



LEILANI CRAFTS ULRICH
Chairwoman

TERRY MARTINO
Executive Director

June 1, 2016
Draft Minutes

May Agency Meeting
Regulatory Programs Committee
May 12, 2016
REW:slp

**MINUTES OF THE REGULATORY PROGRAMS COMMITTEE MEETING
May 12, 2016**

The Committee meeting convened at approximately 9:30 am.

Regulatory Programs Committee Members Present

Sherman Craig, Richard Booth, Daniel Wilt and Karen Feldman

Other Members and Designees Present

Leilani Ulrich, Robert Stegemann, Bradley Austin, William Thomas and Arthur Lussi

Local Government Review Board

Fred Monroe

Agency Staff Present

Terry Martino, James Townsend, Richard Weber, Ariel Lynch, Sarah Reynolds, Colleen Parker, Shaun LaLonde, Elizabeth Phillips

1. **Approval of February Draft Regulatory Programs Committee Minutes**

Motion was made by Ms. Feldman and seconded by Mr. Wilt to approve the April minutes. The Committee vote was unanimous in favor of the motion with edits.

2. **Deputy Director (Regulatory Programs) Report** (Richard Weber)

Mr. Weber reported on the monthly statistics in the Regulatory Program Division. He highlighted several projects including Project 2016-81, an 814 State Agency project for the biomass district heating system proposed here on the State Administrative property. Mr. Weber noted that it is expected to come in front of the board. He also noted two Lyme Timber clearcutting applications (Projects 2016-82 and 2016-65), and stated that there is expectation of another application being submitted by Lyme Timber soon.

Mr. Weber brought attention to a large rebuild of an existing 46kV transmission line in the Town of Saranac (Project 2016-58), replacing poles that are currently 46 feet in height with poles 65 feet in height. Visual assessment concerns are being reviewed. Chairman Craig asked if the poles are on public or private land and Mr. Weber answered that for the most part they are on private land.

Mr. Weber also noted that there are nine variance requests being processed, plus the one being presented today. Variance 2015-62, by Peter Day in the village of Lake Placid, will likely come before the board next month. Variance 2015-204 (Davidow), will be coming before the board soon as well.

Mr. Weber highlighted his intention to issue a permit as staff for Project 2015-173, a proposed four-lot subdivision of a 27 acre parcel in Wilmington. He noted that there were public comments received from adjoining landowners with concerns about proximity to wetlands and overall visibility, but feels that with conditions in the permit, the concerns will be addressed.

3. P2008-60R2 (Ariel Lynch) Town of Brighton, Franklin County
Resource Management

Ms. Lynch presented a slide show of the project site and reviewed Agency jurisdiction. The project is a Class B regional project as a single family dwelling within 300 feet of a State highway (NYS Route 30) and is a pre-existing vacant lot of record measuring 1.98 acres in size. There are no changes to the originally authorized project as proposed, and no water or wetland resources within 200 feet of proposed development. The project is entirely within 300 feet of NYS Route 30. The permit will continue to restrict vegetative cutting within 150 feet of NYS Route 30. The proposal itself is for a single family dwelling with a maximum size of 1600 square feet and a detached garage with a maximum size of 800 square feet. Ms. Lynch reminded the board of the conditions from the original permit that are referred to in this renewal and relate to items such as building location, size, color, outdoor lighting, wastewater treatment, and the previously-mentioned vegetative cutting restriction.

Ms. Feldman asked if due to the changes in technology since 2008, if the wastewater treatment plans would change at all from what was originally proposed. Ms. Lynch replied that with the property being so level and the soils being so good, that the plans would remain the same.

Mr. Wilt made a motion to move the permit to full Agency for approval, seconded by Mr. Booth.

The Committee vote was unanimous in favor of the motion.

4. P2016-17 (Richard Weber) Town of Warrensburg, Warren County
Low Intensity Use

Mr. Weber began with a description of the project site and reviewed agency jurisdiction. The project is an 806 variance request from the shoreline restrictions and from the setback for a project located within a designated Recreational River Area (Schroon River). The proposed park is an open space recreational use in a Low Intensity Use land use area and the proposed walkways, boardwalks and observation deck are accessory uses to the open space recreational use, requiring a rivers project permit. The public pavilion proposed qualifies as a Class B project and requires a permit.

The applicant's objectives for the project is to create a town park that takes advantage of the shoreline of the Schroon River with trails, fishing and canoe/kayak access and event space. Mr. Weber presented the proposed building plans, the erosion and sediment plan, an overlay depicting prior development on the site, as well as pictures showing the existing conditions and the character of the shoreline. He noted the history of the site, which began in the late 1800s. The manufacturing plant closed in 1980, and was demolished in 1999. Chairwoman Ulrich pointed out that the 75 foot setback would have gone right through the old mill building.

Mr. Weber noted that there had been an opportunity for public comment both through a hearing and a public comment period, but that no comments were received. Mr. Weber then detailed the factors that must be considered by the Board when authorizing a variance request, and the facts supporting those factors. Staff's conclusion is that the adverse consequences of denial to the applicant are greater than the purpose of the shoreline restrictions and the recommendation is to approve the requested variance.

Mr. Lussi noted that the first paragraph on Page 10, referring to the cost of project planning and design, should be removed. Mr. Booth agreed. Mr. Townsend suggested moving the language to the Findings section of the Variance Order. Chairman Craig agreed with that suggestion.

Mr. Booth made a motion to move the Variance Order to the full Agency for approval, seconded by Mr. Wilt.

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 10:45 am.

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