



**Adirondack
Park Agency**

KATHY HOCHUL
Governor

BARBARA RICE
Executive Director

Updated 4/14/22 4:05 pm

ADIRONDACK PARK AGENCY
MARCH MEETING MINUTES

Thursday, March 10, 2022

AGENCY MEMBERS, DESIGNEES, AND EXECUTIVE STAFF PRESENT

John Ernst, Chairperson
Mark Hall, Member
Andrea Hogan, Member
Arthur Lussi, Member
Ken Lynch, Member
Dan Wilt, Member
Rebecca Miller, Designee, Empire State Development
Kisha Santiago-Martinez, Designee, NYS Dept. of State
Joe Zalewski, NYS Dept. of Environmental Conservation
Barbara Rice, Executive Director
Christopher Cooper, Counsel

ABSENT AND EXCUSED

Zoë Smith, Member

LOCAL GOVERNMENT REVIEW BOARD PRESENT

Jerry Delaney, Executive Director

AGENCY STAFF PRESENT

Amy Hall
Keith McKeever
Bob Kreider, NYS ITS

Chairperson John Ernst called the meeting to order at 12:05 p.m. He noted that the meeting was again being held virtually due to the ongoing COVID pandemic. Chairperson Ernst welcomed Barbara Rice to her first Agency meeting as Executive Director. Executive Director Rice spoke for a moment about being excited to be with the Agency and looking forward to working with the Board. Chairperson Ernst commented on staffing changes at the Agency: Elaine Caldwell has been appointed to the position

of Deputy Director, Administration effective March 4, 2022; Beth Phillips, senior attorney, is transferring to DEC to become an administrative law judge effective March 17, 2022; and Kathy Regan, Supervisor, Natural Resource Analysis, will be retiring on April 7, 2022.

Resolution of Commemoration to Terry Martino

Chairperson Ernst then read a portion of a citation from Governor Hochul in honor of recently retired Executive Director Terry Martino. Chairperson Ernst ended by reading the Resolution of Commemoration from the Agency to Terry Martino. On motion of Dan Wilt, seconded by Andrea Hogan, the Board unanimously approved the Resolution.

PUBLIC COMMENT

Dave Gibson spoke on behalf of Adirondack Wild, welcoming Barb Rice to the Agency and thanking Agency staff for participating in the trail stewardship working group meetings with DEC.

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

<https://nysapa.granicus.com/videos/582/player?autoplay=0&start=10&stop=932>

1. Approval of February 10, 2022 Agency Minutes

The Agency adopted without objection the Draft Agency Meeting Minutes of February 10, 2022. A copy of the official minutes as adopted by the Agency is on file at the Agency.

2. Recusals

Art Lussi recused from the Whiteface Ski Center UMP Amendment.

3. Motion for Executive Session

None

4. Motion to Adjourn into Committees

On motion of Chairperson Ernst, seconded by Andrea Hogan, the Agency unanimously adjourned into committees at 12:18 PM.

Regulatory Programs Committee Meeting

The committee meeting convened at approximately 12:18 PM, Thursday, March 10, 2022.

Regulatory Programs Committee Members Present

Dan Wilt (Committee Chair), Ken Lynch, Art Lussi, and Kisha Santiago-Martinez (DOS).

Other Members and Designees Present

John Ernst (Chair), Rebecca Miller (ESD), Andrea Hogan, Mark Hall, Joe Zalewski (DEC). Absent: Zoe Smith.

Local Government Review Board Present

Gerald Delaney, Executive Director

Agency Staff Present

Barbara Rice, Robert Lore, Ariel Lynch, Virginia Yamrick, Christopher Cooper

(1) Approval of Draft Committee Minutes for February 10, 2022

A motion to approve the February draft committee minutes was made by Kisha Santiago-Martinez and seconded by Ken Lynch. All were in favor.

(2) Regulatory Programs Report (Robert Lore)

Rob Lore first stated that there are no current updates to the mineral extraction project in the towns of Johnsburg & Indian Lake, or to the proposed large-scale subdivision in the Town of Jay since issuing notices of incomplete permit applications for each project. Mr. Lore did note the receipt of applications from Olympic Regional Development Authority as well as two from the Lake George Park Commission regarding trial applications of an aquatic herbicide. An application has also been received for a new commercial use military grade shooting range in Lewis, Essex County. A second Notice of Incomplete Permit Application was issued for that application on January 13th. Staff review of multiple solar projects continues as well.

The complete report is available at:

<https://nysapa.granicus.com/videos/582/player?autoplay=0&start=932&stop=1200>

(3) P2021-0224 – New Cingular Wireless (Virginia Yamrick)

Virginia Yamrick gave a detailed overview and presentation of the project including review of jurisdiction, conclusions of law, a description and slides of the project location and the existing conditions, site history, proposed project details, visual analysis slides, public comment, review by others, and staff's recommendation and permit conditions.

The presentation and following discussion are available at:

<https://nysapa.granicus.com/videos/582/player?autoplay=0&start=1200&stop=6286>

A motion for approval with conditions was made by Ken Lynch and seconded by Kisha Santiago Martinez. Three voted in favor, Art Lussi was opposed. The motion was approved.

(4) P2021-0167 – Ticon Solar (Ariel Lynch)

Ariel Lynch gave a detailed overview and presentation of the project including review of jurisdiction, conclusions of law, a description and slides of the project location and the existing conditions, site history, proposed project details, visual analysis slides, public comment, review by others, and staff's recommendation and permit conditions. The presentation and following discussion are available at:

<https://nysapa.granicus.com/videos/582/player?autoplay=0&start=6285&stop=8728>

A motion for approval with conditions was made by Art Lussi and seconded by Ken Lynch. All were in favor.

(5) Old Business

None

(6) New Business

None

The committee meeting adjourned at approximately 2:25 pm, Friday, March 10, 2022.

Park Policy and Planning Committee Meeting

Park Policy and Planning Committee Members Present

Andrea Hogan, Committee Chair, Mark Hall, Rebecca Miller (ESD)

Absent: Zoë Smith

Other Members and Designees Present

John Ernst, Chair, Dan Wilt, Ken Lynch, Art Lussi, Kisha Santiago-Martinez (DOS), Joe Zalewski (DEC)

Agency Staff Present

Barbara Rice, Executive Director; Chris Cooper, Counsel; Matt Kendall, EPS (Natural Resources); Dan Kelleher, Special Assistant, Economic Affairs; Megan Phillips, Deputy Director, Planning

(1) Approval of Draft Committee Minutes for February 10, 2022

A motion to approve the February draft committee minutes was made by Mark Hall and seconded by Andrea Hogan. All were in favor.

(2) Park Policy and Planning Report (Dan Kelleher)

Dan Kelleher provided a report on survey responses from local governments regarding the implementation of municipal regulations for commercial solar development in their communities. Dan Kelleher also noted that staff developed and distributed a one-page brochure of solar planning resources available to communities. The brochure is available on the APA website.

Dan Kelleher also highlighted that Keith McKeever is leading an Agency team of both staff and Board members planning an Adirondack Park Agency 50th Anniversary event slated for 2023.

(3) Warrensburg Map Amendment (Matt Kendall)

Matt Kendall presented a draft Final Supplemental Environmental Impact Statement (FSEIS) to reclassify approximately 21.9 acres of land in the Town of Warrensburg, Warren County from Low Intensity Use to Moderate Intensity Use and to deny a request for the reclassification of approximately 65.9 acres of land from Rural Use the Hamlet. During deliberations, Board Members expressed concerns about environmental considerations in both areas including Area 1's wetlands and proximity to the Schroon River and Area 2's steep slopes, shallow soils, adjacency to a highway Critical Environmental Area, and undeveloped characteristics.

A motion was made by Rebecca Miller, seconded by Mark Hall, to accept the FSEIS. The motion passed unanimously.

A motion was made by Mark Hall, seconded by Rebecca Miller, to authorize the Deputy Director, Planning to issue an order amending the Adirondack Park Land Use and Development Plan so that 21.9 acres of Low Intensity Use land in the Town of Warrensburg would be reclassified to Moderate Intensity Use. The motion passed unanimously.

A motion was made by Rebecca Miller, seconded by Mark Hall, to accept staff's recommendation to deny reclassification of 65.9 acres of land in the Town of Warrensburg from Rural Use to Hamlet without prejudice. The motion passed unanimously.

The complete presentation and discussion are available at:

<https://nysapa.granicus.com/videos/582/player?autoplay=0&start=8760&stop=13582>

(4) Old Business

None

(5) New Business

None

State Land Committee Meeting

State Land Committee Members Present

Ken Lynch, Committee Chair; Arthur Lussi; Andrea Hogan; Joe Zalewski, DEC

Other Members and Designees Present

John Ernst, Chair; Mark Hall; Dan Wilt; Rebecca Miller, ESD; Kisha Santiago-Martinez, DOS, Absent: Zoe Smith

Agency Staff Present

Barbara Rice, Executive Director; Chris Cooper, Counsel; Kevin Prickett, EPS2 (Natural Resources); Matt McNamara, EPS1

(1) State Land Report (Megan Phillips)

Megan Phillips highlighted a variety of projects and initiatives being undertaken by the State Lands team, including participation with the trail stewardship working group, co-leadership of the visitor use management effort with DEC, the kickoff meeting for the Road Salt Reduction Task Force on February 28, and working with DEC on inter-agency guidelines for best management practices for controlling invasive species on DEC-administered lands in the Forest Preserve. The topic of no material increase of road mileage in Wild Forest areas will be presented to the board in the coming months. Staff are working closely with DEC on new UMPs and UMP amendments, including Sharp Bridge Campground, Rollins Pond Campground, and Jessup River Wild Forest; there is no concrete timeline for bringing these to the board at this time. Lastly, the state lands team is actively engaged on ~10 SLMP conformance consultations with the Dept. for stewardship projects on state lands.

<https://nysapa.granicus.com/videos/582/player?autoplay=0&start=13610&stop=13793>

(2) Watercraft Decontamination Station UMP Amendment (Josh Houghton – DEC)

The committee heard a presentation by Josh Houghton of the DEC on the amendment to the GEIS/UMP for campgrounds and day use areas to allow for watercraft decontamination stations. On motion of Ken Lynch, seconded by Art Lussi, the Agency voted unanimously to approve a joint public comment period with DEC.

<https://nysapa.granicus.com/videos/582/player?autoplay=0&start=13790&stop=14663>

(3) Whiteface Mountain Intensive Use Area UMP Amendment (ORDA staff)

Art Lussi recused from the presentation and deliberations.

ORDA staff presented on the Whiteface Mountain Intensive Use Area UMP amendment. On motion of Joe Zalewski, seconded by Andrea Hogan, the Committee voted to move the amendment to a public comment period for conformance with the State Land Master Plan.

<https://nysapa.granicus.com/videos/582/player?autoplay=0&start=14663&stop=16200>

(2) Old Business

None

(3) New Business

None

Chairperson Ernst reconvened the Full Agency at 4:33 PM.

Video and audio recordings of this portion of the proceedings are available in their entirety via webcast at

<https://nysapa.granicus.com/videos/582/player?autoplay=0&start=16220&stop=18000>

5. Committee Reports

a) Regulatory Programs Committee

Dan Wilt reported that the committee had heard a report from Rob Lore and approved their February minutes.

On motion of Dan Wilt, seconded by Andrea Hogan, the Agency approved P2020-0224, New Cingular Wireless PCS, LLC, with Art Lussi and Mark Hall voting against.

On motion of Dan Wilt, seconded by John Ernst, the Agency unanimously approved P2021-0167, Ticon Solar, LLC, located in the Town of Ticonderoga, Essex County.

b) Park Policy and Planning Committee

Andrea Hogan reported that the committee approved their February minutes and heard a presentation by Dan Kelleher on staff efforts to ascertain Park community needs and address those needs regarding solar regulatory development, including creation of a new brochure.

On motion of Andrea Hogan, seconded by Mark Hall, the Board voted to accept the FSEIS for the Town of Warrensburg Map Amendment 2021-01, with Art Lussi and Andrea Hogan voting against.

On motion of Andrea Hogan, seconded by Mark Hall, the request to reclassify approximately 21.9 acres to Moderate Intensity Use was brought before the Board with the vote being seven for and two against (Art Lussi and Andrea Hogan). As a super majority of eight votes is required to approve a map amendment, the request was not approved.

On motion of John Ernst, seconded by Art Lussi, the Board voted in favor of a denial without prejudice to reclassify approximately 65.9 acres with Mark Hall voting against this action.

c) State Land Committee

Ken Lynch reported that the committee heard a report from Megan Phillips.

The committee also heard a presentation by the amendment to the GEIS/UMP for campgrounds and day use areas to allow for watercraft decontamination stations. On motion of Ken Lynch, seconded by Art Lussi, the Agency voted unanimously to approve a joint public comment period with DEC.

ORDA staff presented on the Whiteface Mountain Intensive Use Area UMP amendment. On motion of Ken Lynch, seconded by Andrea Hogan, the Board voted to move the amendment to a public comment period on conformance with the State Land Master Plan with Art Lussi recused from the vote.

6. Interim Reports

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

8. Old Business

None

9. New Business

None

10. Public Comment

None

11. Local Government Review Board Comment

Jerry Delaney expressed support for the proposal to form an internal Board/staff telecommunications working group. Jerry Delaney recapped the Local Government Review Board's statutory role on the APA Board for the newer Board members.

12. Member Comment

The Members provided closing comments including many welcomes to Barb Rice, thanks to presenters, appreciation of the good discussions that occurred with suggestions to look at telecommunications, and the hope for in-person meetings in the near future.

Chairperson Ernst announced that the next meeting is scheduled for April 14-15, 2022.

By unanimous consent, the meeting adjourned at 4:59 PM.

John Ernst, Chairperson