



**DRAFT MINUTES OF THE REGULATORY PROGRAMS COMMITTEE MEETING
October 10, 2019**

The Committee meeting convened at approximately 9:30 a.m.

Regulatory Programs Committee Members Present:

Chair Daniel Wilt, Arthur Lussi, John Ernst, and Lynne Mahoney (DOS)

Other Members and Designees Present:

Bradley Austin, Presiding Member (ESD), Robert Stegemann (DEC), Dr. Chad Dawson, and William Thomas

Local Government Review Board Present:

Gerald Delaney

Agency Staff Present:

Terry Martino, Christopher Cooper, Robert Lore, John Burth, Colleen Parker, Shaun LaLonde, Aaron Ziemann, Devan Korn, and Sarah Reynolds

Approval of Draft Committee Minutes for September 2019

A motion to approve the draft committee minutes was made by Mr. Lussi and was seconded by Mr. Ernst. All were in favor.

Regulatory Programs Report (Robert Lore)

Mr. Lore began his monthly report by updating the committee members of activities occurring since the last meeting, including the retirement, effective October 17, 2019, of Laurie Harrigan after 30+ years of service. Though only having worked with her for just over a month, he stated Laurie's welcoming smile and helpful manner was one of the first to greet him when he walked in the door. He spoke for the entire staff in thanking her for her commitment to the Agency and wished her well in her retirement.

Mr. Lore emphasized how impressed he is with the staff to be able to handle the consistently busy/very busy workload and noted that the continual influx of work has really helped him gain understanding of the Agency's processes. A primary focus lately has been on better documentation of workloads, noting the deadlines list as a useful tool for projecting and balancing those workloads. He pointed out potential concerns to be discussed, and increased efforts to keep everyone accountable and gaining efficient transparency going forward.

He said he has seen a level of commitment that goes above and beyond the job description and has found the last seven weeks to be productive and informative.

In the coming months, Mr. Lore is looking forward to continuing a productive working environment with all Agency staff, particularly in Regulatory Programs, with hopes to improve processes related to cell tower projects and interactions with other State agencies like NYSDOT & OPRHP regarding compliance, as well as any processes that could be improved upon to ensure we are using the best available data possible to document the Agency's activities and our commitment to protecting the Park's resources.

General Permit/Order for the Replacement of Utility Poles

Mr. Burth presented the proposed General Permit/Order for the Replacement of Utility Poles for final review and approval. He offered a review of the proposed General Permit/Order and what it entails. He discussed the edits, including referencing the revocation of General Permit 2017G-1 upon issuance of this permit, and the addition of the word "Order."

Mr. Ernst asked about the increased allowance for height in this permit and what the thought process was behind that. Mr. Burth replied that it was for multiple reasons, including safety clearances and future co-location for things like fiberoptics.

Mr. Delaney asked if the issuance of this new permit will address reporting needs by the utility companies. Mr. Burth replied that the Agency is now looking to review each of the potential projects individually. This permit will also cover a wider array of projects that we would have had to write permits for in the past. Mr. Delaney asked if there was confidence in the path forward for better reporting, to which Mr. Burth replied that while this revised permit does not require the end of the year reporting, he is confident, as this permit requires individual approval and certification before the project can be undertaken.

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

Ms. Martino was recused and left the room for the following presentation.

Project 2019-0023 (Looes – Black Brook, Clinton County)

Mr. Korn presented the proposal by John Looes for a residential subdivision to create six building lots ranging in area from 3.05 acres to 4.65 acres. A location for the construction of one single-family dwelling and an individual on-site wastewater treatment system and well water supply has been identified for each building lot. All six building lots will be accessed by a private road extending from Silver Lake Road. The access road, trail to the shoreline, and common area along the shoreline of Newberry Pond will remain with the approximately 162-acre lot containing existing residential development with an easement provided to individual lot owners for access to the six building lots and use of the common area.

Mr. Lussi asked Mr. Korn to clarify his statement about this project being part of a 10 or more lot subdivision. Mr. Korn responded that a portion of the previous subdivision included Low Intensity Use lands and the current proposal would result in more than 10 lots being created in a Low Intensity land use area since the May 22, 1973 enactment of the Adirondack Park Agency Act.

Mr. Dawson asked if there was a need to revoke the old permit, to which Ms. Reynolds replied that there is a condition in the new permit stating that this permit supercedes the prior permits. Mr. Dawson asked for clarification about the deeds. Mr. Korn replied that any deeds going forward would reference the new permit. Mr. Cooper added that the “deed chain” in an abstract of title will show the progression of the subdivisions. Ms. Reynolds noted that the referencing of the permits in the deeds, though not required by law, is helpful for those attempting to do a title search and find Agency permits.

Mr. Lussi referred back to a picture showing the shoreline, and noted that one of the commenters stated that the road along the shoreline was constructed without permission and violated alleged shoreline cutting. Mr. Korn replied that the road was not recently constructed, though it is used and maintained. Ms. Reynolds noted that the prior permit had no restrictions on development, and that this is a good example of the change in what we approved in the 1990s versus what would be approvable or allowable currently.

Mr. Lussi suggested notating the comment letters in the permit. Mr. Burth replied that they used to be mentioned in the Findings of Fact, but were eliminated with the new process in place with the permit writing forms. A suggestion was made to insert them into the permit writing forms for future projects.

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

Ms. Martino rejoined the committee for the rest of business.

Old Business

None

New Business

None

The Committee meeting adjourned at approximately 10:37 a.m.