



ANDREW M. CUOMO  
Governor

Adirondack  
Park Agency

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, 9/21/20

**SEPTEMBER 10-11, 2020**

**ADIRONDACK PARK AGENCY MEETING**

**Thursday, September 10, 2020**

**AGENCY MEMBERS, DESIGNEES, AND EXECUTIVE STAFF PRESENT**

Brad Austin, Presiding Member, Designee, Empire State Development  
Chad Dawson, Member  
John Ernst, Member  
Arthur Lussi, Member  
Mark Hall, Member  
Andrea Hogan, Member  
Ken Lynch, Member  
Zoe Smith, Member  
Dan Wilt, Member  
Lynne Mahoney, Designee, NYS Dept. of State  
Joe Zalewski, Designee, NYS Dept. of Environmental Conservation  
Christopher Cooper, Counsel  
Terry Martino, Executive Director

**LOCAL GOVERNMENT REVIEW BOARD PRESENT**

Jerry Delaney, Executive Director

**AGENCY STAFF PRESENT**

None

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?g\\_id=2](http://nysapa.granicus.com/ViewPublisher.php?g_id=2)

Presiding Member Brad Austin called the meeting to order at 1:00 p.m. Mr. Austin said the Board was meeting remotely due to the COVID-19 virus. He asked members to identify themselves when speaking. Mr. Austin commented on the tremendous facilities in NY State Parks and encouraged all to visit.

### **1. Approval of July 16, 2020 Agency Minutes**

On motion of Mr. Ernst, seconded by Mr. Lussi, the Agency adopted the Draft Agency Meeting Minutes of July 16, 2020. A copy of the official minutes as adopted by the Agency is on file at the Agency.

### **2. Recusals**

Art Lussi recused himself from P2016-29, LS Marina, LLC on the advice of JCOPE. He stated his displeasure at the decision but said he would abide by it.

Zoe Smith recused herself from P2016-29, LS Marina, LLC on the advice of Counsel.

### **3. Motion for Executive Session**

None

### **4. Executive Director's Report**

Executive Director Martino commented on the updated WebEx technology which now provides video. She thanked Bob Kreider for his help in setting up the meeting.

She said the Agency continues with health and safety protocols and the Governor's Executive Order which has extended the Agency's timeclock requirements.

She reported that the volume of Agency work continues to be high and she thanked staff for their work.

Ms. Martino said with the Hemlock Woolly Adelgid (HWA) now reported in the Park, Agency and Department staff are working together with other groups such as APPIP to create treatment plans. She said staff are working to determine the application complete to allow for treatment in October.

She said the Agency's current general permits do not allow for treatment of terrestrial invasive animals in proximity to wetlands. She reported Agency staff are working to amend an existing general permit to include plants and animal invasives. She said the Board would be receiving more information in upcoming months through the public process the Agency must engage in when amending a general permit.

She commented on the Governor's 2019 Climate Act to increase renewable energy throughout the State. She said the solar project on this month's agenda is a step in that direction and represents the Agency's first-time use of the solar application that was developed in 2019.

She thanked all who commented and/or attended the public hearing on the LS Marina, LLC project. She said John Burth would present the project and has been aided by the project team which included Sarah Reynolds, Dan Kelleher, Shaun LaLonde, and Mary O'Dell.

#### **5. Motion to Adjourn into Committees**

On motion of Mr. Wilt, seconded by Mr. Hall, the Agency unanimously adjourned into committees at 1:15 p.m.

**Friday, September 11, 2020**

**AGENCY MEMBERS, DESIGNEES, AND EXECUTIVE STAFF PRESENT**

Brad Austin, Presiding Member, Designee, Empire State Development

Chad Dawson, Member

John Ernst, Member

Arthur Lussi, Member

Mark Hall, Member

Andrea Hogan, Member

Ken Lynch, Member

Zoe Smith, Member

Dan Wilt, Member

Lynne Mahoney, Designee, NYS Dept. of State

Joe Zalewski, Designee, NYS Dept. of Environmental Conservation

Christopher Cooper, Counsel

Terry Martino, Executive Director

**LOCAL GOVERNMENT REVIEW BOARD PRESENT**

Jerry Delaney, Executive Director

Presiding Member Austin reconvened the Full Agency meeting at 9:30 a.m. He called for a moment of silence for the victims of the September 11 terrorist acts saying “we will never forget.”

**1) Committee Reports**

**a) Regulatory Programs Committee**

On motion of Mr. Wilt, seconded by Ms. Mahoney, the Agency unanimously approved P2020-8, SolarPark Energy as amended with mowing restrictions for the pollinator meadow, for the Installation of a 5 MW photovoltaic energy system (Solar Generating Facility) on a 36.0±-acre portion of the project site. The project involves installation of solar panel arrays and related infrastructure including a new access road, fencing, landscaping, and utility connections in the Town of Ticonderoga, Essex County.

Mr. Lussi and Ms. Smith left the meeting as per their recusals from the LS Marina project. On motion of Mr. Wilt, seconded by Mr. Ernst, the Agency approved P2016-29, LS Marina, LLC, for the installation of new structures associated with rehabilitation and expansion of the pre-existing commercial "Crescent Bay Marina," with Mr. Austin, Mr. Ernst, Mr. Hall, Ms. Hogan, Mr. Lynch, Ms. Mahoney, Mr. Wilt, and Mr. Zalewski voting for; Dr. Dawson voting against.

Mr. Lussi and Ms. Smith returned to the meeting.

b) State Land Committee

Mr. Ernst reported on the Hinckley Intensive Use Area UMP Amendment and Fish Creek Intensive Use Area UMP Amendment and the first-time public presentations of the proposed amendments by Department staff.

**2) Interim Reports**

a) Park Policy and Planning Committee

On motion by Mr. Austin, seconded by Mr. Ernst, the committee adopted the Draft minutes of its July meeting.

The Administration, Economic Affairs, Enforcement, Legal Affairs, Local Government Services, Park Ecology, and Public Awareness committees did not meet this month. Mr. Lussi said two Enforcement cases will be scheduled for the October Board meeting. He said staff would be sending information to committee members.

**6) Old Business**

Mr. Lussi said a discussion of cell towers needs to move forward. Ms. Martino said information was being worked on at staff level and would be brought forward at a future meeting.

**7) New Business**

There was discussion regarding in-person or hybrid model monthly meetings. Ms. Martino said she will review different options for the hosting of the meeting while following current health and safety protocols. Dr. Dawson asked if there was a better way to distribute the mailing. Ms. Martino said the public materials are available on the Agency website and that staff are working on other storage options. Mr. Austin said as more things open up, the Agency could consider other formats. He thanked Ms. Martino for her efforts.

Ms. Smith asked for a presentation in regard to the impacts of solar projects particularly in relation to the movement of wildlife. She felt members could help guide the process more as they receive additional information.

Ms. Smith asked for an additional review of Agency jurisdiction regarding variances.

#### **8) Local Government Review Board Comment**

Mr. Delaney said he had insufficient technology for remote meetings. He said he supports a hybrid format. He said it is important to note the difference in the laws which guide variance reviews by towns vs. the Agency. He questioned which projects are required to go through the visual analysis review and noted towers seem to require more scrutiny than solar projects.

#### **9) Member Comment**

Ms. Mahoney gave a shout out to Regulatory staff for their work.

Mr. Wilt said he appreciated the presentations by staff and that they helped in his decision making. He said he looked forward to in-person meetings.

Mr. Hall thanked the Board for their conversations. He supported the hybrid format meetings.

Mr. Dawson commented on the spirited discussions that take place in the Board sessions. He said John Burth did a superb job of presenting the marina project.

Ms. Hogan thanked Mr. Burth for his presentation on the marina project. She said she would like to continue carrying capacity studies.

Mr. Lynch said he was comfortable with the pre-meeting information. He thanked staff for their work.

Ms. Smith thanked staff. She said carrying capacities on waterbodies should be a priority as there will be more and more use.

Mr. Lussi read from Section 801 of the Agency Act which he said guides him in his decision making.

Mr. Ernst requested the Board receive the list of common APA abbreviations to help guide them. He said Mr. Burth did a heroic job presenting the marina project. He thanked staff for their work. He said carrying capacity should be a high-level priority.

Mr. Cooper thanked staff.

Ms. Martino reported on the comment received by Elaine Caldwell by landowners on the great service provided to them by Sarah Staab, Sam Boise, and Aaron Ziemann during a site visit. She commended staff on the high level of interdisciplinary work they are doing. She said she would work with staff to consider the hybrid format for future meetings.

Mr. Austin said he was appreciative of staff and their consistent and thorough work.

By unanimous consent, the meeting adjourned at 12:20 p.m.

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Brad Austin, Presiding Member

Attachments:

P2020-8  
P2016-29