



MINUTES OF THE REGULATORY PROGRAMS COMMITTEE MEETING September 15, 2016

The Committee meeting convened at approximately 1:30 p.m.

Regulatory Programs Committee Members Present

Arthur Lussi, John Ernst, Daniel Wilt, and Sandi Allen.

Other Members and Designees Present

Robert Stegemann, William Thomas, Karen Feldman, Bradley Austin, Chad Dawson, and Sherman Craig.

Local Government Review Board

Fred Monroe.

Agency Staff Present

Terry Martino, James Townsend, Richard Weber, Colleen Parker, Sarah Reynolds, Susan Parker and Aaron Ziemann.

Deputy Director Report

Mr. Weber reviewed the division reports and statistics relevant to permit applications received and permits issued. Mr. Craig asked if the number of general permits issued are a subset of permits issued or is there a separate accounting done for them. Mr. Weber responded that he believed they are included in the permits issued statistics.

Mr. Lussi asked why it seems that fewer permits are being issued in 2016 with more applications being received. Mr. Weber responded that he believes the flux in numbers relates to periods of time where the permit activity dips primarily due to the ebb and flow in the status of projects. For example, some projects may be in a holding pattern while waiting for Applicant's responses to NIPA's.

Mr. Weber then reviewed on-going staff project activity.

Project (S. Parker)

P2016-0008, Schielke, Alice and Paul
Town of Long Lake, Hamilton County
Rural Use Land Use Area

This proposal is described as a variance request from the shoreline setback requirements for the expansion of a pre-existing single family dwelling located within 75 feet of the mean high water mark of Long Lake.

Ms. Parker introduced the applicants, Alice and Paul Schielke. She then reviewed the hearing materials that were sent out in the mailing packets and detailed the components of the variance request. Mr. Austin asked if the adjoining landowners were notified. Ms. Parker responded affirmatively. She noted there were no public present at the public hearing and no written comments were received regarding the variance request.

Ms. Parker noted that staff believes the application requests the minimum relief necessary. Other alternatives considered would have required greater site disturbance. Staff believes that the proposal is compatible with the character of the area and do not believe that the proposal would impact neighbors or the adjoining waterbody. The staff recommendation is for the approval of the variance request with conditions.

Mr. Wilt asked about the location of the proposed well in relation to the wastewater treatment system. Ms. Parker responded that the well is proposed to be located closer to the road which provides more than 100 ft. in distance to the wastewater treatment system.

Ms. Allen asked about the stormwater mitigation plans. Ms. Parker responded that an engineer has reviewed and approved the submitted plans.

Ms. Feldman asked about an all-inclusive phrase indicating that Agency approval does not preclude required compliance with other laws and regulations. Mr. Townsend responded that in the past it has been sufficient to point out that this permit document deals with the proposed variance only. Ms. Feldman asked if the same consistent language should be used in both variance approvals and permits. Mr. Townsend responded that this has been addressed; Ms. Reynolds noted that language has been included in the first page of the document.

Mr. Lussi asked if the hearing exhibits should be included as a hard copy within the Board mailing packets in the future. Mr. Ernst said he was comfortable reviewing the documents on the monthly mailing CD. There was general consensus that the CD was sufficient for reviewing the exhibits and other materials from the public hearing.

Mr. Lussi asked for a motion to approve the proposed variance and order. Mr. Wilt moved and Mr. Ernst seconded. All were in favor.

Project (A. Ziemann)

P2016-0132, Adirondack League Club
Town of Ohio, Herkimer County
Resource Management Land Use Area

Mr. Ziemann presented background information for timber harvest projects in general. He noted that prior to 2013 the Agency had reviewed only a few such projects. By December of 2015, the Agency had reviewed and authorized 10 jurisdictional timber harvesting proposals. All of these projects were presented to the Agency Board for a determination

During the December 2015 Agency meeting, the Board agreed to allow the Deputy Director (Regulatory Programs) to use the existing delegated authority to issue permits for certain timber harvest proposals. This decision was derived from the Board's recognition that the timber harvest applications, all of which have been subject to the rigorous standards of third party forestry certifications, as well as New York State Working Forest Conservation Easements, were all very well prepared. Mr. Ziemann said the applicants routinely addressed the timber harvesting review standards outlined in Agency Regulations. Since December 2015, 7 projects have been reviewed and authorized under the delegated authority.

The Adirondack League Club proposal has been brought for Agency consideration because the applicant is not FSC or SFI certified, and because these lands are not subject to a New York State Working Forest Conservation Easement.

The project is a timber harvest proposal on a 115± acre portion of the Adirondack League Club's 37,000 acre property, consisting of the overstory removal phase of an established seed tree system, and a shelterwood establishment harvest on 25± acres.

Mr. Ernst noted that in most instances dual certification applies but one is an industry certification and wondered if they are viewed equally. Mr. Ziemann responded that most if not all of the applicants have the dual certification of both Sustainable Forestry Initiative and Forest Stewardship Council. Mr. Stegemann stated that both types of certification began within the industry and both have independent boards.

Mr. Stegemann and Ms. Feldman stated that the applicant has conducted and sponsored scientific research upon their lands to improve industry standards.

Mr. Ziemann continued to review the review components for the project. He noted that the staff recommendation was for approval with conditions. He stated that no public comment was received.

Motion was made by Mr. Ernst and was seconded by Mr. Wilt. All were in favor.

Old Business

None

New Business

None

The meeting was adjourned at approximately 3:15 p.m.