



*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**

**DECEMBER 15-16, 2011**

**THURSDAY, DECEMBER 15, 2011**

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

Leilani Crafts Ulrich, Chairwoman  
Richard Booth, Member  
Sherman Craig, Member  
Arthur Lussi, Member  
Frank Mezzano, Member  
William Thomas, Member  
F. William Valentino, Member  
Cecil Wray, Member  
Judy Drabicki, Designee, NYS Department of Environmental Conservation  
Jen McCormick, Designee, NYS Department of Economic Development  
Dierdre Scozzafava, Designee, NYS Department of State  
Terry Martino, Executive Director  
John Banta, Counsel

**LOCAL GOVERNMENT REVIEW BOARD PRESENT**

Fred Monroe, Executive Director

**AGENCY STAFF PRESENT**

Richard Weber, Deputy Director, Regulatory Programs  
Greg Bendell, Environmental Engineer  
Daniel Kelleher, Special Assistant for Economic Affairs  
Matt Kendall, Associate Natural Resources Planner  
Edward Snizek, Associate Project Analyst (Fresh Water Resources)  
Sarah Reynolds, Associate Counsel  
Keith McKeever, Public Information Director

**OTHERS PRESENT**

Jennifer McAleese, Legal Intern

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Chairwoman Ulrich called the meeting to order at 9:03 a.m. She called attention to the recognition given to Lake Placid and to the Adirondacks in the second edition of "Places to See Before I Die." In addition to listing hotels, restaurants and other places worth visiting, the Adirondack Museum in Blue Mountain Lake, Whiteface Mountain in Wilmington, and the extensive opportunities for fishing, hiking, canoeing, cross-country skiing, etc. were also recognized.

Chairwoman Ulrich also reported on the recent announcement naming the North Country Economic Development Council as one of the four best strategic plans together with \$103.2 million in funding for multiple projects throughout the North Country. She noted the Agency's part in development of the strategic plan and she congratulated all who worked towards this goal and who are now looking forward to the implementation phase.

The Agency joined in a moment of silence for former DED Designee Greg Caito's mother and his young son, who were recently lost as a result of a car accident, and for former Agency Chairman and Board Member Jim Frenette's wife Susanne "Susie" Frenette following a lengthy illness.

### **1. Public Comment**

William Farber, chairman of the North Country Regional Council's Adirondack Working Group subcommittee, commented on the award and the benefits it will provide to the Park as a whole.

The full comments of Mr. Farber 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. Approval of November 17-18, 2011 Draft Agency Minutes**

Mr. Booth moved, and Ms. McCormick seconded, approval of the Draft Agency Minutes of the November 17-18, 2011 meeting.

Prior to voting, Counsel noted the addition of an attachment to the minutes of an errata sheet listing corrections to statutory references and quotations in the Executive Team's PowerPoint presentations on the ACR project at the November meeting.

Chairwoman Ulrich called the question, which passed unanimously.

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

Ms. Martino echoed Chairwoman Ulrich's comment regarding the North Country Regional Economic Development Council's recent success. She noted the Governor's recognition of the North Country region and its hard work in one of four "best" categories of the ten councils that submitted strategic plans from around the state. The \$103.2 million award to the North Country Council will go a long way in showing that New York State is Open for Business. Ms. Martino applauded Governor Cuomo and Lt. Gov. Duffy for the direction and vision they have brought to this important regional grass-roots initiative.

Ms. Martino also reported that as the Agency's liaison to the North Country Council, she welcomed the opportunity to provide Agency staff support through work with the Council's staff which is led by Roseanne Murphy at Empire State Development Corporation. Brian Grisi, Jim Connolly and Keith McKeever of Agency staff have also all participated and provided tremendous assistance to the Council. The important dialogue that has been chaired by the capable leadership of Tony Collins and Garry Douglas with Council members from around the North Country has been an extraordinary effort.

Also on the economic development front, Ms. Martino noted the arrival this week of Dan Kelleher to the Agency as the Special Assistant for Economic Affairs. Prior to joining the Agency, Mr. Kelleher worked for the Downtown Albany Business Improvement District as a Business Development Manager. He also worked with Roger Trancik at Urban Design Consultants for the Hamlets 3 Project, and interned at Noble Environmental Power. Mr. Kelleher comes to the Agency with extensive knowledge of the Adirondack Park and its needs, as well as skills in finance, investment and planning. He has a Masters of Regional Planning from Cornell University with a minor in real estate finance and a Bachelor of Arts from SUNY Plattsburgh.

Ms. Martino noted that Mr. Kelleher started with the Agency on a busy week, having joined the Executive Team in presentations and discussion of the ACR record with the Agency Board. She then introduced the members of the Executive Team including herself, John Banta, Greg Bendell, Sarah Reynolds, Ed Snizek, Rick Weber, Matt Kendall and Dan Kelleher.

Ms. Martino noted that the December meeting is the second of a three-month meeting sequence that began in November and will conclude in January 2012, in the Agency review of the Adirondack Club and Resort Project. Similar to the November meeting, at

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the December meeting the Executive Team staff will provide aid and advice to the Board in the discussion of the record. Also, following the July Resolution of the Board, the project deliberations on both days will be undertaken by the full Board.

Ms. Martino referred to last month's sessions during which the Executive Team staff recorded more than 130 questions presented by the Board. In the time since the November meeting, Executive Team staff compiled answers to the questions from material in the record and the responses were distributed as part of the December mailing packet to assist the Board in its deliberation on the project.

She then reviewed the current agenda for the meeting. The morning session is dedicated to review and discussion of questions and answers from the November meeting. With the recognition that the material presented responds to the questions, the Executive Team does not anticipate addressing each question individually. Instead, the Team has grouped staff discussion around a number of topics in which they believe the Board has expressed interest. These include the PILOT, Alternative Design, the Wildlife Survey and Habitat, Cranberry Pond, and the Use of the Ski Area.

Through extensive review of the record and preparation for both the November and December meetings, it is the conclusion of the Executive Team that there is sufficient information in the record for the Board to continue to deliberate upon the project. The conclusion is based solely on the Team's extensive review of the record and the belief there is adequate information in the record upon which to consider a determination consistent with what was presented by the Hearing Staff in the Revised Draft Order. Referring to the State Administrative Procedure Act, Ms. Martino reiterated that the work of the Executive Team is separate from the previous work of the Hearing Staff when they worked to ensure the compilation of the record during the adjudicatory hearing.

She further noted that based on the Executive Team's conclusion of availability of material in the record, and in consultation with the Chairwoman, the agenda for Thursday afternoon and a significant portion of Friday will address the Findings and Conditions that form the framework of the Revised Draft Order. The Board will be provided with copies of the PowerPoint presentations that will be used in the overview of the Findings and Conditions. The presentations will follow the agenda. They will reflect a reordering of the facts and conditions into groups for presentation and discussion purposes. The Executive

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Team encourages the Board to follow the presentation through the PowerPoint rather than using the Revised Draft Order that was mailed to the Board in October.

The discussion of the Findings and Conditions is based on the premise that the Findings are descriptive elements of the project with Conditions presented to address project impacts. The Executive Team believes the Conditions present an opportunity for the Board to consider how to control various components of the project to minimize impacts.

Mr. Martino also called attention to another important element of the Friday afternoon discussion, which will be to look at those Findings and Conditions related to project phasing and infrastructure in addition to coordination with local government approvals. During the Friday afternoon session, the Executive Team will also provide an overview of Issue #10. Ms. Martino recalled Issue #10 was the one issue for which the Executive Team did not present an overview in November because of its direct relationship to compliance. She also noted there will be discussion about implementation enabling the Executive Team to provide additional input about how the Revised Draft Order can be modified in relation to proposed Conditions and how they may be implemented.

Ms. Martino advised the Board that throughout the discussion of the Findings and Conditions, points of concern and points for further attention will be recorded and addressed later at the January meeting.

She noted that throughout all of the presentations, the Executive Team will continue to look to the Board for guidance and input on their work in preparation for the January meeting. In planning for the conclusion of the three-meeting sequence, the January meeting will be a time to focus on the Board's decision for the project: to approve with conditions, to deny, or to return for additional information in adjudication.

All sessions continue to be webcast live, a service that can only be provided from the Agency office building in Ray Brook. The Wild Center in Tupper Lake is again providing an alternative location where people can view the meeting, for which the Agency is very appreciative.

In conclusion, Ms. Martino stated that while the ACR project has formed the focus of the November and December Agency meetings, there has been no scheduling of the usual division or committee report or other activities before the Board. On behalf of Regulatory Programs, she reported that 31 permits have been

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issued in November through delegated authority to the Deputy Director of Regulatory Programs. Additionally, as reported in the written monthly mailing materials, ongoing work continues to take place in the Agency's other divisions. As always, staff have coordinated work and been responsive.

In terms of future agenda items, Agency management staff will consider regulatory project needs in January, and look forward to the return to a wide range of topics and presentations from the Agency's divisions and committees for the February agenda.

For the two days of this meeting, she said, the Agency's work will be focused on the review of the ACR project. The Executive Team looks forward to ongoing engagement with the Board as the second review meeting in this process begins.

Mr. Thomas inquired as to handling of matters requiring Agency attention or action that are being deferred due to the ACR project.

Ms. Martino responded that staff have been very thorough in terms of project review including addressing time clock issues through dialogue with applicants. She noted that the project agenda for the January meeting was yet to be determined, and that the Agency would certainly see a busy agenda in February, particularly with variances.

Chairwoman Ulrich, noting the same question from other members, pointed out that the Agency has not held a December meeting in the past few years.

Mr. Wray sought clarification of the role of the Hearing Staff, and Mr. Banta advised that their role is to help develop a complete record, but not to present the record.

Mr. Wray asked if the Hearing Staff has been negotiating with the Applicant.

Ms. Martino replied that the Hearing Staff's dialogue was with the Applicant and all of the parties.

Mr. Wray inferred that the Revised Draft Order had been created by the Hearing Staff after these consultations.

Ms. Martino responded that the Revised Draft Order is a product of the Hearing Staff and is the current subject of presentation to the Board.

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Mr. Banta stated there were two Hearing Staff Draft Orders presenting proposed Findings and Conditions. The first draft was circulated to all parties for comment. Hearing Staff received comment from all parties, including significant comment from municipal authorities and the Applicant, and the Revised Draft Order reflecting that feedback is currently before the Agency.

Chairwoman Ulrich thanked members for their hard work over the past few months in preparation for deliberations on the ACR project. She noted that the December Agency Meeting will focus on the Executive Team's responses to the 130+ questions that were raised during the course of the November 15-16 Agency Meeting, and the findings and conditions in the Revised Draft Order. Additionally, she noted that questions from Board members will be accepted up until decision and determination on the project in January.

#### **4. Agency Deliberation of Adirondack Club & Resort P2005-100**

The webcast is the record of this deliberation:

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

The PowerPoint presentations used during the deliberation are grouped as Attachment 1.

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**FRIDAY, DECEMBER 16, 2011**

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

Leilani Crafts Ulrich, Chairwoman  
Richard Booth, Member  
Sherman Craig, member  
Arthur Lussi, Member  
Frank Mezzano, Member  
William Thomas, Member  
F. William Valentino, Member  
Cecil Wray, Member  
Judy Drabicki, Designee, NYS Department of Environmental Conservation  
Jen McCormick, Designee, NYS Department of Economic Development  
Dierdre Scozzafava, Designee, NYS Department of State  
Terry Martino, Executive Director  
John Banta, Counsel

**LOCAL GOVERNMENT REVIEW BOARD PRESENT**

Fred Monroe, Executive Director, Adirondack Park Local Government Review Board

**AGENCY STAFF PRESENT**

Richard Weber, Deputy Director, Regulatory Programs  
Greg Bendell, Environmental Engineer  
Daniel Kelleher, Special Assistant for Economic Affairs  
Matt Kendall, Associate Natural Resources Planner  
Edward Snizek, Associate Project Analyst (Fresh Water Resources)  
Sarah Reynolds, Associate Counsel  
Keith McKeever, Public Information Director

**OTHERS PRESENT**

Jennifer McAleese, Legal Intern

1. **Continued Agency Deliberation of Adirondack Club & Resort P2005-100**

The webcast is the record of this deliberation: ([http://nysapa.granicus.com/ViewPublisher.php?view\\_id=2](http://nysapa.granicus.com/ViewPublisher.php?view_id=2)). The PowerPoint presentations used during the deliberation are grouped as Attachment 1.

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### **2. Interim Reports**

The committee chairs noted the monthly reports and program highlights included with the mailing. On behalf of the Local Government Services Committee, Mr. Thomas noted ongoing planning discussions for the annual Local Government Days scheduled for March. On behalf of the Economic Affairs Committee, Mr. Lussi applauded the recent appointment of Dan Kelleher as Special Assistant for Economic Affairs.

### **3. New Business**

Chairwoman Ulrich referred to the 2012 meeting schedule and noted some concerns expressed by Board members regarding conflicts with meeting dates.

Mr. Mezzano noted that the Agency meetings that are scheduled for the third week of the month are in conflict with the county board of supervisors meetings. He questioned the scheduling of the Agency meetings for the third week, noting historically they were scheduled for the second Thursday and Friday of the month.

The Chairwoman cited holiday schedules and other intervening factors having to do with efficiency and providing maximum service to the public. She pointed out that the Board adopted the 2012 schedule in July.

Mr. Mezzano requested a review of the 2012 calendar to explore the feasibility of rescheduling the Agency meetings to the second Thursday and Friday of the month to accommodate inter-county and other local meetings to the extent possible, taking into consideration conflicting holidays.

Chairwoman Ulrich acknowledged Mr. Mezzano's request.

The Agency also discussed an anticipated three-day meeting in January to provide adequate time to complete deliberation on the ACR project. The majority of members expressed their support for the addition of a Wednesday afternoon session as opposed to a full day on Friday.

Counsel noted that the January 31 deadline for a determination on the project is by agreement with the Project Sponsor, who granted an extension of the statutory project clock.

Chairwoman Ulrich asked Ms. Martino to take the Agency's request under advisement when planning the January agenda.

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### **4. Public Comment**

Daniel Plumley of Adirondack Wild called attention to an important event that occurred on December 13, namely the first project utilizing stream restoration principles at Johns Brook in Keene.

The full comments of Mr. Plumley 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)

### **5. Local Government Review Board Comment**

Local Government Review Board Executive Director Fred Monroe noted the Review Board's longtime concern regarding self-imposed conditions by project sponsors and the Review Board's position that such conditions that are not required by the Act or regulations, or intended to prevent undue adverse impact, should not be included as permit conditions.

Mr. Monroe also welcomed Dan Kelleher as the Agency's new Special Assistant for Economic Affairs.

### **6. Member Comment**

Mr. Valentino suggested that Chairwoman Ulrich consider the creation of a subcommittee to address opportunities to improve Agency processes. Also, Mr. Valentino reiterated the important role of broadband access in the Park's economy, and he urged the Agency to use the monthly Agency meetings as a platform to promote it, especially in conjunction with the \$103 million regional council award. Finally, Mr. Valentino welcomed Mr. Kelleher and wished everyone happy holidays.

Ms. McCormick expressed her excitement over the \$103 award to the North Country Council. She emphasized the importance of coordination between State agencies when dealing with constituents, and urged participants to focus on ensuring that work is streamlined and logical as the process moves forward. Ms. McCormick also welcomed Mr. Kelleher and expressed best wishes for the holidays.

Mr. Thomas commended the good and new ideas that have been contributed toward the planning for Local Government Days 2012. Referring to the ACR project, Mr. Thomas encouraged executive staff to use the FrontStreet format when preparing a proposed decision document. He also welcomed Mr. Kelleher to the Agency.

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Mr. Mezzano added his welcome to Mr. Kelleher. He said he was encouraged by the philosophy among those present at the Local Government Day planning meeting that the historic \$103 million regional economic development award and the opportunity that it presented would not be squandered. Mr. Mezzano urged the Agency to highlight and showcase projects that are funded by the award so that the public is aware that progress is underway. Mr. Mezzano wished all a Merry Christmas.

Ms. Drabicki conveyed her wishes for a Merry Christmas and Happy Holidays. She also welcomed Mr. Kelleher. Ms. Drabicki noted the recent appointment of Robert Stegemann as DEC's new Regional Director for Region 5. Referring to Local Government Day, Ms. Drabicki said it was an opportunity for continued dialogue, education and work in the North Country, particularly in terms of the recent Regional Economic Development Council award.

Mr. Lussi expressed his confidence in the Agency's preparation for the ACR project and ability to make a thoughtful decision. He sent his best wishes for the holidays.

Mr. Craig conveyed his appreciation for the continued mentoring of his colleagues on the Agency Board, and expressed his best wishes for Happy Holidays and a Merry Christmas.

Mr. Wray expressed best wishes to all for a Merry Christmas and Happy New Year.

Mr. Booth added his wishes for a safe and best Christmas and New Year.

Ms. Scozzafava welcomed Mr. Kelleher, and wished all Happy Holidays and a Merry Christmas. She referred to the Regional Council award and commended the sense of morale of the people who were involved. Noting the initial challenges of bringing different regions and people together, she referred to the award as the culmination of what can happen when everyone works together. She urged people to commit themselves to the next round.

Mr. Banta noted the recently updated State Land Master Plan, which had been uploaded to the Agency website, and referred to the front cover which features a scene of children atop a mountain looking out at the Forest Preserve and the High Peaks. The scene captures the commitment to future generations that is so important for the Park. He wished all a Merry Christmas and Happy Holidays.

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Ms. Martino recalled the emergence of the regional economic development councils earlier in the summer, which culminated in the \$103.2 million award to the North Country Regional Council last week. She expressed her appreciation for the opportunity for the Agency to participate by providing a meaningful level of staff support, and looked forward to economic input from Mr. Kelleher. Ms. Martino further noted that Jennifer McAleese recently joined the Agency as a legal intern and is now involved in the ACR process. Ms. McAleese is a law graduate of Pace University and was recently admitted to practice law in New York State. Also, Steve Langdon is currently an intern with RASS. Mr. Langdon is in the graduate program at SUNY ESF. Ms. Martino wished all the best for the holidays and the New Year.

Chairwoman Ulrich expressed delight at hearing of the appointment of Mr. Kelleher. She then referred to the Governor's announcement of the Regional Council awards and his encouraging remark, "Way to go North Country," which was the only reference to a particular region in his presentation. She also referred to a recent comment that "...this is a thin time of year," when people are fluctuating between reflections on the past and hope for the future.

**7. Adjournment**

The Agency unanimously adjourned at 5:04 p.m.

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**Attachments:**

Project 2005-100 Preserve Associates, LLC  
(Adirondack Club and Resort Project)  
PowerPoint Presentations (Attachment 1)

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Leilani Crafts Ulrich, Chairwoman