



Adirondack Park Agency

SHERMAN CRAIG
Chairman

TERRY MARTINO
Executive Director

DRAFT MINUTES
Park Policy & Planning Committee
July 12, 2016 Meeting
MK:ap

PARK POLICY AND PLANNING COMMITTEE MEETING MINUTES **July 14, 2016**

The Committee convened at 2:00 p.m.

Park Policy and Planning Committee Members Present:

Dan Wilt, Acting Chair, Chad Dawson, William Thomas, Bradley Austin (ESD)

Other Members and Designees Present:

Sherman Craig, Art Lussi, John Ernst, Barbara Rice, Karen Feldman, Robert Stegemann (DEC), Lynn Mahoney (DOS)

Local Government Review Board:

Frederick Monroe, Executive Director

Agency Staff Present:

Terry Martino, Jim Townsend, Kathy Regan, Dan Kelleher, Keith McKeever

Ms. Regan introduced Mr. Kendall and said he would be presenting two Draft Supplemental Environmental Impact Statements (DSEIS) and one Final Supplemental Environmental Impact Statement (FSEIS) for map amendments.

Mr. Kendall gave a brief review of the criteria used by the Agency when considering changes to the Adirondack Park Land Use and Development Plan Map. Mr. Kendall also gave a summary of procedures the Agency follows for a DSEIS.

Mr. Lussi questioned why proposed use of the land cannot be considered in the reclassification process. Mr. Lussi commented that if an area of land is zoned low intensity and the applicant wants moderate they must have an idea of what they want to do and not to take into consideration their plans is crazy. Mr. Kendall responded the applicant could share plans with the Agency and those plans could change after the map amendment, therefore it is best to review the application based on the criteria established for the land use category.

Minerva Map Amendment MA2016-02 (Matt Kendall)

Mr. Kendall explained that the applicant requested 1.4 acres be reclassified from Low Intensity Use to Hamlet. Agency staff expanded the requested area to approximately 6.1 acres to be consistent with regional boundary requirements. In 2006 the Town of Minerva requested a series of 15 map amendments in conjunction with the Town's comprehensive plan. One of those requested was to reclassify the Proposed Map Amendment Area as Hamlet. The Town withdrew its request for the 15 areas after receiving public comment. On February 4, 2016, the Town Board passed a resolution in support of the current requested map amendment.

Mr. Kendall gave a summary of potential environmental impacts which include on-site sewage disposal discharge and leaching, developed area storm water runoff, erosion and sedimentation, and adverse impacts to flora and fauna. Mr. Kendall also gave a summary of procedures under SERQA and the procedures and standards for the official map amendment process.

Ms. Feldman asked about the procedure to give neighbors notice. Mr. Kendall responded that the Agency will send out letters to neighboring landowners notifying them of the proposed amendment. The neighbors will have an opportunity to submit public comment and/or attend the public hearing.

Mr. Kendall showed maps and photographs of the proposed map amendment area.

Mr. Kendall reviewed the steps proceeding to the development of the DSEIS. Mr. Lussi asked if the Board can make a recommendation for the preferred alternative. Mr. Kendall responded that it is possible, but clarified that typically the Agency does not go to the public hearing with a preferred alternative. This encourages the public to respond to all of the alternatives, rather than having them respond to one particular option.

Mr. Townsend reminded Agency members that they need to decide if the DSEIS includes reasonable alternatives, or if others need to be considered.

Mr. Lussi suggested that even if the soils are appropriate for development the Agency should not be changing the density in an area that is not using its existing density.

Mr. Dawson asked what changed that would allow us to consider changing from Low Intensity up two intensity categories to Hamlet? Mr. Kendall responded we can review amendments when conditions change or when we have new information. For this proposed amendment better soil maps now exist than did in the early 1970s.

Referring to the original land classification considered in the 1970s, Mr. Thomas asked why Hamlet was not considered for the proposed area. Mr. Stegemann asked the same. Mr. Kendall responded that we do not have that information.

Chairman Craig suggested that the areas originally designated as Hamlet were determined conservatively. Mr. Craig stated that he welcomes requests to consider changing the classification, not suggesting that this proposal is either right or wrong. Mr. Thomas said Hamlets were extended further than they should have been and most likely were done in a political fashion.

Ms. Feldman suggested that the first item to be considered should be soils. Ms. Feldman stated that it is important for the members to evaluate public comment we receive.

Mr. Thomas asked that Mr. Kendall verify the numbers on the population chart in the DSEIS, he believed they may be incorrect.

Motion was made by Mr. Thomas to accept the DSEIS and proceed to Public Hearing. The motion was seconded by Dr. Dawson. Mr. Townsend clarified that the motion enabled staff to make the corrections, if necessary, to the DSEIS. Mr. Wilt said yes. All were in favor.

Crown Point Map Amendment MA2016-03 (Matt Kendall)

Mr. Kendall reviewed the DSEIS. The Town as applicant requested 6.4 acres to be reclassified from Low Intensity Use to Hamlet. The requested 6.4 acre area is consistent with the land use boundary requirements and therefore did not need to be modified. The area is served by the Town's public sewer and water. The Town will later submit an application for three additional map amendments, but has requested those be reviewed separately.

An alternative boundary was not considered for this map amendment due to its location and existing regional boundaries.

Mr. Stegemann asked about boundary distances. Mr. Kendall responded staff use a series of standard boundary distances, such as 1/10 mile setback from a natural boundary, a road, or a great lot line. Staff work with the towns to determine preferred boundaries.

Motion was made by Mr. Thomas to accept the DSEIS and proceed to Public Hearing. The motion was seconded by Dr. Dawson. All were in favor.

St. Armand Map Amendment MA2016-01 (Matt Kendall)

Mr. Kendall reported that the Board accepted the draft DSEIS in May 2016.

Mr. Kendall distributed a red-line version of corrections to the FSEIS, along with a letter from the applicant.

Mr. Kendall reported that the applicant requested approximately 30 acres be reclassified from Rural Use to Low Intensity Use. Agency staff expanded the area to approximately 80 acres to be consistent with land use area boundary requirements. Staff also considered a smaller regional boundary acreage of 40 acres, but did not choose this as the preferred alternative for analysis. Mr. Kendall reported that there was a public hearing held at the St. Armand Town Hall on June 16, 2016. In attendance were the applicant, the Town Supervisor Charlie Whitson and three landowners. The applicant was the only person who spoke in favor of the amendment at the hearing. Public comment closed on July 1, 2016.

The Agency received one written comment and one petition containing 11 signatures. All were opposed to the proposed map amendment. The petition and letters cited the status and lack of a maintenance agreement for Campion Way, the private road that accesses the area. After review of the relevant land use area determinants, staff recommended the Agency deny this request for a map amendment. Staff noted that the physical and biological characteristics of the land could support the development possibilities of this land classification change, but that the uncertain nature of the road makes the property not as accessible as is required for a Low Intensity Use Area.

Mr. Kendall gave a brief history of the items mentioned in the applicant's letter and addressed a 1977 review of the Town's comprehensive plan.

Ms. Feldman asked whether what was reviewed in 1977 has the same boundaries as the present proposal? Mr. Kendall responded not the same boundary, but within a larger area that was given preliminary approval for Moderate Intensity Use. The Agency did not adopt this classification change; a formal review was not initiated. The Town took no further action at that time.

Mr. Kendall proceeded to report on the environmental impacts that must be considered in the amendment review process, including decrease in water quality, erosion and sedimentation, and adverse impacts to flora and fauna. He also reviewed the SEQR procedures and standards for the Agency decision.

Mr. Austin asked for a clarification of the public hearing. Mr. Kendall responded all participants who spoke were opposed to the map amendment with the exception of the applicant.

Ms. Feldman asked if the owners of the other properties included in this proposed amendment were all opposed? Mr. Kendall responded affirmatively. Ms. Feldman asked if we should we be taking the neighbors into consideration. How do we approve what one landowner wants when the others are opposed?

Mr. Townsend responded that would put the committee in a difficult spot; however that is not the current position. The staff did contemplate this predicament, had there not been an accessibility issue, the committee might have had to make that decision.

Mr. Dawson asked who owns the road Campion Way? Mr. Kendall responded it is a shared ownership without a management agreement for maintenance.

Mr. Craig questioned who plows and maintains the road. Mr. Kendall responded that one of the owners stated that he maintains the road, but it was not clear if that included plowing. Mr. Kendal added that the Town does not want ownership of the road in its current state.

Motion was made by Mr. Thomas not to accept the FSEIS and seconded by Mr. Austin and to reject the requested map amendment. All were in favor.

Old Business

None

New Business

None

Mr. Wilt adjourned the meeting at 3:00 p.m.