

Draft 11/24/2014



Regulatory Programs Committee  
November 13, 2014 Agency  
Meeting: REW:mlr

**Regulatory Programs Committee  
November 13, 2014**

Committee Members present: Sherman Craig, Chair, Richard Booth, and Designee Dede Scozzafava (Department of State), Art Lussi and Karen Feldman voting.

Other Agency Members and Designees present: Daniel Wilt, Robert Stegemann (Department of Environmental Conservation), Bradley Austin, (NYS Department of Economic Development), William Thomas.

Agency Staff present: Terry Martino, Executive Director and James Townsend, Counsel.

Local Government Review Board Representative: Fred Monroe, Executive Director

The Committee convened at 9:30 am.

1. Approval of October Draft Regulatory Programs Committee Minutes

Motion was made by Member Mr. Lussi and seconded by Ms. Feldman to approve the October minutes with edits to Mr. Booths comments. The Committee vote was unanimous in favor of the motion.

2. Deputy Director (Regulatory Programs) Report (R. Weber)

Mr. Weber reviewed the monthly statistics of applications received and permits issued. He discussed projects from the High Profile Report and welcomed questions from the Board.

A brief discussion ensued regarding placing on the APA website a description of the preapplication process. The information may help new applicants planning a future project and result in a more complete application, upon submission. Mr. Weber agreed that this would be very helpful to future applicants. It is also being expressed to applicants by local code enforcement officers.

(3) Project: (T. Saehrig)  
2014-1

Town of Inlet: Hamilton County  
Hamlet

Mr. Saehrig presented a power point describing project description, location and land use area. He explained the variance proposal is for a 50-foot structure setback to allow for the construction of a two-story structure measuring 30 ft. by 40 ft. to store canoes, kayaks or other watercraft on the lower level and to use the upper level for outdoor events.

Mr. Saehrig reviewed Agency jurisdiction and showed several photos of the site and the surrounding area from various viewpoints. He explained the Master Plan for Arrowhead Park and the applicant's objectives.

Mr. Saehrig showed existing views and proposed simulations from Fourth Lake and Fifth Lake looking east and north, respectively towards the project site. Mr. Saehrig discussed the final plans and the stormwater management plan for the proposed project.

Mr. Saehrig referenced the public hearing held in the Town of Inlet on October 22, 2014. Mr. Saehrig, Elizabeth Phillips, Shaun Lalonde, and Keith McKeever attended from the Agency. Mr. Frey, Supervisor, Town of Inlet and Nicholas Rose, CAP-21 were also in attendance. Mr. Saehrig noted that seven members of the public attended. Four spoke in favor of the variance, none were opposed. Two letters of support were submitted.

Mr. Saehrig discussed the variance factors in 9 NYCRR Sections 576.1 (b) and 576.1(c)(1) through 6 of the APA Act. He noted the applicant discussed three non-jurisdictional alternative designs but found them to be less effective, costly (two buildings instead of one) and inconsistent with the Arrowhead Park Master Plan. He stated these alternatives would not meet the town's objective of reconstructing the historic structure removed from the site in 1938 with boat storage accessible from the boardwalk and a covered platform for events. He discussed the public benefits if approved and adverse consequences if denied.

Mr. Saehrig stated staff, after considering several factors, recommends approving the variance with conditions.

Mr. Lussi questioned how many boathouses are allowed on the project site. Counsel Townsend answered he cannot give a specific number; boathouses are non-jurisdictional as long as they meet the 1200 sq. ft. definition. Mr. Booth commented that the Agency at some point would question if all were bonafide boathouses. Counsel Townsend stated at this time that is a hypothetical situation.

A discussion ensued regarding the time frame of the proposed project. Mr. Saehrig explained the proposal was received at the Agency in 2010 as a preapplication and continued over a period of time with staff visiting the project site. The Master Plan was conceived in 2009 and the structure was anticipated at that time. Mr. Saehrig explained the variance application was received in 2014 which was completed and brought to the Agency for review.

Mr. Lussi noted his enthusiasm for historical preservation. He stated he is concerned with the criteria for denial stating there would be an increase in cost to the public for construction of two buildings.

Mr. Sherman suggested removing the language referring to cost to the public from the draft variance order and Mr. Booth agreed. Mr. Booth also commented that staff should add language highlighting that this structure is developed for multiple public park purposes and will be owned and maintained by the Town versus a private landowner building the same type of structure on private property. He said the evaluation is very different because it is public park.

Mr. Booth made a motion to move the proposed project to Full Agency for approval with edits and Ms. Feldman seconded the motion.

The Regulatory Committee was unanimous in favor of the motion.

(6) Old Business: None

(7) New Business: None

Adjournment: The Regulatory Committee meeting adjourned at 10:40 am.

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](http://nysapa.granicus.com/ViewPublisher.php?view_id=2) of this meeting: