



*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 AGENCY MINUTES**

**AUGUST 18, 2011**

**THURSDAY, AUGUST 18, 2011**

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

Cecil Wray, Member  
Arthur Lussi, Member  
William Thomas, Member  
Leilani Ulrich, Member  
F. William Valentino, Member  
Elizabeth Lowe, Designee, NYS Department of Environmental Conservation  
Dierdre Scozzafava, Designee, NYS Department of State  
Terry Martino, Executive Director  
John Banta, Counsel

**AGENCY MEMBERS AND DESIGNEES ABSENT**

Richard Booth, Member  
Frank Mezzano, Member  
James Fayle, Designee, NYS Department of Economic Development

**LOCAL GOVERNMENT REVIEW BOARD PRESENT**

Fred Monroe, Executive Director

**AGENCY STAFF PRESENT**

Richard Weber, Deputy Director, Regulatory Programs  
James Connolly, Deputy Director, Planning  
Daniel Spada, Supervisor, Natural Resource Analysis  
Holly Kneeshaw, Assistant Director, Regulatory Programs  
Keith McKeever, Public Information Director  
Paul Van Cott, Associate Attorney  
Elaine Caldwell, Administrative Officer  
Ron Tucker, Associate Project Analyst, Forest Resources  
Elizabeth Phillips, Senior Attorney  
Steven Brewer, Senior Attorney  
Milt Adams, Environmental Program Specialist 1  
Tracy Darrah, Environmental Program Specialist 1

Mary Reardon, Secretary 1  
Mary Palmer, Keyboard Specialist 1  
Deborah Lester, Secretary to Executive Director

Mr. Wray called the meeting to order at 9:05 a.m. He noted that he had been asked to convene the meeting as the senior member of the Agency.

### 1. Public Comment

Leroy Douglas of Silver Lake took exception to recent comment by Agency Members which he interpreted to mean that people were not telling the truth about their experience with the Agency. His full comments are available in the webcast of this meeting.

[http://nysapa.granicus.com/ViewPublisher.php?view\\_id=2](http://nysapa.granicus.com/ViewPublisher.php?view_id=2)

Peter O'Shea of Star Lake expressed a concern over the Agency's review and approval process for development projects by wealthy and powerful groups, individuals and families. His full comments are available in the webcast of this meeting.

[http://nysapa.granicus.com/ViewPublisher.php?view\\_id=2](http://nysapa.granicus.com/ViewPublisher.php?view_id=2)

Mike Vilegi of Black Brook commented on the newly established Public Awareness and Communications Committee and its stated objective. His full comments are available in the webcast of this meeting.

[http://nysapa.granicus.com/ViewPublisher.php?view\\_id=2](http://nysapa.granicus.com/ViewPublisher.php?view_id=2)

### 2. Minutes

On motion of Mr. Thomas, seconded by Ms. Lowe, the Agency unanimously adopted the July 14-15, 2011 Draft Agency Minutes.

### 3. Executive Director's Report

Ms. Martino provided the following highlights and activity over the past month:

- The Executive Director attended Governor Cuomo's July 29<sup>th</sup> launch of the North Country Regional Economic Development Council in Potsdam. The Governor highlighted his commitment to economic development and a process whereby the ten councils will work through its membership in the development of strategic plans that will utilize a combined application to request funding for regional projects.

While the Adirondack Park has not been identified as a separate region, the North Country Council will have an Adirondack Park working group chaired by Bill Farber. This working group will coordinate bridging with the Mohawk Valley and Capital Councils to ensure economic development needs in the Park are addressed.

The Agency is working at the staff level with the North Country leadership team, thus enabling the Agency Executive Director as Council liaison to work directly with Council Executive Director Roseanne Murphy and Co-Chairs Tony Collins and Garry Douglass, along with the other state agency representatives on the staffing team including Betsy Lowe (DEC) and staff from the Department of Labor and Department of State.

It is an ambitious agenda which includes weekly teleconferences, the inaugural meeting of August 5 and the planned second meeting scheduled for August 19. Lt. Governor Robert Duffy has participated in the Council sessions and is expected to attend the August 19 meeting. The Park region will benefit from the attention of this broad-based economic development planning.

- The Agency has taken many steps this year to profile successful businesses that contribute to the Park's economy. Public Information Director Keith McKeever has organized the presentations into a press story that includes highlights of the presentations on the Keene broadband project, Golden Arrow and green tourism development, and the Kimball presentation about Essex Farm. The story is also on the Agency website with links to those presentations. A similar story will follow with highlights from the presentations on Clarkson University's Small Business Center, Aquatic Invasive Management, and Bicycling in the Adirondacks. <http://www.apa.state.ny.us/Economy/index.html#Entrepreneurial>

- Agency executive staff's discussions with the Local Government Review Board and AATV continued in August, and most recently addressed the combined interests of permitting and economic opportunities. At an August 17 meeting, discussion focused on how the Agency assesses economic impacts; how questions are presented in the applications for industrial, commercial, public use and mining/gravel operations; the differences with the use of a general permit, such as the commercial reuse general permit which was adopted in 2010 and the expedited review/timeframe of ten days; and the potential for other general permits. These discussions among the agencies were initiated by Chairman Stiles, and all involved parties agree this is an important inter-agency dialogue to continue, particularly with the emergence of the regional councils.

- Last month the Agency provided a support letter to DOT for an application submitted by ANCA, Essex County and the Town of North Elba in their efforts to secure Scenic Byways funding for the Olympic Trail for the development of the Rails-with-Trails project planned to connect Lake Placid to Ray Brook. The funding will complement previous enhancement awards and enable construction to proceed with the recreational trail that will be adjacent to the current rail service.

This past week Senator Schumer announced that \$1.2 million has been awarded to the NYS DOT for the project by the Federal Highway Administration Scenic Byways Program. Given the Agency's involvement in the first phase of the project, from Lake Placid to Ray Brook, through issuance of a permit, and the substantial amount of dialogue, it would be a good project to highlight at a future Agency meeting.

- The Agency has been authorized to use EPA funding to integrate its Master Action Database with the GIS system, thus enabling staff to have a wide range of data readily available. The benefits of this type of data exchange will be evident in the Agency report on permit activity and how GIS helps to portray that activity. Thanks are due EPA for the cost extension and for enabling funds to be used in this manner. Judith Enck, EPA Region II administrator, will be joining the Agency later in the day for a discussion on EPA's program. She will also be hosting a roundtable on August 19 at Paul Smith's College. Dan Spada and John Banta will represent the Agency at the roundtable.

- Agency staff continue to work on the "Naming Convention," which is a method for organizing all of the Agency's digital files from initial authorship, to transmitted copy, to archived records. All of the staff have had opportunity to comment on how this will work. Dan Spada, Bob Kreider, Elaine Caldwell and John Barge have been instrumental in moving this discussion along.

- Administrative staff are preparing for the Agency's Phase I participation in the planned transition to the State Financial Management System (SFS). On August 15, managers attended a webinar about the system and the amount of change it will bring to our financial processes for travel requests and authorization.

- Staff are in the process of developing a flyer about the Agency's approach to community housing. The Agency is very appreciative of everyone who helped work on the bill which is the first legislative change to the Agency Act since the mid-eighties. Staff plan to meet with Alan Hipps from the Adirondack Community Housing Trust on August 19 to discuss the flyer and the partnership that developers may engage in with the Housing Trust in building eligible properties.

- The Executive Director and Deputy Director Jim Connolly attended the fifth Common Ground Alliance meeting in July in Long Lake. The forum featured an excellent scenario-building exercise that was presented by Jim Hermann and Dave Mason, both of whom had expressed interest in doing regional work when they talked with the Agency board in January of this year. A majority of participants picked a future scenario called "The Sustainable Life," which was ranked as the most desirable and most attainable. Messrs. Hermann

and Mason have committed to doing more of this type of work, and Agency Public Information Director Keith McKeever will join them in a two-day session in September. The Executive Director is also discussing the possibility of their conducting a two-day program with Agency staff in May of next year.

- Regarding the Adirondack Club and Resort project, the Agency has received the briefing schedule and filing procedures from Judge O'Connell which outlined September 23 as the due date for the closing statement briefs and October 24 for the due date for the reply briefs. The receipt and distribution of the October 24 reply briefs will conclude the record for the hearing and will then enable the Judge to certify the record for distribution to the Board. Based on the schedule provided, it is anticipated that the first of the three-meeting sequence discussed last month will begin in November, followed by a December and then January discussion of the project.

Ms. Martino noted that for the past month Agency staff has prepared for the transition of Chairman Stiles, whose last day with the Agency was on August 12, which coincided with the Executive Director's two-year anniversary with the Agency. During his time with the Agency, Chairman Stiles engaged and worked with the Board in important decision making which included:

Moose River Plains/Jessup River/Watson's East Triangle UMP's  
Champion settlement/permit  
MOU conservation easements with DEC  
Snowmobile guidance  
Fire towers/St. Regis and Hurricane  
Updated shoreline variance and wetland subdivision regulations  
First statutory change to the APA Act since the mid-80's with the  
Community Housing Bill  
Delegation Resolution update  
Boathouse and Dock definitions  
General permits for residential wind, commercial reuse, collocation  
of towers, amongst others.  
Community Spotlights  
Ongoing dialogue with local government

There have been countless times when Chairman Stiles' orientation and involvement benefited the Agency's work. Supervisor Kosmider's appearance at this month's Agency meeting demonstrates the Agency's commitment to continuing the Community Spotlight series that was initiated by Chairman Stiles.

Chairman Stiles became well acquainted with all Agency staff and will be missed by all of them.

Ms. Martino expressed thanks to Susan Stiles and the Stiles family for sharing Curt with the Agency these past four years. She stated his commitment to the communities, environment and people of the Park will be a continued guiding light in the Agency's work.

**4. Resolution 2011-5 in Recognition of the Service of Agency Chairman Curt Stiles**

Mr. Wray read aloud a resolution proposed for Agency adoption recognizing and saluting the service and accomplishments of Agency Chairman Curt Stiles.

The resolution was moved, seconded, and adopted unanimously by the Agency as a whole. A copy of the resolution as approved by the Agency is attached to the official minutes.

**5. Executive Session**

On motion of Mr. Thomas, seconded by Mr. Lussi, the Agency voted unanimously to meet in executive session at noon to discuss Matter of Adirondack Mountain Club, et al.

**6. Motion to Adjourn into Committees**

On motion of Mr. Thomas, seconded by Ms. Lowe, the Agency unanimously adjourned into committees at 9:35 a.m.

**7. Community Spotlight**

The full Agency reconvened at 1:20 p.m. to hear Town of Crown Point Supervisor Bethany Kosmider present highlights on her town. Her presentation was supplemented with digital photo highlights.

Supervisor Kosmider provided a brief history of the Town of Crown Point, which was established in 1786. She pointed out local landmarks, including the Veteran's Memorial Park, the First Congregational Church, and monuments honoring military veterans and one of Crown Point's first settlers during the Civil War period.

She noted historic Ironville, home to the Pennfield Museum, and the ore mining operations in the 1800's. Also, Fort St. Fredric, now known as Fort Crown Point where Civil War re-enactments take place. The lighthouse is also a focal point, and the Town is exploring the possibility of collaborating with Vermont to restore lighting in it. The Hammond Library, formerly a garage, is on Main Street next to Memory Park, a small park dedicated to children of the town who passed on early in life.

Crown Point, which is visible from the Vermont shore, has a 42-site municipal campground with dock, but no swimming facilities.

Unfortunately, the beach was closed about 20 years ago due to milfoil infestation. A retaining wall was constructed for the docks, which are in substantial disrepair and are being rebuilt with federal grant monies. The wastewater treatment system, although recently upgraded, is small and will need expansion in about four years. The town hall, formerly used for oil drum storage, sits next to the railroad tracks and is currently being upgraded with the help of a NYSERDA energy grant. The town hopes to one day relocate to a more central location on Main Street. The Pennfield Museum in Ironville houses a wealth of information about Crown Point history, including public donations of family heritage items. The museum hosts annual events such as the Pancake Breakfast and Apple Fest.

Supervisor Kosmider then reviewed issues of concern for the town, chiefly the need for a hamlet expansion to accommodate new business and increase the tax base. She referred to a map of the proposed expansion area on the outskirts of the village which has been subject of discussions with Agency staff. The approximately 20-acre area is topographically suitable for reclassification to hamlet. However, the Town Board is not entirely in agreement due to some concern over the ability of existing infrastructure to handle more users. Agency staff have been very responsive to the Town and are assessing the capabilities of the proposed hamlet expansion. Also, the declining school population is an issue, with the current enrollment at 250 students and an annual budget of \$1.5 million. Crown Point is currently in discussions with Ticonderoga about the possibility of consolidation.

Supervisor Kosmider opened the floor to questions.

Mr. Lussi asked if the Town's interest in hamlet expansion was spurred in part by a need for local housing. He also inquired as to the apparent division on the town board regard this issue.

Supervisor Kosmider responded that while housing is needed, the Town's primary need is new business to increase the tax base. She noted the development potential for the Sugar Hill area, which is within the existing hamlet. Although it has a steep incline, the soils would support development. The 20-acre area proposed for hamlet expansion is desirable for sustainable and manageable growth. Regarding the diversity of the town board, she noted some members are proactive and seek sustainable management of the town, including the concept of hamlet expansion, while others are less enthusiastic about planning for the future.

Supervisor Kosmider also noted that Crown Point is at an economic disadvantage when compared to other towns in the Park, and that it is important for the town to tap into available resources such as the lake and the beach. To do this, it must first address the

milfoil problem, which is believed to be related in part to an effluent pipe that needs to be moved farther out.

Mr. Valentino noted the big issue of agricultural runoff from Vermont. He recalled paddling a number of times from a launch in Crown Point and while he had noted some improvement in the amount of vegetation in the water, it was still substantial. He suggested the vegetation problem was a result of a much bigger problem than a sewer pipe in Crown Point. He asked Supervisor Kosmider if she had noticed any improvement in water quality and whether there was a concentrated effort among neighboring communities to address the problem.

Supervisor Kosmider said there were fewer complaints from fishermen in this year's fishing tournament. She added that other than the involvement of Essex County Planning and Development, there was no other multi-community effort to address the problem. She noted it had been her intention to approach the Town of Moriah to discuss shared services between the towns, a move that would also increase chances for grant funding.

Mr. Thomas inquired about the town's population, sources of employment, and the local school, as well as the impacts of the Champlain Bridge on the citizens of Crown Point.

Supervisor Kosmider advised that the population of Crown Point is approximately 2,000, the majority of whom work at the International Paper plant in Ticonderoga, and at companies such as BF Goodrich and DR Tremmer in Vermont. The student enrollment at the school has declined over the years and is currently at about 250. The Champlain Bridge plays an important role in the lives of the people of Crown Point. The bridge closure has created longer commuting times for those working in Vermont and the people are becoming impatient for the bridge to reopen. The ferry clearly is a benefit to the people, but sometimes they must wait 20-30 minutes for the afternoon ferry. While there has recently been concern over a delay in reopening of the bridge due to low water levels hampering delivery of the arch, Supervisor Kosmider expressed hope for the reopening to occur sometime in October.

Mrs. Ulrich acknowledged the Supervisor's complimentary comment regarding Agency staff assistance to the Town, and asked her what more the Agency could do to make a difference. She also asked what other businesses reside in Crown Point.

Supervisor Kosmider emphasized the importance of a hamlet expansion, as well as grant funding for waterfront planning and development and eradication of milfoil. She expressed confidence in the Agency's fair consideration of the issues while acknowledging the Town's responsibilities in the planning process. Other businesses and

employers in the town include the school, the majority of whose employees are from out of town, as well as Mom and Pop stores and cottage/home-based industry. The town is also in need of a supermarket. She noted the recent closure of the Lowes store in Ticonderoga and the possible relationship to the bridge closure.

Mr. Wray inquired as to changes in both the local and the school populations in terms of census figures and the impact on housing needs.

Supervisor Kosmider responded that while the population of Crown Point has increased steadily, the school enrollment has declined over the years. The community needs more business to help with the tax base and to reduce the travel distance for the people of Crown Point to shop. With respect to housing, she recalled a senior housing development on Sugar Hill a number of years ago that had progressed no further than water and sewer lines.

Mr. Lussi noted a resurgence of small farming operations in communities like Essex. He asked if Crown Point had seen any such indication, and also if the area proposed for hamlet expansion is farmland.

Supervisor Kosmider noted a few local operating farms dealing in angus beef, hay and dairy, with another farm that is for sale. She predicted the economy would precipitate a resurgence of farming. Regarding the hamlet expansion, she noted the proposed expansion area is former farmland that has been vacant for some time.

Supervisor Kosmider acknowledged the Town's need for a local comprehensive plan. She noted the Town had applied this year, without success, for a Smart Growth grant for the purpose of developing such a plan. Currently the Town employs a code enforcement officer to enforce the building code and a local junkyard ordinance.

Mrs. Ulrich asked if the Town has taken advantage of the annual Local Government Day conference.

Supervisor Kosmider opined that the Local Government Day conference seems to meet their needs, but pointed out that the town board is divided in their views, some being more goal-oriented and looking toward the future than others who are finding it more difficult to see the importance of zoning and planning. She expressed the importance of Crown Point moving forward and planning for the future.

Mr. Wray thanked Supervisor Kosmider for taking the time to address the Agency, and presented her with a lapel pin.

The Agency temporarily adjourned into the committees at 1:55 p.m., and then reconvened at 3:12 p.m. to hear a briefing by US Environmental Protection Agency Region 2 Administrator Judith Enck.

8. Briefing by US Environmental Protection Agency Region 2 Administrator Judith Enck

EPA Region 2 Administrator Judith Enck, joined by Rob Goulding of her staff, provided a briefing on the EPA and its agenda, including rule making and issues such as clean air, clean water, climate change and improved relationships with states.

She noted as one of the reasons for her visit to the North County the announcement of a Great Lakes Initiative grant awarded to Paul Smith's college for their innovative aquatic invasive species program, one of a number of major grants being awarded throughout New York State including DEC and other colleges and institutions. The announcement will be followed by a stakeholder meeting with businesses, government, and the environmental community.

Ms. Enck referred to an interview she gave earlier in the day with the editorial board of the Glens Falls Post Star where she discussed the second and final phase of the Hudson River PCB dredging project. Five hundred new jobs have been created as a result of this cleanup effort and there will be tremendous long-term benefits. More needs to be done, however, to educate the public about this issue, and more importantly to address the sources of the contamination.

Ms. Enck then discussed the issue of acid rain, the major threat to water quality in the Adirondacks that is created by air pollution primarily from long distance sources. She reported that in July the EPA announced the Cross-State Air Pollution Rule, one of the most important clean air developments in decades. If approved, the regulation will have a positive impact on the acid rain problem in the Adirondacks. By 2014 this rule, together with others already in place, would result in a reduction in sulfur dioxide (SO<sub>x</sub>) emissions by 73%, and nitrogen oxide (NO<sub>x</sub>) emissions by 54%. This particular regulation covers 28 states and will particularly benefit the receptor states.

A second rule that is not yet in place is the air toxics rule announced in March 2011, which will establish the first-ever national standards for mercury, arsenic and other toxic air pollutants from power plants. Currently there are no national standards for mercury emissions, for example. In addition to being a potent neurotoxin that can affect children's ability to learn, when it falls in lakes, ponds and rivers, mercury will build up in the fish and Adirondack loons. The air toxics regulation requires power plants to install widely available and proven pollution control technologies. Many power plants in the country already use

this technology. The public comment period for this proposed regulation will conclude at the end of the month and hopefully it will be a standard by November or December, 2011.

Mr. Wray inquired as to the current relationship between the EPA, New York State and DEC, as well as the status of cap and trade.

Ms. Enck replied that to her knowledge the northeast attorneys general have not sued the current administration on environmental issues. She described EPA's relationship with DEC as being very positive and noted in particular the commendable work and positive tone set by DEC Commissioner Martens. She also noted many of EPA's programs such as the Clean Air and Clean Water Acts are delegated to the states for implementation, with EPA providing oversight and funding. Regarding the cap and trade status, she reported that the number of states participating in the Regional Greenhouse Gas Initiative (RGGI) is now at 9 after New Jersey's withdrawal. She said that although cap and trade with carbon is not as much of a challenge as it would be for mercury, it is nevertheless an effective approach to driving down carbon pollution if the cap is set at the right level.

Mrs. Ulrich called attention to the J & L site in Clifton Fine, one of the top ten environmental disasters in the Park which involved contamination by an oil spill.

Mr. Monroe noted this was a great opportunity to re-develop the industrial site which is in an economically depressed area, but instead it is a source of great frustration over the lack of progress that has spanned over decades. There are also lead/asbestos issues involved.

Ms. Scozzafava advised her understanding that that DEC has earmarked funding for the site, but first discussions must get back on track between the county, the contractor and DEC.

Mr. Valentino applauded EPA's efforts. He questioned the impact of the rules on wood burning in the North Country.

Ms. Enck advised that large wood burning generators could be affected, while individual work burning sources would not. When Mr. Lussi pointed out that some schools are using wood burning facilities, she noted they could potentially be affected by the new regulation.

Mrs. Ulrich noted the collaborative work of the Northern Forest Center involving the states of New Hampshire, Vermont, Maine, New York, and asked about continued support for efforts such as RGGI.

Ms. Enck encouraged continued collaborations among states, and cited the benefits of learning from each other and pooling resources. Regarding RGGI, she noted a fierce lobbying effort for states, including New York, to follow New Jersey's lead and withdraw from the program. She expressed some surprise in that the program provides a major revenue source for major energy projects.

Ms. Scozzafava inquired as to future funding for EPA, and Ms. Enck said she anticipated reductions in funding, albeit not so drastic as to affect EPA's core mission. She said it will require more strategic prioritization and efficiency, which will be difficult in the face of emerging problems and issues. Also, eleventh hour congressional riders in that are often attached to new regulations.

Mr. Monroe asked about long-term EPA funding to address the invasive aquatic species problem, and noted that state municipalities are now faced with a 2 percent tax cap along with unfunded State mandates.

Ms. Enck responded that while she hoped funding would be long term, such a decision rested with Congress. She acknowledged the importance of early intervention with respect to aquatic invasive species like the asian clam, and she expressed particular concern over the asian carp threat to New York. She also noted the potential economic impacts associated with invasive species infestations.

Mr. Wray thanked Ms. Enck and Mr. Goulding for sharing their time with the Agency.

## **9. Report on Executive Session**

Mr. Wray reported that no business was concluded or vote taken during the executive session.

## **10. Committee Reports**

### **a. Regulatory Programs Committee**

#### **(1) 2003-147R2, Richard and Paula Bossert**

The matter involves a second permit renewal authorizing a 3-lot subdivision into sites for the purpose of constructing two new single family dwellings with on-site water and wastewater, in an area classified Rural Use in the Town of Thurman, Warren County.

On motion of Mrs. Ulrich, seconded by Ms. Scozzafava, the Agency unanimously approved the renewal request. A copy of the renewal permit as approved by the Agency is attached to the official minutes.

(2) 2010-290, Brandreth Park Association

The matter involves the second phase of a large-scale residential development project, in an area classified Low Intensity Use and Resource Management in the Town of Long Lake, Hamilton County.

Mrs. Ulrich referred to revised language in the "Project Description" and "Project Impacts" sections of the permit. She moved Agency approval of the revised draft permit, and Mr. Valentino seconded the motion, which passed unanimously. A copy of the permit as approved by the Agency is attached to the official minutes.

(3) General Permit 2011G-1, Subdivision Involving Wetlands

On motion of Mrs. Ulrich, seconded by Mr. Lussi, the Agency unanimously approved the general permit. A copy of the permit as approved by the Agency is attached to the official minutes.

b. Park Policy and Planning Committee

Mr. Wray noted a presentation by Messrs. Connolly and Weber on permit data and development trends in the Park.

c. State Land Committee

(1) Independence River Wild Forest Unit Management Plan Amendment

On motion of Mr. Wray, seconded by Mr. Thomas, the Agency unanimously approved the proposed amendment to the Independence River Wild Forest Unit Management Plan. A copy of the resolution as approved by the Agency is attached to the official minutes.

d. Local Government Services Committee

On motion of Mr. Thomas, seconded by Ms. Scozzafava, the Agency unanimously adopted a resolution approving revisions to the zoning ordinance of the Town of Hague Local Land Use Program. A copy of the resolution as approved by the Agency is attached to the official minutes.

**11. Interim Reports**

a. Legal Affairs Committee

On motion of Mr. Wray, seconded by Mr. Valentino, the Committee unanimously approved the draft minutes of the Committee's July meeting.

b. Park Ecology Committee

Mrs. Ulrich reported a high level of activity for RASS staff throughout the summer. She referred to the workload stats, and noted the number of pending wetland visits is down to 4, with 121 of 125 requests completed in 2011.

On motion of Mr. Lussi, seconded by Ms. Lowe, the Committee unanimously approved the draft minutes of the Committee's July meeting.

c. Economic Affairs Committee

On motion of Ms. Lowe, seconded by Mr. Thomas, the Committee unanimously approved the draft minutes of the Committee's July meeting.

d. Public Awareness and Communications Committee

Mr. Valentino noted the Committee's introductory meeting held last month. He also referred to his recent interview with the Adirondack Daily Enterprise which will be included in the Agency's news clips.

On motion of Ms. Scozzafava, seconded by Mr. Valentino, the Committee unanimously approved the draft minutes of the Committee's July meeting.

**12. New Business**

Mr. Wray called attention to a recent Adirondack Life article written by Brian Mann about re-thinking the role of the APA with a mission to revive communities in the Park.

**13. Public Comment**

There was no public comment.

**14. Local Government Review Board Comment**

Local Government Review Board Executive Director Fred Monroe commended the Agency's approval of the wetlands subdivision general permit, and expressed overall support for the Agency's movement towards general permits. Mr. Monroe then noted local government concern over representation of Adirondack counties on the Governor's Regional Economic Development Councils, particularly in the Mohawk Valley and Capital regions. He said it would necessitate communications with the Regional Councils, particularly the working group headed by Bill Farber. Referring to the Supreme Court decision in the Lows Lake matter, Mr. Monroe encouraged the State to

appeal the decision, which nullifies the Agency's decision to not classify the bed and waters as wilderness.

Mr. Wray questioned the influence that the Agency might have with the regional economic councils.

Ms. Martino explained the Agency's role on the Leadership Team for the North Country Regional Council, and the Governor's intentions for a grassroots dialogue with active engagement of the members. She noted that the Adirondack region is well represented on the North Country council, and that the work group chaired by Mr. Farber will hopefully bridge to the Capital and Mohawk regions.

Mrs. Ulrich asked if the Economic Affairs Committee might advocate for increased Adirondack representation on the councils.

Ms. Martino responded that the number of council members has already been established, and that the work group being chaired by Mr. Farber would be an appropriate forum for input.

Mr. Monroe said that local government would certainly advocate for the filling of the economic specialist vacancy at the Agency.

#### **15. Member Comment**

Mr. Valentino expressed his appreciation for the leadership displayed by Mr. Wray, Ms. Martino and Agency executive staff since the resignation of Chairman Stiles.

Ms. Scozzafava stated that Chairman Stiles' announcement of his resignation last month was unexpected. She noted that in the few months that she had served on the Board with Chairman Stiles, she had developed great respect for him. The dialogue with local government and economic development is testimonial to the Board as well as to his leadership. She congratulated Chairman Stiles for a job well done, noting it had been a privilege to have had the opportunity to work with him. Ms. Scozzafava then referred to the Department of State's involvement in the Regional Economic Development Councils and noted the active engagement of Secretary Perales in reaching out to the people of New York as well as aligning the Department of State with the goals of the current Administration, which includes fostering economic development. She also noted the importance of a united New York in this effort.

Ms. Lowe added her thanks to Mr. Wray and the executive team for their leadership in the interim. She noted DEC's recent announcement of Adirondack Park Smart Growth grants which will provide good opportunities for a number of communities throughout the Park.

Mr. Lussi commented on the Agency permit authorizing the recreational trail between Lake Placid and Ray Brook. He encouraged a site visit by the Agency Board to a portion of the track to help envision what a recreational trail alongside the existing railroad track would entail. Mr. Lussi expressed his support for both road and mountain biking as a healthy and family-oriented activity, and noted the mountain biking trails around his golf courses in Lake Placid. He then expressed his admiration for Chairman Stiles and respect for his positions, which were sometimes in stark contrast to his own. He noted the diversity in positions as healthy and important to helping people understand other viewpoints.

Mrs. Ulrich said she looked forward to celebrating Chairman Stiles and his contributions. She then referred to the Adirondack Club and Resort project in Tupper Lake and inquired as to the status of a future site visit. She also noted she would be absent for the September meeting.

Mr. Banta responded that he needed to follow up with Judge O'Connell, but anticipated no issues with the request other than timing and process.

Ms. Martino thanked Mr. Wray for convening the August Agency meeting following Chairman Stiles' resignation, and expressed her confidence in the Agency's executive staff to manage and respond to change. She noted the Agency would miss Chairman Stiles, who challenged his colleagues at the Agency in terms of the need to think and make decisions, and to respond and develop policy. Ms. Martino then clarified some points regarding the Governor's Regional Economic Development Councils. The Departments of State and Environmental Conservation as well as the Agency are delighted to be part of the staff support, but the Governor's intent for the organization of the Councils is to rely on the voice of the membership in terms of strategic planning. The state agencies are ready to provide readily available information to the Councils for their planning purposes. Ms. Martino acknowledged Mr. Lussi's comment regarding recreational path between Lake Placid and Ray Brook, and noted substantial discussion locally about the corridor. She said staff would follow up with a review of the permit as an opportunity to see the context of the Board's deliberation as well as the findings of fact and conditions in the permit.

## **16. Adjournment**

On motion of Mr. Thomas, seconded by Ms. Lowe, the Agency unanimously adjourned at 4:15 p.m.

CW:dal

Attachments:

Resolution 2011-5, Curt Stiles

2003-147R2, Richard and Paula Bossert

2010-290, Brandreth Park Association

General Permit 2011G-1, Subdivision Involving Wetlands

Independence River Wild Forest Unit Management Plan Amendment

Town of Hague Local Land Use Program Amendment

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Cecil Wray, Member



## **RESOLUTION 2011-5**

### **Curtis F. Stiles**

**WHEREAS**, Curt Stiles was appointed as Chairman to the Adirondack Park Agency on October 22, 2007 and served the Agency with commitment and distinction through August 12, 2011; and

**WHEREAS**, Curt demonstrated a great passion and deep caring for the Adirondack Park, its history of intermingled wild lands, 103 towns and villages, and people; and

**WHEREAS**, Curt's firsthand knowledge of the Park's wild landscape and waters, as well as his interest in the people and their communities, significantly enhanced the Agency deliberations and decision making; and

**WHEREAS**, Curt counseled equal attention to both the urgent and the important, and advanced regulatory and legislative reform, state land planning, and local land use programs during his tenure. These efforts included legislation promoting affordable community housing, regulations protecting the wetlands and shoreline, and an improved framework for snowmobiling in the Park; and

**WHEREAS**, Curt initiated collaborative discussions with the Adirondack Park Local Government Review Board and Adirondack Association of Towns and Villages, assisting with legislative and regulatory reform, regulatory guidance, and promotion of sound economic development in the Park; and

**WHEREAS**, Curt was a driving force behind the "Community Spotlight" series at monthly Agency meetings, providing an opportunity for local government leaders to showcase their communities as well as articulate issues and concerns directly to the Board and staff; and

**WHEREAS**, Curt brought tremendous enthusiasm to each task before the Agency, and assisted with policy direction to ensure the Agency achieves its mission in the protection of public and private lands for the benefit of Park residents, municipalities, and the people of the State of New York.

**NOW, THEREFORE, BE IT RESOLVED**, that the Adirondack Park Agency applauds Curtis F. Stiles for his work and contributions to the greater good of the Adirondack Park Agency and the Adirondack Park, and wishes him well in his future opportunities. He will most certainly be missed.

Motion made and seconded by the Agency as a whole, and passed unanimously on this 18<sup>th</sup> day of August, 2011.

THIS PERMIT RENEWS PERMIT 2003-147R ISSUED JUNE 25, 2007  
THIS IS A TWO SIDED DOCUMENT

 <p>P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050</p>	<p><b>APA Project Permit 2003-147R2</b></p>
<p>In the Matter of the Application of <b>RICHARD W. BOSSERT AND PAULA BOSSERT</b> for a permit pursuant to §809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: August 18, 2011</p> <p>To the County Clerk: This permit must be recorded on or before <b>October 18, 2011</b>. Please index this permit in the grantor index under the following names: <b>1. Richard W. Bossert</b> <b>2. Paula Bossert</b></p>

SUMMARY AND AUTHORIZATION

Richard W. Bossert and Paula Bossert are granted a renewed permit, on conditions, authorizing a three-lot subdivision in an area classified Rural Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Indian Lake, Hamilton County.

The project may not be undertaken until this renewed permit is recorded at the Hamilton County Clerk's Office. This renewed permit shall expire unless so recorded on or before October 18, 2011, in the names of all persons listed on the first page hereof and in the names of all owners of record of any portion of the project site on the recordation date.

This project shall not be undertaken or continued unless the project authorized herein is in existence within four years from the date the permit is recorded. The Agency will consider the project in existence when Lots 1 and 3 have been conveyed to the State.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

**AGENCY JURISDICTION**

The proposed subdivision is a Class A regional project requiring an Agency permit pursuant to sections §810(1)(d)(1)(b),(d)&(e) of the Adirondack Park Agency Act because the project is a subdivision, involving wetlands, within 1/8 mile of tracts of forest preserve land classified Wilderness, and within one hundred fifty feet of the edge of the right of way of a state highway. The project also involves a subdivision within the boundaries of a wetland and therefore is a "regulated activity" requiring a wetlands permit pursuant to 9 NYCRR §578.2 and §578.3(n)(3).

**PROJECT LOCATION**

The project site is a 106.6± acre parcel of property located on the northeast side of NYS Route 28 in the Town of Indian Lake, Hamilton County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is located within an 8.5 acre Rural Residential zoning pursuant to the Town of Indian Lake Agency-approved local land use plan. It is identified on Town of Indian Lake Tax Map Section 67, Block 2 as Parcels 20.1, 20.2 and 20.3.

**PROJECT DESCRIPTION AS PROPOSED**

The project as proposed and conditionally approved herein is the subdivision of the 106.6± acre project site into three lots, creating a 41.5± acre lot (Lot 1), a 35.5± acre lot (Lot 2), and a 29.6± acre lot (Lot 3). Lots 1 and 3 are undeveloped and are proposed for conveyance to the State of New York for inclusion in the Forest Preserve. Lot 2 is to be retained by the applicants with the existing development. The existing development on Lot 2 includes a single family dwelling and associated accessory use structures. No new land use or development is proposed for the site as part of this project.

The proposed subdivision is shown on a drawing entitled "Site Plan Map," drawn by Richard W. Bossert, undated and submitted as Attachment B-1 in the permit application received June 26, 2003. A copy of the Site Plan is attached as a part of this permit.

The project as originally proposed and authorized has not been undertaken to date. The applicants are requesting that the Agency issue a second renewal of the permit to allow the project to be undertaken and completed as originally proposed and authorized. No changes to the project are proposed.

**CONDITIONS**

**BASED UPON THE FINDINGS BELOW, THE PROJECT IS APPROVED WITH THE FOLLOWING CONDITIONS:**

1. All conditions in Permit 2003-147 remain in full force and effect.
2. This renewed permit is binding on the applicants, all present and future owners of the project site and all contractors undertaking all or a portion of the project. Copies of this permit and the site plan map referred to herein shall be furnished by the applicant to all subsequent owners or lessees of the project site prior to sale or lease, and by the applicant and/or any subsequent owner or lessee to all contractor(s) undertaking any construction activities pursuant to the permitted project. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2003-147 issued September 25, 2003, and Permit 2003-147R2 issued August 18, 2011, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

**FINDINGS OF FACT**

**Deed Reference**

Findings of Fact 1 through 10 which are contained in Permit 2003-147 which was issued on September 25, 2003 and recorded on September 29, 2003 in the Hamilton County Clerk's Office in Book 5 of APA Permits at page 893 are incorporated herein by reference and remain in effect.

11. By letter dated July 18, 2011, a request was made to renew Adirondack Park Agency Permit 2003-147R which authorized a three-lot subdivision. Permit 2003-147R was issued on June 25, 2007, reissued on September 21, 2007 and recorded at the Hamilton County Clerk's Office on September 25, 2007 in Book 7 of APA Permits at page 50. Lots 1 and 3 of the project site are under contract to be purchased by the State of New York to provide access for potential hiking trails to Black Mountain Ponds, Black Mountain and Starbuck Mountain.



signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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Notary Public

REW:TJD:mlr

 <p>P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050</p>	<p><b>APA Project Permit 2010-290 &amp; 2007-117A</b></p>
<p>In the Matter of the Application of <b>BRANDRETH PARK ASSOCIATION</b></p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>Date Issued: August 22, 2011</p>
	<p>To the County Clerk: This permit must be recorded on or before <b>October 21, 2011</b>. Please index this permit in the grantor index under the following names: <b>1. Brandreth Park Association</b></p>

**SUMMARY AND AUTHORIZATION**

Brandreth Park Association is granted 1) a permit (2010-290), authorizing the second section of a large scale project to include a subdivision into sites for the construction of 49 single-family dwellings; and 2) permit amendments to 13 of the sites authorized in the first project section (Permit 2007-117), on conditions, in areas classified Low Intensity Use and Resource Management by the Official Adirondack Park Land Use and Development Plan Map in the Town of Long Lake, Hamilton County.

This project may not be undertaken, and no transfer deed shall be recorded, until this permit and plat are recorded in the Hamilton County Clerk's Office. This permit shall expire unless so recorded on or before October 21, 2011 in the names of all persons listed on the first page hereof and in the names of all owners of record of any portion of the project site on the recordation date.

This project shall not be undertaken or continued unless the project authorized herein is in existence within four years from the date the permit is recorded. The Agency will consider both Section 1 and Section 2 of the project in existence when one of the approved single-family dwellings in either section has been constructed.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

#### **AGENCY JURISDICTION**

The project consists of a subdivision into sites in a Low Intensity Use area involving more than 35 sites, and a subdivision into sites in a Resource Management area, which are both Class A regional projects requiring an Agency permit pursuant to §§809(2)(a) and 810(1)(c)(3) and (e)(3), respectively, of the Adirondack Park Agency Act. This is the second section of a large scale project which is to be undertaken in sections pursuant to 9 NYCRR 572.6.

#### **PROJECT SITE**

The project site is an 8,670±-acre tract of land surrounding Brandreth Lake in the Town of Long Lake, Hamilton County, in areas designated as Low Intensity Use (317.74 acres) and Resource Management (8,352± acres) on the Adirondack Park Land Use and Development Plan Map. It is identified on Town of Long Lake Tax Map Section 29, Block 1 as Parcel 13.1. The project site was conveyed by the People of the State of New York to Benjamin Brandreth by Letters Patent dated March 21, 1851 and recorded in the office of the Secretary of State of the State of New York in Book of Patents No. 36 at Page 510 and also recorded in the Hamilton County Clerk's Office in Book 14 of Deeds at Page 31 and in a deed from William S. Webb and Eliza Osgood Webb to Franklin Brandreth, Ralph Brandreth and Edwin A. McAlpin dated May 1, 1897 and recorded in the Hamilton County Clerk's Office in Book 30 of Deeds at Page 252. These deeds also include approximately 200 acres at Brandreth Station approximately 4 miles to the west of Tax Parcel 13.1, but this detached acreage is not part of the 8,670±-acre project site.

The project site is owned as a tenancy in common of 120 "interests", and consequently each interest has an undivided 1/120th interest in the entire project site. Some individuals currently own more than one interest. Brandreth Park Association is an association of the tenancy-in-common owners of the project site comprised for administrative purposes. As described in a March 20, 2009 letter from the president of the Brandreth Park Association, the Association authorized its "Planning Committee to proceed with their application for APA approval of the long range site plan..." at its August 5, 2006 Annual Summer Meeting.

**PROJECT DESCRIPTION AS PROPOSED**

The project is being reviewed pursuant to §572.6 as a large-scale project to be undertaken in sections. Section 1 of the project authorized 44 additional single-family dwellings under Permit 2007-117, which is also the subject of minor amendments herein, as Permit 2007-117A.

- The current project (2010-290) is Section 2 of the large-scale residential development project by Brandreth Park property owners to be undertaken in sections as part of a master plan over the next 100± years. The entire large-scale project will not exceed the overall total of 120 tenancy-in-common owner single-family dwellings, 3 caretaker's residences, 5 commonly-owned guest houses, a gathering house and 4 commonly-owned boathouses. There are 40 tenancy-in-common owner single-family dwellings and 2 caretaker's residences currently located on the property. Eighty (80) additional tenancy-in-common owner single-family dwellings, one additional caretaker's residence, 5 commonly-owned guest houses, a gathering house and 4 commonly-owned boathouses are proposed as part of the overall master plan. No other new land use or development or subdivision is planned to occur on the project site during this 100 year period.
- Development related to all sections of the overall project is to be clustered within a 442±-acre development area at the northern end of Brandreth Lake in the vicinity of a complex of 42 existing single-family dwellings (two of which are used by the applicant's caretakers) primarily in Low Intensity Use (318± acres) and some in adjacent Resource Management (124± acres). Ninety-nine (99) potential building sites have been identified and preliminarily assessed, although only 87 of these sites will actually be developed. The applicant's intent is to provide a variety of site options for its members to select from.
- The applicant seeks final Agency approval for Section 2 of the project which will include a subdivision into sites for the construction of up to 49 additional single-family dwellings to occur at a projected rate of approximately 1 dwelling per year. Several of the single-family dwellings proposed consist of the conversion of an existing accessory use structure to a single-family dwelling. All of these existing accessory use structures are located greater than 100 feet from the mean high water mark of the lake. Individually owned lots will not be created, but rather each tenancy in common owner who does not now own a single-family dwelling on the project site will be entitled to construct a single-family dwelling at numbered building sites. Also, one or more of five planned commonly owned guesthouses which are to be used as single-family dwellings by guests of the tenancy in common owners may be constructed at some of the 49 numbered single-family dwelling sites as part of the second

section of the project. The 49 numbered single-family dwelling sites are identified as "Final Design on Conceptually Approved Site" on Sheets 6A and 6B of the site plans further described below. Fifteen (15) of the 49 sites are located in the Resource Management portion of the project site and 34 of the sites are located in the Low Intensity Use portion of the project site.

- Footprints of the dwellings are not to exceed 2,500 square feet in size and building heights are not to exceed 35 feet.
- All dwellings to be constructed on the project site are subject to the applicant's "Brandreth Park Building Code {passed 3/8/03}". The code is in the process of being revised to reflect the conditions in Agency Permits 2007-117 and 2010-290, and will be voted on at the Brandreth Park Association annual meeting. This Code requires approval for camp (single-family dwelling) construction and related development by a Brandreth Park Association "Building Committee" and places various restrictions on this development including building setbacks from the Brandreth Lake and nearby camps, vegetative cutting controls along the lake and between camps, camp height, size and exterior colors, and boathouses. Any building on Resource Management sites 57 through 76 is controlled by a resolution passed by the family on August 5, 2006 which specifically states: "When 80% of the of the Shore Access sites on Brandreth Lake are built, the Chairman of the Building Committee will ask the Association for a vote determining whether or not to open the APA-approved sites in the East Pond Area".
- Individual on-site wastewater treatment and water supply facilities are to serve the dwellings. Shallow absorption trench wastewater treatment systems are to be employed.
- Internal combustion engine-powered electric generators housed in insulated sheds and water pumps housed in insulated sheds or basements are to be employed to reduce noise.
- The following amendments to Section 1 (Permit 2007-117) are being requested. Section 1 of the project included conceptual review of 58 sites for future development. Fifteen (15) of the 58 sites have since been removed from consideration and 6 additional sites are being requested. The previously approved Site 22 has been removed from consideration due to its proximity to nearby existing dwellings. Minor modifications to 12 of the sites previously approved in Permit 2007-117 are also requested. Amendment requests on 7 of the 12 sites involve relocating driveways in order to limit the number of entrances onto the main access road and facilitate shared driveways. Amendment requests to an additional 3 sites involve relocating dwellings to increase the separation distance between the dwellings. Amendment requests on the remaining 2 sites involve relocating septic areas and driveway locations. The amended sites and proposed new sites are shown on the plans described below.

- Conceptual review of 5 additional sites to be reviewed as part of future project section(s) will involve further subdivision into sites for the construction of up to an additional 4 principal buildings and conversion of an existing guest cottage to a single-family dwelling. The 5 conceptual principal building sites are identified as "Conceptual Approval Sites" on Sheets 6A and 6B of the site plans further described below.
- While all existing development and much of the overall project is located within a Low Intensity Use area, some development will subsequently extend into and involve a total of approximately 125 acres of an adjoining Resource Management area. No new land use or development is planned for the remaining 8,230± acres in Resource Management or 95% of Brandreth Park, which is to remain as open space forestland.

The project is shown on a set of plans (four sheets labeled as Figures 6A, 6B, 6C and 6D) entitled "Brandreth Lake" prepared by the LA Group, signed and sealed by Daniel Peter Desjardins, dated February 17, 2011 and last revised July 26, 2011 (referred to herein as the "project plans"). Reduced-scale copies of Figures 6A and 6B of the project plans are attached as a part of this permit for reference. The original, full-scale maps and plans referenced in this permit are the official plans for the project.

#### CONDITIONS

#### BASED UPON THE FINDINGS BELOW, THE PROJECT IS APPROVED WITH THE FOLLOWING CONDITIONS:

1. The project shall be undertaken as described in the completed application, the Project Description as Proposed and Conditions herein. In the case of conflict, the Conditions control. Failure to comply with the permit is a violation and may subject the applicant, successors and assigns to civil penalties and other legal proceedings, including modification, suspension or revocation of the permit.
2. This permit is binding on the applicant, all present and future owners of the project site and all contractors undertaking all or a portion of the project. Copies of this permit and the site plan maps referred to herein shall be furnished by the applicant to all subsequent owners or lessees of the project site prior to sale or lease, and by the applicant or any subsequent owner or lessee undertaking construction to any contractors undertaking any portion of this project. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2010-290/2007-117A issued August 22, 2011, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent

grantees."

3. At the request of the Agency, the applicant shall report in writing the status of the project including details of compliance with the terms and conditions of this permit.
4. The Agency may conduct such on-site investigations, examinations, tests and evaluations as it deems necessary to ensure compliance with the terms and conditions hereof. Such activities shall take place at reasonable times and upon advance notice where possible.

#### **Project Sections**

5. This permit authorizes Section 2 of the project consisting of a subdivision into sites by the construction of 49 single-family dwellings including up to five commonly-owned single-family dwellings to be used as guesthouses. This permit also amends Section 1 of the project (Permit 2007-117) as described herein. Five additional conceptually reviewed sites for subsequent project section(s) shall require separate written Agency approval in the form of a new permit prior to their undertaking.
6. Prior to constructing any of the 49 single-family dwellings authorized herein, the applicant shall provide the Agency with a site plan map showing Section 1 and Section 2 of the project and existing nearby development for its written approval in the form of a letter of permit compliance. A copy of the Agency-approved site plan map shall be provided by the applicant to all current and future property owners and recorded in the Hamilton County Clerk's Office as a new plat to replace the earlier version.

#### **Building Location and Size**

7. This permit authorizes the construction of 49 single-family dwellings in the locations shown on the project plans. The authorized single-family dwellings shall not exceed a footprint of 2,500 square feet including all covered and uncovered attached porches, decks, exterior stairs and accessory structures (such as an attached garage). No dwelling or other structure shall exceed 35 feet in overall height. Building height shall be measured from the highest point on the structure, including any chimney, to the lowest point of existing grade or finished grade whichever is greater.
8. All single-family dwellings shall be constructed in strict conformance with the Brandreth Park Building Code and in compliance with Brandreth Park Association East Pond Resolution

of August 5, 2006 as further described in Finding of Fact 3 herein. The applicant shall provide a copy of the revised Brandreth Park Building Code to the Agency upon final approval of the Brandreth Park Association at its annual meeting.

9. By December 31, 2012 and every other year thereafter, the Agency shall be provided with a written report prepared by New York State licensed design professional such as a professional engineer or landscape architect or other design professional deemed appropriate by the Agency identifying all approved sites (by site numbering shown on the project plans) at which single-family dwellings or guesthouses have been constructed during the previous 24 months and certifying that each single-family dwelling (including guesthouses), its driveway, site clearing, and erosion controls have been completed in full accordance with this permit and the Brandreth Park Building Code. The applicant or its design professional shall immediately notify the Agency in writing of the details of any instance where full compliance with this permit has not occurred.

#### **Projected Remaining Building Density**

10. In addition to the 42 principal buildings now located on the project site, not more than the 69 principal buildings planned as part of the overall project in the Low Intensity Use portion of the project site shall be allowed on that portion of the project site unless the overall intensity guidelines of the Adirondack Park Agency Act or the Park Plan Map are amended or, pursuant to the adoption of an Agency-approved local land use program, refined so as to permit additional principal building(s).

#### **Accessory Uses and Structures**

11. Accessory structures to the approved single-family dwellings, except guest cottages and boathouses as these terms are defined in the Adirondack Park Agency Rules and Regulations, are permitted without further Agency review and approval, provided these structures are located within the dwelling's clearing limits as shown on the project plans. In no case shall the footprint of any accessory structure exceed more than one-half the footprint size of the single-family dwelling which it is accessory to or exceed the overall height of that dwelling.

#### **Building Color**

12. All exterior building materials, including roof, siding and trim, used to surface the exterior of the dwellings authorized herein and all accessory use structures on the project site shall be of a color which blends with the existing vegetation.

The Agency will, upon request, advise whether any particular proposal complies with this condition.

### Wetlands

13. No "regulated activity" as defined in the Agency's Freshwater Wetland Regulations (9 NYCRR Part 578) shall occur on the project site without prior Agency approval. Such activities include, but are not limited to, new land use or development in, subdivision of, clearcutting more than three acres within, or dredging or filling of a wetland, or any other activity, whether or not occurring within wetlands, which pollutes or substantially impairs wetland functions, benefits or values.

### Water Resources

14. No land clearing debris (vegetative matter, soil and rocks) or construction and demolition waste material generated by the project shall be disposed of on-site without prior separate Agency review and approval in the form of a new or amended permit. All other solid wastes resulting from the project shall be properly disposed of in a lawful sanitary landfill approved by the New York State Department of Environmental Conservation.
15. Silt fencing shall be installed and maintained in accordance with manufacturers' specifications as necessary and as shown on the project plans to prevent sediment from leaving the cleared area associated with each single family dwelling, road or driveway.  
This silt fencing shall be removed once all upslope areas are reclaimed and stabilized by successful establishment of uniform grass ground cover.
16. All exposed soil areas that may be created by the project shall be promptly stabilized by application of a minimum of 1.5 inches of straw and successfully re-vegetated with uniform perennial grass ground cover.

### Wastewater Treatment

17. All on-site wastewater treatment systems shall be installed and maintained in complete conformity with the locations and design shown on the project plans referenced herein and in conformance with all applicable New York State Department of Health or Agency standards, restrictions and guidelines in effect at the time of system installation. The installation of each system shall be under the supervision of a licensed design professional (licensed Professional Engineer, Registered Architect, or exempt Licensed Surveyor). Within 30 days of

complete system installation and prior to its utilization, the Agency shall be provided with certification from a licensed design professional that the system was built in compliance with the approved plans.

#### **Open Space Protection**

18. No areas shall be cleared of trees outside of the dwelling clearing limits shown on the project plans in the 442+-acre development area without prior Agency review and written approval in form of an amended permit or letter of permit compliance. Clearing for each building site shall only occur just prior to the time each site is to be developed.

#### **Outdoor Lighting**

19. Use of outdoor electric lights is not allowed.

#### **Shoreline Cutting**

20. With regard to the shorelines of Brandreth Lake and East Pond, the following minimum shoreline vegetative cutting restrictions shall apply to the 100 foot wide portion of the shoreline centered on each shoreline single family dwelling authorized herein:
  - a. within 35 feet of the mean high water mark, not more than 30% of trees in excess of 6 inches diameter at breast height shall be removed over any 10-year period; and
  - b. within 6 feet of the mean high water mark, no vegetation shall be removed, except that up to a maximum of 30% of the shorefront may be cleared of vegetation.

This condition shall not be deemed to prevent the removal of dead or diseased vegetation or of rotten or damaged trees or of other vegetation that presents a safety or health hazard.

#### **Shoreline Setbacks**

21. No single-family dwelling shall be located within 100 feet of the mean high water mark of either Brandreth Lake or East Pond. All other structures to be located in the Low Intensity Use portion of the project site, except docks and boathouses, in excess of 100 square feet in size shall be set back a minimum of 75 feet, measured horizontally, from the closest point of the mean high water mark of Brandreth Lake and those such structures to be located in the Resource Management portion of the project site shall be set back a minimum of 100 feet, measured horizontally,

from the closest point of the mean high water mark of Brandreth Lake and East Pond.

**Docks**

22. No dock shall be wider than 8 feet.

**Legal Interests of Others**

23. This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project or subdivision, nor does it authorize the impairment of any easement, right, title or interest in real or personal property held or vested in any person.

**Review of Future Development**

24. There shall be no subdivision or further subdivision into sites of the project site beyond the 49 single-family dwelling sites authorized herein and the 45 single-family dwelling sites authorized by previous permits, out of which candidates there can only be a total of 87 principal buildings without prior Agency review and approval in the form of a new permit.
25. The construction of any principal buildings beyond the 49 single-family dwellings (inclusive of up to five guesthouses) authorized herein including the construction of the gathering house and caretaker's residence or any boathouse or boat storage building shall require prior Agency approval in the form of a new permit.
26. Except for as specifically authorized herein, any other new land use or development within the 442-acre development area shall require prior written Agency approval in the form of a new or amended permit. No new land use and development elsewhere on the project site shall be undertaken without first obtaining a written jurisdictional determination and, if necessary, a permit from the Agency.

**FINDINGS OF FACT**

**Background/Prior History**

1. A complex of single-family dwellings has existed at the north end of Brandreth Lake on the project site since well before the August 1, 1973 effective date of the Adirondack Park Agency Act. However, in 2002 Agency staff determined that a violation of the Agency Act had occurred when the project site was subdivided into sites by the construction of 13 single-family

dwellings since 1973 (File E2000-138). Several of these dwellings were subject to letters of non-jurisdiction issued by the Agency. In a Settlement Agreement executed on March 14, 2002 resolving this prior jurisdictional subdivision into sites, the Agency and Brandreth Park Association agreed that, among other things, any further subdivision into lots or sites of the project site would require prior Agency approval in the form of a permit or amended permit or a letter of non-jurisdiction.

2. On March 11, 2003, the Agency issued Permit 2002-202 to the applicant approving a subdivision into 11 sites and the construction of 2 single family dwellings in a portion of the project site classified Low Intensity Use. To date, Permit 2002-202 has been amended four times to allow the construction of an additional single-family dwelling on the project site. Five of the single-family dwellings authorized in Permit 2002-202 have been built, four of the sites have been abandoned and two of the sites are currently vacant. Single-family dwellings on the two vacant sites were subsequently authorized by Agency Permit 2007-117.
3. Brandreth Park Association passed the "Brandreth Park Building Code" on March 8, 2003. This code requires approval for camp (single-family dwelling) construction and related development by a Brandreth Park Association "Building Committee" and places various restrictions on this development including building setbacks from the Brandreth Lake and nearby camps, vegetative cutting controls along the lake and between camps, camp height, size and exterior colors, and boathouses. In 2006, Brandreth Park Association began the planning process for a 100-year master plan to accommodate the potential future needs of the 120 tenancy in common owners of the property. As part of that planning process, a resolution was passed by the Association on August 5, 2006 which specifically states: "When 80% of the Shore Access sites on Brandreth Lake are built, the Chairman of the Building Committee will ask the Association for a vote determining whether or not to open the APA-approved sites in the East Pond Area".
4. On June 16, 2009, the Agency issued Permit 2007-117 (Section 1 of the large-scale project) to the applicant approving a subdivision into sites for the construction of 44 single-family dwellings and conceptual review of an additional 58 sites as part of a 100 year master plan. Twenty of the approved sites are located in the Resource Management portion of the project site, one of the approved sites (Site 22) has been removed from the master plan and 23 of the approved sites are located in the Low Intensity Use portion of the project site for a total of 43 potential single-family dwellings. None of the 43 single-

family dwellings has been built at this time. A request was made to amend Permit 2007-117 to allow minor modifications to 12 of the 43 sites and remove Site 22 from the previously-approved permit. The amendments requested involve relocation of the driveways to create shared driveways to reduce of the number of driveway entrances onto the main access road on Sites 38, 42, 62, 64, 67, and 70, relocation of both the driveway and single-family dwelling slightly to increase the distance between proposed single-family dwellings to meet the Brandreth Park code and/or to create shared driveways on Sites 46, 63 and 66 and relocation of the on-site wastewater treatment system locations and driveway to create shared driveways on Sites C-3 and 24.

5. Out of the 58 additional sites reviewed conceptually as part of Permit 2007-117, 15 sites were removed from consideration and 6 sites were added for a total of 49 sites for final approval as part of Section 2 of the large scale project (Permit 2010-290). An additional 5 sites are being considered conceptual at this time including the site for a caretaker's residence and the site for the gathering house.
6. The requested amendment to Section 1 (Permit 2007-117A) does not involve a material change in permit conditions, the applicable law, environmental conditions or technology since the issuance of Permit 2007-117, therefore, the request is being processed pursuant to §809(8)(b)(1) of the Adirondack Park Agency Act.
7. At present, there are a total of 42 single family dwellings located on the project site. 40 of these dwellings are owned by individual tenancy-in-common owners and two are used by the applicant's caretakers. The locations of these existing dwellings are shown on the project plans.

### **Existing Environmental Setting**

#### **Vegetation and Land Use**

8. The project site is predominantly high value forested open space land improved only by private woods roads and is undeveloped except for the complex of 42 existing single-family dwellings located at the north end of Brandreth Lake. The project site is forested with various mixtures of hardwood and softwood trees. Typical stands contain American beech, yellow birch, sugar maple, eastern hemlock, balsam fir, red spruce and white pine trees. Timber harvesting has been an on-going activity on the project site for many years.

### Slopes and Soils

9. Slopes exhibit considerable variation throughout the property, ranging from 0% to 25+%. However, slopes are generally less than 15% at the locations of proposed and future single family dwellings. Other portions of the project site are more rugged and mountainous. Those portions of the project site that are at elevations of 2,500 feet above mean sea level or more comprise statutorily-defined "critical environmental areas" pursuant to §810(1)(e)(1)(c) of the Agency Act. The 442+-acre development area is not located within these critical environmental areas.
10. Soils on the project site are generally glacial tills. However, areas of glacial outwash soils exist on the site as well. Soils in the vicinity of proposed and future single-family dwellings are generally deep, well-drained sands and loamy sands. Soil test pits and soil percolation tests were examined at the approximate locations of each on-site wastewater treatment system which are part of the second project section and found to be acceptable for proper wastewater treatment. The results of test pit examination and soil percolation tests at these locations for Section 2 of the project and amended sites of Section 1 are shown on Figure 6D of the project plans. Additional soils examination will be necessary at the locations of wastewater treatment systems that will serve single family dwellings as part of any permit application for subsequent project section(s).

### Water Resources

11. The project site contains the following named water bodies: Brandreth Lake, East Pond, North Pond, West Pond, and portions of Salmon Lake and Pilgrim Pond. No motorized water craft are allowed by the applicant on these water bodies.
12. Except for the complex of existing dwellings on the north end of Brandreth Lake, this waterbody is undeveloped. All other water bodies on the project site are undeveloped.
13. Brandreth Park Association participates in the Adirondack Lake Assessment Program (ALAP), a volunteer water quality monitoring program sponsored by the Adirondack Watershed Institute and Residents' Committee to Protect the Adirondacks. In 2007, Brandreth Lake was sampled three times by volunteers and results of water quality data are summarized in the 2007 ALAP report. The report describes Brandreth Lake as exhibiting excellent water clarity and low phosphorous and chlorophyll a levels indicative of oligotrophic conditions, or a lake with low biological productivity. The pH of its water is moderately acidic, while

alkalinity measurements show that the buffering capacity of the water is very low, indicating that the lake is threatened by, and moderately sensitive to acidification. East Pond is not included in the annual ALAP sampling program and was never sampled prior to 2008. However, the New York State Department of Environmental Conservation DEC sampled East Pond in 2008 and preliminary results indicate that this water body is also considered oligotrophic.

14. There are no streams within 100 feet of any proposed or future single-family dwellings.

#### **Wetlands**

15. Numerous and extensive wetlands exist throughout the project site. Coniferous swamps, a wetland coertype which has a value rating of "4" pursuant to 9 NYCRR 578.6, predominate. Other typical coertypes include shrub swamps (value rated "3"), deciduous swamps (value rated "2"), emergent marshes (value rated "2") and wet meadows (value rated "4"). Wetlands located adjacent to water bodies having multiple coertypes or unusual species abundance may have their value rating elevated above the value rating given the general coertype. The wetland values recited above are for the general coertypes; specific wetlands on the project site have not been given actual value ratings. The approximate locations of wetlands on the project site are shown proximate to proposed development on the project plans and elsewhere on the project site as a digital layer on the Agency's Geographic Information System.

#### **Fish, Wildlife and Plants**

16. A number of wildlife species inhabit the site, including most small game, large game and non-game species typically found in the central Adirondacks.
17. Potential deer wintering areas exist at locations on the site outside of the 442± acre development area. The variety of habitats on the site offer food and nesting resources usable by a large number of wildlife species, mainly those typical of forests, wetlands, ponds, and streams.
18. The common loon, a Special Concern Species in New York State, is found on Brandreth Lake and spruce grouse, an Endangered Species in New York State, is found at or in the vicinity of the project site according to the New York Natural Heritage Program.

### **Adjacent Land Uses**

19. The project site is bounded on the north, east and west by privately-owned forested open space lands. It is bounded on the south by state-owned forest preserve lands designated as being in the Sargent Ponds Wild Forest Area and the Pigeon Lake Wilderness Area by the Adirondack Park State Land Master Plan. Those portions of the project site that are within one-eighth mile of this Wilderness Area comprise a statutorily-defined "critical environmental area" pursuant to §§810(1)(d)(1)(d) and (e)(1)(d) of the Agency Act. The 442±-acre development area is not located within this critical environmental area.

### **Access**

20. Access to the project site is from North Point Road (County Road 3) along a 6.5± mile private gravel road. There is no public access into the project site. The project site is served by telephone but not electric utility service.

### **Unique Resources**

21. The project site is a large privately-owned landholding. With its numerous ponds, streams, mountains, extensive wetlands, and significant animal and plant species and communities, the project site represents a significant open space and ecological resource of the Adirondack Park surrounded by private open space and state-owned forest preserve. Nowhere in the Eastern United States do land resources exist in private holdings of comparable size and extent with the exception of Northern Maine.

### **Public Notice and Comment**

22. The Agency notified all adjoining landowners and those parties as statutorily required by §809 of the Adirondack Park Agency Act and published a Notice of Complete Permit Application in the Environmental Notice Bulletin. A comment letter from one of the tenancy in common members of the Brandreth Park Association was received. The letter provided corrected language related to the August 5, 2006 East Pond Resolution of the Association and requested that the permit reflect the intent of the resolution.

### **Other Regulatory Permits and Approvals**

23. According to a completed Local Government Notice form, no municipal approval is required for the project from the Town of Long Lake other than individual building permits for the dwellings.

24. No approvals are required for the project from either the New York State Department of Environmental Conservation or the New York State Department of Health.

### **PROJECT IMPACTS**

Potential project impacts related to the overall project have been evaluated. Preliminary review of the potential impacts related to the conceptual elements has been performed. The following impact findings are made with respect to proposed amendments to the first project section and to the proposed second project section:

#### **Open Space**

25. All project sections will be clustered within a 442±-acre area at the northern end of Brandreth Lake in the vicinity of the existing complex of single-family dwellings. No new land use or development is planned for the remaining 8,230± acres or 95% of Brandreth Park which is to remain as open space forestland. Therefore, the project will not result in undue adverse impacts to the unique open space resources of the project site.
26. Confining tree clearing to occur only within the dwellings' clearing limits shown on the project plans in the 442±-acre development area and restricting outdoor lighting will adequately protect open space resources in this area.

#### **Wetlands**

27. Proposed development is to be located more than 100 feet from wetlands and, as such, no adverse impacts to wetland resources will result from the project.
28. Wetlands shown on the project plans and described herein are intended to alert the tenancy in common owners and others that wetlands are present on the project site. However, this may not identify all wetlands on or adjacent to the project site. The Brandreth Park Association and/or its members should contact the Agency for a further delineation of wetlands if contemplating development activities apart from those shown on the project plans.
29. New land use or development in or proximate to wetlands on the project site will likely result in adverse impacts to wetlands. Prior Agency review of any such development would, however, assess any potential impacts to insure that they can be avoided or, if they cannot be avoided, they will be limited and adequately mitigated.

### Water Resources

30. Final on-site wastewater treatment designs including deep-hole test pit data, percolation rates and slope evaluations were provided for the 49 approved sites referenced herein. The locations of absorption fields exceed the minimum 100 foot setback to waterbodies and wetlands and, in most instances, are in excess of 200 feet. A high level of water quality, demonstrated by sampling of Brandreth Lake, indicates existing on-site wastewater treatment systems are functioning adequately. Installation and maintenance of on-site wastewater treatment systems in accordance with the project plans and in accordance with all applicable New York State Department of Health and Agency standards, restrictions and guidelines at the time of their installation will adequately protect groundwater quality.
31. The existing development has demonstrated there is an adequate water supply both in terms of water quality and water quantity.
32. The project as proposed is not subject to New York State Department of Health Realty subdivision approval. The need for a community water and sewer system was assessed by the Agency and determined to not be appropriate. Given the phasing schedule, 100-year master plan and the seasonal use of the dwellings, a community wastewater treatment plant would not function as designed due to the lack of flow and bacteria necessary to efficiently operate a typical wastewater treatment plant. Contradiction of water quality standards would likely result. The need to install and construct grid electric (available several miles from the project site) to efficiently operate the water and sewer plants combined with the installation of water and sewer infrastructure (piping, pump stations, plants, etc) would result in not only excessive costs which could not reasonably be supported by the number of users but also a much larger land disturbance footprint resulting in adverse environmental impacts. Additional costs would also result from the required certified operators for the water and sewer plants. The installation of electric, water and sewer infrastructure would also encourage future development and a more intense use of the property compared to the historic seasonal use.

### Navigable Shorelines

33. A 100-foot building setback from both Brandreth Lake and East Pond is proposed for all single-family dwellings. This complies with the Adirondack Park Agency Act's 75-foot building setback requirement from the mean high water mark of Brandreth Lake in the Low Intensity Use area and the 100-foot setback

requirement from Brandreth Lake, East Pond and other navigable water bodies in the Resource Management area for structures in excess of 100 square feet in size. Compliance with these building setback requirements will serve to adequately protect the open space and aesthetic resources of these water bodies.

34. Application of the Adirondack Park Agency Act's shoreline cutting restrictions is not possible for each shoreline single-family dwelling since there is no prescribed "lot width" allocated to each building site. In order to protect the open space and aesthetic resources of the Brandreth Lake and East Pond, the applicant has agreed that vegetative cutting controls similar to those contained in the Act should be required for each 100 feet of shoreline located directly in front of any single-family dwelling.

#### **Historic Sites or Structures**

35. As part of the Agency's review of previous Project 2002-202, the New York State Office of Parks, Recreation and Historic Preservation advised that the existing intact cluster of 19<sup>th</sup> and 20<sup>th</sup> century buildings that form the core of Brandreth Park are historically significant as contributing components to an historic district which is reputed to be the longest continuously family-owned preserve in the Adirondacks. In a letter dated January 12, 2009 (OPRHP File 08PR03403), that Office determined that conformance with the Brandreth Park Building Code will maintain the character of the Park without further review by that Office of the construction of the proposed and future buildings. Therefore, the overall project as proposed and authorized herein will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR Part 426.2 for the purposes of implementing §14.09 of the New York State Historic Preservation Act of 1980.

#### **Fiscal Impacts and Local Services**

36. As described in Agency Permit 2007-117, Real property tax assessments for land and structures on the project site in the Town of Long Lake totaled \$5,848,093 in 2008. That total reflected an adjustment of \$3.6 million from certification of 7,413 acres of the project site as eligible for a forest land exemption pursuant to Real Property Tax Law (RPTL) §480a.

Annual real property tax payments are made to the Town of Long Lake, Hamilton County and the Long Lake Central School District by the Brandreth Park Association based on the assessed value of the project site. As of 2008, the assessed value of the project site was approximately \$2.3 million and the assessed value of six

structures that it currently owns approximately \$287,300. In 2008, additional real property tax payments made by the owners of camps built on Brandreth Park Association lands based on real property assessments on those individual structures totaled approximately \$3.2 million (ranging from \$80,000 to \$171,000 each in 2011). Total real property tax generation in 2008 and 2009 by the Brandreth Park Association and individual camp owners (combined \$5.8 million in assessments) was therefore: \$27,942 Town of Long Lake (2009); \$14,178 Hamilton County (2009); \$32,757 Long Lake Central School District (2008).

The real property tax assessments on the project site will grow incrementally over the long term as the Brandreth Park Association builds its additional planned structures and as additional camps are constructed by individual members of the Association. It is expected that current tax revenue generated by the project site could potentially triple at full build-out of the additional structures authorized herein. The projected incremental increases in tax revenue based on individual assessments of the new camps authorized herein will be relatively modest. However the property's overall contribution in tax revenue to the Town, county and school district will continue to remain important. Any real property tax exemptions pursuant to §480a will be removed from development sites in advance of their development.

Further, construction of the buildings authorized herein as well as maintenance of the new and existing structures creates employment opportunities for the local economy.

37. Brandreth Park makes minimal use of public services available from local taxing jurisdictions. The 6.5 mile access road to Brandreth Park from County Road 3 is privately maintained. With no year-round population other than the caretakers and their families at Brandreth Park, minimal demands are made of the local school system. Solid waste is disposed of on a fee basis at the Long Lake Transfer station which has adequate capacity to accommodate the incremental growth of the project.

The remoteness of Brandreth Park from the base stations of the Long Lake Rescue Squad and the Long Lake Fire Department places significant responsibility on Brandreth Park staff and seasonal residents for immediate emergency response. There is privately-owned fire suppression equipment located on site, for example, to help in fire emergencies in advance of the Fire Department's accessing the site from Long Lake.

### Overall Intensity Guidelines

38. Under the Agency Act's overall intensity guideline for Low Intensity Use, there is the potential for 69 new principal buildings in addition to the 42 existing principal buildings which are now located in the 317.74 acres of the project site which are in this land use area classification. The overall project will utilize all of these 69 principal building privileges.
39. Under the Agency Act's overall intensity guideline for Resource Management, there is the potential for 196 new principal buildings in the 8,352 acres of the project site which in this land use area classification. The overall project will utilize 35 (18 per cent) of these principal building privileges.

### Compatibility

40. Single-family dwellings are secondary uses on the list of compatible uses in Resource Management areas in §805 of the Adirondack Park Agency Act. Secondary uses are generally compatible depending upon their particular location and their impact on nearby uses and conformity with the overall intensity guideline for the involved land use area. The project will not adversely impact nearby uses as stated herein. The project also conforms with the current overall intensity guideline for this land use area. Therefore, the project is a compatible use in Resource Management area.
41. The overall project will result in the clustered development of up to 35 sites on approximately 125 acres of land in a Resource Management area which is adjacent to existing development clustered at the north end of Brandreth Lake. With respect to development in the Resource Management portion of the project site, proposed development is clustered on carefully-selected and well-designed sites in an area representing less than two percent of the project site in this land use area classification. Further, the actual combined total disturbed area associated with development of 35 single-family dwellings will involve less than 0.5 per cent of the project site in this land use area classification.

### Large Scale Project

42. Final Agency approval for subsequent project section(s) can only be granted if information submitted as part of any future permit application for development in each subsequent project section clearly demonstrates that: (i) the project section(s) fully conform to all statutory and regulatory requirements in effect at the time the permit application is received and, (ii)



 P.O. Box 99 · Ray Brook,	<b>General Permit 2011G-1</b>	Effective Date:  August 18, 2011
	In the Matter of the Issuance of a General Permit for:  <b>Subdivisions Involving Wetlands</b>	

**SUMMARY AND AUTHORIZATION**

The Subdivision Involving Wetlands General Permit ("General Permit") is issued pursuant to Executive Law § 809(13)(e) and 9 NYCRR Part 572. The General Permit authorizes an expedited Adirondack Park Agency ("Agency") review process for subdivisions involving wetlands that meet the eligibility criteria set forth below. Upon approval of a proposed subdivision pursuant to this General Permit, the subdivision may be undertaken and the lots may be developed in accordance with the terms and conditions of the General Permit, the approved subdivision map/plat, the certification issued for the specific project, and all development requirements established by the Adirondack Park Agency Act, the Freshwater Wetlands Act, the Wild, Scenic, and Recreational Rivers System Act, and Agency regulations.

The General Permit applies throughout the Adirondack Park and shall be effective until revoked or modified by the Agency.

The General Permit shall be recorded by the Agency in the Office of the County Clerk for the counties of Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Oneida, St. Lawrence, Saratoga, Warren, and Washington.

**ADIRONDACK PARK AGENCY JURISDICTION**

A subdivision involving wetlands is a Class A regional project requiring an Agency permit pursuant to Executive Law §§ 809(2)(a) and 810(1), and a regulated activity requiring an Agency permit pursuant to 9 NYCRR §§ 578.2(a) and 578.3(n)(3).

**ELIGIBILITY FOR APPLICATION**

Any proposed subdivision involving wetlands that meets the following criteria is eligible for a certification issued pursuant to the General Permit:

- a. The sole basis of Agency jurisdiction on the project site is a subdivision of lands involving wetlands;
- b. The project sponsor submits to the Agency a complete application, including all required attachments; and
- c. Unless designated on the application map/plat as restricted against development, each proposed lot:
  - (i) contains sufficient area for construction of an access road or driveway at least 100 feet from all wetlands and on slopes of less than 15% and sufficient area for construction of one principal building at least 100 feet from all wetlands and on slopes of less than 25%, as documented by Agency staff using available maps and data or by submission of surveyed topographic information from the project sponsor, except that agency staff may determine that a setback distance of only 50 feet is necessary from a Class 3 or 4 wetland; and
  - (ii) will not have an adverse impact on registered or eligible property under the New York State Historic Preservation Act of 1980.

**PROCEDURES**

- (1) To commence Agency review of a proposed subdivision pursuant to this General Permit, a project sponsor must complete the application and submit the application and all required attachments to:

Adirondack Park Agency  
Deputy Director, Regulatory Programs  
P.O. Box 99  
Ray Brook, New York 12977

- (2) Upon receipt of an application, Agency staff will confirm jurisdiction, review the application for completeness, and determine whether the proposed project meets the eligibility criteria. Agency staff will contact the applicant to arrange a meeting at the project site, if necessary. If the application is incomplete, Agency staff will inform the project sponsor by mail indicating what information is missing.
- (3) Within ten days of receipt of a complete application and a determination by the Agency's Deputy Director, Regulatory Programs, that the proposal is eligible for authorization under General Permit 2011G-1, the Agency will issue a signed certification approving the subdivision.
- (4) The review time periods established in Executive Law § 809 shall not apply to Agency review of an application pursuant to

the General Permit, except that if the Agency does not issue a certification within ten days of determining that a proposed subdivision is eligible for authorization under General Permit 2011G-1, the procedures established in Executive Law §809(6)(a) shall apply.

**GENERAL CONDITIONS**

- (1) All terms and conditions of a certification issued pursuant to this General Permit shall apply to the project sponsor, all present and future owners of any portion of the project site, and any individual, contractor, municipality, or other entity undertaking work on the project site. The undertaking of any activity on the project site in non-compliance with the terms and conditions of the approved subdivision map/plat and the certification issued pursuant to this General Permit shall require prior authorization from the Agency in the form of a new or amended certification or letter of compliance.
- (2) A certification issued pursuant to this General Permit must be filed by the project sponsor in the office of the County Clerk for the county in which the project site is located within 60 days of the date of issuance of the certification. Proof of recordation of this certification must be submitted to the Agency by the project sponsor within 30 days of filing.
- (3) The information contained on the proposed subdivision map/plat submitted as part of the application and approved by a certification issued pursuant to this General Permit must be depicted on any preliminary plat as required and any final plat proposed to a town or village for approval, in addition to any information required by the town or village's subdivision or zoning laws or ordinances. In addition, the information contained on the subdivision map/plat submitted as part of the application and approved by a certification issued pursuant to this General Permit must be depicted on a final plat filed in the office of the County Clerk for the county in which the project site is located.
- (4) The project shall not be undertaken until all necessary municipal, state, and federal approvals have been obtained.
- (5) The Agency may conduct such on site investigations, examinations, tests and evaluations as it deems necessary to ensure compliance with the terms and conditions of a certification issued pursuant to the General Permit. Such activities shall take place at reasonable times and upon advance notice where possible.





**RESOLUTION AND SEQRA FINDINGS  
ADOPTED BY THE ADIRONDACK PARK AGENCY  
WITH RESPECT TO  
INDEPENDENCE RIVER WILD FOREST  
UNIT MANAGEMENT PLAN AMENDMENT**

**AUGUST 18, 2011**

**WHEREAS**, section 816 of the Adirondack Park Agency Act directs the Department of Environmental Conservation (Department) to develop, in consultation with the Adirondack Park Agency, individual management plans for units of land classified in the Master Plan for Management of State Lands and requires such management plans to conform to the general guidelines and criteria of the Master Plan; and

**WHEREAS**, in addition to such guidelines and criteria, the Adirondack Park State Land Master Plan prescribes the contents of unit management plans and provides that the Adirondack Park Agency (Agency) will determine whether a proposed individual unit management plan complies with such general guidelines and criteria; and

**WHEREAS**, the Department prepared an initial unit management plan for the Independence River Wild Forest in 1986, and has prepared several amendments since then to address various management issues, including improved access for people with disabilities, creation of the Otter Creek horse trail system, and closure of Forest Preserve roads to ATV use; and

**WHEREAS**, the Department prepared an amendment, dated August, 2011 to reconfigure the snowmobile trail network in the unit and designate trails as Class I secondary trails or Class II community connector trails; and

**WHEREAS**, the Department issued a Positive Declaration determination for the draft UMP which was published in the Environmental Notice Bulletin (ENB) on June 29, 2011 and a Notice of Acceptance of the Final Environmental Impact Statement for the proposed final unit management plan which was published in the ENB on August 3, 2011; and

**WHEREAS**, the Agency determined in November, 2009 that "*Management Guidance: Snowmobile Trail Siting, Construction and Maintenance on Forest Preserve Lands In the Adirondack Park*" ("Guidance") was consistent with the Adirondack Park State Land Master Plan and would be jointly implemented by DEC and APA as part of the *Memorandum of Understanding on Implementation of the State Land Master Plan*; and

**WHEREAS**, the Department has consulted with the Agency staff in the preparation of the Proposed Final Unit Management Plan; and

**WHEREAS**, the Guidance does not allow road-building equipment to be used to construct or maintain snowmobile trails in the unit and provides that trail work will be performed only under direct Department supervision and oversight using low-impact landscaping equipment in a manner that will protect the wild forest setting; and

**WHEREAS**, the Department has updated the Adopt a Natural Resource (AANR) Agreements and Temporary Revocable Permits (TRPs) to ensure that the Guidance will be followed for new trail construction and maintenance; and

**WHEREAS**, the Department will develop and implement Snowmobile Trail Work Plans in direct consultation with Agency staff; and

**WHEREAS**, the reconfigured trail system in the Unit will provide improved year-round recreational opportunities as well as improvements to the snowmobile trail system; and

**WHEREAS**, Snowmobile trails in the unit will be reconfigured to reduce impacts to wetlands, reduce the number of stream crossings and remove snowmobile trails from the Scenic River Corridor of the Independence River; and

**WHEREAS**, the Plan estimates that there will be a net reduction of approximately 9.9 miles of snowmobile trail mileage in the Unit upon implementation of the proposed trail reconfiguration; and

**WHEREAS**, the Agency is requested to determine whether the proposed final Independence River Wild Forest Unit Management Plan, dated August, 2011, is consistent with the general guidelines and criteria of the Adirondack Park State Land Master Plan, and the Agency has reviewed the proposed final plan; and

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to Section 816 of the Adirondack Park Agency Act, the Adirondack Park Agency finds the proposed final Independence River Wild Forest Unit Management Plan, conforms with the general guidelines and criteria of the Adirondack Park State Land Master Plan; and

**BE IT FURTHER RESOLVED**, pursuant to implementing regulations for the State Environmental Quality Review Act (SEQRA), the Agency finds that the Independence River Wild Forest Unit Management Plan is consistent with social, economic and other essential considerations and that from among reasonable alternatives available, avoids and/or minimizes any adverse environmental impacts to the maximum extent practicable; and

**BE IT FINALLY RESOLVED,** that the Adirondack Park Agency authorizes its Executive Director to advise the Commissioner of Environmental Conservation of the Agency's determination in this matter.

Resolution adopted on this date, August 18, 2011.

Ayes:                   A. Lussi, W. Thomas, L. Ulrich, F. W. Valentino,  
                          C. Wray, E. Lowe (DEC), D. Scozzafava (DOS)

Nays:                   None

Abstentions:       None

Absences:           R. Booth, F. Mezzano, J. Fayle (DED)

## RESOLUTION 2011-6

### AMENDMENTS TO THE TOWN OF HAGUE LOCAL LAND USE PROGRAM

(To amend the Town of Hague Zoning Ordinance  
Sections 160-10, 160-50, 160-52, 160-58 and 160-50.1)

August 18, 2011

**WHEREAS**, the Town of Hague administers a local land use program conditionally approved by the Agency pursuant to Section 807 of the Adirondack Park Agency Act, the Agency having approved said program on November 17, 1977; and

**WHEREAS**, the proposed amendment was submitted to the Agency for approval by Town Board Resolution 54-2011 dated July 12, 2011; and

**WHEREAS**, the Town of Hague proposed amendment will modify:  
(i) 160-10 Definitions "Travel Trailers", (ii) section 160-50 Shoreline, (iii) section 160-52 Fences, and (iv) section 160-58 Travel Trailers, along with the addition of Section 160-50.1 Wetlands; and

**WHEREAS**, the proposed amendment satisfies the approval criteria set forth in Section 807(1) of the Adirondack Park Agency Act and 9 NYCRR Part 582; and

**WHEREAS**, the Town, as lead agency, has on July 12 2011, issued a negative SEQR declaration on the proposed amendments set forth in Town Resolution 53-2011;

**NOW, THEREFORE, BE IT RESOLVED**, that the amendments are hereby approved by the Adirondack Park Agency; and

**BE IT FURTHER RESOLVED**, that upon adoption by the Town Board, the Town shall provide a copy of the final version of the document to the Agency's Local Government Services Office so that the Agency may update its copy of the Town's zoning regulations; and

**BE IT FINALLY RESOLVED**, that the Agency further directs its staff to continue to provide technical assistance to the Town of Hague on their local land use plan and coordination on reviewing projects of regional significance.

Resolution adopted on this date, August 18, 2011.

AYES: A. Lussi, W. Thomas, L. Ulrich, F. W. Valentino,  
C. Wray, E. Lowe (DEC), D. Scozzafava (DOS)

NAYS: None

ABSTENTIONS: None

ABSENCES: R. Booth, F. Mezzano, J. Fayle (DED)