

2015 REGULATORY PROGRAMS DIVISION

Invasive Species Control and Management

The continued effort to manage and control aquatic and terrestrial invasive species is considered critical for the long-term protection of the Park's biodiversity and ecological resources. In 2015, three general permits were developed by the RASS staff and approved for use by the Agency. The new general permits will allow organizations to respond more quickly to newly found infestations and to focus their activities on the work in the field. The approach also allows Agency staff to focus their attention to more complex review considerations.

General Permit, G2015G-1 was approved for the rapid response management or containment of aquatic invasive species using benthic barriers and hand harvesting techniques. The permit is intended for entities such as the Adirondack Park Invasive Plant Program as part of a region or park-wide management program. The permit can also be used by municipalities and/or lake associations to allow for a rapid, targeted response to a new infestation of an invasive in a specific water body. The permit provides regulatory flexibility allowing for the addition of new aquatic invasive species to the eligibility list, allowing for staff authorization of new qualified users, and to allow for the increase in size of a proposed treatment area on a case specific basis.

General Permit 2014G-1A was approved for the management of terrestrial invasive plant species in or within 100' of wetlands in the Adirondack Park and is a reissuance of General Permit 2014G-1. The new permit allows users to conduct management of terrestrial invasive plant species in wetlands without the need to seek a permit from the Agency for each specific project, so long as the work is done in compliance with specific and defined best management practices and other conditions

General Permit 2015G-2 was approved for the management of aquatic invasive species using benthic barriers and hand harvesting techniques as part of a long-term management plan for a lake. The permit is considered a reissuance of a permit that expired at the end of 2015. The permit was updated to be consistent with recent updates to other general permits, to streamline reporting requirements, and to provide greater flexibility to staff for the administration of the permits.

For all three of the general permits, the Agency will now only require an annual report from those entities that use the permits. The annual report will include a description of the species managed, a summary of the best management practices used at each site, the size of each management area, and the geographic coordinates of each activity.

Variances

In 2015 the Agency received ten (10) new applications and 15 new pre-applications requesting variances from the Agency's Section 806 shoreline restrictions.

Three public hearings on variance requests were conducted by Agency staff in 2015. A hearing was held for P2015-55 (Richards) on May 19, 2015, and subsequently the

variance was granted by the Agency. P2015-73 (Mohoney) a shoreline lot width variance, which was determined non-jurisdictional pursuant to information presented during the hearing on November 18, 2015. P2014-90 (Kailyn Realty) a request for a 1,200+ sqft accessory structure with living space, located within the shoreline setback. Following a hearing on June 22, 2015, this request was withdrawn by the applicant.

Two variance requests were brought to the Agency Board for consideration in 2015. Variance request P2015-55 (Richards), was granted in June 2015, and involved the construction of a detached garage (24 ft x 24 ft in footprint) 104 feet from the mean high water mark of the West Branch of the AuSable River, on lands classified Low Intensity Use in the Town of Jay, Essex County. Variance request P2014-39, (Butler) was denied by the Agency in February 2015. Butler's request involved vertical expansion of a single family dwelling from 19 to 33 feet in height, located entirely within the shoreline setback of Great Sacandaga Lake, in an area classified Rural Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Northampton, Fulton County. It was determined that the requested variance would have substantial impacts to the water quality, aesthetics, and character of Great Sacandaga Lake, which could not be adequately mitigated through project design or by condition. It was also determined that the applicants could achieve reasonable use of their property without the requested variance: they could continue to use the existing single-story, three-bedroom single family dwelling, or they could renovate the dwelling without the need for an Agency variance, including winterization and/or certain minor expansions.

Telecommunication Projects

In 2015, the Agency issued 21 telecommunication permits consisting of 12 permits [including 4 General Permits (GPs)] and 9 amendments (including 2 GPs).

Those permits and amendments authorized 7 new towers (1 each in the Town of Chester, Dannemora, Lewis, Piercefield, Ticonderoga, and Westport and the Village of Tupper Lake), 5 co-locations (adding antennas or related communications equipment to an existing structure), 7 replacements (antenna swaps/upgrades, tower replacements, or modifications of tower height), and 2 replacement and co-location combinations. Of note this year, one new tower (in Chester) was a horizontal co-location next to an existing Agency-permitted tower and two projects categorized as replacements were replacements of entire towers (for Franklin County's Office of Emergency Services).

The project sponsors for the 21 permits and amendments were AT&T (5), Sprint (2), T-Mobile (3), Verizon Wireless (7), Franklin County (3), and the Village of Tupper Lake (1).

Additionally, the Agency issued 7 letters of permit compliance in 2015. Those 7 letters were issued to AT&T (1), T-Mobile (1), and Verizon Wireless (5).

Commercial Projects

In 2015 a total of seven new applications were received for proposed commercial use projects. Nine permits were issued in 2015 authorizing new and amended commercial

projects. Of these, noteworthy projects include Permit P2013-252, which approved the construction of a 19,000± square foot commercial "Tractor Supply" store off of NYS Route 86, on lands classified Moderate Intensity Use, in the Town of North Elba, Essex County. Permit P2014-44, authorized new commercial self-storage buildings on lands classified Moderate Intensity Use, in the Town of Long Lake, Hamilton County. Permits P2014-85 and P2014-85A authorized construction of new commercial boat storage buildings on lands classified Moderate Intensity Use, in the Town of Fort Ann, Washington County. Also, Permit P2015-101, authorized the expansion of a car dealership in the Town of Warrensburg, Warren County on lands classified Rural Use. Additionally, Permit P2015-3 approved a commercial use equestrian center in the Town of Corinth, Saratoga County on lands classified Moderate Intensity Use.

Silvicultural Treatments

Since December of 2013, staff have reviewed and the Agency has approved ten timber harvest projects involving three different large timber management organizations: Lyme Timberland, Molpus, and The Forestland Group.

At the December 2015 Regulatory Programs Committee meeting, the Deputy Director requested the Committee consider project 2015-0181, a 255 acre timber harvest by Lyme Adirondack Timberlands II, as a permit that could be reviewed and issued under the already existing delegated authority of the Deputy Director. Staff believe the project applications and projects of a similar scale and treatment types typically are: well prepared and responsive to regulatory considerations; represent clear silvicultural purposes as part of a long-term comprehensive forest management plan; and have encountered relatively little public comment. The Committee discussed and acknowledged that the Deputy Director may authorize timber harvest permits for more routine harvest proposals involving treatment areas less than 500 acres and involving lands that are managed under at least one third-party certification (Forest Stewardship Council and Sustainable Forestry Initiative) and operate under the terms of a DEC Easement for forest management.

It is understood the Agency Board may request the review of any timber harvest project that is outlined in the Committee's monthly report.

Large Subdivisions

In 2015 the Agency received sixteen new applications for subdivision projects involving more than two lots, and issued seventeen permits authorizing subdivisions of more than two lots. Of those seventeen, six permits conditionally authorized subdivisions involving 5 or more lots. Notably, Permit P2014- 48, issued to New York Land and Lakes Development, LLC, conditionally approved a 29 lot subdivision (24 new single family dwellings) on lands classified Resource Management and Low Intensity Use on Woodworth Lake, in the Town of Bleeker Fulton County. Permit P2014-181, conditionally approved 11 subdivision lots (10 new single family dwellings) on Rural Use area lands in the Town of Northampton, Fulton County. Permit P2015-13 authorized 9 lots on lands classified Low Intensity Use and Hamlet in the Town of North Elba, Essex

County. Permit P2014-47 authorized 7 lots (6 new single family dwellings) on lands classified Rural Use in the Town of Bolton, Warren County.

State Agency Projects

Agency staff consulted on a number of significant State Agency projects throughout the year as required under Section 814 of the Agency Act. Three of the more noteworthy projects included:

- **Mesonet (Project 2015-167)**

The Agency issued a §814 Order for six weather stations in the Park as part of a larger network of a statewide early warning weather detection system operated by New York State known as the Mesonet. This network is the first of its kind in New York and will consist of up to 125 surface weather stations to detect weather phenomena across the entire state and provide federal, state, and local communities with access to high-resolution, real-time data. All of the data will be transmitted in real-time to a central location, to be archived and disseminated to a variety of users. Upon completion of the project, real time data along with graphical products/models will be available to the public via a website. The system will be operated and maintained by the Research Foundation for the State University of New York. Nine additional sites are being considered inside the Park and are expected to be reviewed by the Agency in 2016.

- **Critical Bridges over Water Program (Project 2014-215)**

The Agency issued an §814 Order to the NYS DOT for the replacement of seven bridges considered part of the State's Critical Bridges Over Water Initiative. The existing bridges, located on NYS Route 73 in the Town of Keene, are to be replaced with larger structures to accommodate water flows during storm events. The project involves wetlands, the construction of two temporary bridges, the relocation of utilities, vegetative cutting and shoreline stabilization. The project is designed to improve the hydraulic opening, reduce scour vulnerability, and reduce the likelihood that the bridges and adjoining roadways will flood.

- **Blue Mountain Road Rehabilitation (A2015-71)**

Staff were in consultation with the DEC, DOT and Hamilton County Officials about the proposed maintenance and rehabilitation of the existing access road to the summit of Blue Mountain. The project also involved the installation of new fiber-optic line on the existing power poles alongside the existing road. The road and powerline support very important public safety and other commercial communication facilities near the summit. Staff issued a Non-Jurisdictional determination for the fiber-optic portion of the project. DOT is currently preparing plans for the road rehabilitation work that will occur largely within the footprint of the existing road. Staff anticipate the majority of the proposed road rehabilitation will also be non-jurisdictional.

Updating of Regulatory Programs Documents

In 2015, the Regulatory Programs Division updated and re-formatted all permit application forms. Additionally, Regulatory Programs staff worked with Agency Legal staff in finalizing new templates for Permits, Notices, and other Agency correspondence. These new templates improve clarity and consistency in providing information to applicants and their representatives, and in requesting information needed to provide complete application materials for jurisdictional activities.



Adirondack Park Agency

2015 REGULATORY PROGRAMS DIVISION ANNUAL REPORT

Permits and Orders Issued in 2015 (Including amendments, renewals and general permits)

Project Type	Permits/Orders Issued
Minor	61
Major	64
Variance	1
State Agency Orders	8
Amendments/Renewals	73
General Permits	46
Total	253

Permit Activity	Issued
Commercial Use	9
Communication Towers over 40 feet	7
Timber Harvesting	8
Sand & Gravel Mining	6 (includes amendments and Renewals)
Municipal Bridges	4
Major Public Utility	2
Public Use/Group Camp	7
Wetlands Only	36 (includes general permits)
Resource Management Lands	58 (sites include RM lands, but project may not involve development in RM)
Industrial	1
Residential Wind Tower	1
Single Family Dwelling Units	101± [Includes 10 SFD projects and 91± SFDs authorized as part of new subdivision projects (not including amendments or renewals)]
Subdivision Projects	65
Non-Jurisdictional	21