



**DRAFT Minutes of the Regulatory Programs Committee Meeting  
April 15, 2021**

The committee meeting convened at approximately 1:17pm.

**Regulatory Programs Committee Members Present**

Chair Daniel Wilt, Arthur Lussi, John Ernst, Ken Lynch, and Matt Tebo (DOS)

**Other Members and Designees Present**

Brad Austin, Joe Zalewski (DEC), Zoe Smith, Andrea Hogan, Mark Hall

**Local Government Review Board Present**

Gerald Delaney, Executive Director

**Agency Staff Present**

Terry Martino, Executive Director; Christopher Cooper, Counsel; Robert Lore, Deputy Director of Regulatory Programs; Devan Korn, Environmental Program Specialist 2, Matt Brown, Environmental Program Specialist 1

**Approval of Draft Committee Minutes for March 2021**

One correction was made to the March 2021 minutes regarding attendance, and then a motion was made to approve the corrected minutes by John Ernst, seconded by Ken Lynch. Matt Tebo abstained.

**Regulatory Programs Report (Robert Lore)**

Mr. Lore first reported out on the division's scheduling of spring site visits in anticipation of another busy field season. While the winter gave staff an opportunity to focus on completing permits, the Agency continued to receive new applications and pre-applications. As evident by the last several Agency meetings, staff are continuously managing a variety of projects, some of which we can complete at the staff level by using Delegated Authority, and others that require board approval. Staff recently reviewed a project that calls for the installation of a 5-megawatt solar facility to be sited on approximately 25 acres of land in the Town of Moriah, Essex County. The Agency completed their review this month and the proposed project is now out for public comment in the Environmental Notice Bulletin. The division also received a pre-application for three new solar projects in Ticonderoga, Essex County. This pre-application was opened in the beginning of the year and staff are currently reviewing and planning a site visit next month.

The Agency also received an application for construction of an approximately 3000 square foot building in Hamlet land use area in Harrietstown, Franklin County. The proposed building is 45 feet in height and will contain commercial space and six residential units. A

four story 17,500 square foot residential building with 63 residential units, and an overall height of 51 feet is also part of the proposed project. Residents will have access to on-site parking with vehicle and pedestrian access to Broadway and Depot Street. Municipal water supply and sewage treatment infrastructure will serve the development. Regulatory staff are continuing their review of this project and have submitted a Notice of Incomplete Permit Application requesting additional information, including visual simulations of the proposed project. Staff have also scheduled a site visit later this month and will continue to provide updates on this project as they become available.

Ms. Smith asked a process question, looking for clarification of the criteria to be met to have projects come before the Agency Board, using the recently approved Tupper Lake project and the recently submitted Harrietstown project as examples. Mr. Lore responded that the Harrietstown project is still in review, and a lot of what determines whether these types of projects will go to the Board is their potential impacts to resources and whether public comments are received. The Tupper Lake project had very little public comment or resource issues.

Ms. Martino commented that the Board could express interest in seeing a particular project brought to the Agency Meeting and that could be taken into consideration as well. Mr. Lussi thanked Ms. Martino for encouraging commissioners and designees to express interest in seeing certain projects come before the board.

#### **P2020-0277 Pivot Energy (Matt Brown)**

Mr. Brown gave an extensive and detailed overview and presentation of the project including review of jurisdiction, conclusions of law, a description of and slides of the project location and the existing conditions, site history, proposed project details, visual analysis slides, public comment, review by others, and staff's recommendation and permit conditions.

The complete presentation is available at:

<https://nysapa.granicus.com/videos/562/player?autoplay=0&start=1534&stop=3956>

A motion for approval with conditions was made by Mr. Wilt and seconded by Mr. Tebo. All were in favor.

#### **P2020-0266 Barile Family LLC (Devan Korn)**

Mr. Korn gave an extensive and detailed overview and presentation of the project including review of jurisdiction, conclusions of law, a description of and slides of the project location and the existing conditions, site history, proposed project details, visual analysis slides, public comment, review by others, and staff's recommendation and permit conditions.

The complete presentation is available at:

<https://nysapa.granicus.com/videos/562/player?autoplay=0&start=3956&stop=7800>

A motion for approval with conditions was made by Mr. Tebo and seconded by Mr. Lynch. All were in favor.

**Old Business**

None

**New Business**

None

The committee meeting adjourned at approximately 3:20 pm.

DRAFT