



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.

March 13-14, 2014

Thursday, February 13, 2014

AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF PRESENT

Leilani Crafts Ulrich, Chairwoman
Richard Booth, Member
Sherman Craig, Member
Karen Feldman, Member
Arthur Lussi, Member
William Thomas, Member
Dan Wilt, Member
Brad Austin, Designee, NYS Department of Economic Development
Dede Scozzafava, Designee, NYS Department of State
Robert Stegemann, Designee, NYS Dept. of Environmental Conservation
Terry Martino, Executive Director
James Townsend, Counsel
William Valentino, Absent and excused

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Gerald Delaney, Chairman

AGENCY STAFF PRESENT

Keith McKeever, Public Information Director
Kathy Regan, Senior Natural Resources Planner
Edward Snizek, Supervisor, Natural Resource Analysis
Daniel Kelleher, Special Assistant for Economic Affairs
Brian Grisi, Local Planning Assistance Specialist
Sarah Reynolds, Associate Council
Jennifer McAleese, Senior Attorney
Mary Palmer, KBS1
Norma Howard, Receptionist
Virginia Yamrick, Environmental Program Specialist 1
Nancy Heath, Environmental Program Specialist 1
Doug Miller, Environmental Program Specialist 2
Suzanne McSherry, Environmental Program Specialist 2
Beth Phillips, Senior Attorney
Rick Weber, Deputy Director, Regulatory Programs
Shaun Lalonde, Soil and Water Engineering Specialist

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Mark Rooks, Associate Project Analyst, Biological Resources
Devon Korn, Environmental Program Specialist
Steve Brewer, Senior Attorney
Greg Bendall, Environmental Engineer
Mike Hannon, Environmental Program Specialist 1
Tracy Darrah, Environmental Program Specialist 1
Mary Reardon, Secretary 1
Emily Tyner, Environmental Program Specialist 1
Trevor Fravor, Environmental Program Specialist 1
Kevin Prickett, Senior Natural Resource Planner
John Barge, Mapping Technologist 3
Milt Adams, Environmental Program Specialist 1
Elizabeth Stankus, IT
Sue Streiff, 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.

Chairwoman Ulrich called the meeting to order at 10:35 a.m.

1. Public Comment

There was no public comment.

2. Approval of December 11-13, 2013 and February 13-14, 2014 Draft Agency Minutes

On motion by Sherman Craig, seconded by Dan Wilt, the Agency unanimously approved the Draft Agency Meeting Minutes of December, 2013 with additional input from the Board. A copy of the official minutes as adopted by the Agency is on file at the Agency.

On motion by Art Lussi, seconded by Dan Wilt, the Agency unanimously approved the Draft Agency Meeting Minutes of February, 2014. A copy of the official minutes as adopted by the Agency is on file at the Agency.

Chairwoman Ulrich thanked all who participated in the Governor's Winter Challenge. She was thrilled and honored that the Adirondacks were recognized by the Governor. There was a slide presentation of some of the events.

3. Executive Director's Report

Executive Director Martino thanked George Hare and Kyle Martin for coming to work early to clear snow from the parking lot and sidewalks for the Agency meeting following the storm.

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Ms. Martino reported that the Governor's Winter Challenge was a success. She said the Governor's strong commitment to a sustained focus on the tourism economy is building increased recognition of the link between outdoor recreation and economic development.

She said staff look forward to the process that will be undertaken in the classification of the additional purchase of more than 8,000 acres of Finch lands.

Ms. Martino stated that in follow-up to the February meeting and the closing of a detailed review of 2013, she and staff were able to turn their attention to details of the work agenda for 2014.

She summarized the Board's February discussion which included brainstorming about use of new technologies-including biomass, education about the SLMP and potential for review of items in the SLMP, Hamlet growth and revitalization, invasive species controls, State lands as an economic benefit and gateway to the Forest Preserve, and interagency cooperation and efficiencies, among other topics.

She reported that staff also addressed a wide range of objectives starting from the goal to use processes throughout 2014 that maximize benefits for Adirondack stakeholders while continuing to advance a four-decade legacy with important outcomes in environmental protections that support communities throughout the Park. She said the staff planning work will continue and will include work objectives, activities and staff assignments.

Executive Director Martino announced the appointment of staff member Sue Streiff to the position of Secretary to the Executive Director. Chairwoman Ulrich added that Ms. Streiff will also serve as secretary to the Chair and the Board.

Ms. Martino presented a Resolution Saluting Nancy Heath, Environmental Program Specialist 1. Ms. Heath is retiring after thirty-plus years of dedicated service.

Executive Director Martino thanked Amy Hall, Mary Palmer and Sue Streiff for the assistance they provided to the Agency through the period without Deb Lester.

4. Motion to Adjourn into Committees

On motion of Karen Feldman, seconded by Bob Stegemann, the Agency unanimously adjourned into committees at 11:00 a.m.

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5. Community Spotlight: Village of Lake Placid, Essex County

The Agency reconvened at 1:00 p.m. for the Community Spotlight segment of the meeting. Village of Lake Placid Mayor Craig Randall was the featured speaker.

Mayor Randall stated this was his first time at the APA building although the Village was very involved with the Agency.

He spoke about the Village's Olympic heritage and the media's renewed interest in Lake Placid in the months prior to the Sochi Games. He said bringing the 1932 Olympic Games to Lake Placid was due to the vision of Godfrey Dewey and that the efforts by many to bring them back in the 1980s contributes to the Village's continued success.

Mayor Randall said although the Olympics put Lake Placid on the map, there are many reasons people come such as the destination resort experience, hiking and outdoor activities, the ski industry and the athletic training center. All of these bring economic benefits to the Village.

He highlighted two major projects the Village and Agency have recently worked together on: Mid's Park Bandshell which is on schedule for a spring installation and the Chubb River Restoration/Trunk Sewer Project. He said the sewer project should serve Lake Placid for 100 years or more.

Mayor Randall explained that the Village is working with various agencies to update the Comprehensive Plan which will be up for a public hearing. (The Plan can be found at ROOSTADK.com). He stressed that planning is critical. He said that with grant money, a sewer inventory is being completed that will identify what needs to be updated and replaced. He said that when the DOT decides to re-do Main Street, the Village will be ready.

The Mayor stated housing continues to be a major challenge for the Village. He said stormwater, traffic flow and parking also need to be addressed.

The Village employs 82 people: 63 full-time and 19 part-time. It operates on a budget of \$18,333,623.

Mr. Stegemann said he applauds the Mayor and Village for addressing infrastructure needs. He said the DEC experience with Lake Placid has been very positive.

Chairwoman Ulrich, Executive Director Martino and Mr. Lussi presented Mayor Randall with a certificate of appreciation.

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The presentation ended at 1:45 pm.

Committee meetings continued.

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Friday, February 14, 2014

AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF PRESENT

Leilani Crafts Ulrich, Chairwoman
Richard Booth, Member
Sherman Craig, Member
Karen Feldman, Member
Arthur Lussi, Member
William Thomas, Member
Dan Wilt, Member
Brad Austin, Designee, NYS Department of Economic Development
Lynne Mahoney, Designee, NYS Department of State
Robert Stegemann, Designee, NYS Dept. of Environmental Conservation
Terry Martino, Executive Director
James Townsend, Counsel
William Valentino, Absent and excused

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Frederick Monroe, Executive Director

AGENCY STAFF PRESENT

Keith McKeever, Public Information Director
Daniel Kelleher, Special Assistant for Economic Affairs
Brian Grisi, Local Planning Assistance Specialist
Sarah Reynolds, Associate Council
Jennifer McAleese, Senior Attorney
Mary Palmer, KBS1
Virginia Yamrick, Environmental Program Specialist 1
Suzanne McSherry, Environmental Program Specialist 2
Rick Weber, Deputy Director, Regulatory Programs
Steve Brewer, Senior Attorney
Greg Bendall, Environmental Engineer
Mary Reardon, Secretary 1
John Barge, Mapping Technologist 3
Sue Streiff, Secretary to Executive Director

Chairwoman Ulrich opened the meeting at 9:00 AM for committee reports.

Chairwoman Ulrich called to order Full Agency at 11:05 AM. She asked for any recusals.

1. Committee Reports

a. Regulatory Programs Committee

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1). P2013-257 Janet Yuckel and Michael Walker

Sherman Craig, Chair of the committee recused himself and left the meeting room.

Chairwoman Ulrich said this project involves a variance request from the shoreline setback in Wanakena to expand a single family dwelling.

During their meeting, the Regulatory Program Committee voted on the project with revised language clarifying the setback and the requirement of replacing the septic system within two years. Three members approved, one was against and there was one abstention.

Rick Weber provided the Board with revised language to include a replacement septic system within a certain time frame. Staff expressed concern about the septic replacement requirement because they had no information on the septic system. Staff believed they did not have the authority to inquire about its condition since the variance does not affect the wastewater treatment system. (Section 575.7 (c) & (d) and Section 576.1 (c)(6). Steve Brewer said the system is lawfully existing with no increased occupancy planned; and therefore staff were uncomfortable with a replacement requirement. Counsel Townsend said staff viewed the provision as not giving them the authority to ask. He said the Board could deny the variance and if it chose to add conditions to its order, it had common law authority to do so. He said that this is a Board variance order, not a staff order.

Mr. Monroe said he was concerned with the basis of jurisdiction. He said it is the LGRB's position that if there is no increase in occupancy then there should be no condition to replace the system. Ms. Scozzafava asked if this language made the assumption the system was out of compliance and whether that was a fair assumption. She asked if the Board had full discretion to ask anything. Counsel said the Board did not have unlimited discretion.

Executive Director Martino commented that at the Adirondack Explorer Conference, a representative from Cayuga County spoke to the recently passed county law that requires a septic inspection at the time of sale and transfer of real property.

Chairwoman Ulrich asked Mr. Booth if he was comfortable with the revised language. He felt the language was fine. The Chairwoman called for a motion. On motion by the committee to approve the variance with amended language requiring replacement of the septic system, seconded by Art Lussi, the motion failed four to five. Dan Wilt, Dick Booth, Lani Ulrich voted in favor. Bob Stegemann (DEC),

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Karen Feldman, Bill Thomas, Bradley Austin (DED), Dede Scozzafava (DOS) voted against.

Chairwoman Ulrich asked if there was an amendment proposal on the table with alternate language regarding only setback clarification.

A motion was made by Bill Thomas to approve the variance with the revision in Agency jurisdiction language proposed by staff, seconded by Dede Scozzafava.

Ms. Feldman said the Board might encourage owner inspection for their own health and safety due to setback but cannot impose it. Mr. Stegemann agreed. He said two issues caused him to pause on taking action requiring replacement: lack of jurisdiction or authority and because there is no indication the system is failing. He felt this was the domain of the DOH. Chairwoman Ulrich said that this is an opportunity to look at changes to this law. Mr. Lussi felt the applicant's expansion was a legitimate reason to require inspection and that it was not unreasonable in the future to ask applicants of shoreline property to bring the septic system into conformance. He disagreed that the system was acceptable.

Chairwoman Ulrich asked if authority to require inspection was at issue. Mr. Booth urged the Board not to pursue the authority question because it was not necessary. Counsel agreed and reminded the Board that all variances are different. The Chairwoman said all parties want to protect water quality and she had difficulty with the law as it stands.

Chairwoman Ulrich called for the vote.

The Board voted five to four and the motion passed. Bob Stegemann (DEC), Karen Feldman, Bill Thomas, Bradley Austin (DED), Dede Scozzafava (DOS) voted in favor. Dick Booth, Art Lussi, Lani Ulrich and Dan Wilt opposed.

A copy of the Project Permit as approved by the Agency is attached to the official minutes on file at the Agency.

2). P2012-185-Bear Pond Ranch

Chairman Craig described the project as the construction and operation of a new tourist attraction involving a zip line ride.

Rick Weber addressed committee concerns about visibility and access to road maintenance by proposing the addition of three amendments including: documentation of construction, cutting and planting; gravel access road inspections; and visibility due to a natural

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cause. He said the applicant's representative agreed with the first two amendments but had concerns with the term "substantial visibility" on the third. Mr. Weber suggested adding wording similar to "restore to prior condition within 900 linear feet of the cleared management area." He asked the Chair or Executive Director to finalize this language for inclusion in the permit, if the Board agreed.

A motion was made by Sherman Craig, seconded by Bill Thomas to approve the project with three modified amendments language. Chairwoman Ulrich said all board members must be clear on the intent of the proposed language and that if approved, they are authorizing the Executive Director to provide language to reflect that intent.

Mr. Stegemann asked what would happen with the documentation of project pictures. Counsel replied they would be used for compliance checks. Mr. Stegemann asked if compliance language was used in the permit. Chairwoman Ulrich said the permit has a very specific planting plan. Mr. Weber said the standard permit term "the project will be undertaken as described" covered this language.

The Chairwoman commended staff for addressing all concerns including comment letters and scenic byways issues. She said the visual simulations were very helpful with visibility concerns. Mr. Thomas's comment about the general area where this will be constructed clarified for her that a lot can happen in the Adirondacks when appropriately placed. She said the comment helped with her concern of this project being a precedent along the Northway or scenic byways.

Mr. Craig said there were three issues to be addressed in regard to the zip line: noise, watershed protection and visibility. He said the three proposed amendments, with some modification, addressed those concerns.

Chairwoman Ulrich called the vote to approve the permit with the modified amendments. The motion passed with the Board voting nine members in favor, Mr. Booth opposed.

A copy of the Project Permit as approved by the Agency is attached to the official minutes on file at the Agency.

b. Legal Affairs Committee

Ms. Feldman reported that the committee met to discuss Emergency Authorization Regulations. On motion by Ms. Feldman, seconded by Mr. Craig, the Agency unanimously approved the Resolution with

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changes and authorized the committee to move it forward for public hearing.

c. Economic Affairs Committee

Mr. Lussi stated there was a presentation on Adirondack Homeward Bound. He said Reverend Colonel Eric Olsen encouraged everyone to think about how to provide more opportunities for jobs and retreats in the Adirondacks for returning veterans.

d. Local Government Services Committee

Mr. Wilt reported that there was a presentation on the upcoming Local Government Day.

2. Interim Reports

The Administration, Park Policy and Planning, Enforcement, and Public Awareness and Communications Committees did not meet this month. Monthly reports were included in the mailing.

a. State Land Committee

On motion by Mr. Booth, seconded by Mr. Craig, the Agency unanimously approved the draft State Land Committee February 2014 minutes.

b. Park Ecology Committee

In Mr. Valentino's absence, Chairwoman Ulrich called for a vote to approve the draft Park Ecology Committee minutes. On motion by Mr. Lussi, seconded by Mr. Stegemann, the Agency unanimously approved the February 2014 minutes.

3. Public Comments

There was no public comment.

4. Local Government Review Board Comment (F. Monroe, LGRB)

Fred Monroe said the LGRB supports the Emergency Authorization Regulations Resolution and added that local government declared emergencies should be included.

5. Member Comments

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Dede Scozzafava said she is looking forward to reports on the Local Government Day. She was interested in how this may tie into Governor Cuomo's tourism campaign.

Dick Booth thanked all snowplow operators. He said they provide remarkable service and should not be taken for granted.

Art Lussi praised the Winter Olympians. He named local athletes Erin Hamlin, Andrew Weibrecht, Tim Burke, Lowell Bailey, Peter Frenette, Lindsey Von, Bill Demong, Chris Mazdzer and others. He mentioned the local reporters and photographer covering the Games. He said the Adirondacks were well represented in Sochi. He said his wife volunteered at the ski jumps. She was impressed with Russia's environmental improvements and the success of a 50 degree Winter Olympics.

Bill Thomas said that he normally tries to get ahead of a snowplow but with this winter storm travel, he looked to stay behind one. He was glad everyone arrived safely.

Bradley Austin said he is working with Keith McKeever and Dan Kelleher regarding incentives for film production in the Adirondacks. He said an Adirondack "road show" could be scheduled and may be announced next month.

Sherman Craig addressed the variance concept of the ongoing obligation dealing with water quality but the lack of authority to deal with sources of contamination. He asked the Chairwoman and Executive Director to provide a presentation by the Department of Health on how to move forward on this issue.

Karen Feldman agreed with Mr. Craig that more needed to be done to address setbacks and visibility issues. She also reminded the Board that the Sochi Para-Olympics were on-going and invited the Board to watch them. She was proud to announce that an athlete from The Adaptive Sports Foundation, of which she is part, is in the Sochi Games.

Bob Stegemann commended staff on the preparation of two permits and the emergency rule. He said staff provided all the information necessary to bring these to vote. He also spoke of the efficiency between the APA and the DEC in creating the emergency regulations and how it was a learning experience for both.

Dan Wilt said his bobsled award from the Governor's Winter Challenge was an award for the Agency. He encouraged people to sign up for Local Government Day sooner than later to assist with planning the event. He appreciated the comments on water quality.

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Chairwoman Ulrich suggested involving local non-profits on Local Government Day.

Executive Director Martino praised the work done on the Emergency Authorization Regulations with the DEC. She said she welcomes variance review. She thanked Mr. Lussi and Ms. Feldman for local Olympic and Para-Olympic updates quoting "The Country of Us." Ms. Martino gave the Board copies of the updated Adirondack Park Land Use Map with the 2013 Finch Classification.

Chairwoman Ulrich thanked George Hare and Kyle Martin for snow removal in advance of Agency meeting. She sent best wishes to Nancy Heath. She suggested connecting veterans to Adirondack sports and the Olympic venues which may aid in their reintegration.

6. Adjournment

By unanimous consent the Agency adjourned at 12:20 p.m.

LCU/TDM/sas

Attachments:

Yuckle Permit 2013-257

Bear Pond Ranch Permit 2012-185

Leilani Crafts Ulrich, Chairwoman