



## Adirondack Park Agency

KATHY HOCHUL  
Governor

BARBARA RICE  
Executive Director

### **ADIRONDACK PARK AGENCY** **FINAL NOVEMBER MEETING MINUTES**

**Thursday, November 17, 2022**

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

John Ernst, Chairperson  
Mark Hall, Member  
Andrea Hogan, Member  
Benita Law-Diao, Member  
Art Lussi, Member  
Zoë Smith, Member  
Dan Wilt, Member, *Remotely*  
Brad Austin, Empire State Development  
Matt Tebo, Dept. of State  
Joe Zalewski, NYS Dept. of Environmental Conservation  
Barb Rice, Executive Director  
Chris Cooper, Counsel

#### **ABSENT AND EXCUSED**

Ken Lynch, Member

#### **LOCAL GOVERNMENT REVIEW BOARD PRESENT**

Jerry Delaney, Executive Director

#### **AGENCY STAFF PRESENT**

Sam Boese  
Amy Hall  
Dan Kelleher  
Keith McKeever  
Stephanie Petith  
Megan Phillips  
Jim Pinheiro  
Kevin Prickett  
Kiley Wilber  
Bob Kreider, NYS ITS  
Jenn Ocasio, NYS ITS

Video and audio recordings of the proceedings are available in their entirety via webcast at: <https://nysapa.granicus.com/videos/600/player?autoplay=0>, and a recovered audio segment for approximately seven minutes during the public comment at: <https://nysapa.granicus.com/videos/597/player?autoplay=0>.

## **1. CALL TO ORDER and 2. WELCOMING REMARKS**

Chairperson Ernst called the meeting to order at 9:30 a.m. and welcomed everyone. Chairperson Ernst stated how happy he was that the Bond Act had been approved noting that it would provide needed funding for many towns in the Park to improve their sewer and water infrastructure. Chairperson Ernst next brought up the subject of the 2023 Agency meeting schedule which had been sent to the Board for review, asking if there were any conflicts or questions, the only one brought up by Joe Zalewski being that one meeting date appeared to be on a Wednesday. Executive Director Rice explained that it was due to a holiday, and there being no other questions or discussion, the 2023 meeting schedule was accepted.

## **3. PUBLIC COMMENT**

Barbara Rottier, retired associate counsel for the APA, spoke to the Board regarding no material increase in mileage on state land, advising the Board of the history of previous decisions and asking that they take that into consideration when making any changes.

Chris Amato with Protect the Adirondacks spoke to the Board regarding New York State's Climate Leadership and Community Protection Act, specifically Section 7 of the Act which requires decisions on permits being issued to consider how the project will affect NYS's greenhouse gas emissions goals.

Patrick Teague, a resident of North River, has concerns about Barton Mines, noting that there seems to have been an increase in noise and dust and that a potential expansion may make it worse.

Frances Rucker, resident and business owner in North River, also spoke about noise, dust, and visual impact created by Barton Mines and would like any expansion permit to contain regulations mitigating dust and noise.

Ron Konowitz spoke on behalf of the Adirondack Powder Skiers Association noting that while protection of state land is important, so is access. The Powder Skiers Association has worked with Paul Smith's College to create back-country skiing on the college-owned Jenkins Mountain and encouraged the Board to visit.

## **4. Approval of September 15, 2022 Agency Minutes**

On motion of Zoë Smith, seconded by Benita Law-Diao, the September minutes were unanimously approved with Andrea Hogan, Art Lussi and Joe Zalewski abstaining.

## **5. Recusals**

None.

## **6. Motion for Executive Session**

Per Counsel Chris Cooper an executive session is needed to update the Board on pending litigation. On the motion of John Ernst, seconded by Mark Hall, an executive session to precede lunch was unanimously approved.

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

Executive Director Rice welcomed everyone and offered congratulations to Governor Hochul and all of the other recently elected officials, adding thanks to all of the poll workers and to everyone who voted. Executive Director Rice said that the Bond Act had been approved which would help fund many projects needed in the Park, adding that Governor Hochul had recently announced that \$300 million would be made available for water and sewer upgrades that several Adirondack towns and villages have benefitted from. Executive Director Rice ended by introducing new Agency staff Jim Pinheiro, Supervisor, Natural Resource Analysis and Kiley Wilber, receptionist.

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

On motion of Mark Hall, and without objection, the Agency adjourned into committees at approximately 10:00 a.m.

### **State Land Committee**

The committee meeting convened at approximately 10:00 a.m.

#### **State Land Committee Members Present:**

Benita Law-Diao, Andrea Hogan, Art Lussi, and Joe Zalewski (DEC), John Ernst sat in as Acting Committee Chair. Absent: Ken Lynch (Committee Chair)

#### **Other Members and Designees Present:**

Brad Austin (ESD), Mark Hall, Zoë Smith, Matt Tebo (DOS), Dan Wilt *remotely*

#### **Local Government Review Board**

Jerry Delaney

#### **Agency Staff Present:**

Chris Cooper, Barb Rice, Megan Phillips, Kevin Prickett, Matt McNamara

#### **(1) State Land Report (Megan Phillips)**

Deputy Director of Planning Megan Phillips provided several resources for board members, including hard copies of the 2019 Adirondack Park State Land Master Plan, the Federal Visitor Use Management Framework – a guide to providing sustainable outdoor recreation, and a draft brochure and map produced by the Adirondack Rail Trail Association.

She then provided updates about two rail trail related events recently attended by staff: a stakeholder meeting convened by the Adirondack Rail Trail Association on October 12 and a groundbreaking celebration for Phase 1 of rail trail construction with partner agencies on November 2. The segment of the rail trail between Station Street in Lake Placid and Cedar Street at Route 86 in Saranac Lake is currently closed due to active construction and will re-open on December 19 for winter recreation.

Deputy Director Phillips also reported that the team has been working on state land consultations including inquiries related to the provision of charging stations for personal mobility devices in intensive use areas; re-routes and bog bridging for foot trails in the Horseshoe Lake Wild Forest and Independence River Wild Forest; and relocation of a caretaker's cabin in an intensive use area.

Staff have been conducting field work, including a Trail Stewardship Working Group trip at Boreas Ponds on November 3 to discuss project work plans for a proposed accessible trail to a lean-to and accessible waterway access as well as primitive tent sites along the Gulf Brook Road. Staff have also visited Siamese Ponds Wilderness, Pepperbox Wilderness, and Independence River Wild Forest to provide DEC staff with training on the primitive tent site monitoring application.

Deputy Director Phillips also shared that staff are in the early stages of working on a state land classification package and continue to make progress on unit management planning.

(2) Wild Forest Basic Guideline No. 4 – No Material Increase of Road Mileage on Wild Forest Lands (Megan Phillips, APA, and Josh Clague, DEC)

Megan Phillips and Josh Clague responded to questions that had been relayed by board members since the September Agency meeting. No action was taken on the topic at this meeting as the state land committee chair was absent.

(3) Sharp Bridge Campground & Day Use Area Unit Management Plan (Megan Phillips, APA, and Josh Houghton, DEC)

Josh Houghton delivered a presentation on the content of the public draft UMP for Sharp Bridge Campground & Day Use Area. Megan Phillips shared State Land Master Plan guidelines and criteria that are used to determine conformance of the draft UMP.

On motion of Art Lussi, seconded by Andrea Hogan, the committee unanimously voted to authorize a joint public comment period with DEC through December 19.

The committee adjourned at approximately 11:30 a.m.

### **Regulatory Programs Committee**

The committee meeting convened at approximately 11:49 am on Thursday, November 17, 2022.

### Regulatory Programs Committee Members Present

Dan Wilt (Committee Chair) *remotely*, Matt Tebo (DOS), and Art Lussi. Ken Lynch was absent. John Ernst sat in for Ken Lynch.

### Other Members and Designees Present

Brad Austin (ESD), Mark Hall, Zoë Smith, Benita Law-Diao, Andrea Hogan, and Joe Zalewski (DEC).

### Local Government Review Board Present

Gerald Delaney, Executive Director

### Agency Staff Present

Chris Cooper, Barb Rice, John Burth, and Sarah Reynolds.

### Regulatory Programs Report (John Burth)

EPS3 John Burth began his report by reviewing statistics for permits and applications over the past few months, noting the similarities and differences with last year's numbers. Also mentioned was the progress being made to update applications as well as the development of new applications. Mr. Burth spoke about the High-Profile Report, stating that staff are currently working on trying to find better ways to present the information clearly and accurately, as well as eliminate inconsistencies and redundancies. A draft advanced agenda will also be a step towards accomplishing that goal.

### Variance Presentation (Sarah Reynolds)

Associate Counsel Sarah Reynolds presented a training on the shoreline setback requirements of the APA Act. The presentation covered the setback requirements for new structures, as well as the replacement and expansion rights associated with existing structures. Ms. Reynolds also discussed the process and review criteria for granting variances to the restrictions.

**[\\*\\*Break for Lunch and Executive Session from \(approximately\) 1:05 pm to 1:50pm\\*\\*](#)**

### Subdivision Presentation

Associate Counsel Sarah Reynolds presented an overview of APA permits issued for large residential subdivisions in the past 10 years, which included two for subdivisions of Resource Management lands, and two for subdivisions of Rural Use lands.

### (4) Old Business

None

(5) New Business

None

The committee meeting adjourned at approximately 3:17 p.m.

Full Agency resumed at approximately 3:18 p.m.

**9. Committee Reports**

a) State Land Committee

John Ernst reported that the committee had heard a report from Megan Phillips and had a presentation on Wild Forest Basic Guideline No. 4 – No Material Increase of Roads on Wild Forest Lands, answering specific questions raised by the Board from prior presentations and discussions.

On motion of John Ernst, seconded by Art Lussi, the Agency voted unanimously to allow the Agency to hold a joint public comment period with DEC on Sharp Bridge Campground & Day Use Area Unit Management Plan.

b) Regulatory Programs

Dan Wilt reported that the committee had heard a report from John Burth and had presentations on shoreline restrictions and variances and on large subdivisions by Associate Counsel Sarah Reynolds.

**10. Interim Reports**

The Economic Affairs, Enforcement, Legal Affairs, Local Government Services, Park Ecology, Park Policy and Planning, and Public Awareness and Communication committees did not meet this month.

Local Government Review Board Report:

Jerry Delaney thanked everyone for the informative sessions and is glad for the transparency on the mileage issue.

**11. Member Comment**

Zoë Smith asked if the mailing materials remained available for future reference, Counsel Cooper answered that the material remains on the Agency website for use.

**12. Old Business**

None

**13. New Business**

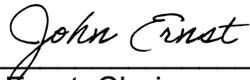
None

#### **14. Public Comment**

None

Before ending, Chairperson Ernst announced that the next Agency meeting is scheduled for December 15 & 16, 2022.

The meeting was adjourned without objection at approximately 3:23 p.m.

A handwritten signature in cursive script that reads "John Ernst".

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John Ernst, Chairperson