



Adirondack Park Agency

LEILANI CRAFTS ULRICH
Chairwoman

TERRY MARTINO
Executive Director

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.

Draft Minutes, Full Agency, 11/24/15
TDM:sas 12:00 pm

November 12 & 13, 2015

Thursday, November 12, 2015

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
Dierdre Scozzafava, Designee, NYS Department of State
Robert Stegemann, Designee, NYS Dept. of Environmental Conservation
Terry Martino, Executive Director
James Townsend, Counsel

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Fred Monroe, Executive Director

AGENCY STAFF PRESENT

Keith McKeever, Public Information Director
Amy Hall, Clerk 2
Kathy Regan, Deputy Director, Planning
Kate-Lyn Knight, Environmental Program Specialist 1
Rick Weber, Deputy Director Regulatory Programs
Dan Kelleher, Special Assistant, Economic Affairs
Sarah Reynolds, Associate Counsel
Laurie Bullis, Secretary 1
Elaine Caldwell, Administrative Officer
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 9:00 a.m. In honor of Veterans Day, she thanked all veterans who have served the country and those still serving.

1. Public Comment

There was no public comment.

2. Approval of August 13 Agency Minutes

On motion of Mr. Stegemann, seconded by Ms. Feldman, the Agency unanimously adopted the Draft Agency Meeting Minutes of October 8, 2015. A copy of the official minutes as adopted by the Agency is on file at the Agency.

3. Recusals

None

4. Motion for Executive Session

None

5. Executive Director's Report

Executive Director Martino also thanked all veterans. She congratulated Ms. Ulrich on her four-year anniversary as Chairwoman of the Board.

Ms. Martino reported that on October 8, Governor Cuomo teamed up with Vice President Al Gore to sign the Under Two MOU addressing climate change. She said the Agency agreed with Commissioner Designee Basil Seggos who applauded the Governor's climate change agenda. She said President Obama's commitment to addressing climate change was clarified by saying no to the Keystone Pipeline and announcing his attendance at the upcoming UN climate change negotiations. She announced the Youth Climate Change Summit at the Wild Center was being held this week.

Ms. Martino said staff met with students from the Saranac Lake Student Education Center who worked on construction of the access road to the Mount Pisgah communication tower. Staff educated the students on the Agency's processes in developing this type of project.

She thanked Department and Agency staff and the speakers for their preparation for the meeting. She thanked DEC for providing additional space at their Ray Brook office to accommodate members of the public if needed.

Ms. Ulrich thanked everyone for their preparations for a very busy agenda this month. She especially thanked Commissioner Booth for his extensive work on the State Lands Committee.

6. Motion to Adjourn into Committees

On motion of Ms. Feldman, seconded by Mr. Wilt, the Agency unanimously adjourned into committees at 9:15 a.m.

Friday, November 13, 2015

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
Dierdre Scozzafava, Designee, NYS Department of State
Robert Stegemann, Designee, NYS Dept. of Environmental Conservation
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Kathy Regan, Deputy Director, Planning
Kate-Lyn Knight, Environmental Program Specialist 1
Rick Weber, Deputy Director Regulatory Programs
Dan Kelleher, Special Assistant, Economic Affairs
Sarah Reynolds, Associate Counsel
Robyn Burgess, Local Planning Assistance Specialist
Sue Streiff, Secretary to Executive Director

7. Community Spotlight: Town of Chester, Warren County

The Agency reconvened at 9:00 a.m. Friday, November 13, 2015 for the Community Spotlight segment of the meeting. Town of Chester Supervisor Fred Monroe was the featured speaker. Ms. Ulrich said it was her privilege to welcome and introduce Mr. Monroe before his retirement as Supervisor.

Mr. Monroe began by introducing Craig Leggitt, the newly elected Town of Chester Supervisor. The Board welcomed Mr. Leggitt to the meeting.

Mr. Monroe presented an informative history of the Town of Chester which became part of the Adirondack Park in 1912. He said the Town consists of mostly private land and includes four Hamlets: Chestertown, Pottersville, Riparius and North Creek. He spoke

of the first log drive in New York State which took place on the Schroon River in the Town of Chester and the first suspension toll bridge built over the Hudson River in 1871 which carried stagecoaches to the many hotels in Schroon Lake and the surrounding area. He discussed the various economic drivers of that time such as tanneries, mines and sawmills. He said all the streets were lined with Elm trees until the arrival of the Dutch Elm Disease, an early invasive.

Mr. Monroe discussed an ongoing issue with the lands of the former Schroon Manor resort. He said the Town has not received taxes on the property since the State bought it in the 1960s because State agencies cannot agree whether or not the land is Forest Preserve. The State would pay taxes if the land was designated Forest Preserve. The land includes miles of shoreline on Schroon Lake which would generate considerable tax revenue.

He said the Chester area had a rich history in the arts with connections to William Butler Yeats whose father is buried there; the Green Mansions which was an acting lab where New York City actors would come to create and perform, many going on to become famous. He said the Adirondack Shakespeare Company is now interested in renovating the Schroon Manor Amphitheater and other artisan groups and production companies are active there today.

He talked about the challenges and rewards of the Town's solar and biomass projects, the new trail network called the Chester Challenge, and many other area attractions and events. He thanked the Agency for the expedited subdivision approval for the Etain medical marijuana project.

Mr. Monroe was presented a certificate of appreciation that acknowledged his leadership in the Town and with the Local Government Review Board. He received a standing ovation.

The presentation ended at 10:15 a.m.

Committee meetings continued.

11:05 AM

Full Agency

Ms. Ulrich reconvened the Full Agency meeting at 11:05 a.m.

2) Interim Reports

a) Legal Affairs Committee

On motion by Mr. Booth seconded by Mr. Lussi, the Committee unanimously approved the October 2015 Committee Minutes.

The Administration, Enforcement, Local Government Services, and Park Policy and Planning committees did not meet this month. Monthly reports were included in the mailing.

1) Committee Reports

a) Economic Affairs Committee

Mr. Lussi reported on the presentation by Joe Hackett about his guide service business and how he had fun making a living in the Park.

b) Park Ecology Committee

Mr. Lussi reported on the presentation by Steve Langdon on the possible effects of climate change on wetlands.

c) Public Awareness and Communication

Mr. Thomas reported on the presentation by Zoe Smith and Doug Haney on the Wildlife Conservation Society's Cycle Adirondack event. He said he was glad to hear that the event will be held in different areas of the Park and announced that registration for next year's event begins December 1.

d) Regulatory Programs Committee

On motion by Mr. Craig, seconded by Mr. Booth, the Agency unanimously approved Mr. Poon and Ms. Ai's second renewal of a permit for construction of a single dwelling on a lot in a previously approved subdivision on a 4.5 acre parcel. (P2007-187R2)

On motion by Mr. Craig, seconded by Mr. Lussi, the Agency unanimously approved a resolution and order for "Management of Aquatic Invasive Species Using Benthic Barriers and Hand Harvesting Techniques." (GP 2015G-2)

Mr. Stegemann said for the record that this general permit is not withstanding of the Department's jurisdiction. The Board acknowledged this.

Mr. Craig said the packet the Board received today at the table contained a memo regarding Agency review of jurisdictional timber harvests which will be discussed at the December Board meeting.

e) State Land Committee

On motion by Mr. Booth, seconded by Mr. Craig, the Agency unanimously adopted the Resolution on UMP compliance with the State Land Master Plan for the Whiteface UMP Amendment: Porcupine Lodge.

On motion by Mr. Booth, seconded by Mr. Stegemann, the Agency unanimously authorized the Remsen/Lake Placid Travel Corridor UMP Amendment to proceed to public comment.

Mr. Booth said there was discussion on the State Land Master Plan proposed amendments considering a revision of guidelines for (1) Primitive Areas to allow for the use of All Terrain Bicycles on appropriate all-season roads able to withstand such use on the Essex Chain Tract and for (2) Wild Forest to allow the use of non-natural materials for the construction of a bridge over the Cedar River. The committee tabled discussion until next month's meeting. Kathy Regan said a revised DSEIS would be distributed for the December meeting.

Ms. Regan said the packet the Board received at the table also contained two documents for review for next month's meeting: Primitive Tent Sites in Forest Preserve and Forest Preserve Ski Touring Trail Development Guidelines.

Mr. Booth said that by a vote of 3 to 2, the committee agreed to bring the Essex Chain Lakes UMP before the Full Agency. He said that he voted against the UMP and called for a motion. Mr. Thomas made a motion to adopt the Essex Chain Lakes Resolution on UMP compliance with the State Land Master Plan, seconded by Mr. Stegemann. Ms. Feldman suggested that there may be non-substantive corrections to the UMP. Ms. Ulrich said the point of this exercise is to make sure the terminology is current with the existing SLMP and that there are no oversights.

Ms. Feldman asked Counsel if there should be something added to the Resolution which allows ministerial, non-substantive changes to be made in consultation with Counsel, Executive Director or Deputy Director of Planning given the number of changes made and the possibility of more needed. Discussion followed and it was agreed that the Board would vote on the Resolution as it is and also authorize the Executive Director, in consultation with Counsel, Deputy Director and the Department to make ministerial, non-substantive changes.

Mr. Booth said he felt this UMP decision should be delayed and given more time for review. He said he would not make a motion to delay the vote. He said he opposes the UMP and felt it was not consistent with the SLMP.

He said in 2013 he supported and still supports a Wild Forest corridor east of the Essex Chain Primitive Area to permit snowmobile across the Cedar River going north toward Newcomb. He supports amending the SLMP to allow bikes to be used on certain roads in Primitive Areas without damaging the SLMP. He supports amending the SLMP dealing with natural materials for a bridge crossing the Cedar River. He said he respectfully disagreed with staff that the current UMP is consistent with the SLMP and encouraged the Agency to reject it.

He said the plan encompasses the idea of grandfathering to permit snowmobiling across the Cedar River and Polaris Bridge. He stated that he has never advocated the removal of the Polaris Bridge. He said the grandfather clause in the UMP is a fiction and the Agency should not accept it. He said the grandfather clause could create potential danger in future decision making by the Agency.

He stated that Alternative 1A is not a community connector trail from Indian Lake to Minerva but a trail from Indian Lake to Newcomb. He said the trail is redundant to a connector trail that already exists. He said the redundancy provision is part of the Snowmobile Guidance which cannot be understood except in reference to the SLMP and the Agency and Department have the responsibility to abide by it.

He said he was not opposed to bicycle uses in the interim when lessees are using roads in the Primitive Area, but the UMP refers to these former roads as open to the public. He said the Department and Agency do not have the authority to make that determination. He felt bicycles could have been allowed some other way.

Mr. Booth said the Agency made the right decision in 2013 to classify areas as Primitive and allow for a small parking area near the tube for use by people with disabilities. He said the UMP instead creates a parking area for the public which otherwise should not have motor vehicle access.

Ms. Ulrich thanked Agency and Department staff for the tremendous amount of work spent on this UMP. She thanked the Board and Mr. Booth for the remarkable job that has been done.

Mr. Lussi said it had always been his understanding that the Polaris Bridge would be used for a snowmobile corridor and repeatedly asked for a legally defensible

solution for that. He said he thought Agency and Department Counsel had done the best they could to find a solution but he could not agree with it. He said he also could not agree with approving a UMP before amending the SLMP or Rivers Act.

Ms. Feldman said she also had concerns regarding the Polaris Bridge but felt it was outside of the issue the Agency was supposed to be deciding which was to decide if the UMP was compliant with the SLMP. She agreed that the SLMP should have been amended first. She said when the classification was done in 2013 promises were made to the towns and environmental groups to classify the land as Primitive and to allow for certain activities such as the bridge over the Cedar River and parking near the tube. She said the Agency had an obligation to honor this and since she felt it complies with the SLMP she supports it. She thanked everyone for working together.

Mr. Craig agreed that promises had been made. He felt the Department and Agency did the best they could and believed the UMP is compliant. He said the land is Forest Preserve and the UMP allows it to be protected while allowing recreational uses.

Mr. Stegemann said this was a very difficult task. He said that of course there would be struggles to make it work. He said he felt confident that there is a legal basis for the plan. He said he respected the disagreement but believed the UMP had a firm foundation. He thanked all for the work done.

Ms. Ulrich called the vote and the motion passed with Ms. Ulrich, Mr. Craig, Ms. Feldman, Mr. Thomas, Mr. Wilt, Mr. Austin, Ms. Scozzafava, and Mr. Stegemann voting for; Mr. Booth and Mr. Lussi voting against.

Ms. Feldman made a motion to authorize the Executive Director, in consultation with Counsel and the Deputy Director to make non-substantive changes to the Resolution and UMP, seconded by Ms. Ulrich.

Mr. Booth asked what the time frame was for these changes. He wanted it understood changes could not be made indefinitely. Counsel said the changes would be made when the Executive Director moved the Resolution to the Commissioner, within a week.

Ms. Ulrich called for the vote and the Agency unanimously approved the motion.

3) Old Business

None

4) New Business

None

5) Public Comment

Ron Konowitz, Adirondack Powder Skiers Association, commented on the packet containing the final draft for Nordic and Cross Country skiing in the Park. He asked the Board to study the packet and following Kevin Prickett's presentation, to authorize the final draft to proceed to public comment at the December Board meeting, and then vote to approve it at the January meeting. He said his group is still looking for a SLMP amendment in the future. His complete comments can be viewed on the website address above.

Jim Ellis of Tupper Lake commented on the Remsen/Lake Placid Travel Corridor. He said years ago, he had a discussion with Dick Lawrence in 1974 on the benefits of the railroad for the economic health of the Park. He said the DEC amendment of the Travel Corridor will also amend the SLMP. He asked that the public comment period should include oral presentations. Ms. Regan said comment period will open November 13 and end on December 18. His complete comments can be viewed on the website address above.

Dan Plumley, Adirondack Wild, commented on the Essex Chain Lakes UMP. He said the UMP had many environmental flaws. His complete comments can be viewed on the website address above.

6) Local Government Review Board Comment

Fred Monroe disputed Mr. Plumley's comment that there had been no public use of the area for 100 years. He said there is a long history of uses like hunting and fishing camps and canoers and kayakers which pass thru the area all the time. He said the land may have been private but the waters have always been used publically. He said it would be good to see the proposed amendments to the SLMP. He said the LGRB would like to change the incorrect reference of the balance of private to public lands. He also said that the increase of conservation lands controlled by NYS should be included in the SLMP. He said the LGRB would have liked to have seen amendments to the SLMP and River Regulations prior to the creation of the Essex UMP, but because of the importance to the towns, the LGRB board supports it. He said he would like to see progress on the SLMP amendments.

7) Member Comment

Mr. Stegemann said the UMP conclusion was that the land was protected while allowing recreational opportunity. He said the Department and Agency were required to work on a tight time frame and this process would strengthen not weaken these relationships. He applauded staff, the Board and the public.

Ms. Feldman thanked staff, the Chairwoman, Counsel and the Board. She hoped all would understand the Board sought to protect the towns and the land through the Essex UMP.

Mr. Craig commented on the closure of the Alcoa plant in Massena and how the area is now faced the loss of jobs.

Mr. Austin said the Essex Chain Lakes area was referred to as the crown jewel of the Park and said he believed it would live up to its name.

Mr. Thomas thanked Mr. McKeever for the Wildlife Conservation Society presentation. He announced that the Great South Woods meeting would be held on November 19 in North Creek. He said connector trails in the area are important to the economics of the region.

Mr. Lussi shared an experience he had of paddle boarding after work one evening and seeing a bald eagle. He applauded the board on its work.

Mr. Wilt said he thought the Essex UMP was a move in the right direction for the economic health of the area towns.

Ms. Scozzafava said she was moved by the passion of the meetings, presentations and public comments. She wished all a happy thanksgiving.

Mr. Townsend said that when Mr. Monroe came on as the LGRB representative, he was a breath of fresh air. He said that as two lawyers they were able to respectfully disagree and yet continue to consult.

Ms. Martino thanked Ms. Scozzafava for reminding everyone that November is a month of gratitude. She thanked Mr. Monroe for his years of leadership for the Town of Chester and the Local Government Review Board. She thanked Department and Agency staff and counsel for their consultation on the Essex UMP and recognition of divergent views.

Ms. Ulrich commented on the release of raw sewage by the Canadian government into the St. Lawrence River. She urged all with a voice to be heard opposing these

situations. She said it was an outrage and that she was thankful it would never be allowed to happen in the Adirondacks.

By unanimous consent, the meeting adjourned at 12:25 p.m.

Attachments:
P2007-0187R2
GP2015G-2

Leilani Crafts Ulrich, Chairwoman