

Draft not approved by Agency



Regulatory Programs Committee
August 9, 2013 Agency
Meeting; REW:mlr

**Regulatory Programs Committee
August 9, 2013**

Committee Members present: Committee Chairperson, Sherman Craig, Member Richard Booth, Member Art Lussi and Member William Valentino. Other Members present: Agency Chairwoman, Leilani Crafts Ulrich, Member Daniel Wilt, Designee Dede Scozzafava (Department of State), Designee Robert Stegemann and Judy Drabricki (Department of Environmental Conservation), Designee Bradley Austin, NYS Department of Economic Development, Members William Thomas and Karen Feldman. Agency Staff present: Executive Director: Terry Martino and Counsel Jim Townsend

Local Government Review Board Member Present: Mr. Fred Monroe

The Committee convened at 9:00 am.

1. Approval of June 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 June 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 June and July.

Mr. Monroe asked Mr. Weber to explain the difference in numbers from applications received and permits issued year by year. Mr. Weber noted that most of the activity is moving from year to year for several reasons. Mr. Weber stated he, Chairman Craig and Executive Director Terry Martino will review and compare the numbers of applications received and permits issued over a period of time and will bring the results to the Board at a later date.

Mr. Weber presented a slide show discussing the Agency's emergency authorization for retaining wall stabilization along NYS Route 73, Town of Keene. He noted that the NYS Dept. of Transportation, (DOT) the NYS Dept. of Environmental Conservation (DEC) and the Agency will continue to consult each other regarding any additional work at this site beyond what is immediately necessary for the emergency stabilization of the retaining wall. Mr. Weber commended DOT, DEC and APA for their cooperation in responding to the emergency situation. He explained the Agency's jurisdiction and the emergency letter sent on July 3 to the DOT suspending Agency review to ensure the protection of life and/or property.

Mr. Weber detailed the time line starting from June 18 through August 5, 2013. He detailed the DOT, the DEC, the United States Army Corp. of Engineers, and the Agency's involvement and participation in the retaining wall project to ensure public safety.

The mitigation proposal, land bank transfer proposal and final as built plans will be provided after the wall stabilization work has been completed. Mr. Weber stated DOT plans on completing the project by the end of next week.

Mr. Weber explained that this project was a difficult project site for DOT to work on. He showed several slides from various locations depicting the steep slope and the difficult working conditions at the project site.

Ms. Drabricki agreed with Mr. Weber stating that the outcome has been a very positive result in a very difficult situation.

Mr. Monroe asked if any Agency has reviewed retaining wall failures or washouts with beaver dam failures? Mr. Weber noted this incident did not occur from a beaver dam failure and stated this project site has been deteriorating since 2011 with recent events escalating the dangerous situation. Mr. Weber added he is not aware of any such occurrences in this area with situations resulting from beaver dam failures but noted there is concern in that happening.

Drainage Reconstruction and Resurfacing NYS Route 28N, Towns of Newcomb & Minerva

Mr. Weber noted the Agency on April 21, 2013, the Agency received a Notice of Intent to Undertake New Land Use and Development within the Adirondack Park from the New York State Department of Transportation (DOT) to develop waste disposal and staging areas for a road reconstruction, drainage and re-surfacing project on Route 28N in the

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Towns of Long Lake, Newcomb and Minerva in Hamilton and Essex Counties.

Mr. Weber stated the DOT Greenbook establishes procedures for Agency coordination and permitting, consistent design, construction and maintenance standards, and best management practices.

Mr. Weber noted that this was not an emergency situation but DOTs Notice of Intent was submitted in April 2013 and the Order was issued in May 2013.

He showed several slides from various locations and described the proposed project.

4. Old Business: No

5. New Business: No

Adjournment: The Regulatory Committee meeting adjourned at 9:45am.

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: