



New York State
Adirondack
Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

ADIRONDACK PARK AGENCY **DRAFT FEBRUARY MEETING MINUTES**

Thursday, February 9, 2023

AGENCY MEMBERS, DESIGNEES, AND EXECUTIVE STAFF PRESENT

John Ernst, Chair
Mark Hall, Member
Benita Law-Diao, Member
Art Lussi, Member
Ken Lynch, Member
Zoë Smith, Member
Dan Wilt, Member
Matt Tebo, Dept. of State
Joe Zalewski, NYS Dept. of Environmental Conservation
Barb Rice, Executive Director
Chris Cooper, Counsel

ABSENT AND EXCUSED

Brad Austin, Empire State Development

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Gerald Delaney, Executive Director

AGENCY STAFF PRESENT

Keith McKeever
Bob Kreider, NYS ITS
Kate-Lyn Knight
Dan Kelleher
David Plante
Megan Phillips

Link to video and audio recordings of the proceedings to be added.

1. CALL TO ORDER and **2. WELCOMING REMARKS**

Chair Ernst called the meeting to order at approximately 10:00 am, welcomed everyone and offered a farewell to Andrea Hogan who resigned from the Board in January. Chair Ernst announced that Benita Law-Diao will replace Andrea Hogan as chair of the Park Policy and Planning committee and will now be a member of the Park Ecology Committee. Adding that Mark Hall will be moving from the Park Ecology Committee to the Local Government Services committee.

3. PUBLIC COMMENT

Bernard Melewski, an attorney representing Barton Mines, spoke on their behalf noting that issues raised during previous public comments are being addressed and adding that Barton Mines has a long history in the town and that their loss would be a financial detriment.

Pete Nelson with Adirondack Wilderness Advocates called upon the Board to have staff create a metric platform to judge remoteness of areas in the Park.

Dave Gibson with Adirondack Wild would like the APA to look at whether a road that is not designed to carry motor vehicles counts as a road. David Gibson also discussed use of VUM in relation to roads.

Amy Treistana, a resident of North River, spoke about concerns of increased noise from Barton Mines.

4. APPROVAL OF December 15, 2022 AGENCY MEETING MINUTES

On motion of Mark Hall, seconded by Benita Law-Diao, the December minutes were unanimously approved with Joe Zalewski abstaining.

5. RECUSALS

None.

6. MOTION FOR EXECUTIVE SESSION

Per Counsel Chris Cooper an executive session is needed to update the Board on pending litigation. The motion was made by Benita Law-Diao, seconded by Joe Zalewski, and approved unanimously to hold the executive session prior to lunch.

7. EXECUTIVE DIRECTOR'S REPORT

Executive Director Rice welcomed everyone, expressed appreciation to Andrea Hogan for time and work contributed while a Board member and happily introduced David Plante as the new Deputy Director, Regulatory Programs. Executive Director Rice noted that Governor Hochul's newly unveiled budget contains funds that will benefit several programs and projects in the

Adirondack Park and North Country. Also mentioned was the APA's upcoming Adirondack Planning Forum which will be held April 26th and 27th at the Hotel Saranac, replacing the previously held Local Government Day, with more information to come soon. Lastly Executive Director Rice unveiled the new 50th Anniversary edition of the Adirondack Park Land Use & Development Map, adding that the Agency is planning on having a variety of speakers at the monthly meetings to commemorate the 50th anniversary beginning next month.

8. 50TH ANNIVERSARY COMMEMORATIVE RESOLUTION

Keith McKeever read the resolution commemorating the Agency's 50th anniversary. On motion of Chair John Ernst, seconded by Zoë Smith, the Board voted unanimously to approve the resolution.

9. MOTION TO ADJOURN INTO COMMITTEES

On motion of Dan Wilt seconded by Art Lussi, the Agency adjourned into committees at approximately 10:35 a.m.

Local Government Services Committee

The committee meeting convened at approximately 10:35 am.

Local Government Services Committee Members Present

Dan Wilt (Committee Chair), Mark Hall, Matt Tebo (DOS), Joe Zalewski (DEC)

Other Members and Designees Present

John Ernst (Board Chair), Benita Law-Diao, Art Lussi, Ken Lynch, Zoë Smith

Brad Austin (ESD) was absent.

Local Government Review Board Present

Gerald Delaney, Executive Director

Agency Staff Present

Barbara Rice, Chris Cooper, Robyn Burgess, Kate-Lyn Knight, Dan Kelleher

(1) Local Government Services Report (Kate-Lyn Knight)

Kate-Lyn Knight opened with a brief description of what the local government services unit handles for the APA and then gave statistics for work completed in 2022.

Kate-Lyn Knight added that they have been working to organize the Agency's first conference since 2019. The new format, called the Adirondack Planning Forum, will be held at the Hotel Saranac in Saranac Lake beginning with an evening Social on Wednesday, April 26th and continuing with sessions throughout the day on Thursday, April 27th. Sessions will focus on current Adirondack issues including housing, water and wastewater infrastructure funding, and hamlet revitalization, as well as provide an opportunity for Planning and Zoning Board members to obtain annual continuing education credits through approved New York State Department of State courses. Draft Agendas will be posted to the Agency's website and sent out via email along with registration information later in the month.

(2) Town of Lake George Approved Local Land Use Program Amendment (Kate-Lyn Knight)

Kate-Lyn Knight gave a presentation on the Town of Lake George's request for an amendment to their ALLUP. The Town of Lake George proposed changes to Chapter 175 "Zoning", Sections 175-7 Defined Terms, 175-14 Planned Unit Developments, 175-29 Yards, 175-30 Detached Accessory Uses and structures, 175-47 Multiple-family Dwellings, 175-52 Tourist Accommodations and Residential Rentals, and 175-97 Penalties or Offenses, Complaint and the re-zoning of seven areas of the Town's Zoning District Map.

Discussion followed mostly regarding the area to be re-classified as "General Commercial Use".

On motion of Mark Hall, seconded by Matt Tebo, the committee voted unanimously to send the amendment to the full Agency for approval.

(3) Old Business

None

(4) New Business

None

Link to video and audio recordings of the presentation and following discussion to be added.

The committee adjourned at approximately 11:10 am.

Park Ecology Committee

The committee meeting convened at approximately 11:15 am.

Park Ecology Committee Members Present

Chair: Zoë Smith, Committee Members: Benita Law-Diao, Joe Zalewski (DEC)

Park Ecology Committee Members Excused

Brad Austin (ESD)

Other Members and Designees Present:

John Ernst (Chair), Mark Hall, Art Lussi, Ken Lynch, Matt Tebo (DOS), Dan Wilt

Local Government Review Board

Gerald Delaney, Executive Director

Agency Staff Present

Barb Rice, Chris Cooper, Dan Kelleher, Matt McNamara, Mary O'Dell, Megan Phillips, James Pinheiro, Kevin Prickett

(1) Park Ecology Report (James Pinheiro)

James Pinheiro introduced himself as the new Supervisor, Natural Resource Analysis. He then provided a brief report highlighting key statistics for division activities in 2022.

(2) Ecological and Environmental Impacts of Roads (James Pinheiro and Mary O'Dell)

James Pinheiro and Mary O'Dell provided an overview of potential ecological and environmental impacts from roads in a primarily forested landscape. The presentation outlined the diverse potential impacts of roads over the three phases of road existence: construction, presence, and use. It was noted that the Agency rarely approves new road construction on private lands and that new road construction is exceptionally rare on the Forest Preserve.

Potential impacts from roads that were discussed included, noise, invasive species dispersal, habitat fragmentation, reduced habitat connectivity, direct wildlife mortality, direct loss of habitat, increased risk of pollution, alteration of hydrology, edge effects, resource exploitation, and human encounters with wildlife.

(3) Old Business

None

(4) New Business

None

Link to video and audio recordings of the presentation and following discussion to be added.

The committee adjourned at approximately 12:05 pm.

Executive Session/Lunch

No action was taken in Executive Session.

State Land Committee

The committee meeting convened at approximately 1:15 pm.

State Land Committee Members Present

Ken Lynch (Committee Chair), Benita Law-Diao, Art Lussi, and Joe Zalewski (DEC), John Ernst (Chair) sat in as a voting member

Other Members and Designees Present

Mark Hall, Zoë Smith, Matt Tebo (DOS), Dan Wilt

Local Government Review Board

Gerald Delaney, Executive Director

Agency Staff Present

Chris Cooper, Barb Rice, Megan Phillips, Kevin Prickett, Matt McNamara

(1) State Land Report (Megan Phillips)

Deputy Director of Planning Megan Phillips provided an update regarding the rail trail. The Open Space Institute (OSI) received a \$500K municipal parks grant to build a trailhead in Lake Placid. OSI is working to raise additional private funds to support the \$1.2M project. The trailhead area will include parking, restrooms, and a bicycle maintenance hub. The Village will own and manage the trailhead.

Deputy Director Phillips also reported that planning for the John Brown Farm unit management plan (UMP) is underway, and DEC, APA, OPRHP and John Brown Lives! hosted two virtual public meetings to solicit input on potential structures and improvements for the historic site. Public comments will be accepted through March 13. She also briefed the board regarding a pending management action at Eagle Lake to revert the existing non-conforming boat launch to a waterway access site. The 2019

UMP identified three alternatives for how to address the non-conforming improvement in a Wild Forest area. APA staff have instructed DEC to proceed with Alternative #2, installing a bar to block trailer access, and have conducted public outreach and will post signage to inform the boating public of the change. The management action will occur at the end of the 2024 boating season.

Lastly, Deputy Director Phillips shared that the public comment period for the Broadalbin Boat Launch UMP was extended through February 16.

(2) Wild Forest Basic Guideline No. 4 – No Material Increase of Road Mileage on Wild Forest Lands (Josh Clague, DEC, and Megan Phillips, APA)

Staff presented a fourth alternative for the no material increase interpretation and answered questions during the board's discussion of the matter. The board asked staff to populate the Wild Forest Basic Guideline No. 4 scenarios matrix to add greater clarity to the conversation before proceeding to solicit public comments on No Material Increase Alternative #4.

(3) Sharp Bridge Campground & Day Use Area Unit Management Plan (Josh Houghton, DEC, and Megan Phillips, APA)

Josh Houghton presented a summary of public comments and survey responses received regarding the Sharp Bridge Campground and Day Use Area UMP. Megan Phillips shared State Land Master Plan guidelines and criteria that are used to determine conformance of the proposed final UMP and offered a staff recommendation to find conformance of the Proposed final UMP with the Master Plan.

On motion of Art Lussi, seconded by Joe Zalewski, the committee voted unanimously to adopt a resolution finding the proposed final UMP to be in conformance with the Master Plan.

The committee adjourned at approximately 2:35 p.m.

Link to video and audio recordings of the presentation and following discussion to be added.

Regulatory Programs Committee

The committee meeting convened at approximately 2:35 pm.

Regulatory Programs Committee Members Present

Dan Wilt (Committee Chair), Art Lussi, Ken Lynch, Matt Tebo (DOS).

Other Members and Designees Present

John Ernst (Chair), Mark Hall, Zoe Smith, Benita Law-Diao, and Joe Zalewski.

Brad Austin (ESD) was absent.

Local Government Review Board Present

Gerald Delaney, Executive Director

Agency Staff Present

Chris Cooper, Barb Rice, John Burth and Devan Korn.

(1) Regulatory Programs Report (John Burth)

John Burth began his report by delivering the final statistics of 2022 for applications received, projects completed and permits issued. He then conducted a brief “walkthrough” of our website to show the board the changes and updates being made relating to applications and permits. Mr. Burth also reiterated to the board the purpose of the permit writing forms and individual lot development forms staff now use.

(2) P2022-0266 - NY 789 Tarbell Hill, LLC (Devan Korn)

Devan Korn gave a detailed overview and presentation 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 project details, visual analysis slides, public comment, review by others, and staff’s recommendation and permit conditions.

A motion for approval with conditions was made by Ken Lynch and seconded by Matt Tebo. All were in favor.

(3) Old Business

None

(4) New Business

None

Link to video and audio recordings of the presentation and following discussion to be added.

The committee meeting adjourned at approximately 3:25 on Thursday, February 9, 2023.

Full Agency resumed at approximately 3:25 pm.

9. Committee Reports

a) Local Government Services Committee

Dan Wilt reported that the committee had heard a report from Kate-Lyn Knight.

On motion of Dan Wilt, seconded by Mark Hall, the Agency voted unanimously to approve the Town of Lake George Approved Local Land Use Program Amendment.

b) Park Ecology Committee

Zoë Smith reported that the committee had heard a report from James Pinheiro and then had a presentation on Ecological and Environmental Impacts of Roads by James Pinheiro and Mary O'Dell.

c) State Land Committee

Ken Lynch reported that the committee had heard a report from Megan Phillips and a presentation of a fourth no material increase alternative related to Wild Forest Basic Guideline No. 4 – No Material Increase of Roads on Wild Forest Lands. The board requested that staff update the scenarios matrix from the May 2022 presentation to include a fourth row for this new alternative.

On motion of Ken Lynch, seconded by John Ernst, the Agency voted unanimously to adopt a resolution finding the Sharp Bridge Campground and Day Use Area UMP to be in conformance with the State Land Master Plan.

d) Regulatory Programs

Dan Wilt reported that the committee had heard a report from John Burth.

On motion of Dan Wilt, seconded by Benita Law-Diao, the Agency voted unanimously to approve P2022-0266, NY 789 Tarbell Hill, LLC, Town of Moriah, Essex County, with conditions.

10. Interim Reports

The Administration, Economic Affairs, Enforcement, Legal Affairs, Park Policy and Planning, and Public Awareness and Communication committees did not meet this month.

Local Government Review Board Report

Jerry Delaney thinks that the Board may want to consider simplifying their thought process regarding No Material Increase, take the points they have and send it out for public comment, adding appreciation for the openness with which the Agency is approaching the matter.

11. Member Comment

Zoë Smith had two announcements, the first one being that Paul Smiths College was re-awarded a 5-year contract for the tracking of Regional Aquatic Invasive Species. The second that Paul Smiths College AWI was awarded a 5-year contract from NYSERDA to conduct routine lake monitoring of Adirondack lakes.

12. Old Business

None

13. New Business

None

14. Public Comment

Eddie Duncan, senior director of acoustics with Resource Systems Group, spoke about doing studies on noise from the Barton Mines for the Garnet Hill Property Owners Association.

Ron Konowitz with the Adirondack Powder Skiers Association asked the that the APA along with the Governor's Office and the DEC, look into the back country ski trail issue which has previously been on the table.

Pete Nelson offered a follow-up to his morning comments saying that it isn't just regarding roads, it should also include snowmobile, mountain bike and hiking trails, adding being in favor of adaptive management.

Before ending, Chairperson Ernst announced that the next Agency meeting is scheduled for March 16 & 17, 2023.

Link to video and audio recordings of the presentation and following discussion to be added.

The meeting was adjourned without objection at approximately 3:45 pm.

John Ernst, Chairperson