



**SHERMAN CRAIG**  
Chairman

**TERRY MARTINO**  
Executive Director

Draft Minutes  
Regulatory Programs Committee  
July 12, 2018

**MINUTES OF THE REGULATORY PROGRAMS COMMITTEE MEETING  
July 12, 2018**

The Committee meeting convened at approximately 10:30 a.m.

**Regulatory Programs Committee Members Present**

Arthur Lussi, John Ernst, Daniel Wilt, and Lynn Mahoney.

**Other Members and Designees Present**

Agency Chairman Sherman Craig, Karen Feldman, Robert Stegemann, Bradley Austin, Chad Dawson, William Thomas (Excused) and (Absent), and Fred Monroe, LGRB.

**Excused and Absent**

William Thomas

**Agency Staff Present**

Terry Martino, Sarah Reynolds, Richard Weber, Colleen Parker, Thomas Saehrig, Shaun LaLonde, Beth Phillips, Jennifer Hubbard, Ariel Lynch, Devan Korn, Virginia Yamrick, Elizabeth Phillips, Paul VanCott, Daniel Kelleher, Alicia Purzycki and Matthew Brown.

**Approval of Draft Committee Minutes for June 2018**

A motion to approve the draft committee minutes was made by John Ernst and was seconded by Lynn Mahoney. All were in favor.

**Deputy Director Report**

Mr. Weber briefly discussed the high-profile report and the new public comment e-mail available on the Agency website. He discussed the variance application submitted by Michael and Terri Willis (2018-5) and stated the Willis' have applied for a variance for the height (8.7 ft.) of the proposed structure. He noted that staff are planning to use the delegation authority for the proposal.

**Project** P2015-20 Koller (Thomas Saehrig)

A new 12.7± acre mineral extraction for the mining of consolidated bedrock at a previously authorized sand and gravel mine. The mining operation, to occur from March 1 through December 31, will include blasting, hauling, screening and crushing to produce crushed granular, stone and rip rap materials. Access to the mine will be over an existing sand and gravel mine haul road to Pepper Hollow Road with up to 20 loaded trucks leaving the site daily. The 12.7± acre mine will be undertaken in six phases with an estimated total of 1.4 million cubic yards of available bedrock reserves.

Mr. Saehrig discussed the jurisdictional components of the project. He reviewed the location of the project and existing conditions. Mr. Lussi asked if the State has an easement from landowners adjacent to the project site. Mr. Saehrig responded that the mineral extraction project is located on Mr. Koller's property and the proposed plantings will be at the fence line also located on the Koller property. He then reviewed the property history.

Mr. Stegemann asked how wide the buffer was for the no cut zone. Mr. Saehrig responded that no cutting is proposed outside of the existing mines and no cutting is proposed near the Resource Management area and none in the right-of-way for I-87.

Mr. Saehrig said there are numerous locations within the visual assessment that indicate the proposed mineral extraction will not be visible.

Mr. Saehrig reviewed the stormwater plan. He stated that Phases 1, 2 and 3 are recommended for approval in this permit and a revised stormwater plan will be required for additional Agency review for the remaining phases to ensure that the wetlands in the area are protected. Mr. Saehrig then reviewed the reclamation plan.

Mr. Saehrig said no public comment was received.

Chairman Craig asked how the trucks leave the property whether it is by Route 9 or I-87. Mr. Saehrig responded the trucks follow the Pepper Hollow Road to Route 9. Mr. Stegemann asked if the number of truckloads could increase from 60 per day. Mr. Saehrig responded that the number could increase but further review would be required.

Mr. Ernst asked what mineral is being extracted from the mine. Mr. Saehrig responded that granite stone is being extracted via blasting and will be disbursed in various forms.

Ms. Feldman asked if nearby residents are informed of blasting events. Mr. Saehrig stated that monitoring will be done to assess noise levels.

Motion was made for approval by Mr. Lussi and was seconded by Mr. Ernst. All were in favor.

**Project** P2018-21 Herkimer County Office of Emergency Services – Town of Webb

Construction of a new 90-foot-tall self-supporting lattice tower on McCauley Mountain. Herkimer County will install three di-pole antennas and one microwave dish on the tower for emergency services communication. An existing ski mountain maintenance work road will be used to access the tower site, which will be extended by a new 230-foot-long access drive. The tower will be approximately 300 feet from and 30 feet higher in elevation than an existing tower, which will remain.

Ms. Lynch reviewed the project location and the existing conditions of the site. She noted there is a preexisting tower owned by National Grid which was previously approved in the area. She discussed the jurisdictional components of the project.

Ms. Lynch reviewed the existing coverage and the proposed extended coverage areas. She provided photos of the National Grid Tower. She also reviewed the visual analysis done by staff.

Ms. Feldman asked what the existing tower footage is as well as the proposed footage for the new tower. Ms. Lynch responded that the existing tower is 90 ft. in height and the proposed tower will also be 90 ft. in height with a base elevation difference of 30 ft.

Mr. Lussi asked about the road material. Ms. Lynch responded it is a gravel material.

Ms. Lynch reviewed the alternatives that were considered stating that the current proposal is the most viable.

Ms. Lynch said that 44 public comment letters were received in support of the proposal. She stated that one public comment letter did not object to the proposal as long as the proposal ensures public safety and cannot feasibly be collocated on the existing tower to achieve the goal of public safety.

Ms. Lynch said that no cellular towers will be collocated on the new tower. She noted that the existing emergency antennas on the National Grid Tower will be removed once the new tower is functioning. Mr. Lussi asked why cellular collocation will not be allowed on the new tower. Ms. Lynch responded that the new tower is grant funded for emergency communication only and meets the requirements of the Agency's Towers Policy. She stated that cellular communication antennas already exist on the National Grid Tower. Ms. Lynch noted that additional emergency equipment could be collocated on the new tower in the future.

Discussion ensued regarding future boards being able to consider whether cellular service could be added to emergency (governmental) communications towers.

Motion was made by Mr. Lussi for approval of the proposal with conditions. Mr. Ernst seconded. All were in favor.

**Project** P2015-159 Fawn Ridge, LLC/Bissell (Devan Korn)

"Trailside at Fawn Ridge," a proposed 43-lot residential subdivision of 192± acres partially located within the Village of Lake Placid creating 40 building lots and 3 vacant lots. The building lots will range in size from approximately 1± acre to 8± acres with one single family dwelling proposed for each lot. Of the 40 proposed building lots, 35 are classified as Moderate Intensity Use, and 5 are classified as Rural Use on the Adirondack Park Land Use and Development Plan Map. All of the proposed Moderate Intensity Use lots and one of the Rural Use lots will connect to the municipal wastewater system. The remaining five Rural Use lots will be served by individual on-site wastewater treatment systems. All but one of the proposed lots will be served by the municipal water system and approximately 1.35 miles of new subdivision roads. One building lot in Rural Use will be served by an individual well water supply and be accessed directly from Carolyn Road. The project also includes storm water infrastructure, utility installations, and creation of a Homeowner's Association.

Mr. Korn briefly described the jurisdictional components of the project. He discussed the location of the project as well as the existing site conditions.

Mr. Lussi asked if the two lots which border Old Military Road were to be left as open space lots. Mr. Korn stated that the lots would be non-building lots. Dr. Dawson asked if there would be deed covenants for the lots. Mr. Korn responded affirmatively.

Mr. Wilt asked about electric and water service to the lots. Mr. Korn responded that access to Town water was cost prohibitive, therefore each lot will need a well and septic. The electric service will be extended underground to the lots.

Chairman Craig asked about the road that abuts the Wild Forest area. Ms. Reynolds responded that the road is a preexisting road. Mr. Lussi stated he believed the road will be improved to meet the road standards of the Town of North Elba and will be dedicated to the Town for future maintenance.

Dr. Dawson asked what percentage of the project was dedicated to the Common Lot Area. Ms. Parker responded 48 acres. Mr. Korn noted that a Homeowner's Association will be created to maintain the Common Lot Area. He said the recreational trails on the Common Lot and Lot 42 will remain open to the public.

Mr. Craig asked if there was any discussion of affordable housing. Ms. Parker stated that a future application may be submitted for affordable housing units.

Mr. Monroe noted that only half of the allowed density is being used. Mr. Korn responded affirmatively for the Moderate Intensity Use portion of the project.

Mr. Korn noted that five public comment letters were received in 2015. He noted that only one comment letter was received after the project completion notice was sent.

Mr. Korn noted that both DOH and DEC are reviewing the project as well.

Mr. Korn then reviewed the permit conditions and the conclusions of law.

Mr. Lussi asked about the cutting conditions within the permit. Mr. Korn noted that the cutting restrictions are in the development plan but the conditions within the permit itself could be described further. Ms. Reynolds concurred.

A motion was made by Mr. Ernst to approve the project with the additional cutting restriction to reference the Lot Development Schedules shown on the final plans. The motion was seconded by Mr. Lussi. All were in favor.

### **Old Business**

None

### **New Business**

None

The Committee meeting adjourned at approximately 2:00 p.m.