions referenced in the draft permit.

Question was asked if there is a square foot limitation for an accessory building to remain an accessory building?

Associate Counsel answered if a building is larger than 1250 sq. ft. and serves the public, it would be counted as a principal building.

Regulatory Committee Chairman Mezzano asked for a motion from the Committee to move the proposed project to Full Agency for approval. Mr. Valentino made the motion and the motion was seconded by Mr. Booth.

A brief discussion ensued regarding the type of language that is proposed to be added to the draft permit regarding Invasive Species and firewood. Counsel Townsend suggested that Ms. McSherry continue to work with the applicant to add signage to the campground and to update the website to educate the public. It is an important point for general education but should not be included as a condition for project approval.

Chairwoman Ulrich suggested that some type of language regarding Invasive Species be included in campground permits from the Agency. Mr. Booth stated the Invasive Species issue is a concern that deserves highlighting in campground permits.

It was suggested that staff create a template for language specifically designed to address the Invasive Species issues and concerns.

Ms. McSherry suggested adding a Finding of Fact regarding invasive species, and citing applicable regulations.

Ms. McSherry stated the applicant is very cooperative and she does not believe the applicant will have any objection to this language being added to the draft permit.

Mr. Mezzano asked if there were any objections to moving the proposed permit forward for approval with the understanding that Invasive Species language will be added to the draft permit as a Finding of Fact.

It was suggested that language for both Aquatic and Terrestrial Invasive Species be included in the Finding of Fact.

The Regulatory Committee was unanimous in favor of the motion to Move the draft permit to Full Agency for approval with language regarding Invasive species included as a Finding of Fact.

4. Old Business: No

5. New Business: No

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

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: