



DRAFT MINUTES
Legal Affairs Committee
September 12, 2014
Agency Meeting
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**Legal Affairs Committee
September 12, 2014**

Committee Members Present:

Karen Feldman, Chair, Arthur Lussi, Richard Booth, Sherman Craig and Bradley Austin (DED)

Other Members and Designees Present:

Leilani Ulrich, Chairwoman, William Thomas, Dan Wilt and Dierdre Scozzafava (DOS)

Local Government Review Board:

Frederick Monroe, Executive Director

Agency Staff Present:

Terry Martino, Executive Director, James Townsend, Counsel, Paul Van Cott, Associate Attorney, and Mary Palmer

Counsel's Report: Counsel noted the report on jurisdictional inquiries and FOIL requests for the month of August.

Agency's Review of Variances:

Paul Van Cott presented the Board with the proposed amendment to the Delegation Resolution to issue variances. He explained that the amendment would give the Deputy Director - Regulatory Programs limited authority to approve certain types of variances.

Mr. Van Cott explained the three types of variances being proposed for delegation which include variances from a public entity, when the agency coordinates with DEC and when a variance is small in nature. Commissioner Booth suggested that all large scale projects should still come before the Board.

Mr. Van Cott pointed out that there are a large number of projects that are received in the jurisdictional office which require a variance where staff has assisted the applicant to find alternatives that meet their goals but do not require a variance.

Mr. Van Cott explained the current steps of variance review, noting that it is a time intensive process. He added that a public hearing is required for every variance application that is received.

Richard Booth said that he is a strong proponent on this type of delegation and suggested that when staff write the proposal they are careful about the language that suggests if there is any kind of opposition it gets sent to the Agency, particularly when local government funding is involved.

He also commented on the predictability being the same whether it comes from the Agency or staff. Mr. Craig added that it would be a lot easier for the applicant to sit with the Deputy Director and discuss issues that could be compromised.

Mr. Monroe agreed that communication with the decision maker is important, which the applicant does not have when their project comes before the Agency. He added that local governments will support this because it is something that will streamline the process and remove the burden on landowners and municipalities.

Chairwoman Ulrich commented that this is not reducing or weakening the authority of the Agency, but something that would be very progressive when it comes to local governments and the people of the park.

Mr. Booth suggested that Hamlets and public infrastructure be added to the delegation resolution. He noted that a developed shoreline in a Hamlet area should be an expeditious review, particularly if they have their own language pertaining to zoning ordinances.

Mr. Townsend noted the steps that would occur if the Board authorized staff's proposal to amend the Delegation Resolution. He said that in October they would see the amendments to the Resolution, the Consensus Rule change in draft form that is required, at which time the Board would make any suggestions for changes they feel are necessary. If the Board approves the material the Agency will be in a position to adopt the changes in November.

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On motion of Richard Booth, seconded by Mr. Craig, the Board unanimously authorized proceeding with the amendment to the Delegation Resolution.

There was no old business, and no new business.

Karen Feldman, Committee Chair adjourned the meeting at 10:05 am.