



# Adirondack Park Agency

KATHY HOCHUL  
Governor

BARBARA RICE  
Executive Director

## **ADIRONDACK PARK AGENCY FINAL MAY MEETING MINUTES**

**Thursday, May 11, 2023**

### **AGENCY MEMBERS, DESIGNEES, AND EXECUTIVE STAFF PRESENT**

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

### **ABSENT AND EXCUSED**

None

### **LOCAL GOVERNMENT REVIEW BOARD PRESENT**

Gerald Delaney, Executive Director

### **AGENCY STAFF PRESENT**

John Burth  
Elaine Caldwell  
Amy Hall  
Bart Haralson  
Bob Kreider, NYS ITS  
Keith McKeever  
Craig Michaels  
Megan Phillips  
Jim Pinheiro  
Dave Plante

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 9:35 am and welcomed everyone, adding that there was a full agenda for the day which included two special guest speakers during the afternoon session. Chair Ernst also applauded the NYS budget which includes money for the Environmental Protection Fund, State Parks, increases in staffing, clean water infrastructure, and money for the Village of Lake Placid to obtain the Rail Trail trailhead property.

**3. PUBLIC COMMENT**

Peter Bauer with Protect the Adirondacks commented on the release of historic memos pertaining to No Material Increase.

Dave Gibson offered congratulations to the APA on the 50th anniversary, added that public comment is an important way for the public to have access to the Agency, and commented on the notice of incompleteness for the Stackman subdivision project in the Town of Jay.

Krista Rose works with the Wildlife Initiative on the Northeastern Puma Project – Cougar Research Collaborative and wanted to introduce the organization to the Board.

**4. APPROVAL OF MARCH 16, 2023 AGENCY MEETING MINUTES**

On motion of Mark Hall, seconded by Dan Wilt, the March minutes were unanimously approved, with Art Lussi asking for more description of projects being voted on. Counsel Cooper committed that the description from the agenda will be used from now on.

**5. RECUSALS**

None.

**6. MOTION FOR EXECUTIVE SESSION**

Per Counsel Chris Cooper an executive session is needed to update the Board on pending and ongoing litigation. Chair Ernst moved, without objection, to hold the executive session prior to lunch.

**7. EXECUTIVE DIRECTOR'S REPORT**

Executive Director Rice began by saying that the first annual Adirondack Planning Forum was a huge success with a sold-out crowd of 180 attendees representing several towns, villages, non-profits, and private citizens who left surveys with very positive responses. Thanks were offered to Kate-Lyn Knight, Keith McKeever, Megan Phillips, and Dan Kelleher for all of their hard work planning and organizing the Forum and to the Hotel Saranac and the Saranac Lake Free Library for use of their facilities.

Executive Director Rice said that the passage of the NYS budget brought good news for the environment and the Adirondack Park with several million dollars allotted to projects

throughout the Park including a new partnership between the Adirondack Watershed Institute and the NYS DEC which will support programs to prevent the spread of aquatic invasive species.

Lastly Executive Director Rice noted that this month is the 50<sup>th</sup> anniversary of the approval of the Adirondack Park Land Use and Development Plan and that the APA 50<sup>th</sup> Anniversary Guest Speaker Series would continue with former staff attorney and Board Member Richard Booth and former Director of Planning and Counsel John Banta giving a presentation in the afternoon session.

## **8. MOTION TO ADJOURN INTO COMMITTEES**

Without objection the Agency adjourned into committees at approximately 10:00 am.

### **Administration Committee**

The committee meeting convened at approximately 10:00 am.

#### **Administration Committee Members Present**

John Ernst (Committee Chair), Benita Law-Diao - Remotely, Art Lussi

#### **Other Members and Designees Present**

Brad Austin (ESD), Mark Hall, Ken Lynch, Zoë Smith, Matt Tebo (DOS), Dan Wilt, Joe Zalewski (DEC)

#### **Local Government Review Board Present**

Gerald Delaney, Executive Director

#### **Agency Staff Present**

Barbara Rice, Chris Cooper, Elaine Caldwell, Craig Michaels, Megan Phillips, Dave Plante

#### **(1) Administration Report (Elaine Caldwell)**

Deputy Director of Administration Elaine Caldwell reported that the Agency hired three new environmental program specialists and one Planning Division summer intern who will be introduced at the June 2023 Agency meeting. These additions bring the staff level to 47 FTE's and the Agency will continue to actively work toward the Full Time Equivalent Fill Level of 54.

Deputy Director Caldwell recognized Kate-Lyn Knight for the exceptional work on the first annual Adirondack Planning Forum held at the Hotel Saranac and also recognized Amy Hall and Mike Martin from the Administration Division for showing up really early to assist with registration for the Forum.

(2) Policy on Policies (Chris Cooper)

For Discussion: Amend the process for amendment of policies

Counsel Chris Cooper gave an overview of the approximately 150 public comments received on proposed changes to the Policy on Policies and clarified the difference between ministerial and non-ministerial changes. Changes to the policy will now include posting the monthly meeting agenda two weeks prior to the meeting and posting supporting materials one week prior. A question was asked by Art Lussi regarding the number of meetings required for a ministerial policy change which Counsel Cooper answered by noting that the Board has authority to add a second or third meeting presentation for any policy change.

(3) Public Comment Policy (Chris Cooper)

For Discussion: Amend to clarify conduct of public comment sessions at Agency meetings

Counsel Chris Cooper said that the Agency received nearly 600 comments on the proposed Public Comment Policy, the vast majority of which were form letters.

Counsel Cooper presented on oral versus written comments noting that the main changes to the current policy on written comments will be clearer deadlines for the end of comment periods, such as what constitutes the end of the business day. Regarding oral comments, highlights included more clarity on how to sign up to make comment and no change to allowing comments at both the beginning and end of the meeting.

Included in the discussion by the committee was the possibility of having oral commentators note what they're going to comment on when signing up to speak.

On motion from Chair Ernst, seconded by Art Lussi, the committee voted unanimously to send both the revised Policy on Policies and the revised Public Comment Policy to the full Agency for a vote.

(4) Old Business

None

(5) New Business

None

Link to video and audio recordings of the Administration presentations and the following discussions to be added.

The committee adjourned at approximately 10:40 am.

**State Land Committee**

The committee meeting convened at approximately 10:40 am.

State Land Committee Members Present:

Ken Lynch (Committee Chair), Benita Law-Diao - Remotely, Zoë Smith, Joe Zalewski (DEC)

Other Members and Designees Present:

John Ernst (Chair), Brad Austin (ESD), Mark Hall, Art Lussi, 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 Phillips reported that due to a high number of public comments, the Department of Environmental Conservation (DEC) hosted a public meeting at the Broadalbin-Perth High School on April 18 to share information about the Broadalbin Boat Launch site and hear comments from members of the public. DEC continues to work on the proposed final unit management plan (UMP) for the boat launch site and staff will bring the plan to a future Agency meeting for a Master Plan conformance determination.

Deputy Director Phillips also shared that there was a public meeting in Saranac Lake regarding the visitor use management (VUM) project on May 9. The meeting provided information to increase public understanding of the project goals and timeline and how the VUM Framework will be applied in the High Peaks. Members of the public shared perspectives about current and desired future conditions regarding amounts and types of visitor use, the quality and character of visitor experiences, and public safety considerations. The project has launched a website (<https://www.highpeaksvum.com/>) to provide further information and solicit public feedback.

Construction on the phase 1 segment of the rail trail between Lake Placid and Saranac Lake has resumed for the season; use of this section during construction is prohibited. Construction on phase 2 (Saranac Lake to Floodwood Road in Lake Clear) is slated to begin later this month. DEC is also in the process of working with a contractor to replace two culverts near the Saranac Lake sand pit, and there is work underway at the Saranac Lake depot with respect to preparing the trail and improving the parking area.

State land team member Matt McNamara recently attended the Professional Trail Builders Association conference in Reno, Nevada. The knowledge that he gained from

attending sessions and hands-on field trips will benefit the Agency and the state as-a-whole as we continue our work to develop guidance for various types of trail networks.

Lastly, Deputy Director Phillips announced that the state land team will soon be welcoming an Environmental Program Specialist 1 and a Student Assistant/Intern.

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

For discussion and possible action: Staff will present public comments on a fourth alternative for the no material increase interpretation.

Staff from DEC and APA provided a summary of public comments received on No Material Increase Alternative 4. Board members engaged in deliberation around the alternatives presented and State Land Committee Chair Ken Lynch proposed a path forward informed by two public comment periods, months of deliberation, and staff presentations and analysis.

On motion of Zoë Smith , seconded by Joe Zalewski, the committee unanimously directed staff to draft a resolution finding that the estimated road mileage on Wild Forest lands in 1972 was 211.6, the present day non-CP-3 road mileage on Wild Forest lands is 206.6, selection of Road Definition Alternative 3 – Non Galusha CP-3 Routes Included and No Material Increase Alternative 3 – Increase <15% with a limit of 11.6%, and the associated rationale underpinning these determinations for the full board to consider.

(3) Old Business

None

(4) New Business

None

The committee adjourned at approximately 12:00 pm.

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

**Executive Session/Lunch**

**Regulatory Programs Committee**

The committee meeting convened at approximately 1:00 pm.

**Regulatory Programs Committee Members Present**

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

Other Members and Designees Present

John Ernst (Chair), Mark Hall, Zoë Smith, Benita Law-Diao - Remotely, Brad Austin (ESD), Joe Zalewski.

Local Government Review Board Present

Gerald Delaney, Executive Director

Agency Staff Present

Chris Cooper, Barb Rice, Dave Plante, Aaron Ziemann

(1) Regulatory Programs Report (Dave Plante)

Deputy Director Plante began his report by introducing himself and thanking the board for the warm welcome. He extended his thanks to John Burth for his leadership, guidance, and expertise over the past year and most recently for himself in the past few months as he settled into the Deputy Director position.

Deputy Director Plante then updated the board regarding permitting numbers and year to date comparisons to prior years, including pre-application and Recreation Management Plan reviews. Telecommunications projects have been in the news quite a bit recently, so Mr. Plante also provided the board with telecommunication-specific statistics, including the number of general permit certificates issued year-to-date, average review times, and the status of projects currently under review.

Mr. Plante also noted some other topics of interest, including the status of the Stackman subdivision application, a meeting with National Grid to discuss a variety of topics including power resiliency initiatives and battery energy storage projects, and the work of staff to update and streamline our current forms and applications.

(2) P2023-0045 – Lake Luzerne (Aaron Ziemann)

Application of the aquatic herbicide ProcettaCOR EC within seven treatment zones in Lake Luzerne to control Eurasian watermilfoil.

Aaron Ziemann 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.

On motion by Ken Lynch, seconded by Matt Tebo, the committee voted unanimously to move the project to the full Agency.

(3) Old Business

None

(4) New Business

None

The committee meeting adjourned at approximately 2:40 pm.

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

**Public Awareness and Communications Committee**

The committee convened at approximately 2:50 pm.

Public Awareness and Communications Committee Members Present

Mark Hall (committee chair), Brad Austin (ESD), Benita Law-Diao - Remotely, Zoë Smith, Dan Wilt

Other Members and Designees Present

John Ernst (Chair), Art Lussi, Ken Lynch, Matt Tebo (DOS), Joe Zalewski (DEC)

Local Government Review Board Present

Gerald Delaney, Executive Director

Agency Staff Present

Chris Cooper, Barb Rice, Keith McKeever

(1) Public Awareness and Communications Report (Keith McKeever)

In lieu of a report, Keith McKeever introduced Dick Booth and John Banta.

(2) APA 50<sup>th</sup> Anniversary Guest Speaker Series

Former Staff Attorney and Board Member Richard Booth along with former Director of Planning and Counsel John Banta gave a historical perspective on the implementation of the Adirondack Park Land Use and Development Plan and the benefits of regional planning as well as sharing some fun and interesting stories about working at the Agency.

(3) Old Business

None



#### (4) New Business

None

The committee meeting adjourned at approximately 3:45 pm.

#### **Full Agency**

Full Agency resumed at approximately 3:45 pm.

Chair Ernst reported that no action was taken in executive session.

#### **9. Committee Reports**

##### a) Administrative Committee

Chair Ernst reported that the committee had heard a report from Elaine Caldwell and presentations on changes to the Policy on Policies and the Public Comments Policy.

On motion by Chair Ernst, seconded by Art Lussi, the Board voted unanimously to approve the changes to the Policy on Policies and the Public Comments Policy, with correction of a typo (“ministerial” to “non-ministerial”) on page 6.

##### b) State Land Committee

Ken Lynch reported that the committee had heard a report from Megan Phillips and a presentation of public comments related to Wild Forest Basic Guideline No. 4 – No Material Increase Alternative 4.

On motion of Ken Lynch, seconded by John Ernst, the board voted to approve the resolution interpreting the Adirondack Park State Land Master Plan’s Wild Forest Basic Guideline #4 on "No Material Increase" as applied to road mileage and the treatment of Commissioner Policy 3 mileage under this guideline, with the final vote being eight in favor and two (Dan Wilt and Mark Hall) against.

##### c) Regulatory Programs Committee

Dan Wilt reported that the committee had heard a report from Dave Plante and then had a presentation by Aaron Ziemann on P2023-0045, Town of Lake Luzerne’s request for the application of the aquatic herbicide ProcellaCOR EC within seven treatment zones in Lake Luzerne to control Eurasian watermilfoil.

On motion of Dan Wilt, seconded by Matt Tebo, P2023-0045 was approved by a vote of nine to one, with Zoë Smith voting against.

##### d) Public Awareness and Communications Committee

Mark Hall reported that the committee had met and had enjoyed a presentation by Dick Booth and John Banta.

## **10. Interim Reports**

The Economic Affairs, Enforcement, Legal Affairs, Local Government Services, Park Ecology and Park Policy and Planning committees did not meet this month.

### **Local Government Review Board Report**

Jerry Delaney said that a favorite saying is that the worst and best thing about government is that it moves slowly and that the NMI process, though long, has ended with an option that, although it doesn't meet the criteria wanted by local governments, is better than some options.

## **11. Member Comment**

Zoë Smith thanked the guest speakers.

## **12. Old Business**

None

## **13. New Business**

None

## **14. Public Comment**

Senator Dan Stec noted that this is his first time speaking before the Agency and that he represents approximately half of the population in the Adirondack Park. Sen. Stec then commented on his view of the need for more cellular coverage in the Park.

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

Chair Ernst said that the next meeting will be June 15<sup>th</sup> and 16<sup>th</sup>.

The meeting was adjourned without objection at approximately 4:35 pm.

  
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John Ernst, Chair