



Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

ADIRONDACK PARK AGENCY **DRAFT AUGUST MEETING MINUTES**

Thursday, August 17, 2023

AGENCY MEMBERS, DESIGNEES, AND EXECUTIVE STAFF PRESENT

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

ABSENT AND EXCUSED

Mark Hall, Member

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Gerald Delaney, Executive Director

AGENCY STAFF PRESENT

Robyn Burgess
Elaine Caldwell
Amy Hall
Bart Haralson
Mitchell Jones
Dan Kelleher
Bob Kreider, NYS ITS
Ariel Lynch
Keith McKeever
Craig Michaels
Megan Phillips
Jim Pinheiro
Dave Plante
Virginia Ruhland-Mauhs
Carly Woodhouse

Casey Young

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

1. CALL TO ORDER and 2. WELCOMING REMARKS

Chairperson Ernst called the meeting to order at approximately 9:10 am, welcomed everyone, apologizing for keeping everyone from enjoying the nice weather, noting that board member Mark Hall was not in attendance.

Chairperson Ernst said that Executive Director Rice would be speaking about the Bond Act, adding thanks to Jerry Delaney for advocating for the Bond Act with local governments and for taking part in a recent 50th Anniversary presentation at the Adirondack History Museum with staff member Keith McKeever.

Chairperson Ernst noted that the Board will be hearing about telecommunication access during today's meeting and gave a shout-out to the Adirondack Action, Lake George Regional Planning Board and Franklin County Legislator Melinda Ellis on their efforts to piece together where the gaps in coverage are amongst the providers.

3. PUBLIC COMMENT

Jen Ortiz, a resident of the Fish Creek area, spoke about concerns about ongoing algae blooms and would like the carrying capacity study to include the blooms in the findings.

Dave Gibson spoke the NY Open Conservation Plan which was created over thirty years ago and would like the APA to have a forum on the new edition of the plan at an upcoming meeting.

4. APPROVAL OF JUNE 15, 2023 AGENCY MEETING MINUTES

On motion of Benita Law-Diao, seconded by Art Lussi, the June minutes were unanimously approved, with Dan Wilt and Joe Zalewski abstaining. There was one correction needed as the actual file name was labeled as May rather than June.

5. RECUSALS

None

6. MOTION FOR EXECUTIVE SESSION

Per Counsel Chris Cooper an executive session is needed. The motion was approved without objection.

7. EXECUTIVE DIRECTOR'S REPORT

Executive Director Rice welcomed everyone, adding that presentations that come before the Board are always interesting, but being particularly excited about the eligible facilities one today as it's a project that has been in the works for a year, adding thanks to all Board and staff members who worked on it.

Barb Rice noted that more than 200 people attended the recent listening session on the Environmental Bond Act which was held in Saranac Lake with Executive Director Rice participating as a presenter. Executive Director Rice thanked Jerry Delaney for getting several local government officials to attend and to Robyn Burgess and Keith McKeever for being there to answer questions.

Regarding staffing, Executive Director Rice extended sincere appreciation to departing staff Chris Cooper, Jim Pinheiro and Virginia Ruhland-Mauhs; adding that Chris Cooper has been with the APA since 2019 and has been very helpful, a good teacher and leader; Jim Pinheiro has been with the Agency for ten months and brought positive energy and a genuine nature; Virginia Ruhland-Mauhs was our summer intern and was a great asset to the planning division.

8. MOTION TO ADJOURN INTO COMMITTEES

Without objection the Agency adjourned into committees at about 9:30 am.

State Land Committee

The committee meeting convened at approximately 9:30 am.

State Land Committee Members Present:

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

Other Members and Designees Present:

John Ernst (Chair), Brad Austin (ESD), Art Lussi, Matt Tebo (DOS), Dan Wilt
Mark Hall was absent.

Local Government Review Board

Gerald Delaney, Executive Director

Agency Staff Present:

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

(1) Planning Division Report (Megan Phillips)

Deputy Director Phillips acknowledged State Land Student Assistant/Intern Virginia Ruhland-Mahs' contributions to the Agency over the course of the summer. Virginia was headed back to college and will be missed on the team.

Next, Deputy Director Phillips shared a visitor use management project update. DEC is working with Otak to document and analyze visitor use patterns in the Central High Peaks of the Adirondacks and the Kaaterskill Clove region of the Catskill Park. APA staff serve on the core team for this effort, which meets bi-weekly for the duration of the two-year project period. Onsite data collection will continue throughout summer 2023,

followed by data analysis in fall/winter 2023, a second public meeting opportunity in spring 2024, release of the draft report and stakeholder feedback in summer 2024, and the final report and monitoring plan will be released in fall 2024. You can visit www.highpeaksvum.com for more information and to provide feedback.

Deputy Director Phillips also shared that DEC Region 6 staff have been utilizing seasonal staff and GIS field data collection applications to complete primitive tent site assessments in the Watson's East Triangle Wild Forest, Pepperbox Wilderness, Five Ponds Wilderness, and Independence River Wild Forest.

As part of Forest Preserve trail planning and the Trails Stewardship Working Group, DEC and APA staff have been authoring broad based goals, known as desired conditions, and detailed specifications for trail construction and maintenance. Each type of trail defined within the Master Plan requires unique design specifications which are further refined by a trail class category. These trail design criteria will serve as the standards for trail networks in the Forest Preserve.

Phase 1 of the rail trail from Lake Placid to Saranac Lake and the Phase 2 segment from Saranac Lake to Floodwood Road are both currently closed for public use while construction is ongoing. DEC is asking the public to please respect posted signage and barricades. Work is underway on the parking lot at the Saranac Lake Depot. Interim recreation is allowed at users' own risk on the unimproved section of the corridor between Santa Clara and Tupper Lake. Public use may be limited or restricted in sections due to hazardous conditions or active construction or maintenance. ATV use is prohibited. DEC is hosting a rail trail public information meeting on Wednesday, Aug. 23, during which Project Manager Keith Carrow will provide updates on project status, insight into future planning for signage and interpretation, and answer questions related to the project.

The state land crew continues to work on UMPs; plans in the queue include John Brown Farm, Debar Mountain Wild Forest, Lake George Battlefield, etc.

The Local Government Services team processed nine variance referrals from Approved Local Land Use Programs (or ALLUPs) in July. One of these, for the construction of a retaining wall and beach in the Town of Horicon, was reversed by the Agency. Approved Programs are required to refer certain variances to the Agency for review and under certain circumstances can reverse the local variance. Staff process approximately 100 variances a year and typically only 2-4 are reversed. This year to date, the team has processed 63 variance referrals.

Staff are working with the Town of Horicon on amendments to their Approved Program involving Travel Trailers and Property Maintenance. This amendment is planned to be approved by the Agency pursuant to the Del Res in August. The Town is also proposing an amendment to their zoning map, which will require Agency Board Approval. There is no timeframe yet for this amendment.

On August 9 Local Government Services staff welcomed Department of State Local Government trainers to the Park Agency for a day long workshop about land use

controls inside the Blue Line. DOS staff provide training for planning and zoning boards throughout the state, including at the Agency's planning forum.

(2) Broadalbin Boat Launch Unit Management Plan (Rob Fiorentino, DEC, and Megan Phillips)

Staff provided a summary of public comments received and changes to the proposed final unit management plan. Zoë Smith made a motion to move the resolution finding the plan in conformance with the State Land Master Plan to the full board, and the motion was seconded by Benita Law-Diao and approved unanimously by the committee.

(3) Rollins Pond Campground & Day Use Area Unit Management Plan (Josh Houghton, DEC)

Staff presented the public draft of the Rollins Pond Campground & Day Use Area unit management plan and entertained questions and discussion with board members.

(4) Golden Beach Campground & Day Use Area Unit Management Plan (Josh Houghton, DEC)

Staff presented the public draft of the Golden Beach Campground & Day Use Area unit management plan and entertained questions and discussion with board members.

(5) State Land Master Plan Considerations for Intensive Use Areas (Matt McNamara)

Staff described the State Land Master Plan guidelines and criteria that pertain to intensive use areas that are considered by staff when evaluating the Rollins Pond and Golden Beach UMPs for Master Plan conformance.

(6) 2023 State Land Classification Package (Kevin Prickett)

Staff presented a summary of the upcoming state land classification action, provided an overview of parcels to be included, and outlined the process for classification and re-classification.

(7) Old or 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 (Chair), Matt Tebo (DOS), Ken Lynch, Art Lussi.

Other Members and Designees Present

Zoë Smith, Benita Law-Diao, Brad Austin (ESD), Joe Zelewski. Mark Hall was absent.

Local Government Review Board Present

Gerald Delaney, Executive Director

Agency Staff Present

Chris Cooper, Barb Rice, David Plante, Ariel Lynch, Craig Michaels.

Regulatory Programs Report (David Plante)

David Plante began his report echoing the sentiments and well wishes regarding the departures of Chris Cooper and Jim Pinheiro. Mr. Plante then gave brief updates on the permitting and application numbers year to date and with comparisons to prior years for the Regulatory Programs Division, as well as updates on the status of Emergency Certificates issued for repair projects addressing impacts from heavy rain and severe flooding that occurred July 9 & 10, 2023.

Telecommunications Facility Updates and Eligible Facilities Request General Permit (Ariel Lynch & Craig Michaels)

Ariel Lynch began the presentation with a general overview of when an Agency permit is necessary for telecommunications projects, the criteria for telecommunications project permit approval, and the specific applications available to prospective applicants. Ms. Lynch then gave brief updates regarding all permits issued by the Agency for cell towers. Ms. Lynch also gave a breakdown of telecommunications permits issued for the last calendar year and this year to date, highlighting examples of two adjacent towers authorized in one permit in the Town of Inlet and four small cell permits issued in the Towns of Bolton, Harrietstown, and Warrensburg. Ms. Lynch briefly spoke about the telecommunications working group, its goals, and recent work, including a new authorization form for providing landowner signatures on telecommunication applications.

Ms. Lynch then detailed the Federal Communications Commission (FCC) definition of an Eligible Facilities Request (EFR), the reasoning for the potential inception of an EFR General Permit, its purpose, and intended uses. Ms. Lynch then turned the presentation over to Craig Michaels, Esq., who gave a brief overview of what defines a General Permit, and the proposed criteria for eligibility for a new general permit (GP2023G-1) specific to EFRs for modification of

existing wireless towers or base stations. Mr. Michaels reviewed the jurisdiction and review process for the proposed general permit and introduced the documents that together comprise the draft general permit: a Definitions and Requirements document, Order, Permit, Application, and Certificate. Mr. Michaels then spoke of the steps required for compliance with the New York State Environmental Quality Review Act (SEQRA), the process for providing public notice and soliciting public comment on the proposed General Permit and the procedure necessary for the approval of the EFR General Permit for use.

Ms. Lynch concluded the presentation with a brief summary of how the Agency is working to support improved cell coverage while maintaining the Park's scenic character.

The presentation slides and audio/video recording are available at:

A motion for approval of a resolution initiating a public comment period for the proposed General Permit was made by Art Lussi and seconded by Ken Lynch. All were in favor.

Old Business

None

New Business

None

The committee meeting adjourned at approximately 2:20 pm.

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

Friday, January 14, 2022

AGENCY MEMBERS, DESIGNEES, AND EXECUTIVE STAFF PRESENT

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

ABSENT AND EXCUSED

Mark Hall, Member

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Gerald Delaney, Executive Director

Chairperson Ernst reconvened the August meeting at 10:00 am.

Public Awareness and Communications Committee

The committee convened at approximately 10:00 am.

Public Awareness and Communications Committee Members Present

Brad Austin (ESD), Benita Law-Diao, Zoë Smith, Dan Wilt
Mark Hall was absent.

Other Members and Designees Present

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

Local Government Review Board Present

Gerald Delaney, Executive Director

Agency Staff Present

Counsel Chris Cooper, Executive Director Barbara Rice, Keith McKeever

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

Keith McKeever opened by saying that fifty years ago today the first APA permit officially went into effect and then introduced Emma Rose Hubbard who at age seven will be the youngest person to ever present at an Agency meeting, to be followed by Jennifer Kretser and members of the youth climate initiative from The Wild Center.

(2) APA 50th Anniversary Guest Speaker Series

Emma Rose Hubbard spoke about love of nature especially the wild horses of Assateague Island in Maryland and the need to follow rules regarding wildlife. Unfortunately, one of Emma Rose's favorite horses had to be relocated from the island due to food aggression issues created by visitors feeding it. Emma has written a book regarding following these rules with proceeds to benefit the wild horses.

Jen Kretser, Director of Climate Initiatives, The Wild Center spoke about the ongoing efforts of the youth climate initiative to inspire change both locally and globally. Next local students from the Wild Center's Youth Climate Initiative provided their perspective and hopes for what the next 50 years will bring to the Adirondack Park. Anthony Zurlo,

Ellen Lansing, Cedar Young, Bella Wissler and Jenna Audlin presented a series of questions and answers on a variety of topics including growing up in the Adirondacks, how they're helping combat climate change and working to educate others.

(3) Old Business

None

(4) New Business

None

The committee meeting adjourned at approximately 11:10 am.

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

Full Agency resumed at approximately 11:10 am.

9. Committee Reports

a) State Land Committee

Ken Lynch reported that the committee had heard a report from Megan Phillips, had a presentation from Matt McNamara on State Land Master Plan Considerations for Intensive Use Areas and one by Kevin Prickett on the 2023 state land classification package.

Megan Phillips and Rob Fiorentino, DEC, gave a presentation summarizing the public comments received and changes made to the proposed final unit management plan for the Broadalbin Boat Launch.

On motion of Ken Lynch, seconded by Benita Law-Diao, the committee voted unanimously in favor of adopting the resolution on the Broadalbin Boat Launch, finding the plan in conformance with the State Land Master Plan.

Next Josh Houghton, DEC, presented the public draft of the Rollins Pond UMP and described the proposed management actions therein.

On motion of Ken Lynch, seconded by John Ernst, the board voted unanimously to authorize an APA/DEC joint 30-day public comment period on the Rollins Pond UMP.

Lastly Josh Houghton, DEC, presented the public draft of the Golden Beach UMP and describe the proposed management actions therein.

On motion of Ken Lynch, seconded by John Ernst, the board voted unanimously to authorize an APA/DEC joint 30-day public comment period on the Golden Beach UMP.

There was no old or new business.

b) Regulatory Programs Committee

Dan Wilt reported that the committee had heard a report from Dave Plante.

Next Ariel Lynch and Craig Michaels gave a presentation on the Telecommunications Facility Updates and Eligible Facilities Request General Permit, current telecommunications projects in the park and also on the draft Eligible Facilities Request (EFR) General Permit.

On motion of Dan Wilt, seconded by Art Lussi the committee voted unanimously to authorize a 30-day public comment period on the Eligible Facilities Request (EFR) General Permit.

There was no old or new business.

c) Public Awareness and Communications Committee

Chairperson John Ernst reported that the committee had met, heard excellent presentations and offered thanks to all of the presenters.

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.

Counsel Chris Cooper gave an update on Jurisdictional stats noting that all JIF areas including applications and phone calls have gone up since 2013, when the last report was given, other than response times which have gone down.

Counsel Cooper also thanked the Board and staff, noting their dedication and professionalism, adding that it's been an honor to work with all of them.

Local Government Review Board Report

Jerry Delaney thanked all the presenters and is very glad for the normalcy returning to the monthly meetings.

11. Member Comment

Art Lussi believes that youth caring about the environment should inspire all of us and is calling on the older generation for economic support for the youth fighting climate change.

Chairperson Ernst said that it's a sobering thought that only about an hour of class time is dedicated to climate change in schools.

Brad Austin thanked Counsel Chris Cooper for assistance while he was filling the Chair role during Agency meetings.

Zoë Smith offered thanks to Jim Pinheiro for the great work done in the RASS division while the supervisor.

12. Old Business

None

13. New Business

Zoë Smith was very inspired by the youth presentation and challenged fellow Board members to figure out how to best support their effort.

14. Public Comment

Rich Shapiro spoke in favor of the APA's potential move to Saranac Lake.

Kelly Brunette expressed support for the APA's potential move to Saranac Lake.

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

Chairperson Ernst said that the next meeting may be September 14th and 15th.

The meeting was adjourned without objection at approximately 11:33 am.

John Ernst, Chairperson