



**DRAFT Minutes of the Regulatory Programs Committee Meeting
July 16, 2020**

The Committee Meeting convened at approximately 1:12 pm.

Regulatory Programs Committee Members Present

Chair Daniel Wilt, Arthur Lussi, John Ernst, Ken Lynch, and Matt Tebo (DOS)

Other Members and Designees Present

Bradley Austin (DED), Joe Zalewski (DEC), Zoe Smith, Andrea Hogan, Mark Hall, Dr. Chad Dawson

Local Government Review Board Present

Gerald Delaney, Executive Director

Agency Staff Present

Terry Martino, Executive Director; Christopher Cooper, Counsel; Robert Lore, Deputy Director of Regulatory Programs; Virginia Yamrick, Environmental Program Specialist

Approval of Draft Committee Minutes for May 2020

A motion to approve the draft committee minutes was made by Mr. Lussi, and seconded by Mr. Ernst. All were in favor. New Board member Mr. Lynch abstained from the vote. Mr. Tebo abstained as well.

Regulatory Programs Report (Robert Lore)

Mr. Lore began his report by welcoming the new members and giving them an overview of his first year at the Agency. He noted that during his first week of work he was impressed with the volume of work and the agency's commitment to meeting regulatory timelines. He discussed the role of the regulatory division and how they ensure that the Agency is meeting the legal requirements of the laws that it administers. Mr. Lore further reported on the division's achievements, particularly over the last four months.

He noted that while the Agency has been granted a suspension of timeclocks, whenever possible, they continued to meet their deadlines, hold remote meetings with applicants, and develop strategies for effectively teleworking. While highlighting the regulatory achievements, he spoke of the challenges and how they were dealt with, including the inability to conduct site visits during the spring due to health and safety concerns. During the suspension of site visits, regulatory staff coordinated with RASS staff in developing a spreadsheet to track all projects that would require a site visit once they resumed. The Agency completed 60 site visits in the month after they were given approval to resume. The Agency continues to process new applications and schedule site visits with health and safety protocols in place.

Mr. Lore also reported that the Regulatory Division issued 69 permits electronically over the last several months, with the requirement that they record their permit within 60 days of issuance of a signed and notarized copy. The Agency has started mailing signed and notarized copies, and have currently issued seven, with 22 more scheduled to be sent Monday, and an additional 16 later in the week. He noted that this represents over 60% of the electronically-issued permits, and the remaining permits will be mailed within the next month.

Ms. Martino asked Mr. Lore for a brief overview of his background prior to joining the Agency. Mr. Lore stated that prior to his employment with the Agency, he spent seven years working as an environmental and historic preservation compliance supervisor for FEMA in Region II. His employment at FEMA focused on compliance work for Hurricanes Sandy & Maria, and after returning home from Puerto Rico, he spent four months remotely on the disaster recovery operations, which he now looks back on as a training period for the remote work we are currently doing. Prior to FEMA, he was employed in the cultural resources field as a field archeologist and principal investigator. Cultural resources remain an important topic to him and it is something routinely factored into the Agency's review process. He noted that there are many gaps in understanding the Adirondack's rich cultural history and he looks forward to learning more about it. He concluded by noting that he looks forward to meeting and working with the new board members.

P2019-0197 New Cingular Wireless PCS, LLC (AT&T) (Virginia Yamrick)

Ms. Yamrick gave a detailed overview of the project including review of jurisdiction, conclusions of law, a description and slides of the project location and the existing conditions, site history, proposed tower details, visual analysis slides, public comment, review by others, and staff's recommendation and permit conditions.

Mr. Lussi asked for clarification of the Towers Policy and where to find it. Mr. Cooper replied with a brief definition of substantial invisibility and referred to the Agency website.

Mr. Ernst referenced a comment letter, received after the public comment period had expired, that voiced noise concerns. Ms. Yamrick stated that there are computers and electrical utilities that are run to the structure that provide power/service to the antennas. Mr. Lussi noted through his experience with towers on the Crown Plaza that it usually not more than hearing a neighbor's window air conditioner.

Ms. Smith asked about how to determine whether to recommend a monopine rather than a monopole. Ms. Yamrick explained that each particular site is considered on its own merit, and that the visual analyses done to show potential for adverse visual impacts are very helpful. Considering the surroundings in this particular case, Agency staff felt more comfortable with a monopole rather than a monopine, as the monopine would have been substantially more visible above the natural treeline.

Mr. Tebo asked if there are limits to the height of the downward facing lighting. Ms. Yamrick replied that any lighting placed on the exterior of a structure is on temporary and on motion detectors so that when there is a case of someone needing to be there to service the equipment, the lights are only on for a short period of time. The lights are downward facing, only illuminate the immediate area, and are well below the tree canopy so as not to be disruptive to neighboring areas.

Ms. Hogan asked about tree removal in the area of the project site. Ms. Yamrick replied that the project site is within an existing cleared area and that there will be no further clearing on the site.

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

Old Business

None

New Business

Mr. Lussi asked to revisit the Towers Policy at some point, as he believes the term “substantial invisibility” needs to be better defined. Mr. Ernst said that this could be a future discussion topic. Mr. Cooper encouraged the board members to thoroughly read the substantial invisibility section of the Towers Policy, as it goes well beyond those two words. Mr. Delaney agreed that review needs to be done and that it has been a big discussion at many levels of government, as many things have changed in 18 years. There was encouragement to revisit the topic at a future time.

The committee meeting adjourned at approximately 2:02 pm.