



Adirondack Park Agency

SHERMAN CRAIG
Chairman

TERRY MARTINO
Executive Director

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 Minutes, Full Agency, 2/24/17
TDM:sas 1:30 PM

FEBRUARY 9-10, 2017

ADIRONDACK PARK AGENCY MEETING

Thursday, February 9, 2017

AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF PRESENT

Sherman Craig, Chairman
Chad Dawson, Member
John Ernst, Member
Karen Feldman, Member
Barbara Rice, Member
William Thomas, Member
Dan Wilt, Member
Brad Austin, Designee, NYS Department of Economic Development
Sandi Allen, Designee, NYS Department of State
Bob Stegemann, Designee, NYS Dept. of Environmental Conservation
Terry Martino, Executive Director
James Townsend, Counsel

ABSENT AND EXCUSED

Arthur Lussi, Member

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Gerald Delaney, Chairman

AGENCY STAFF PRESENT

Keith McKeever, Public Information Director
Amy Hall, Calculations Clerk 2
Rick Weber, Deputy Director Regulatory Programs
Tracy Darrah, Environmental Program Specialist 1
Milt Adams, Environmental Program Specialist 1
Colleen Parker, Environmental Program Specialist 3
Laurie Bullis, Secretary 1
Shaun Lalonde, Soil and Water Engineering Specialist
Colleen Parker, Environmental Program Specialist 3

Sarah Reynolds, Associate Counsel
Jennifer Hubbard, Senior Attorney
Bart Haralson, Environmental Program Specialist
Sue Streiff, Secretary to the Executive Director

Video and MP3 audio recordings of the proceedings, including public comment, are available in their entirety via webcast at

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

Chairman Craig called the meeting to order at 9:00 a.m.

1. Public Comment

None

2. Approval of August 2016 Agency Minutes

On motion of Mr. Ernst, seconded by Mr. Thomas, the Agency unanimously adopted the Draft Agency Meeting Minutes of January 12-13, 2017. A copy of the official minutes as adopted by the Agency is on file at the Agency.

3. Recusals

Mr. Ernst was previously recused from the Boreas Ponds Tract discussion. Ms. Rice and Mr. Lussi were recused from the Saranac Lake Resort, LLC discussion.

Due to the recusal of Ms. Rice and Mr. Lussi, Mr. Craig assumed the chair position for the Regulatory Committee for the February meeting and called for a motion to change committee membership to add Mr. Thomas for the February meeting.

On motion by Mr. Wilt, seconded by Mr. Ernst, the Agency unanimously approved the change in membership to the Regulatory Programs Committee to include Mr. Thomas for the February meeting.

4. Motion for Executive Session

On motion by Dr. Dawson, seconded by Mr. Wilt, the Agency unanimously approved an Executive Session for discussion regarding litigation with Protect! against the Agency and Department on snowmobiles and with Adk Wild against the Agency on the Essex Chain matter. Mr. Townsend said that attorney Beth Phillips would update the Board for information only.

5. Executive Director's Report

Executive Director Martino summarized the 2016 Annual Report. She said that the report was posted on the Agency's website and would be distributed to county representatives and stakeholders within the Park. She said the 2016 Board Highlights were also posted.

She noted staff that left the Agency in 2016: Susan Parker, Mary Reardon, and Bob Kreider and as well as Chairwoman Ulrich and member Dick Booth. She thanked them for their work and wished them well going forward. She also acknowledged the new Board members in 2016: Barbara Rice, John Ernst, and Dr. Chad Dawson and Sherman Craig as Chairman.

She reported that Dr. Ross Whaley was the recipient of the Environmental Law Section of New York State Bar Association award to honor him for his dedication to the environment in his roles at SUNY ESF and as Chair of the Agency as well as other activities throughout the region.

6. Motion to Adjourn into Committees

On motion of Mr. Thomas, seconded by Mr. Ernst, the Agency unanimously adjourned into committees at 9:15 a.m.

Friday, February 10, 2017

AGENCY MEMBERS, DESIGNEES AND EXECUTIVE STAFF PRESENT

Sherman Craig, Chairman
Chad Dawson, Member
John Ernst, Member
Karen Feldman, Member
Barbara Rice, Member
William Thomas, Member
Dan Wilt, Member
Brad Austin, Designee, NYS Department of Economic Development
Sandi Allen, Designee, NYS Department of State
Bob Stegemann, Designee, NYS Dept. of Environmental Conservation
Terry Martino, Executive Director
James Townsend, Counsel

ABSENT AND EXCUSED

Arthur Lussi, Member

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Gerald Delaney, Chairman

AGENCY STAFF PRESENT

Keith McKeever, Public Information Director
Kathy Regan, Deputy Director, Planning
Rick Weber, Deputy Director, Regulatory Programs
Colleen Parker, Environmental Program Specialist 3
Suzanne, McSherry, Environmental Program Specialist 2
Milt Adams, Environmental Program Specialist 1
Sarah Reynolds, Associate Counsel
Tracy Darrah, Environmental Program Specialist 1
Sue Streiff, Secretary to the Executive Director

Full Agency

Mr. Craig reconvened the Full Agency meeting at 11:15 a.m.

1) Committee Reports

a) Regulatory Programs Committee

Mr. Craig made a motion to approve P2016-50, Saranac Lake Resort, LLC, involving removal of three existing hotel structures and re-developing the site with a new 93 room, four story hotel approximately 32,000 square feet in footprint in the Town of North Elba, Essex County. Mr. Wilt seconded.

Mr. Craig asked Mr. Stegemann to explain the Department's State Pollutant Discharge Elimination System (SPDES) permits. Mr. Stegemann said the developers would need to meet the stormwater plan conditions set out in the permit and that Department staff would provide follow-up inspections and respond to any complaints.

Dr. Dawson questioned the size of the project. He said economic data in the application indicated that 50-70 rooms would be profitable and 80-100 rooms would be somewhat more profitable. He said the project could have been smaller and still profitable.

Mr. Weber said staff had repeatedly asked about alternatives for the scale of the project but the sponsor was insistent on the size. He said it was not Agency practice to consider economic variables in project review. Mr. Townsend agreed and said that if a sponsor wants 93 rooms, that is what staff have to consider. He said project review is not driven by economics. Mr. Weber said since the project is located in a Hamlet land use area, staff worked closely with the village who determined parking, scale and height and what fit the character of the site in their review. He said staff worked on traffic and parking concerns with the NYS Department of Transportation, the agency which would be responsible for issuing a commercial entrance permit. He said the environmental impact of the project would be far less than that of the current structures.

Ms. Parker said that the project sponsor stated that further reductions in size would not be significant because the design was already below industry standards. She said that in regard to scale and resource impacts, the sponsor responded the architectural design would be compromised if a floor of rooms was removed. She stated that revisions made to the FEMA Flood Insurance tax map eliminated any of the project from being within the flood plain. Lastly she showed the Board historic photos from within the Park provided by the sponsor which were used in the design of the project.

Mr. Craig called for the vote. The Agency approved the P2016-50 permit and variance order with Mr. Craig, Mr. Ernst, Ms. Feldman, Mr. Thomas, Mr. Wilt, Mr. Austin, Ms. Allen, and Mr. Stegemann voting for; Dr. Dawson voting against. Mr. Lussi and Ms. Rice were recused.

Mr. Craig reviewed amendments to permit 2016-114, Barile Family, LLC, that were provided to the Board.

Mr. Craig made a motion to approve P2016-114, Barile Family, LLC, involving the subdivision of 590 acres containing wetlands into 17 lots in a Resource Management land use area in the Town of North Elba, Essex County. Mr. Thomas seconded.

Dr. Dawson said he had questioned the issue of clearing near the homes in the subdivision project and what the ecological and biological report had contained. He said the report stated the land had been maintained by pre-existing agricultural use. He said he read the description and was satisfied with the answer.

Dr. Dawson asked what happens when the land previously had a permit issued that was never filed or acted upon. He asked if when this permit is filed and acted upon do those become 17-lot deeds, a plat, and deed covenant that will show that parcel A is held in a conservation area and in common for the Homeowners Association (HOA) and be written in the deed as well.

Mr. Townsend said the HOA will get a deed for parcel A and that deed will come with the covenants that are in the final approved HOA. He said the HOA will require many more steps following Agency approval of the permit, including the approval by the Attorney General's office. He said that in order to transfer the lots, they will need to be on a plat that is filed in the County Clerk's office. He said once the plat is filed, the lots are specifically described and can be transferred by the LLC to the purchaser. Dr. Dawson asked what the time line was for filing. Mr. Townsend said the Agency permit had to be filed within sixty days or it becomes void.

Ms. Feldman said the permit stated that the guest cottages could be used on an occasional basis, not as rentals. She asked if this condition should be in a covenant in the deed or by-laws. Mr. Weber said once the permit is filed there is a deed reference to the permit therefore the condition is enforceable by the Agency. He said he believed the condition is sufficient in the permit.

Ms. Feldman asked if the condition about tree cutting and vegetation removal needed a covenant that bans the use of invasive material. Mr. Weber said he would add “native” to the permit language.

Ms. Feldman asked if the common roads within the project would be public or private. Mr. Weber said the roads would be private.

Mr. Craig called for the vote. The Agency unanimously approved P2016-114 as amended.

b) State Land Committee

On motion by Ms. Feldman, seconded by Mr. Ernst, the Agency unanimously adopted the Champlain Island Complex UMP Resolution on conformance with the State Land Master Plan.

Mr. Craig reported on the ongoing Board discussion of the 2016/17 Classification Package and the presentation by staff.

2) Interim Reports

a) Legal Affairs Committee

The Committee did not meet in February.

On motion by Ms. Feldman, seconded by Mr. Ernst, the Agency unanimously adopted the Draft minutes for its January meeting.

b) Park Ecology Committee

The Committee did not meet in February.

On motion by Mr. Ernst, seconded by Mr. Stegemann, the Agency unanimously adopted the Draft minutes for its January meeting.

c) Park Policy and Planning Committee

The Committee did not meet in February.

On motion by Dr. Dawson, seconded by Mr. Thomas, the Agency unanimously adopted the Draft minutes for its January meeting.

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

4) Old Business

None

5) New Business

None

6) Public Comment

Dan Plumley, Adirondack Wild, congratulated Agency staff on the 2016/17 Classification presentation. He expressed concern about the impact of the Barile Family subdivision project. His complete comments can be viewed on the website address above.

Peter O'Shea suggested the use of more positive language in permits regarding the planting of vegetation. He said using "native vegetation" was less negative than "non-invasive vegetation." He also encouraged more easements in the Park. His complete comments can be viewed on the website address above.

7) Local Government Review Board Comment

Mr. Delaney said the staff did a great job on the Classification presentation. He said the Saranac Lake Resort project would have less environmental impact than the current use. He said he looked forward to continued debate on the Classification package.

8) Member Comment

Ms. Allen expressed her appreciation to staff for the Classification presentation.

Ms. Rice thanked staff for the Classification package which she said she found very helpful. She applauded Saranac Lake and invited all to participate in the Winter Carnival.

Mr. Stegemann congratulated Agency and Department staff on the completion of the Champlain Islands Complex UMP. He commended Agency staff on the Classification presentation.

Ms. Feldman noted that the updated SLMP was distributed to the Board. She thanked staff for their work.

Mr. Austin said he hoped the Saranac Lake Resort, LLC would be a success and said he felt it was a big step forward for Saranac Lake. He thanked staff for their work.

Dr. Dawson thanked staff for their work and for patiently answering all his questions.

Mr. Thomas thanked staff for their work.

Ms. Martino said the Annual Report reflects the interdisciplinary work of Agency staff. She said the Classification presentation was an example of that with State Land, RASS, and lawyers all working together. She gave kudos to Agency and Department staff on the completion of the Champlain Islands Complex UMP.

Mr. Craig thanked Board members for their efforts on the work of the Agency. He encouraged advocates of the Park, the State, and the nation to continue the important efforts on invasives, climate change, and acid rain.

By unanimous consent, the meeting adjourned at 12:25 p.m.

Attachments:
P2016-50
P2016-114

Sherman Craig, Chairman