



## Adirondack Park Agency

**KAREN FELDMAN**  
Acting Chair

**TERRY MARTINO**  
Executive Director

Draft Minutes  
Regulatory Programs Committee  
November 8, 2018

### **MINUTES OF THE REGULATORY PROGRAMS COMMITTEE MEETING November 8, 2018**

The Committee meeting convened at approximately 9:25 a.m.

#### **Regulatory Programs Committee Members Present**

Arthur Lussi, John Ernst, Daniel Wilt, and Lynn Mahoney.

#### **Other Members and Designees Present**

Acting Agency Chairwoman Karen Feldman, Robert Stegemann, Bradley Austin, Chad Dawson, William Thomas, and Gerald Delaney, LGRB.

#### **Agency Staff Present**

Terry Martino, Sarah Reynolds, Richard Weber, Colleen Parker, Matt Brown, Milt Adams, Alicia Purzycki, Jennifer Hubbard, Ariel Lynch, Bart Haralson, Devan Korn, Sarah Staab, and Molly Jordan.

#### **Approval of Draft Committee Minutes for September 2018**

A motion to approve the draft committee minutes was made by John Ernst and was seconded by Lynn Mahoney. All were in favor.

#### **Deputy Director Report**

Mr. Weber briefly discussed the division reports. He discussed the strategic planning initiative undertaken by staff and the goals of that effort. He also reviewed a variance application submitted by Sokoloff Apartment Trust, P2017-0203 for which staff is recommending delegation authority to the Deputy Director for approval with conditions.

Mr. Lussi asked if the landowner could subdivide the lot in question. Ms. Hubbard responded that the lot is part of the Adirondack League Club and their associated Homeowners Association will not allow the lot to be subdivided. Mr. Ernst asked about the lot size. Mr. Weber responded that because the proposal is for a subdivision into sites within a Resource Management land use area, and the lot is only 200 ft. wide, a variance from the 400 ft. wide requirement is being sought. As there is no alternative in

this case to make the lot wider, a principal building right is being transferred to allow the proposal to occur. Mr. Austin asked if all other variance criteria can be met. Mr. Weber responded affirmatively.

**Project** P2017-149 Karen and Peter Fardelman (Ariel Lynch)

The project consists of an expansion of a pre-existing single-family dwelling, including an increase in footprint, width, and height within the 75-foot shoreline setback from Loon Lake as well as replacement of an on-site wastewater treatment system within 100 feet of Loon Lake and an intermittent stream.

Ms. Lynch reviewed the project proposal, noting that the request is for a 327-square foot increase in the footprint of the dwelling, a 9.5-foot increase in width, and a 9.9-foot increase in height within the shoreline setback. The proposal is for an additional floor and three additional bedrooms, as well as replacement of the on-site wastewater treatment system farther from the lake. The expanded dwelling will be no closer to the lake. A large portion of the dwelling expansion is outside the shoreline setback and does not require a variance or permit from the Agency.

Ms. Lynch and Ms. Purzycki discussed the old and the proposed enhanced on-site wastewater treatment systems. It was noted that the old system is failing and the new system that is proposed will improve what the landowners are currently using.

Mr. Stegemann asked if the height increase outside the setback should not be considered as part of their decision. Ms. Lynch said she thought that was legally correct but the portion outside the setback will backdrop the portion of the structure inside the setback and should be considered regarding the visual impact as seen from the lake.

Ms. Lynch discussed the engineering plan which showed the expansion within the shoreline setback, rain gardens for stormwater management, and the replacement sanitary system which is located away from the lake and stream. Mr. Stegemann asked about the character of the existing system. Ms. Lynch referred the question to the staff engineer who said the system was failing and needed to be replaced and expanded to accommodate the four-bedroom design. Ms. Feldman asked if there would be a new absorption field. Ms. Lynch said the new system is in a totally different location and will require a new absorption field, which will be 91 feet from the lake and 33 feet from the stream.

Ms. Lynch described the location of the road directly behind the house, the distance between the project site and the neighboring dwellings, and the visual impact from the water from the north, south and across the lake. Mr. Wilt asked if the dwellings to the north were closer to the lake than the proposed project. Ms. Lynch did not know exact distances.

Ms. Lynch discussed the public hearing, public comments and petition that were received by staff.

Ms. Lynch stated that the staff recommendation is to grant the variance with conditions.

Motion was made for approval by Mr. Ernst and was seconded by Ms. Mahoney. All were in favor.

**Project** P2015-119 K&C Land Holding, LLC (Devan Korn)

The establishment of a new commercial use excavation contracting business, including the construction of a new 6,000 square foot building with on-site wastewater treatment system and well water supply, use of an existing storage building, storage of construction equipment and materials, and site improvements for stormwater management, noise control and mitigation of off-site visual impacts. Both the new building and storage area are proposed more than 550 feet from Buttermilk Falls Road in the vicinity of the existing storage building. Year-round operation is proposed Monday through Friday 7 a.m. to 7 p.m. and Saturdays 7 a.m. to 4 p.m.

Mr. Korn reviewed the jurisdictional predicates of the project, existing site conditions, and on-site activities which included the hours of operation and trucking schedule.

Mr. Lussi asked if down cast lighting will be used; Mr. Korn responded affirmatively.

Mr. Korn reviewed the public comment received for the project.

Mr. Korn stated staff recommendation is for approval of the project with conditions.

Ms. Feldman asked if staff are comfortable that the concerns which were raised in the public comment letters were addressed and if a thorough review had been undertaken by staff. Both Mr. Weber and Mr. Korn responded that the review conducted by staff was comprehensive and that the concerns raised in the comment letters were addressed.

Mr. Ernst asked about truckloads and what the current traffic is like now. Mr. Korn responded that there is local delivery traffic, typical secondary town road traffic.

Motion was made for approval by Mr. Lussi and was seconded by Mr. Ernst. All were in favor.

**Old Business**

None

**New Business**

None

The Committee meeting adjourned at approximately 11:20 a.m.