



Adirondack Park Agency

ANDREW M. CUOMO
Governor

TERRY MARTINO
Executive Director

Draft Minutes
Regulatory Programs Committee
June 13, 2019

MINUTES OF THE REGULATORY PROGRAMS COMMITTEE MEETING June 13, 2019

The Committee meeting convened at approximately 9:30 a.m.

Regulatory Programs Committee Members Present

Chair Daniel Wilt, Arthur Lussi, John Ernst, and Lynn Mahoney (DOS)

Other Members and Designees Present

Presiding Member Bradley Austin (ESD), Robert Stegemann (DEC), Dr. Chad Dawson, and William Thomas

Local Government Review Board Present

Gerald Delaney, Ron Moore

Agency Staff Present

Terry Martino, Christopher Cooper, John Burth, Colleen Parker, Shaun LaLonde, Aaron Ziemann, Paul VanCott, Virginia Yamrick, Christian Blue, Bart Haralson, Ariel Lynch, Devan Korn, Sarah Staab

Approval of Draft Committee Minutes for May 2019

Mr. Wilt provided a minor correction to the members present section of the draft committee minutes. A motion to approve the draft committee minutes as amended was made by Lynn Mahoney and was seconded by John Ernst. All were in favor.

Regulatory Programs Report (Colleen Parker)

The Regulatory Programs Report was given by Colleen Parker. She said that as a result of the strategic planning efforts of staff, some changes have been made to the review process for project applications. Arthur Lussi noted the turn-around time for GPs for timber harvesting has decreased and said it is an improvement.

Colleen Parker noted that several general permits have been applied for by the telecommunications industry. Mr. Austin asked if the proposals were to expand service

or whether the general permits and amendments were for routine maintenance. Ms. Parker responded the proposals are to improve service and upgrade technology. Bob Stegemann asked if during discussions with telecommunications applicants, whether co-locations of antennas are discussed. Colleen Parker responded that the process does seem to encourage co-location. Christopher Cooper added that the Agency has the ability to ask applicants if they are willing to share information with other applicants who might be looking to co-locate on a tower nearby to their proposed location.

Project P2019-14 Town of Mayfield – Virginia Yamrick

Virginia Yamrick provided an overview of the project for a two-lot subdivision and the construction of a new 150-foot-tall water tower on a new lot being created to replace the existing water tower located on a nearby parcel.

She discussed the Town's zoning requirements. She also discussed stormwater management plans and provided visual analysis information for the project. Shaun LaLonde further explained the stormwater management plan proposed for the project.

Ms. Yamrick stated that no public comment letters were received for this project.

Staff recommendation is for approval with conditions.

Bob Stegemann asked about the height of the structure and whether it required a variance. Virginia Yamrick responded that the structure was pre-existing and therefore would not require a variance.

Dr. Dawson asked about the lot size and asked for greater clarification within the permit, particularly on page 2 of the draft document.

Mr. Ernst asked about the cell tower currently located on the old tower. Ms. Yamrick responded that no provision was made in the current permit for the Verizon tower as none was requested by Verizon.

Mr. Austin asked if consideration had been given to place the new structure next to the pre-existing one. Ms. Yamrick responded that due to the site constraints, placement of the new tower next to the old one was prohibitive.

Mr. Wilt asked about the new lighting proposed. Ms. Yamrick responded that due to the proposed height, lighting will be required by the FAA.

Mr. Lussi asked when the project would be considered in existence. Ms. Yamrick stated the Town will be seeking funding for the new tower; therefore, coordination of timing of the Agency permit and the other development factors will be necessary.

Mr. Wilt called for a motion. Motion was made for approval by Mr. Ernst and was seconded by Ms. Mahoney. All were in favor.

General Permit/Order for the Replacement of Utility Poles (John Burth)

John Burth provided an overview of the proposed revisions to the General Permit for the Replacement of Utility Poles. He discussed the criteria necessary for implementation of the General Permit. He stated the Board would need to authorize the next step to proceed to public comment. He noted that the SEQR process has been started for the General Permit.

John Ernst asked if DOT lands would be encompassed by the revised General Permit. John Burth responded affirmatively. Mr. Burth noted that in the past, DOT would need to secure an 814 Order and a wetlands permit for poles placed on DOT lands. The General Permit would allow for review of individual poles on DOT lands but would no longer require an 814 Order.

Terry Martino stated that the General Permit would streamline the application process for utility pole replacements while providing a more accurate count of such proposals.

Arthur Lussi asked for an example of what a utility company would do when submitting a General Permit. Mr. Burth provided an example of the process a utility company would undergo.

Mr. Wilt called for a motion to proceed to public comment. Motion was made by Mr. Lussi and was seconded by Ms. Mahoney. All were in favor.

For Information: Updates to Applications and Permitting Documents

Colleen Parker and Shaun LaLonde gave an informational presentation on an update that has been made to the Agency minor application. Ms. Parker provided an overview of how an applicant can agree to extend the fifteen day clock until completion of a site visit as part of the minor application submission.

Chad Dawson asked what recourse the applicant has if the Agency does not conduct the site inspection in a timely manner once the applicant has waived the 15-day deadline. Colleen Parker responded that the applicant could withdraw their agreement to extend the deadline if they so choose.

Arthur Lussi said in the past he experienced very lengthy NIPAs being generated by staff to obtain additional information to conduct a thorough review. He said that the new

process should aid in obtaining a more thorough review which will ultimately protect the natural resources of the project area.

Gerald Delaney said a clarifying statement should be added to the cover page of the application making it clear to the applicant that they can withdraw their consent to extending the deadline at any time.

John Ernst agreed that the new procedure will aid in the review process.

John Burth spoke about staff efforts being made to streamline the permit templates. The goal is to make the jurisdictional process clearer to the applicant while maintaining consistency for a thorough review. Updates were also made to the project review worksheets to aid in the review process.

Terry Martino said that although the actual Board presentations will be the same, the applications and permit materials will become more streamlined and accessible for the applicants to better understand the review process and the necessary information needed by staff for a thorough review.

Arthur Lussi agreed that the modifications will lead to more efficient reviews.

Colleen Parker then gave a brief overview of the new solar application for Commercial Solar Generation Facilities.

Chad Dawson commended staff for the work they have done on improving the application process.

Daniel Wilt also commended staff for their work on the improvements to Agency applications.

Old Business

None

New Business

None

The Committee meeting adjourned at approximately noon.