



**DRAFT MINUTES OF THE REGULATORY PROGRAMS COMMITTEE MEETING
November 14, 2019**

The Committee meeting convened at approximately 9:25 a.m.

Regulatory Programs Committee Members Present:

Chair Daniel Wilt, Arthur Lussi, John Ernst, and Lynne Mahoney (DOS)

Other Members and Designees Present:

Bradley Austin, Presiding Member (ESD), Robert Stegemann (DEC), and William Thomas. Dr. Chad Dawson was absent.

Local Government Review Board Present:

Gerald Delaney

Agency Staff Present:

Terry Martino, Christopher Cooper, Robert Lore, and Sarah Reynolds

Approval of Draft Committee Minutes for September 2019

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

Regulatory Programs Report (Robert Lore)

Mr. Lore began his monthly report by updating the committee members of activities occurring since the last meeting, noting that in comparison to the same time period in 2018, the number of applications remains consistent while the number of pre-applications has increased by more than 50 percent. The workload remains busy, but the Regulatory Programs staff continues to balance the workload and meet expected review deadlines.

Mr. Lore also spoke about the Halloween Storm 2019. The Agency has received reports from the NYSDOT and has had conversations with the NYSDEC concerning likely project requests due to the emergency declaration. He has worked with Ms. Martino and Mr. Cooper to streamline an emergency certificate to ensure that the reply to these requests is as swift as possible. As of now, the Agency has only received two requests which were identified as non-jurisdictional, and have not yet issued emergency certificates. Mr. Lore anticipates that after communities and property owners have had the opportunity to assess damages, there will be an influx of applications. He also anticipates the need to issue emergency authorizations related to storm damages that will result in permanent repairs. Mr. Lore has spoken with management regarding the potential workload increase, and is confident that the Regulatory Programs staff is prepared to handle the deadlines.

Mr. Lore also spoke of the General Permit for Replacement of Utility Poles that was unanimously approved at the last meeting. The permit has since been filed with all 12 counties in the Park, and the staff is confident that its use will help to streamline review and provide increased visibility to the Agency, as staff will now be reviewing these applications individually.

Review of Agency Large-Scale Residential Subdivisions Permits, 2012-2019 (Sarah Reynolds)

Ms. Reynolds explained, for the purpose of the presentation, staff had defined “large-scale” as any subdivision involving more than five new residential lots on Resource Management lands, more than 10 new residential lots on Rural Use lands, and more than 25 new residential lots on Low Intensity Use lands. The presentation included an overview of Agency subdivision permitting jurisdiction, and then a brief review of all large-scale subdivision permits issued since 2012, beginning with the Adirondack Club and Resort project in January of that year. In total, four Resource Management permits and two Rural Use permits have been issued for large scale subdivisions. These permits authorized 123 new dwellings on approximately 7,991 acres, with development authorized on 375± acres (4.7% of the total lands), and permits required for any further development on the remaining 95.3% of the total lands. Ms. Reynolds noted that, since 2013, three large-scale subdivision permits have been issued on a total of 1,826± acres, with 47 new dwellings authorized and 101± acres developed. A permit is required for further development on 1,725± acres (94.5% of the total lands), with no additional building rights available on 1,581± acres (86.6% of the total lands), and vegetative cutting restricted on 1,725± acres (94.5% of the total lands).

Mr. Ernst asked what we have learned from these large-scale subdivisions that will be useful going forward, to which Ms. Reynolds stressed sticking to the facts. The more information and science the Agency has to work with, the better. The balance of private property/real property rights and conserving, protecting and preserving the environment is also important. Mr. Cooper stressed utilizing existing resources to the greatest extent possible, such as logging roads, where appropriate.

Ms. Martino commented on the interdisciplinary work done by the Agency to review these projects, whether it be on-site or in the office, looking at drawings, alternatives; managing all of the information and looking at all the details from different angles, and having numerous meetings with staff to make sure all of the information is correct before the final product is issued.

A discussion followed regarding last years proposed conservation design bill in the legislature. Ms Reynolds stated that it is important for everyone to understand what any bill says, and what its effects would be.

****Regulatory Programs Meeting break for lunch and biomass presentation.**

The Agency meeting re-convened at 1:25pm. Mr. Lore spoke to the fact that the afternoon agenda was scheduled to include a presentation by Ariel Lynch for the construction of a telecommunications tower in Elizabethtown in Essex County. In discussions with the applicant's attorney, it was found that the Agency was provided with inaccurate simulations of the proposed project. The presentation will be postponed until the December Agency meeting to give staff the opportunity to review more accurate simulations.

Old Business

None

New Business

None

The Committee meeting adjourned at approximately 1:28pm.

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