



**LEILANI CRAFTS ULRICH**  
Chairwoman

**TERRY MARTINO**  
Executive Director

Draft November 30, 2015

November Agency Meeting  
Regulatory Programs Committee  
November 12,, 2015  
REW:mlr

**MINUTES OF THE REGULATORY PROGRAMS COMMITTEE MEETING  
November 12, 2015**

The Committee meeting convened at approximately 2:15 pm.

**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, Dan Wilt

**Local Government Review Board**

Fred Monroe

**Agency Staff Present**

Terry Martino, James Townsend, Richard Weber, Susan Parker, Steven Brewer, Leigh Walrath  
Colleen Parker, Susan McSherry

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

Motion was made by Mr. Wilt and seconded by Ms. Feldman to approve the October 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 highlighted projects P2014-108, Lake Flower Lodging, LLC., P2014-90, Kailyn Realty II, and P2015-181, Lyme Adirondack Timberlands, II, located in Corinth and Greenfield, Saratoga County from the High Profile Report and welcomed questions from the Board.

Mr. Weber provided a presentation on P2015-73, Joan and William Mahoney, a proposed variance request in the Town of Corinth, Saratoga County and recommended delegation of authority to the Deputy Director of Regulatory Programs for this variance request. Mr. Weber noted the variance involved the proposed construction of a single family dwelling on a lot having a lot width of less than 125 feet within the shoreline setback area. He stated that notice had been provided and a hearing was scheduled for November 18, 2015, 11:30 AM at Town of Corinth Emergency Squad Building, 101 Sherman Avenue, Corinth, NY. No comments had been received to date.

Mr. Weber discussed the considerations for the delegation of the variance and asked the Committee to consider its approval by the Deputy Director pursuant to the Delegation of Responsibilities.

Mr. Weber stated staff does not believe there are any significant impacts from a visual or stormwater perspective.

Mr. Booth stated this variance is an unusual situation and seems logical for this variance to be reviewed as Mr. Weber suggests.

Executive Martino asked Mr. Weber if there are other similar lots within this subdivision. Mr. Weber answered yes, the neighboring lot which was part of the same parent lot did not meet the minimum lot width requirement.

Mr. Craig asked for comments from the Regulatory Committee and having received none stated the Committee feels comfortable with Mr. Weber's request to be delegated the authority pursuant to the Delegation of Responsibilities. Mr. Weber said if any unexpected comments are received on this variance it will be brought to the Committee for consideration.

### 3. P2007-187R2 (Susan Parker)

Ferdinand Poon and Angela Ai  
Town of Johnsbury: Warren County  
Low Intensity Use

Ms. Parker provided a presentation on P2007-187R2. She explained the first permit authorized in 2007 was issued before the Town of Johnsbury's Agency had an Agency Approved Local Land Use Program. The presentation included an overview of the project site location and Agency jurisdiction.

Ms. Parker reviewed the project site plans and stated the project renewal is for the construction of a single family dwelling, driveway, onsite wastewater treatment system, and individual well on a 4.56±-acre parcel of land in Low Intensity.

Ms. Parker noted the project has not been undertaken and the applicant has requested the Agency issue a renewed permit to allow the project to be completed as originally proposed and authorized. No changes to the project are proposed.

Ms. Parker commented on staffs' concern regarding the site plan and detail sheet which indicates the depth to bedrock had not been confirmed beyond 58 inches in the vicinity of the leaching facility. She said at least 72 inches to bedrock is required pursuant to Agency standards. Ms. Parker explained staff therefore requests verification that the 72 inch separation exists before the proposed development can begin.

Mr. Lussi asked Ms. Parker if the applicants are going to be able to place the leach field where planned. Ms. Parker answered yes it is possible if it is confirmed the 72 inches to bedrock has been met. If the 72 inch separation distance cannot be met, a permit condition will require the Project Sponsor to provide a new absorption system plan specifically designed for the location. Ms. Parker stated that information received during the review confirmed that a shallow system could be placed in the location but site specific plans for a shallow system were not required at this time.

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

The Committee vote was unanimous in favor of the motion.

4. General Permit 2015G-2 "Management of Aquatic Invasive Species Using Benthic Barriers and Hand Harvesting Techniques" (Leigh Walrath)

Mr. Walrath provided a presentation for the proposed GP 2015G-2 to replace GP2008G-1B which is scheduled to expire in January 1, 2016.

Mr. Walrath explained updated standard language which was included in recently issued general permits, including GP2015G-1 "Rapid Response to Aquatic Invasive Species" has been incorporated into GP2015G-2 with additional minor modifications to the permit's applicability, application requirements, and conditions.

Mr. Walrath stated that the rake toss is the preferred plant survey method but the proposed general permit still allows flexibility with approval from the Agency for the use of other techniques.

Mr. Walrath explained there is a 15 day advance notice period to all shoreland property owners located adjacent to or within 500 feet for the proposed use of benthic barriers but the general permit no longer requires such notice for hand harvesting. He discussed other modifications to the general permit and stated that staff believe this general permit will help to reduce unnecessary expense in reporting costs so that more money can be used for actual treatment efforts.

Mr. Walrath explained the differences between this permit and the recently approved rapid response general permit is that this permit is intended for the approval of activities on a given lake in accordance with a long term management plan.

Mr. Walrath noted there were two public comment letters received and stated that staff recommend approval of the Order to issue GP2015G-2.

Mr. Steggman noted his concern regarding language in the general permit and application certification be made clear to all applicants that this general permit does not satisfy any legal obligations of the permittee to obtain NYS DEC permits if required. Mr. Walrath explained any aspects of DEC regulations are not presumed to be covered in this proposed general permit.

Mr. Brewer recognized Mr. Steggman's concerns and explained that this permit covers only activities that the Agency can authorize. Mr. Steggman noted his concern has been satisfied.

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

The Committee vote was unanimous in favor of the motion.

5. Old Business: None

6. New Business: None

Adjournment: The Regulatory Committee meeting adjourned at 3:15 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](http://nysapa.granicus.com/ViewPublisher.php?view_id=2)