



Adirondack Park Agency

SHERMAN CRAIG
Chairman

TERRY MARTINO
Executive Director

NOTE: The attachments referred to herein are on file at the Agency and are on the Agency's website. Copies are also available for inspection on request.

Draft Minutes, Full Agency, 6/14/17
TDM:sas 4:30 PM

JUNE 8-9, 2017

ADIRONDACK PARK AGENCY MEETING

Thursday, June 8, 2017

AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF PRESENT

Sherman Craig, Chairman
Chad Dawson, Member
John Ernst, Member
Karen Feldman, Member
Arthur Lussi, Member
Barbara Rice, Member
William Thomas, Member
Dan Wilt, Member
Brad Austin, Designee, NYS Department of Economic Development
Lynne Mahoney, Designee, NYS Department of State
Robert Stegemann, Designee, NYS Dept. of Environmental Conservation
Terry Martino, Executive Director
James Townsend, Counsel

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Fred Monroe, Executive Director

AGENCY STAFF PRESENT

Amy Hall, Calculations Clerk 2
Mary Palmer, Office Assistant 2
Kathy Regan, Deputy Director Planning
Elaine Caldwell, Administrative Officer
Elizabeth Stankus, Assistant Office Services Manager
Rick Weber, Deputy Director, Regulatory Programs
Sue Streiff, Secretary to the Executive Director

Video and MP3 audio recordings of the proceedings, including public comment, are available in their entirety via webcast at

http://nysapa.granicus.com/ViewPublisher.php?view_id=2

Chairman Craig called the meeting to order at 9:00 a.m. He reported there was news about past Board member, Cecil Wray. Mr. Ernst said Mr. Wray's son, Chris, has been nominated by President Trump to the appointment of FBI Director.

1. Public Comment

None

2. Approval of May 2017 Agency Minutes

On motion of Mr. Thomas, seconded by Mr. Wilt, the Agency unanimously adopted the Draft Agency Meeting Minutes of May 11-12. A copy of the official minutes as adopted by the Agency is on file at the Agency.

3. Recusals

Mr. Lussi recused himself from discussion and action involving a variance for his family's camp in Lake Placid, P2016-100, Camp Majano, LLC.

4. Motion for Executive Session

On motion by Ms. Feldman, seconded by Mr. Wilt, the Agency unanimously approved an Executive Session for discussion regarding litigation by LS Marina, LLC vs. the APA regarding Article 78. After the conclusion of the Executive Session, Mr. Craig reported that no action was taken.

5. Executive Director's Report

Executive Director Martino welcomed Heather Zalewski, ITS who provided webcasting support in Keith McKeever's absence.

Ms. Martino reported on Governor Cuomo's creation of the U.S. Climate Alliance in response to President Trump's withdrawal from the Paris Accord. She said two other states immediately joined to continue the Paris Accord's aggressive action on climate change. She commented on the efforts by the Youth Climate Summit's initiatives and work regionally, nationally and internationally. She said the group was honored at this year's Local Government Day Conference.

Ms. Martino said June has been designated "Celebrate Paddling Month" by the Northern Forest Canoe Trail partnership which will host several activities and events throughout the Park.

She thanked the Department for the continued support of boat wash stations in the Park.

Chairman Craig asked Mr. Thomas to sit on the Regulatory Committee in June for the portion of the meeting from which Mr. Lussi will be recused.

On motion by Ms. Rice, seconded by Mr. Ernst, the Agency unanimously approved the addition of Mr. Thomas to the Regulatory Committee for the month of June for the portion of the meeting from which Mr. Lussi will be recused.

6. Motion to Adjourn into Committees

On motion of Dr. Dawson, seconded by Mr. Wilt, the Agency unanimously adjourned into committees at 9:15 a.m.

Friday, June 9, 2017

AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF PRESENT

Sherman Craig, Chairman
Chad Dawson, Member
John Ernst, Member
Karen Feldman, Member
Arthur Lussi, Member
Barbara Rice, Member
William Thomas, Member
Brad Austin, Designee, NYS Department of Economic Development
Lynne Mahoney, Designee, NYS Department of State
Bob Stegemann, Designee, NYS Dept. of Environmental Conservation
Terry Martino, Executive Director
James Townsend, Counsel

ABSENT AND EXCUSED

Dan Wilt, Member

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Fred Monroe, Executive Director

AGENCY STAFF PRESENT

Kathy Regan, Deputy Director, Planning
Rick Weber, Deputy Director, Regulatory Programs
Ariel Lynch, Environmental Program Specialist 2
Shaun Lalonde, Soil and Water Engineering Specialist
Sarah Reynolds, Associate Council
Sue Streiff, Secretary to the Executive Director

Full Agency

Mr. Craig reconvened the Full Agency meeting at 11:00 a.m.

1) Committee Reports

a) Regulatory Programs Committee

Mr. Lussi made a motion to approve P2016-182, the Estate of Genevieve M. Garrant, involving a variance request for the construction of a single family dwelling, garage and on-site water treatment system on a lot having less than 125 feet of shoreline width on Hadlock Pond in the Town of Fort Ann, Washington County. Ms. Mahoney seconded.

Dr. Dawson made a motion to amend the variance order to include language stating that natural material be used for any replanting on either side of the driveway. Mr. Ernst seconded. After discussion, Mr. Craig called for the vote and the Board unanimously approved the amendment.

Mr. Lussi considered offering an amendment to the variance order but stated that the applicants' buyer should be reminded that any sawdust from treated lumber or hazardous material should be contained to protect water quality.

Mr. Craig called for a vote on the original motion by Mr. Lussi and the Board unanimously approved P2016-182 as amended.

Mr. Lussi recused himself.

Chairman Craig made a motion to approve P2016-100, Camp Majano, involving a variance request to add two decks to the front of a pre-existing shoreline structure on Lake Placid resulting in an increase in non-compliance with the shoreline restrictions in the Town of North Elba, Essex County. Mr. Thomas seconded.

Mr. Townsend clarified that because this variance request was from a Board member, the decision would be based solely on the Board's comments which were reflected in the order. He said there was no staff recommendation.

Ms. Mahoney made a motion to amend the variance order to include a fourth condition that requires the retention of trees for a distance of 25 feet on either side of the existing shoreline structure. This condition would require an amendment upon request from the applicant to the Deputy Director, Regulatory Programs pursuant to 9 NYCRR § 576.9 Mr. Thomas seconded. After discussion, Mr. Craig called for the vote and the Board unanimously approved the amendment.

Mr. Craig called for a vote on the original motion and the Board unanimously approved P2016-100 as amended.

Dr. Dawson expressed his discomfort with the variance process and called for clarification of the process and responsibilities for both staff and applicants. Ms.

Martino said a group would be formed to work on defining, streamlining and clarifying the variance application process and updates of the materials to assist the applicant and staff in their review.

b) State Lands Committee

Ms. Feldman reported on the DEC's public draft presentation of the Saranac Lake Wild Forest UMP.

c) Park Ecology Committee

Mr. Ernst reported on the presentation by Mr. Herzog, DEC, on White-nose Syndrome in bat colonies in New York State and the country.

d) Legal Affairs Committee

On motion by Ms. Feldman, seconded by Ms. Mahoney, the Agency unanimously approved the amended Administrative Adjudication Plan.

e) Local Government Services Committee

On motion by Ms. Rice, seconded by Mr. Stegemann, the Agency unanimously approved the Town of Newcomb, Essex County, Approved Local Land Use Program Amendment to add the new use "Portable Sawmill" and the existing uses, Tourist Accommodations, Campgrounds, Home Based Manufacturing and Sales, as permissible by site plan review in certain zoning districts. In addition, the amendment changed Hunting and Fishing Cabins from permissible by site plan review to a permissible use in the Town LC & R8 5 zones.

f) Park Policy and Planning Committee

Dr. Dawson reported on the Cartographic Administration of the Adirondack Park Land Use and Development Plan presentation by Mr. Barge.

On motion by Dr. Dawson, seconded by Mr. Ernst, the Agency unanimously adopted the Resolution In Support Of New York State's Leadership In Climate Change Policy. Mr. Craig encouraged Board members to hand-distribute the resolution to Federal representatives.

2) Interim Reports

a) Economic Affairs Committee

The Committee did not meet in June.

On motion by Dr. Dawson, seconded by Ms. Rice, the Committee unanimously adopted the Draft minutes for its May meeting.

The Administration, Enforcement, and Public Awareness and Communication committees did not meet this month.

4) Old Business

None

5) New Business

None

6) Public Comment

Cristina Lussi commented on the difficulty she experienced with the variance application process. Her complete comments can be viewed on the website address above.

7) Local Government Review Board Comment

Mr. Monroe commented on the excellent presentation by John Barge and thanked him for his work with local governments. He expressed his appreciation to the Department for the ongoing work on combating invasive species with boat wash stations and stewards.

8) Member Comment

Mr. Lussi expressed his frustration with the variance application process and his hopes to have a process which works for all applicants. He thanked staff for the work they put into the process. He asked that the Agency work on creating a framework to make it easier for applicants.

Mr. Stegemann thanked Department and Agency staff on their work on the Saranac Lake Wild Forest UMP. He stressed the importance of communication to solve potential issues.

Ms. Feldman thanked staff. She said she looked forward to expanding discussion of the carrying capacity of water. She said that she is privileged to be working on invasive species issues in and outside of the Park.

Mr. Austin thanked staff for their work on the variances presented at the meeting.

Dr. Dawson said the variance process is difficult and common ground is needed to expedite the process. He said he is a fierce supporter of staff and the work they do. He said applying for a permit is exercising a right, while applying for a variance is asking for an exception to the rules and requires more work from the applicant.

Mr. Thomas thanked Mr. Barge for his impressive presentation.

Ms. Martino congratulated staff for their 15 years of work on the Saranac Lake Wild Forest UMP. She said she would organize a group to continue ongoing work to streamline the variance process. She said a variance is a variation of the law and the burden is on the applicant to provide the record and on the staff to communicate the need for it.

Mr. Craig said members should distribute the climate change resolution to show the Agency's level of concern for this issue. He said NYSERDA has funding for more renewable energy projects and hopes this work continues to grow. He thanked staff and Board members for their work.

By unanimous consent, the meeting adjourned at 12:30 p.m.

Attachments:
P2016-182
P2016-100

Sherman Craig, Chairman