



## Adirondack Park Agency

KATHY HOCHUL  
Governor

BARBARA RICE  
Executive Director

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

**Thursday, October 12, 2023**

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

John Ernst, Chair  
Mark Hall, Member  
Benita Law-Diao, Member  
Art Lussi, Member  
Zoë Smith, Member  
Dan Wilt, Member  
Rebecca Miller, ESD  
Matt Tebo, Dept. of State  
Joe Zalewski, NYS Dept. of Environmental Conservation  
Barb Rice, Executive Director - Remotely  
Sarah Reynolds, Associate Counsel

#### **ABSENT AND EXCUSED**

Ken Lynch, Member

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

Gerald Delaney, Executive Director

#### **AGENCY STAFF PRESENT**

Elaine Caldwell  
Bob Kreider, NYS ITS  
Keith McKeever  
Craig Michaels  
Megan Phillips  
Dave Plante

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

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

Chair Ernst welcomed everyone and called the meeting to order at approximately 10:02 am. Chair Ernst then noted that Rebecca Miller would fill in for Empire State Development Designee Brad Austin, that board member Ken Lynch was absent, that

Executive Director Barb Rice would participate remotely, and that Associate Counsel Sarah Reynolds would preside as Acting Counsel.

### **3. PUBLIC COMMENT**

Mark Wilson stated his concerns including an alleged conflict of interest regarding minor project P2023-0113, a two-lot subdivision involving wetlands, submitted by Citizen's Advocates for lands classified as hamlet in the Village of Saranac Lake, Franklin County.

Mary Thill stated similar concerns regarding minor project P2023-0113.

Lou Burke raised concerns about a National Grid lithium battery storage project in Raquette Lake. The project is non-jurisdictional to APA.

Ron Konowitz, representing the Adirondack Powder Skiers Association, requested the APA and DEC revisit discussions on back country ski trail guidance. He invited the Board to consider a site visit to Paul Smiths College VIC to see a ski glade demonstration project constructed on private lands owned by the college adjacent to NYS Forest Preserve.

### **4. APPROVAL OF August 17 & 18, 2023 AGENCY MEETING MINUTES**

On motion of Art Lussi, seconded by Dan Wilt, the August minutes were unanimously approved, with Mark Hall and Rebecca Miller abstaining.

### **5. RECUSALS**

None

### **6. MOTION FOR EXECUTIVE SESSION**

None required.

### **7. EXECUTIVE DIRECTOR'S REPORT**

Executive Director Rice welcomed Associate Counsel Sarah Reynolds to the Board table and thanked staff attorneys Jenny Hubbard and Craig Michaels for their hard work ensuring operations in the legal division advanced smoothly in the absence of agency general counsel.

Executive Director Rice highlighted the interpretive display - "Dreaming of Timbuktoo" which is on loan from John Brown Lives! to the agency through the November board meeting. The exhibit chronicles the evolution of an audacious and visionary plan of abolitionists and free black families to overcome discriminatory burdens to gain voting rights, land reform and fair income distribution.

The Agency was honored to host Syracuse and Cornell University's Herbert H. Humphrey Fellowship members for their annual visit to the Adirondack Park. Director of Communication Keith McKeever provided an overview of the APA and the history of land conservation in the

Adirondack Park. Twenty-one delegates from across the globe attended. The annual program is funded by the US Department of State.

On September 27<sup>th</sup> Executive Director Rice and Special Assistant Economic Affairs Dan Kelleher attended the NYS Bar Association fall meeting where Dan gave a presentation on fifty years of the APA Act. Board Member Benita Law-Diao was also a presenter at the meeting.

Lastly Executive Director Rice noted that the annual Common Ground Alliance meeting would be taking place October 20<sup>th</sup>, with several staff participating.

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

Without objection the Agency adjourned into committees at about 10:30 am.

### **State Land Committee**

The committee meeting convened at approximately 10:30 am.

#### **State Land Committee Members Present:**

Benita Law-Diao, Zoë Smith, Joe Zalewski (DEC)

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

John Ernst (Chair), Rebecca Miller (ESD), Art Lussi, Matt Tebo (DOS), Dan Wilt

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

Gerald Delaney, Executive Director

#### **Agency Staff Present:**

Sarah Reynolds, Barb Rice, Megan Phillips, Kevin Prickett, Matt McNamara, Matt Kendall, Craig Michaels

#### **(1) Planning Division Report (Megan Phillips)**

Deputy Director Phillips shared an update regarding the rail trail. The Phase 1 segment from Lake Placid to Saranac Lake is not yet complete, there was a change order in the contract due to stormwater management issues that were revealed during this very wet summer. Phase 1 completion is slated for around November 20. Phase 2 from Saranac Lake to Floodwood Road will be reopened to the public in mid-December for winter use and close again in the springtime when construction resumes. Phase 2 will be complete in October 2024. Phase 3 from Floodwood Road to Tupper is in the planning phase, DEC will issue the bid package this winter. Construction would start in the spring/summer of 2024. Interim recreation is allowed at users' own risk on the unimproved section of the corridor between Santa Clara and Tupper Lake.

Deputy Director Phillips also announced that the Adirondack Road Salt Reduction Task Force released its final report on September 5. The public can read the report in full by visiting [www.apa.ny.gov](http://www.apa.ny.gov) and accessing the link under “Popular Topics.” The Task Force’s assessment addresses impacts from road salt on public health and the environment, reviews current winter road management practices, identifies training and public outreach practices to support road salt reduction targets, and provides recommendations to reduce the overall application of road salt through various best management practices.

The state land team is currently reviewing comments that have come in related to Golden Beach and Rollins Pond Campgrounds. DEC and APA received nearly 200 survey responses for Golden and nearly 700 survey responses for Rollins Pond, as well as written comments for each. Plans in the queue include John Brown Farm, Debar Mountain Wild Forest, Lake George Battlefield, etc. The Debar plan will be the first Wild Forest plan that the DEC and APA have worked on since the board interpreted the no material increase provision earlier this year. The plan will include desired conditions for Wild Forest roads and an accounting of the total mileage across the Park. Agency and Dept staff are working on assessing and summarizing existing information and developing conditions that staff are striving to achieve and maintain for certain water bodies within the unit. These are some of the early steps in developing a properly scaled visitor use management framework that is in line with the management challenges and level of risk associated with the sites in question.

Deputy Director Phillips also reported that this year to date, state land staff have responded to 21 state land consultations for projects such as culvert replacement, boat launch repair, bridge replacements, parking lot construction, and lean-to reconstruction. Staff met in Newcomb with DEC and consultants as part of developing a fire protection plan for Great Camp Santanoni.

The Agency has received a number of applications from qualified applicants for the Natural Heritage Trust State Land Planner role within the Planning Division and will be conducting interviews in the coming weeks.

Deputy Director Phillips announced that the Invitation for Bids for the 2024 Adirondack Planning Forum is now available on the New York State Contract Reporter at [nyscr.ny.gov](http://nyscr.ny.gov). The Agency will be accepting bids through the end of October.

The Local Government Services team has processed 72 variance referrals from Approved Local Land Use Programs (or ALLUPs) this year to date. Three have been reversed this year; two were for shoreline setbacks and one for a density exceedance. Approved Programs are required to refer certain variances to the Agency for review and under certain circumstances the Agency can reverse the local variance. Staff process approximately 100 variances a year and typically only 2-4 are reversed.

(2) 2023 State Land Classification Package (Megan Phillips, Matt McNamara, Matt Kendall, Kevin Prickett)

Staff presented a draft supplemental environmental impact statement for the state land classification action, presented the online interactive story map, and asked the board for authorization to commence with public hearings and a 45-day public comment period. Zoë Smith made a motion to authorize the hearings and comment period, and the motion was seconded by Benita Law-Diao and approved unanimously by the committee.

(3) Old Business

None

(4) New Business

None

The committee adjourned at approximately 12 pm.

**Lunch**

**Regulatory Programs Committee**

The committee meeting convened at approximately 1pm on Thursday, October 12, 2023.

Regulatory Programs Committee Members Present

Dan Wilt (Chair), Matt Tebo (DOS), Art Lussi. Ken Lynch was absent, John Ernst sat in as a committee member.

Other Members and Designees Present

Zoe Smith, Benita Law-Diao, Joe Zelewski (DEC), Mark Hall. Rebecca Miller (ESD)

Local Government Review Board Present

Gerald Delaney, Executive Director

Agency Staff Present

Barb Rice (remotely), David Plante, Ariel Lynch, Craig Michaels, Sarah Reynolds, Bart Haralson, Alicia Purzycki.

(1) Regulatory Programs Report (David Plante)

David Plante began the report by updating the board regarding the permitting and application numbers year to date, with comparisons to prior years for the Regulatory Programs Division. Dave Plante went on to clarify items regarding the Hopmeier applications and their current status in the review process. Dave Plante gave an update on the status of the solar project in Queensbury (P2023-0116) and stated that after discussions with staff and members

of the Regulatory Programs Committee, this project was a good candidate for delegated staff review due to its adaptive re-use of an inactive solid waste landfill. As context, it was noted that projects outside of the park similar to this have been encouraged and regulations have been updated to facilitate these types of projects. Lastly, the Board was advised on updates to flyers and Development in the Adirondack Park guidelines regarding wind and solar project

(2) P2023-0037 Carver (Bart Haralson)

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

Following the presentation and initial board discussion, the applicant requested an extension of the review process to supply additional information to the Agency.

(3) Telecommunications Facility Updates and Eligible Facilities Request General Permit (Craig Michaels)

Craig Michaels presented an update on GP2023G-1, the agency's proposed General Permit for certain modifications of existing wireless towers or base stations (eligible facilities requests). Also provided was a review of the criteria for an eligible facilities request (EFR), as defined by federal law and Federal Communications Commission (FCC) regulations. Michaels discussed the Draft Order presented to the Board for their consideration.

Craig Michaels then discussed the agency's review process under the State Environmental Quality Review Act (SEQRA), including the agency's full environmental assessment, the public comment period that ended September 29, 2023, and the Negative Declaration of significant adverse environmental impact adopted by Executive Director Barbara Rice on October 4, 2023.

Craig Michaels also gave an overview of public comments received on the proposed General Permit package, the agency's response to the comments, and Agency revisions to draft documents based on those comments. Comments concerned, among other items: the agency's requirement for a landowner's signature on each permit application; the method used to measure increased height of additional antennas; the definition of a concealment element; and conditions associated with siting approval that may constitute a substantial change to an existing tower or base station. Also reviewed were the documents that together comprise the draft general permit: a Definitions and Requirements document, Order, Permit, Application, and Certificate.

A motion for approval was made by Dan Wilt and seconded by Art Lussi. All were in favor.

**Old Business**

None

## **New Business**

None

The committee meeting adjourned at approximately 3:35 pm.

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

Full Agency resumed at approximately 3:35 pm.

## **9. Committee Reports**

### **a) State Land Committee**

John Ernst reported that the committee heard a report from Deputy Director Megan Phillips.

Next was a presentation on the 2023 State Land Classification Package by Matt McNamara, Megan Phillips and Kevin Prickett.

On motion of John Ernst, seconded by Zoë Smith, the board voted unanimously to authorize public hearings and a 45-day public comment period.

There was no old or new business.

### **b) Regulatory Programs Committee**

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

Bart Haralson gave a presentation on P2023-0037, Carver Sand & Gravel, LLC located in the Town of Ephratah, Fulton County, on private lands classified as Resource Management. The proposed project involves changes to an existing mine previously authorized by agency permit 2008-0246C. Dan Wilt stated the committee tabled the project pending more information from the applicant.

Last was a presentation by Craig Michaels on Telecommunications Facility Updates and GP2023G-1, the agency's proposed General Permit for certain modifications of existing wireless towers or base stations (eligible facilities requests).

On motion of Dan Wilt, seconded by John Ernst the Board voted unanimously in favor of approving GP2023G-1.

There was no old or new business.

## **10. Interim Reports**

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

### Local Government Review Board Report

Jerry Delaney thinks stopping the meeting for a phone call with the applicant was the right thing to do and would like the Agency to find a way for the Board to have more information prior to presentations at the meeting.

#### **11. Member Comment**

None

#### **12. Old Business**

None

#### **13. New Business**

None

#### **14. Public Comment**

None

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

Chairperson Ernst said that the next meeting may be November 16<sup>th</sup> and 17<sup>th</sup>.

The meeting was adjourned without objection at approximately 3:40 pm.

  
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John Ernst, Chairperson