



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

OCTOBER 11-12, 2012

THURSDAY, OCTOBER 11, 2012

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, Jr., Member
Cecil Wray, Member
Patrick Hooker, Designee, NYS Department of Economic Development
Dierdre Scozzafava, Designee, NYS Department of State
Robert Stegemann, Designee, NYS Department of Environmental Conservation
Terry Martino, Executive Director
Sarah Reynolds, Acting Counsel

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Frederick Monroe, Executive Director

AGENCY STAFF PRESENT

Richard Weber, Deputy Director, Regulatory Programs
Daniel Kelleher, Special Assistant for Economic Affairs
Colleen Parker, Environmental Program Specialist 3
Keith McKeever, Public Information Director
Paul Van Cott, Associate Attorney
Denise Wagner, Environmental Program Specialist 1
Suzanne McSherry, Environmental Program Specialist 2
Ariel Lynch, Environmental Program Specialist 2
Daniel Spada, Supervisor, Natural Resource Analysis
James Connolly, Deputy Director, Planning
Laurie Bullis, Secretary 1
Mary Reardon, Secretary 1
Amy Hall, Calculations Clerk 1
Deborah Lester, Secretary to Executive Director

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The webcast of this meeting is available at http://nysapa.granicus.com/ViewPublisher.php?view_id=2.

Chairwoman Ulrich called the meeting to order at 9 a.m. She announced the Commissioner of Economic Development's recent designation of Patrick Hooker, ESD's Director of Agribusiness Development, as the new representative to the Agency. The Chairwoman noted Mr. Hooker's background as former Commissioner of NYS Agriculture & Markets, and prior to that as a lobbyist for the New York Farm Bureau as well as staff positions with the State Assembly and Senate. The Chairwoman recognized Ms. McCormick's contributions during her tenure as ESD's primary designee to the Agency, and noted that Ms. McCormick would continue to be involved with the Agency as the Commissioner's alternate designee.

1. Approval of September 13-14, 2012 Draft Agency Minutes

Mr. Mezzano moved and Mr. Thomas seconded Agency adoption of the Draft Agency Meeting Minutes of September 13-14, 2012.

Prior to voting, Ms. Scozzafava requested amendment of the minutes to reflect her presence at the Friday, September 14 meeting. Mr. Booth noted a minor change to page 9 of the draft minutes as follows:

Mr. Booth advised board members to bear in mind Agency staff's comment that with any unit management plan there are a number of things that have not yet been ~~done~~ completed.

Mr. Booth also noted that the Member Comment attributed to him on page 11 was garbled, and he requested that most of it be deleted.

Chairwoman Ulrich called the question.

The motion to adopt the minutes, as amended by Ms. Scozzafava and Mr. Booth, passed unanimously.

2. Executive Director's Report

Ms. Martino welcomed Mr. Hooker to the Agency. She recalled meeting Mr. Hooker in the past while attending a meeting in Chateaugay to discuss farm applications, alternatives and diversification.

Ms. Martino then presented a report on staff activities over the past month, as well as other observations and items of note, including:

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- Lake Champlain Bridge project is a recipient of the Federal Highway Administration Transportation Planning Excellence award, co-sponsored by the American Planning Association. The award recognized Vermont and New York transportation agencies as well as the affiliated organizations involved in the project at the federal and state levels;
- The scheduled afternoon presentation for Agency Deputy Director of Planning to discuss the classification process in which the Agency staff team and the Board will be engaged following the State's acquisition of the Finch lands;
- In response to a question asked last month by Local Government Review Board Executive Director Monroe about the potential transfer of development rights from lands that are acquired by the State, currently development rights can only be transferred between neighboring lands in the same land use area. Last year, an APA departmental bill that would have allowed for the transfer of development rights by permit from a more restrictive to a less restrictive land use classification did not pass.

A potential option is available within the framework of a map amendment to the Private Land Use Plan whereby a town influenced by land acquisition can request a map amendment, which involves making changes to the official Park map based on the ability of those lands to sustain use. Staff are available to discuss this option with interested towns;

- The Invasive Species Bill provides DEC and Department of Agriculture and Markets with authority to regulate the sale, purchase, possession, introduction, importation, and transport of invasive species, and establishes penalties for violators;
- Invitation extended from Executive Director to DEC Assistant Deputy Commissioner of Natural Resources Kathy Moser to provide background on the Invasive Species Bill and other initiatives within DEC at a future Agency meeting (Ms. Moser also co-chairs the Invasive Species Council);
- Continued Agency work with the State Permitting and Construction Work Group regarding a draft prospectus on a park-wide wetland bank;
- Continued Agency work on potential statutory changes aimed at efficiency and responsiveness including transfer of development rights, lot counting and 25% commercial business expansion;

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- September 25 meeting in Albany, organized by Executive Chamber staff, where Jim Herman and Dave Mason presented the results of their research on the Adirondack Vision project;
- Tour of the NYS Museum's Adirondack exhibit on September 25 and discussion with Museum Director about update of the exhibit from a primarily historical perspective to a more contemporary perspective, reflective of discussions taking place about a sustainable and useable park with a wild landscape at its core;
- The scheduled October 12 Agency presentation by Dave Wick, Lake George Park Commission (LGPC), on LGPC's strategy for managing four new Asian Clam sites, one of which is jurisdictional to the Agency; she noted that as part of the morning's Regulatory Program, Agency staff will discuss permitting involvement of the Agency in addressing invasives in Lake George;
- Bill Howland presentation on Lake Champlain Basin Program initiatives following recent State of the Lake report containing perspectives on water quality, human health, invasives, climate change and flooding;
- Ongoing dialogue with DEC to address efficiencies, with review of draft recommendations prior to stakeholder discussions in preparation for submission of the report to the Commissioner and Chairwoman;
- Continued opportunities for data tracking with ESD, including Agency staff participation in the NYS Data Center Affiliates conference in late October;
- Award of \$900,000 federal loan from US Department of Agriculture (USDOA) Office of Rural Development to Adirondack Meat Company in Ticonderoga (Agency Permit P2012-59 issued in June 2012), making this the first USDA-certified facility in the Park.

Mr. Monroe expressed Local Government's support for a map amendment to address the issue of private development rights associated with lands that are acquired by the State.

Ms. Martino acknowledged the availability of a map amendment option to towns. The amendment option is designed within the framework of the land use plan and based on the ability of those lands to sustain use.

Mr. Booth inquired about the translation of Agency documents into six languages and cited the possibility of conflicts between the translation and the legal documents of the Agency.

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Ms. Martino referred to Executive Order 26 of Governor Cuomo, which requires the translation of the Agency's *Citizen's Guide* into six languages as well as a phone dedicated to translation services, which is now available in the lobby. Ms. Martino said the *Citizen's Guide* provides guidance; it contains a statement that it is for informational purposes and advises the reader to contact the Agency's jurisdictional office. Ms. Martino also advised that full implementation of the Executive Order also requires related staff training, which is being coordinated by the Agency's Administrative Officer, Elaine Caldwell.

3. Recusals

Mr. Thomas referred to Project 2005-271R3 (Adirondack Wind Partners, LLC), and disclosed his position as Supervisor for the Town of Johnsburg at the time the meteorological monitoring tower was initially installed.

Chairwoman Ulrich acknowledged Mr. Thomas's disclosure.

4. Motion to Adjourn into Committees

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

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FRIDAY, OCTOBER 12, 2012

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, Jr., Member
Cecil Wray, Member
Patrick Hooker, Designee, NYS Department of Economic Development
Dierdre Scozzafava, Designee, NYS Department of State
Robert Stegemann, Designee, NYS Department of Environmental
Conservation
Terry Martino, Executive Director
Sarah Reynolds, Acting Counsel

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Frederick Monroe, Executive Director

AGENCY STAFF PRESENT

James Connolly, Deputy Director, Planning
Richard Weber, Deputy Director, Regulatory Programs
Daniel Spada, Supervisor, Natural Resource Analysis
Daniel Kelleher, Special Assistant for Economic Affairs
Keith McKeever, Public Information Director
Brian Grisi, Local Planning Assistance Specialist
Robyn Burgess, Environmental Program Specialist 1
Deborah Lester, Secretary to Executive Director

The webcast of this meeting is available at
http://nysapa.granicus.com/ViewPublisher.php?view_id=2.

1. Committee Reports

a. Regulatory Programs Committee

- (1) 2012-84, One Main On The Lake, LLC

The matter involved a class A regional project involving a structure greater than 40 feet in height in a Hamlet land use area, and a shoreline variance to allow for the expansion of a structure located within 50 ft. of the mean high water mark of Mirror Lake in the village of Lake Placid, Town of North Elba, Essex County.

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Mr. Mezzano referred to the draft permit and variance order and noted the addition of a finding of fact related to the project's compatibility with the Hamlet land use area as well as the character of heavily developed shoreline and neighboring properties.

Mr. Booth stated that the additional language responded to his suggestion.

Mr. Mezzano then moved Agency approval of the project in accordance with the revised draft permit and variance order. Mr. Booth seconded the motion, which passed by a vote of 10 to 1. Chairwoman Ulrich, Members Booth, Craig, Lussi, Mezzano, Thomas, Valentino, Designees Hooker (DED), Scozzafava (DOS) and Stegemann (DEC) voted in favor of the motion, and Mr. Wray voted against.

A copy of the permit and variance order as approved by the Agency is attached to the official minutes on file at the Agency.

(2) 2005-271R3, Adirondack Wind Partners, LLC

The matter involved a request for a third permit renewal authorizing a temporary meteorological monitoring tower to remain for an additional two years. The tower is located on Barton Mines Company land in the Town of Johnsbury, Warren County.

On motion of Mr. Mezzano, seconded by Mr. Hooker, the Agency unanimously approved the renewal request. Chairwoman Ulrich, Members Booth, Craig, Lussi, Mezzano, Thomas, Valentino, Wray, Designees Hooker (DED), Scozzafava (DOS) and Stegemann (DEC) voted in favor of the motion.

A copy of the permit as approved by the Agency is attached to the official minutes on file at the Agency.

(3) Agency Permits for Asian Clam Control

Mr. Mezzano referred to the issue of Asian Clams in Lake George, and commended the presentation by the Agency Deputy Director of Regulatory Programs as an appropriate prelude to related discussions and presentations scheduled for later that day and on Friday.

Chairwoman Ulrich recognized staff's work in the area of rapid response.

b. Park Ecology Committee

Mr. Valentino noted a beneficial presentation by Dr. Matthew Schlesinger of NYS Natural Heritage Program on the vulnerability of at-risk species to climate change in New York.

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c. State Land Committee

Mr. Booth noted a staff presentation on the State Land classification process in anticipation of the Finch Pruyn acquisitions, as well as a presentation by Steve Signell of SUNY College of Environmental Science and Forestry and Peter Frank of DEC on improved data collection analysis regarding use of the Forest Preserve.

(1) Watson's East Triangle Wild Forest Unit Management Plan Amendment

On motion of Mr. Booth, seconded by Mr. Thomas, the Agency unanimously adopted a resolution finding the proposed amendment to the Watson's East Triangle Wild Forest Unit Management Plan to be in conformance with the general guidelines and criteria of the Adirondack Park State Land Master Plan. Chairwoman Ulrich, Members Booth, Craig, Lussi, Mezzano, Thomas, Valentino, Wray, Designees Hooker (DED), Scozzafava (DOS) and Stegemann (DEC) voted in favor of the motion.

A copy of the Resolution as approved by the Agency is attached to the official minutes on file at the Agency.

d. Public Awareness and Communications Committee

Mr. Valentino noted two presentations on Lake George and Lake Champlain, the first presentation by Dave Wick of Lake George Park Commission about the spread of aquatic invasive species, particularly Asian Clam, in Lake George; and the second presentation by Bill Howland of Lake Champlain Basin Program about the various initiatives being conducted through the Program.

2. Interim Reports

The Legal, Enforcement, Economic Affairs, Local Government Services, Park Policy and Planning, and Administration committees did not meet this month. Monthly activity reports for several of these committees were included in the mailing.

a. Economic Affairs Committee

On motion of Mr. Mezzano, seconded by Mr. Craig, the Committee unanimously approved the Draft Committee Minutes for September 2012.

Chairwoman Ulrich advised that Mr. Hooker would be joining the Committee and welcomed his expertise.

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b. Local Government Services Committee

On motion of Mr. Craig, seconded by Ms. Scozzafava, the Committee unanimously approved the Draft Committee Minutes for September 2012.

3. Public Comment

Peter Day of Lake Placid commented on Project 2012-184 as an adjacent property owner to the applicant, One Main On The Lake, LLC. Mr. Day expressed concerns over staff's review of the project and his reports of alleged violations.

Mr. Plumley commended Governor Cuomo and DEC for their efforts regarding the anticipated acquisition of Finch lands. He also encouraged attendance at an upcoming stewardship workshop on November 3-4 at Paul Smith's College VIC.

Comments by Messrs. Day and Plumley are available in the webcast of this meeting:

http://nysapa.granicus.com/ViewPublisher.php?view_id=2

4. Local Government Review Board Comment

Review Board Executive Director Fred Monroe appreciated the presentations on Lake George and Lake Champlain. He noted that invasive species are of great concern to local governments, with the problem being beyond the ability of local governments to handle and needing statewide attention. Mr. Monroe noted his belief that it is important to preserve the building rights that would be lost through the State's purchase of the Finch lands. He discussed the Agency approval of a map amendment at the request of the Town of Chester in 2004 (MA2003-1).

5. Member Comment

Mr. Valentino welcomed Mr. Hooker to the Board, and thanked Ms. McCormick for her service. He expressed interest in a future synopsis by staff on the NYSBA Environmental Law Section Fall Meeting to be held this weekend in Lake Placid. He also commented on aquatic invasives and the proper washing requirements for boats and kayaks.

Mr. Hooker thanked everyone for the warm welcome. He highlighted the importance of the Adirondack Park as well as his appreciation for the opportunity to represent Commissioner Adams on the Board.

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Ms. Scozzafava welcomed Mr. Hooker and acknowledged DEC Region 6 Director Judy Drabicki in the audience. She also reiterated to Local Government the availability of training, grant programs and other forms of assistance through the Department of State.

Mr. Thomas also welcomed Mr. Hooker to the Board.

Mr. Mezzano commended the presentations on Lake Champlain and Lake George as well as the staff presentation on Asian Clams. He also welcomed Mr. Hooker to the Board.

Mr. Stegemann welcomed Mr. Hooker and recalled his past work with him. He also acknowledged Ms. Drabicki and the valuable assistance she provided. Mr. Stegemann commented on the presentation topics this month and noted the high level of importance that DEC places on those issues. He also commented on his participation in the upcoming Environmental Law Section panel this weekend and looked forward to reflecting on the past and present.

Mr. Lussi also commended the presentations. He referred to Mr. Howland's presentation and the report distributed last month on Lake Champlain, and called attention to the benefits derived through education and information provided by programs such as the Lake Champlain Basin Program.

Mr. Craig noted this meeting marked his one-year anniversary on the Agency Board. He commented on the need for park-wide representation for the 10,000 plus waterbodies throughout the Park, especially in view of their significant recreational and economic value. Mr. Craig also called attention to the threat of terrestrial invasives to the Forest Preserve, and referred to the devastation caused by a beetle that has destroyed 30 percent of the spruce in the Bavarian National Park. He encouraged the Agency to discuss the issue of terrestrial invasives and the potential impacts on forestlands.

Mr. Wray commented on the informational presentations, and suggested focusing on topics where the Agency can provide assistance or address an issue. He also reiterated the Agency need to revisit variance procedures and criteria given the complex discussion on the One Main On The Lake project.

Mr. Booth welcomed Mr. Hooker to the Board. He referred to the public comment on the One Main variance in Lake Placid and said that while he takes seriously substantive criticisms concerning Agency review and factual assessments, he rejects implications concerning the honesty of Agency personnel. Mr. Booth then commented on invasives, noting it is a statewide problem requiring a comprehensive strategy for invasives as a whole, particularly with

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respect to funding, a strategy that also involves both rapid and long-term response.

Ms. Reynolds referred to the public visibility of the Agency and its work, as well as the Agency's receptiveness to various forms of public comment expressing agreement or disagreement with Agency policy, decisions or actions. She noted the Agency takes exception to public comment which names individual staff.

Ms. Martino referred to the meeting presentations and the unique intersection of economic and environmental impacts. She noted that staff's presentation on Agency permit activity for the treatment of Asian Clam is an indicator of how the Agency is responding using the available tools. She also referred to a General Permit for Aquatic Invasive Species, which will be presented for Agency Board consideration in November. She suggested inviting Rob Davies of DEC in his capacity as State Forester, and Kathy Moser, Deputy Commissioner for Natural Resources, in her capacity with the Invasive Species Council, to provide overviews on invasive species issues at a future Agency Board meeting. Also, Ms. Martino echoed the Acting Counsel with respect to the high visibility of the Agency's work and maintaining public comment within appropriate limits. She commended staff's work on the One Main variance in Lake Placid, and described the project as a complex project which involved components of enforcement, permit and variances.

Chairwoman Ulrich thanked managers and staff for their work and guidance throughout the meeting. She agreed with other comments that discouraged members of the public from making personal references to staff. She thanked Ms. McCormick for her contributions to the Agency's work and also welcomed Mr. Hooker as the Commissioner's new designee to the Board. The Chairwoman also acknowledged Mr. Craig's one-year anniversary on the Board. She congratulated Diane Fish on her new position as Interim Executive Director for the Adirondack Council. With respect to invasives, she discussed the benefits of a joint public/private response, as well as opportunities for green businesses and moving towards a greener economy. She then called attention to "Adirondack Day," a day-long event scheduled for November 3 at the NYS Museum. Finally, she looked forward to joining fellow panelists Brian Houseal and Bob Stegemann at the Environmental Law Section Fall Meeting in Lake Placid.

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6. Adjournment

The Agency unanimously adjourned at 12:05 p.m.

LCU/TDM/dal

Attachments:

2012-84, One Main On The Lake, LLC

2005-271R3, Adirondack Wind Partners, LLC

Resolution - Watson's East Triangle Wild Forest Unit Management Plan
Amendment

Leilani Crafts Ulrich, Chairwoman