



Adirondack Park Agency

LEILANI CRAFTS ULRICH
Chairwoman

TERRY MARTINO
Executive Director

Draft May minutes
6/3/2015

Regulatory Programs Committee
May 14, 2015
Agency Meeting
REW:mlr

Regulatory Programs Committee **May 14, 2015**

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

Other Agency Members and Designees present: Robert Stegemann (Department of Environmental Conservation), Bradley Austin, (NYS Department of Economic Development), and William Thomas, Lani Ulrich, Chairwoman

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 April 2015 Draft Regulatory Programs Committee Minutes

Motion was made by Mr. Lussi and seconded by Ms. Feldman to approve the April minutes with minor edits requested by Mr. Booth. 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.

Mr. Weber acknowledged Greg Bendell's professionalism and hard work at the Agency. Mr. Weber noted the importance of the RASS Division's guidance during the Regulatory Division's review process for projects. Mr. Weber commended Mr. Bendell for his sense of humor as well as his practical and consistent way when expressing RASS concerns. He said Mr. Bendell will be missed by Agency staff.

Mr. Weber was asked if there were any variances that would be delegated by staff as per the decision by the Board in a previous Agency meeting, Mr. Weber replied there are none at this time, but would advise the Board of any variance that might have the criteria to be delegated at staff level.

Mr. Weber discussed a recent request by the applicant for the LS Marina project to remove one of the existing boathouses because the roof had collapsed and was considered a safety hazard. Removal of the boathouse was not considered by staff as undertaking the proposed project and Mr. Weber explained that staff issued a general wetlands permit for its removal.

3. Project: (V. Yamrick) NY RSA No. 2 Cellular Partnership
P2014-102 d/b/a Verizon Wireless
Town of Westport: Essex County
Rural Use

Ms. Yamrick presented a slide show describing the proposed project, Agency jurisdiction and the project site. She said the project involves the installation of a 102 foot tall, concealed telecommunications tower.

Ms. Yamrick showed maps and air photos of the project site and explained details of the Site Plan Map, Tower Elevation and the Grading and Erosion Control Plans for the proposed project.

Ms. Yamrick explained the details of the existing and proposed coverage maps and viewshed maps. She said in order for staff to verify the areas of potential visibility, a balloon float was done to confirm the accuracy of the viewshed map. Ms. Yamrick explained that staff typically takes photos at 55, 85, 120 and 300mm lens length.. She said the 55mm long lens is used to represent the field of view of the average person and the 85mm lens is used to represent the level of detail that normally may be observed. Ms. Yamrick explained that many locations may be identified initially but after staff analysis and discussion with the Deputy Director the areas of concerns are narrowed to the locations which require simulations due to the significance of the project's visibility.

Ms. Yamrick showed several slides depicting the balloons flown at 112 ft., 132 ft. and 152 feet from various locations and identified the location where the tower was potentially the most visible. As a result of the significant visibility at the intersection of NYS Rte. 22 and Young's Road, the applicant reduced the proposed tower height by 10 feet. The original proposal was for a 112 foot tower and as a result of revising the tower height to 102 feet, the project was determined by staff to be consistent with the Towers Policy. She said the tower shall be constructed as proposed and shall mimic the branching structure, needle pattern, and coloration of a mature, fully-formed eastern white pine tree.

Ms. Yamrick stated that the public comment period ended on April 9, 2015. The Town of Westport provided comments on May 6, 2015. No public hearing was held and no public comments were received.

Ms. Yamrick discussed the other agencies involved in the project review and noted that the Fish and Wildlife service determined the proposed project “may affect, but not likely to affect” the northern long-eared bat provided the measures outlined in the proposed permit are implemented.

Ms. Yamrick stated that Agency staff believe the proposed project is consistent with the Agency’s Towers Policy and she discussed the draft permit conditions.

Ms. Yamrick said the staff recommendation is to approve the permit with conditions.

Mr. Weber praised Ms. Yamrick for her detailed presentation and briefly discussed the visual analysis process. He referred to the simulations that Ms. Yamrick used in her presentation and stated the cell providers typically want the tallest tower possible to meet their coverage objectives while Agency staff tries to approve the maximum height possible that is in compliance with the Towers Policy.

Mr. Wilt asked would the tower need to be raised to accommodate trees growing taller in the future. Mr. Weber answered the initial plans typically take this concern into account. He said staff have not encountered a situation where cell providers request additional tree cutting subsequent to approval of the initial project. .

Mr. Booth asked if the proposed tower will be visible from the river. Ms. Yamrick answered no. Mr. Booth asked that language be added to the draft permit that states the tower will not be visible from the Boquet River.

A brief discussion ensued regarding the compliance of the proposed tower with the Agency’s Towers Policy. Chairwoman Ulrich stated that this proposal is acceptable to her and complimented staff on a well-designed project.

Mr. Booth commented that this proposed project is a very good example of a tower project that staff should take photos upon completion and bring back to the Agency for review.

Mr. Weber said there is a condition in the draft permit for the applicant to provide photo documentation after the tower is constructed. After review by staff, if the tower does not meet the conditions set forth in the approved permit, staff may request the applicant make necessary adjustments to bring the project in compliance with the Agency’s policy.

Mr. Wilt commented that uneven tree lines are not uncommon in the Adirondacks.

Mr. Craig asked for a motion to move the permit to full Agency for consideration with the recommended language by Mr. Booth. Ms. Feldman made the motion, seconded by Mr. Lussi.

The Committee vote was unanimous in favor of the motion.

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(4) Old Business: None

(5) New Business: None

Adjournment: The Regulatory Committee meeting adjourned at 10:30 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 of this meeting: