



Adirondack Park Agency

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

ADIRONDACK PARK AGENCY **DRAFT APRIL MEETING MINUTES**

Thursday, April 14, 2022

AGENCY MEMBERS, DESIGNEES, AND EXECUTIVE STAFF PRESENT

John Ernst, Chairperson
Mark Hall, Member
Andrea Hogan, Member
Arthur Lussi, Member
Ken Lynch, Member
Zoë Smith, Member
Dan Wilt, Member
Brad Austin, Designee, Empire State Development
Matt Tebo, Designee, NYS Dept. of State
Joe Zalewski, NYS Dept. of Environmental Conservation
Barbara Rice, Executive Director
Christopher Cooper, Counsel

ABSENT AND EXCUSED

None

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Jerry Delaney, Executive Director

AGENCY STAFF PRESENT

Amy Hall
Keith McKeever
Bob Kreider, NYS ITS

Chairperson John Ernst called the meeting to order at 10:03 a.m. He noted that the meeting was again being held virtually due to the ongoing COVID pandemic. Chairperson Ernst opened with good news stating that the NYS budget had passed. Chairperson Ernst mentioned that retired executive director Terry Martino had recently received the resolution from the Board and citation from Governor Hochul and offered many thanks. Chairperson Ernst noted that Kathy Regan and Leigh Walrath both retired from the Agency in April and will be missed personally and professionally. Chairperson Ernst noted that during the March meeting Executive Director Rice proposed creating a

telecommunications working group to review policies in this area. Chairperson Ernst announced the launch of that group and asked Dan Wilt, Art Lussi, and Mark Hall to serve as members. Also included will be John Ernst, Barb Rice, Rob Lore, Ariel Lynch and Keith McKeever. Chairperson Ernst drew the Board's attention to an agenda change, noting that the member comment at the end of the meeting has been eliminated and encouraging members to speak during the meeting.

1. PUBLIC COMMENT

Pete Nelson wanted to acknowledge the recent retirements of Terry Martino and Kathy Regan, noting that it's important to point out when people exhibit integrity, which he felt both did.

Rocci Aguirre spoke on behalf of the Adirondack Council, welcoming the new leadership and offering congratulations and thanks to the recent retirees.

Laura Waterman, speaking on behalf of the Waterman Fund, and Kayla White, speaking on behalf of the Adirondack Mountain Club, both offered congratulations and thanks to Kathy Regan for all of the assistance and encouragement Kathy provided to them.

Video and audio recordings of the proceedings, including public comment, are available in their entirety via webcast at:

<https://nysapa.granicus.com/videos/583/player?autoplay=0&start=10&stop=2034>

2. Approval of March 10, 2022 Agency Minutes

Due to corrections needed on the Meeting Minutes of March 10, 2022, the vote on the approval of the minutes was tabled until May.

3. Recusals

None

4. Motion for Executive Session

Executive session will be held at the end of the meeting for discussion of pending litigation.

5. Executive Director's Report

Executive Director Rice welcomed everyone to the April meeting, noting that this would be her first report. Congratulations were extended to Governor Hochul, the legislature, and all who worked to come up with a fiscally responsible NYS budget. Highlights of the budget include increased funding for the Adirondacks with a focus on clean air and water as well as green jobs. Also included is \$29 million for a new, green, energy

efficient APA office building. Executive Director Rice noted several recent staff movements: the retirements of Kathy Regan and Leigh Walrath, the promotion of Elaine Caldwell to Deputy Director, Administration, the promotion of Kevin Prickett to Environmental Program Specialist 2 (Natural Resources), the promotion of Kyle Martin to Maintenance Supervisor 1, and the appointment of Emily Tyner as the new Agency Preservation Officer.

6. Motion to Adjourn into Committees

On motion of Art Lussi, and without objection, the Agency adjourned into committees at 10:36 a.m.

Regulatory Programs Committee

The committee meeting convened at approximately 10:30 am Thursday, April 14, 2022.

Regulatory Programs Committee Members Present

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

Other Members and Designees Present

John Ernst (Chair), Brad Austin (ESD), Andrea Hogan, Mark Hall, Zoe Smith and Joe Zalewski (DEC).

Local Government Review Board Present

Gerald Delaney, Executive Director

Agency Staff Present

Robert Lore, Ariel Lynch, Devan Korn, Aaron Ziemann, Christopher Cooper

(1) Regulatory Programs Report (Robert Lore)

Rob Lore reviewed and discussed the reports included in the April mailing, noting the usual trends for the season. He again stated that there have been no updates regarding the mineral extraction project in the towns of Johnsbury & Indian Lake, or to the proposed large-scale subdivision in the Town of Jay since issuing notices of incomplete permit applications for each project. Mr. Lore then spoke of solar projects currently under review in the park, including a facility proposed in Clifton as well as Ticonderoga. Mr. Lore ended his report by noting that there had been multiple comment letters for Tarpon Towers found in the Agency junk mail folder just this morning and were being compiled and distributed as fast as possible.

The complete report is available at:

<https://nysapa.granicus.com/videos/583/player?autoplay=0&start=2041&stop=2305>

(2) P2021-0084 – Yellow 10, 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.

The presentation and following discussion are available at:

<https://nysapa.granicus.com/videos/583/player?autoplay=0&start=2310&stop=5484>

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

(3) P2021-0207 – Tarpon Towers II, LLC (Ariel Lynch)

Ariel Lynch 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.

The presentation and following discussion are available at:

<https://nysapa.granicus.com/videos/583/player?autoplay=0&start=5490&stop=8195>

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

(4) P2022-0003 & P2022-0004 – Lake George Park Commission (Aaron Ziemann)

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.

The presentation and following discussion are available at:

<https://nysapa.granicus.com/videos/583/player?autoplay=0&start=8280&stop=16327>

A motion for approval with conditions of P2022-0003 was made by Dan Wilt and seconded by Art Lussi. All were in favor.

A motion for approval with conditions of P2022-0004 was made by Dan Wilt and seconded by Art Lussi. All were in favor.

(5) Old Business

None

(6) New Business

None

The committee meeting adjourned and Full Agency was reconvened at approximately 3:30 PM by Chairperson Ernst without objection.

7. Committee Reports

a) Regulatory Programs Committee

The committee received a report from Rob Lore.

On motion of Dan Wilt, seconded by Art Lussi, the Agency unanimously approved P2021-0084, Yellow 10, LLC, located in the Town of Crown Point, Essex County with the added condition 21 requiring that any changes to the decommissioning plan shall require prior written Agency authorization.

On motion of Dan Wilt, seconded by John Ernst, the Agency unanimously approved P2021-0207, Tarpon Towers II, LLC, T-Mobile Northeast, LLC, New Cingular Wireless PCS, LLC, d/b/a AT&T, Herkimer County, Hamilton County, and the Town of Inlet located in the Town of Inlet, Hamilton County.

On motion of Dan Wilt, seconded by Brad Austin, the Agency voted to approve P2022-0003, Lake George Park Commission, Town of Hague, Warren County, by a vote of six in favor to four opposed (John Ernst, Mark Hall, Andrea Hogan, Zoë Smith).

On motion of Dan Wilt, seconded by Art Lussi, the Agency voted to approve P2022-0004, Lake George Park Commission, Town of Hague, Warren County, by a vote of six in favor to four opposed (John Ernst, Mark Hall, Andrea Hogan, Zoë Smith).

8. Interim Reports

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

Local Government Review Board Report:

Jerry Delaney said that it was an interesting meeting, noting that both Aaron Ziemann and Ariel Lynch did excellent jobs presenting and that it was one of the best cell tower presentations yet.

9. Old Business

Mark Hall thanked John Ernst and Barb Rice for moving on with a telecommunications tower review.

10. New Business

None

11. Public Comment

Steve Ramant, Deputy Supervisor for the Town of Hague, noted that the town passed a Town resolution against the use of ProcellaCOR and that they believe that the communities on Lake George should all have input on its use and that the people from these communities should have a chance to be heard in a public hearing due to the large number against it.

Dave Gibson hasn't witnessed four votes against a project in many years and believes that the project should have qualified for an adjudicatory hearing.

Video and audio recordings of the proceedings, including public comment for this portion of the meeting are available in their entirety via webcast at:

<https://nysapa.granicus.com/videos/583/player?autoplay=0&start=16360&stop=18024>

Motion to go to an executive session to discuss pending litigation was made by Chairperson Ernst, seconded by Mark Hall, and approved unanimously. Chairperson Ernst noted that no Agency action would take place after the executive session.

Before ending, Chairperson Ernst announced that the next meeting is scheduled for May 12-13, 2022.

The meeting was adjourned following the executive session.

John Ernst, Chairperson