



LEILANI CRAFTS ULRICH
Chairwoman

TERRY MARTINO
Executive Director

Draft 9/1/2015

Regulatory Programs Committee
August 13, 2015
Agency Meeting
REW:mlr

**MINUTES OF THE REGULATORY PROGRAMS COMMITTEE MEETING
August 13, 2015**

The Committee meeting convened at approximately 10:30 am.

Regulatory Programs Committee Members Present

Sherman Craig, Chair, Richard Booth, Dierdre Scozzafava, Art Lussi and Karen Feldman.

Other Members and Designees Present

Robert Stegemann, Bradley Austin, William Thomas

Local Government Review Board

Fred Monroe

Agency Staff Present

Terry Martino, James Townsend, Richard Weber, Colleen Parker, Ariel Lynch, Aaron Ziemann, Tracy Darrah, Sarah Reynolds, Beth Phillips, Shaun Lalonde

1. **Approval of July 2015 Draft Regulatory Programs Committee Minutes**

Motion was made by Mr. Booth and seconded by Mr. Lussi to approve the July minutes. 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 noted that at the request of the Department of State, Agency staff provided comment on a draft report regarding a Five Town Equine Hub Strategy Plan including the Towns of Indian Lake, Long Lake Newcomb and North Hudson. The Town of Minerva is developing their plan separately. Staff provided comment on potential Agency jurisdiction for the elements of the plan.

The plan is intended to serve as a guide for the communities in developing equestrian trails and facilities as an economic development strategy.

Mr. Weber provided a brief update on the 9 timber harvest projects that have been reviewed by the Agency since December 2013.

3. Project: (Ariel Lynch) Franklin County
P2015-35 Village of Saranac Lake: Essex County
Hamlet

Ms. Lynch presented a slide show describing the project site, the proposal and Agency jurisdiction. Ms. Lynch stated the Agency's jurisdiction is a Class A Regional Project as a greater than 25% expansion of an existing structure in a Hamlet Land use area. In this case, the proposal involves the expansion of the tower's width.

Ms. Lynch showed slides depicting the location, topography and the existing conditions of the project site including 5 other towers located on or near the replacement tower. Ms. Lynch stated the tower site will be accessed via a 0.45 mile long existing access drive located on Village property.

Ms. Lynch described the project plans including the site plan and elevations. The proposed antennas were kept at the same elevations as the existing antennas to provide the same level of service. She discussed the visual analysis performed as part of the project review and showed visual simulations depicting the potential visual impact of the project as seen from several viewpoints within a 5 mile radius.

Ms. Lynch discussed the two comment letters received at the Agency. Ms. Lynch also reviewed the alternatives discussed with the applicant. She stated staff believes the proposed project meets all the "Conclusions of Law" and complies with the Tower Policy, but also notes the proposed tower is a significant change from the existing tower and is not substantially invisible.

Mr. Booth suggested making it clear, earlier in the permit, that the proposed tower is for emergency communications.

Ms. Feldman asked if it is common for guyed towers to be replaced with self-supporting towers. Ms. Lynch described some of the reasons why a tower engineer may choose a self-supporting lattice design, but noted it is a site specific decision.

Mr. Craig discussed a negative press release regarding the proposed project and asked Ms. Lynch if she had any comment. Ms. Lynch stated that this project started with the preapplication process which helped to reduce the cost and time that it took to review the proposal. She also stated staff only request material that is absolutely necessary to fully review any given project.

Mr. Craig asked for a motion to move the permit to full Agency for approval. Ms. Feldman made the motion, seconded by Mr. Booth.

The Committee vote was unanimous in favor of the motion with the edit recommended by Mr. Booth.

4. Project (Aaron Ziemann)
2015-82

Lyme Adirondack Timberlands II, LLC
Town of Lake Pleasant, Hamilton County
Resource Management

Mr. Ziemann presented a slideshow reviewing the project proposal, Agency jurisdiction, project site, and two silvicultural treatments. He noted the proposal is the first step in the "shelterwood" process, not a heavy cut but jurisdictional to the Agency under the Timber Harvesting Regulations.

He explained that the harvest is comprised of two treatment areas and the site had been harvested in 1993 and 1999 by the previous landowner. Mr. Ziemann explained the proposed harvest site consists of a 212±-acre portion of a larger 313±-acre area because the total project site includes the previously harvested patchcuts. Mr. Ziemann explained the proposed project targets the removal of poor quality stems, whatever the species, leaving the high quality stems to grow.

Mr. Booth asked Mr. Ziemann to explain the primary difference between the two harvest areas. Mr. Ziemann answered that the difference is due to the quality of the existing stands and the different treatments needed in order to best allow the understory to grow.

Mr. Wilt asked if the snowmobile trails will be affected by the proposed treatments. Mr. Ziemann answered that he understands the applicants are planning on completing the timber harvest this fall.

Mr. Ziemann discussed the Agency's review standards for clearcutting. He said no operations are proposed within wetlands and he noted there is no known presence of rare plants, animals or natural communities on the project site.

Mr. Ziemann stated there were no public comments received. He concluded his presentation with a staff recommendation to approve the draft permit with conditions.

Mr. Craig asked for a motion to move the permit to full Agency for approval. Mr. Booth made the motion, seconded by Ms. Feldman.

The Committee vote was unanimous in favor of the motion.

5. Project (Aaron Ziemann)
2015-87

Heartwood Forestland Fund IV
Town of Lyonsdale: Lewis County
Resource Management

Mr. Ziemann presented the project proposal including Agency jurisdiction, and location of the project site. He described the project as an overstory removal on 53± acres located within the applicant's 8,209 acre John Brown Tract. He explained the project site was last treated approximately 10 years ago using a shelterwood system.

Mr. Ziemann explained that the proposed treatment calls for the removal of all stems 10 inches or greater in diameter at breast height (dbh) and all unacceptable growing stock stems over 4 inches dbh, with the exception of wildlife trees and stream buffers areas. He said the goal is to protect and release existing desirable regeneration, promote additional desirable regeneration and to capture declining value.

Mr. Ziemann stated the harvest boundaries will be field-delineated by a professional forester and noted the project site is accessed via private access roads from New York State Route 28.

Mr. Ziemann described the topography of the proposed project site and he said the harvest boundary has been delineated to avoid wetlands. Portions of the project site are located adjacent to Stony Creek and Copper Creek and their associated wetlands. No operations are proposed within the Creeks or their associated wetlands.

Mr. Ziemann explained that in a 4-acre portion of the harvest site, the proposal is to perform small group removals creating small gaps in the canopy that provide shelter for regeneration.

Mr. Ziemann discussed the Agency's review standards for clearcutting for silvicultural purposes and noted that best management practices will be used. He stated that no public comments were received.

Mr. Ziemann concluded his presentation with a staff recommendation to approve the draft permit with conditions.

Mr. Craig asked for a motion to move the permit to full Agency for approval. Mr. Booth made the motion, seconded by Ms. Feldman.

The Committee vote was unanimous in favor of the motion.

6. Project: (Tracy Darrah)
2014-101

F.R. Smith & Son, Inc.
Town of Bolton: Warren County
Rural Use

Ms. Darrah acknowledged the presence of the Project Sponsor, their representatives and the Agency staff involved in the review of the proposed project.

Ms. Darrah presented a slide show describing the project site, proposal and Agency Jurisdiction. She noted that the proposed project is located in an approved town. Ms. Darrah explained the amendment request is a material change to P87-342, specifically to Conditions 1, 12 and 13 of the prior permit.

Ms. Darrah reviewed the background and prior history of the project site. She said the project site was created by a subdivision from a 27.44±-acre parcel approved by the Town of Bolton in 1987. Ms. Darrah explained that in August 1987 the Town of Bolton Planning Board issued site plan approval for construction of a 12,000 square-foot commercial use boat storage building on the project site. In September 1993 the Agency issued P87-342 authorizing the construction of a 12,000 square-foot commercial use boat storage building. Subsequently, a 6,000 square-foot storage building was constructed on the project site.

Ms. Darrah explained that in February 2014 the Town of Bolton granted a density variance allowing for up to 4 principal buildings on the project site. In March 2014 the Agency reversed the density variance. The current application under review was submitted to the Agency in July of 2014.

Ms. Darrah presented photos depicting the project location and existing conditions from various locations.

She showed a visual simulation of the proposed building and discussed the site plan, vegetative screening, stormwater plans and potential visibility of the project. She explained that this proposal is for a 5,884± additional square foot boat storage structure for a total of 11, 954± square-foot configuration. A 600± square-foot portion of the additional space will contain a boat washing station. The project also includes outdoor boat storage within an existing gravel area and a second entrance driveway.

Chairwoman Ulrich asked Ms. Darrah to estimate the distance between the closest residential dwelling and the project site. Ms. Darrah responded with an estimated distance of 500 feet.

Mr. Booth asked if there is a legal significance to whether these buildings are connected. Associate Counsel Reynolds answered no and said that staff did not need to determine whether this is one building or two for its review. The Town would have additional standards and they are reviewing this as one building. Mr. Booth asked about density. Ms. Reynolds explained that it is considered two principal buildings as either one commercial use building over 11,000 square feet in size or two commercial use structures over 300 square feet in size.

Ms. Darrah discussed the public comment letters received and stated that through project design and conditions in the draft permit, staff believes the concerns raised have been adequately addressed.

Mr. Lalonde was asked to describe any stormwater issues of concern to surrounding landowners. Mr. Lalonde responded that the boat washing facility will be for the operator's seasonal use only. The facility is not a daily, high flow facility for general public use. The boat wash area will not generate more than 1000 gallons per day of effluent and is therefore not a sewage treatment facility regulated by the NYS Department of Environmental Conservation. (DEC). Staff did review the boat wash area as a sewage treatment facility that met all APA requirements. Mr. Lalonde stated that staff reviewed this project with DEC and the Lake George Park Commission (LFPC) and noted the LGPC permit requires the applicant to use products off the EPA list for acceptable "Green" products.

Mr. Stegemann commented that a SPDES permit for boat launching facilities has now been established with DEC and suggested the applicant check with DEC to be sure there are no further requirements for a SPDES permit. Ms. Darrah stated the Stormwater Pollution Prevention Plan was reviewed and approved by the Town of Bolton and the Lake George Park Commission.

Mr. Lalonde stated the applicant upgraded the stormwater management for the existing building, added trenches and grading that will infiltrate the stormwater from both the existing and proposed buildings.

Mr. Craig asked about the increased traffic resulting from this project. Ms. Darrah referred to the P87-342 project application that provided for 5 to 8 trips per day and the draft permit that provides for 8 to 10 trips per day. Ms. Darrah explained staff added a few extra trips per day based on the letter that the applicant submitted in response to comment letters received at the Agency.

A discussion ensued regarding the potential number of boats that can be stored compared to what is currently allowed in the existing structure. Mr. Weber stated that the previously approved permit issued to the applicant approved a 12,000 square-foot building. Although, this current proposal is configured differently, the previous permit approved a total building square footage similar to what is contemplated in the permit currently under consideration.

Ms. Darrah stated the existing building could store up to 40 boats if needed and she stated that up to 30 boats may be stored outdoors during boating season while awaiting repairs.

Ms. Darrah discussed the review by other agencies and the conditions in the draft permit.

Ms. Darrah concluded her presentation with a staff recommendation to approve the draft permit with conditions

Mr. Craig asked for a motion to move the permit to full Agency for approval. Mr. Lussi made the motion, seconded by Ms. Scozzafava.

Regulatory Program Committee Minutes

August 13, 2015

Page 7 of 7

The Committee vote was unanimous in favor of the motion.

7. Old Business: None

8. New Business: None

Adjournment: The Regulatory Committee meeting adjourned at 2:30 pm.

Note: The PowerPoint 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