



**DRAFT Minutes of the Regulatory Programs Committee Meeting  
February 13, 2020**

The Committee Meeting convened at approximately 1:25pm.

**Regulatory Programs Committee Members Present**

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

**Other Members and Designees Present**

Rebecca Miller (Designee, NYS Dept. of Economic Development), Robert Stegemann (DEC), and William Thomas. Dr. Chad Dawson was absent.

**Local Government Review Board Present**

Gerald Delaney, Executive Director

**Agency Staff Present**

Terry Martino, Executive Director; Christopher Cooper, Counsel; and Robert Lore, Deputy Director

**Approval of Draft Committee Minutes for November 2019**

A motion to approve the draft committee minutes was made by Mr. Ernst, and seconded by Mr. Lussi. All were in favor.

**Regulatory Programs Report (Robert Lore)**

Mr. Lore began his report by commenting on the workload summary for November and December of 2019. The Agency received 55 applications and 17 pre-applications. He reported that staff continue to use the pre-application stage of permitting as an effective means of working with applicants to discuss the required information needed for a complete application. The use of the new general permit approved in October 2019 for the replacement of utility poles, as well as other general permits, remains an effective tool for facilitating regulatory review of certain minor activities.

Mr. Lore then spoke about project review related to the Halloween Storm, which resulted in the largest increase in emergency-related inquiries since Hurricane Irene in 2011. Regulatory and legal staff collaborated to create a template for emergency certificates and authorizations, establishing standard protocol and guidelines that enabled staff to review inquiries in an efficient manner. Matt Brown of Regulatory Programs took the lead role in writing the certificates and authorizations, resulting in the Agency issuing eight emergency certificates and one emergency certificate and authorization to NYSDOT for the work undertaken in the Town of Ohio. Prior to the Halloween Storm, the Agency responded to only one other request in 2019 for the installation of soldier lag wall along Route 9 and the shoreline of Lake George in Warren County. Mr. Lore emphasized the increase in emergency-related work to highlight the Agency's ability to respond to future events in a timely manner.

Mr. Lore discussed the upcoming Olympic Center Modernization Project and noted that Agency staff have met with ORDA and the LA Group to discuss timelines and information needed to complete project review. After receiving additional information, the project is currently posted in the Environmental Notice Bulletin to allow for public comment. ORDA anticipates beginning the project later this year. Regulatory staff will continue to work with ORDA and the LA Group if there are any new developments, and updates will be provided for this project over the coming months.

The Agency continues to review the application submitted by NYSEG for the Dannemora Tap line. The Agency had additional questions related to pole height increases, and though several of their questions were addressed in the field, a follow-up meeting occurred earlier this month to discuss this and other projects, including Line 880 from Rainbow Falls to Cabot and Line 890 from Raquette Lake to the Blue Mountain substation. Mr. Lore reported that many of the lines within the Park date back to the first half of the 20<sup>th</sup> century, and anticipates that the review of replacement lines and their potential visual impacts will increase over the coming years, resulting in the need for professional visual assessments to provide accurate overviews of how the completed projects will appear from select visually sensitive locations. New York State OPRHP will occasionally also require similar analyses for projects that are near historic resources.

Staff are also preparing to provide a preliminary review of a proposed spacer cable design for Line 890. Discussions with NYSEG's engineers suggest that this technology may have positive environmental benefits by reducing the amount of ground disturbance. A request has been made for more information about this technology as well as design plans that depict the size and distribution required for it. These projects remain high-profile action items for the Agency, and follow-up reports will be made at subsequent Agency meetings.

The Agency recently received an application for a Solar Generating facility on Route 9 in the Town of Ticonderoga in Essex County, representing the first submittal for a large-scale solar project within the Adirondack Park. Regulatory staff have reviewed the application and submitted a request for additional information, and will commence their review once the information needed is received.

Online mapping for telecommunications projects has been updated for the permitting period between 1993 and January 2020, and provides point-specific locations for new and existing structures that the Agency has permitted or is reviewing. Updates will continue as more telecommunications projects are reviewed and permits are issued.

**Project 2019-0164 (Mark & Kathleen Rushton – Webb, Herkimer County)**

Mr. Korn gave a brief overview of the variance request for an expansion of a single-family dwelling entirely within the 50 foot shoreline setback of Third Lake. He noted the applicable laws, briefly summarized the variance proposal, showed pictures and maps of the existing site conditions and the surrounding areas, and gave a background of the property history. Mr. Korn then went into more detail about the variance request which included an overall height increase of 5 feet 6 inches and a footprint expansion of 250 square feet to the rear, non-shoreline side. He described the differences between the existing dwelling and the proposed dwelling through notations on the existing plans, slides of the proposed plans and sketches on pictures taken of the existing single-family dwelling.

Mr. Korn noted that there was a public hearing held December 23, 2019 in the Town of Webb, which was open to members of the public. Only Agency staff and the applicant were in attendance. One public comment was received in the form of a phone call from a nearby landowner in support of the project before the hearing.

Mr. Korn ended his presentation with a review of the variance factors and staff analysis of the overall variance request, as well as staff's conclusions and recommendations.

Ms. Miller asked if there was an Agency threshold for new impervious surface area that would require stormwater treatment. Mr. Korn indicated that the proposed rain garden was included to treat the new impervious surface area. Ms. Purzycki informed the Board that NYSDEC has thresholds for disturbance that require stormwater management whereas the Agency does not; however the Agency requested that the applicant include stormwater management to provide an environmental benefit. Ms. Miller agreed that it did provide an environmental benefit and expressed a concern that the proposed treatment area would require maintenance going forward.

Mr. Lussi asked for clarification on when a 250 square foot addition to the rear non-shoreline side of a structure is considered non-jurisdictional. Discussion followed between the Board members and Mr. Korn in reference to clarification of what could be undertaken without a variance in relation to this project. Mr. Lussi then prompted further discussion with staff pertaining to clarification on the proposed height increase and why a variance was required.

A motion was made for approval by Mr. Lussi and seconded by Mr. Ernst. All were in favor.

**Project 2018-0211 (Vertical Bridge Holdings, LLC – Long Lake, Hamilton County)**

Ms. Yamrick gave a brief powerpoint presentation of the proposed project involving construction of two adjacent telecommunications towers by two different cellular carriers. She reviewed jurisdiction, conclusions of law, project location, existing and proposed conditions, visual analysis, public comment and review and staff recommendations.

As part of the presentation, the alternatives analysis showed two towers of differing heights as well as one taller tower.

Discussion and debate by the board followed regarding the visual impacts of one tower versus two towers. Mr. Lussi inquired as to if the landowners were asked what their preference was. Mr. Stegemann stated and Ms. Yamrick confirmed that by the time the Agency gets the applications, the landowners are already under contract with the applicants, therefore in agreement with the proposal.

Mr. Lussi asked what OPRHP's involvement in this project would be. Ms. Parker replied that it is the Agency's practice that if there are any structures over 50 years old within the viewshed of the project site, OPRHP must be consulted.

Mr. Stegemann asked where in the permit it is specified that the trees will be different. Mr. Yamrick and Mr. Cooper noted that conditions 6 and 8 both refer to the difference in height and branching of the two towers.

A motion was made for approval by Mr. Ernst and seconded by Ms. Mahoney. All were in favor.

**Old Business**

None

**New Business**

None

The Committee meeting adjourned at approximately 2:46pm.