

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ESSEX

LEWIS FAMILY FARM, INC.,

Petitioner,

-against-

ADIRONDACK PARK AGENCY,

Respondent.

REPLY AFFIRMATION

ACTION NO. 1

Index No. 315-08

Hon. Richard B. Meyer

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ESSEX

ADIRONDACK PARK AGENCY,

Plaintiff,

-against-

LEWIS FAMILY FARM, INC., SALIM B. LEWIS
and BARBARA LEWIS,

Defendants.

ACTION NO. 2 /
COUNTERCLAIM

Index No.: 332-08

Hon. Richard B. Meyer

REPLY AFFIRMATION IN SUPPORT OF LEWIS FAMILY FARM'S
MOTION FOR SUMMARY JUDGMENT IN ACTION NO. 2

JACOB F. LAMME, an attorney at law duly admitted to practice in the courts of the State of New York, swears and affirms under penalty of perjury as follows:

1. I am duly licensed and admitted to practice law in the State of New York, and I am an associate with the law firm of McNamee, Lochner, Titus & Williams, P.C., attorneys for defendant Lewis Family Farm, Inc. ("Lewis Family Farm"). As such, I am fully familiar with the pleadings and proceedings had in this action, and with the matters set forth herein.

2. I make this reply affirmation in further support of the Lewis Family Farm's motion for summary judgment in the enforcement action commenced by the Adirondack Park Agency (hereafter "Agency") (Index No. 332-08), which this Court has deemed a counterclaim to the Lewis Family Farm's Article 78 proceeding (Index No. 315-08), and in opposition to the Agency's cross-motion for summary judgment and to strike the "second" record.

3. The Agency seeks to strike the "second" record that is attached as Exhibit "D" to the Affirmation of John J. Privitera, dated August 1, 2008. This exhibit is nothing more than a page-numbered version of the record that the Agency submitted to the Court on June 13, 2008 in connection with the related Article 78 proceeding, which was prepared for the convenience for the Court and parties on this motion.

4. In May 2008, I had several conversations with the Agency's counsel for the purpose of attempting to work out a briefing schedule for the Article 78 proceeding. During these conversations on May 13, 2008, May 21, 2008, and May 29, 2008, I specifically inquired about when the administrative record would be ready and further requested that the Agency's counsel bates stamp the record.

5. On June 13, 2008, the Agency submitted the record without having numbered the pages in accordance with my requests. Instead, the Agency crammed the record, which consists of approximately 600 pages, into seventeen (17) vague document categories, some of which contain many items and dozens of papers. This was confusing and made it nearly impossible to make specific references to the record.

6. Remarkably, in its August 8, 2008 Memorandum of Law, the Agency claims that: "If the Agency had been consulted regarding the Lewis Farm's interest in providing a Bates-

indexed copy of the APA's certified Return and Record, perhaps this problem could have been avoided." (See Agency's Memorandum of Law, dated August 8, 2008, pg. 37).

7. The Agency failed to inform the Court of my repeated requests for a page-numbered record.

8. On August 11, 2008, I wrote an e-mail to the Agency's counsel requesting that it withdraw its baseless objection to Exhibit D of the Privitera Affirmation for these very reasons. This request went unanswered.

9. The Agency also points out that Exhibit D failed to contain page "R00189". A review of Exhibit D reveals that this is correct. However, this reference page was not part of the administrative record before the Agency and was merely a document that the Agency's counsel created and inserted into its version of the record that was submitted to the Court on June 13, 2008. This reference page, although immaterial, is attached hereto as **Exhibit "A"**.

10. Turning to the merits of this motion for summary judgment, the Agency all but admits that the Lewis Family Farm's farm worker houses are "agricultural use structures". The Agency recently released its 2007 Annual Report, which states as follows:

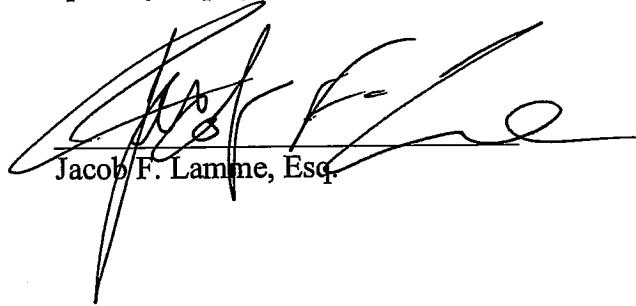
2007 Major Litigation Underway or Resolved

Lewis Family Farm, Inc. v APA: This case upheld Agency jurisdiction over the construction of single-family dwellings for **agricultural worker housing** based upon the location of the structures in a Resource Management area and a designated River Area. This important decision clarifies that the overall intensity guideline exception granted by the APA Act for **agricultural housing** does not also create an exemption from permit review jurisdiction in the Resource Management and Rivers Act areas of the Park.

(See 2007 Annual Report, pg. 20) (emphasis added). The Court should take notice that the Agency admits that the structures at issue here are "agricultural worker housing". Id. A copy of the Agency's 2007 Annual Report is attached hereto as **Exhibit "B"**.

11. Based on the foregoing, and on the reasons set forth in memorandums of law submitted on these motions, the Lewis Family Farm respectfully asks this Court to enter an order (1) granting summary judgment in favor of the Lewis Family Farm and dismissing the Agency's duplicative enforcement action, (2) denying the Agency's cross-motion for summary judgment, (3) denying the Agency's motion to strike the "second" record, and (4) granting such other and further relief as the Court deems just and proper.

I hereby swear and affirm the above under penalty of perjury this 15th day of August, 2008.



Jacob F. Lamme, Esq.

**AFFIDAVIT OF DOUGLAS MILLER
SWORN TO JULY 20, 2007**

EXHIBIT F



New York State
Adirondack Park Agency



2007
ANNUAL REPORT

David A. Paterson, Governor

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Cover photo of the High Peaks region as seen from Whiteface Mountain by Keith McKeever. At right, photo of a Calopogon, or Grass-Pink, orchid on the Boreal Life Trail at the Adirondack Park Agency Visitor Interpretive Center in Paul Smiths by Andy Flynn.



Dear Friends and Colleagues:

All New Yorkers should take great pride in the vitality and beauty of the Empire State's landscape. From Montauk to Chautauqua to Rouses Point, our state is a mix of wonderful places, each with its own history and special character.

Our Adirondack Park is one of New York's very special places. This was recognized well over a century ago with the creation of the Forest Preserve and the Park itself. A managed landscape of public and private lands, the Adirondack Park is home to 135,000 people who recognize the importance of living in harmony with nature and a destination for millions of others who want to experience, for even a short while, the region's solitude and beauty.

The important work of the State's Adirondack Park Agency is highlighted in this 2007 annual report. I commend the Agency for its efforts and trust you will find this report of interest.

Respectfully,

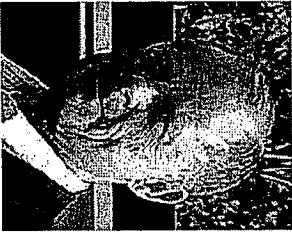
David A. Paterson
Governor

Message from
the Governor



David A. Paterson, Governor

Message from the Chairman



Curtis F. Stiles, Chairman

Dear Friends,

The challenges and opportunities that face the Adirondack Park today have never been greater. Invasive species, climate change and acid rain adversely affect the natural resources of the Park. Aging community infrastructure, inadequate access to broadband, and limited health care options pose obstacles to sustainable Adirondack communities and appropriate economic development.

However, there is ever-increasing agreement on common issues which are now bringing diverse constituencies together to address these economic and environmental challenges. Implementation of smart growth principles and innovative approaches to providing affordable housing are underway. In 2007, the Town of Johnsburg was the 18th local government to prepare an Agency-approved local land use program. Many more municipalities are embracing local land use laws to retain their authentic community character while still encouraging growth.

The Park is valued as a tourist destination, a location with unsurpassed public and private open space and recreational opportunity, and has long been recognized as a model for the coexistence of strong communities and the protection of wilderness. Working together, we will achieve a balanced agenda that protects natural resources, respects the integrity of the State Land Master Plan and the Adirondack Park Agency Act and ensures economic development for the common good.

It is my pleasure to provide you our 2007 annual report. I look forward to serving all the stakeholders of the Adirondack Park.

Respectfully,

Curtis F. Stiles
Chairman

BY THE NUMBERS
FUNDS & STAFF 2007-2008

Total Operating Funds	\$5,448,000
Local Government Review Board	\$ 100,000
Permanent Staff 2007	72

Dear Friends and Colleagues,

It is a pleasure to provide you with our 2007 annual report. The Adirondack Park Agency had a very successful year balancing the Agency's mandate to protect the natural resources of the Park with the economic needs of its communities. Staff continue to work diligently as our workload remains demanding and complex.

The new administration has increased Agency staff with emphasis on enforcement, regulatory programs and planning. These new resources will help us continue to improve on our timeliness, ensure compliance and increase our responsiveness to all stakeholders.

I am proud that critical capital improvements were also undertaken in 2007. The Agency conducted energy audits at all its facilities and accepted bids for energy conservation improvements. We are extremely excited about securing funding to install photovoltaic solar panels at our Ray Brook headquarters. The photovoltaic arrays will generate approximately 25 percent of our electrical energy needs, reducing our reliance on fossil fuels.

Serving as Interim Executive Director has been a rewarding challenge. I am confident that as you peruse these pages you will get a better understanding of the diverse responsibilities of the Adirondack Park Agency.

Sincerely,

Mark E. Sengenberger
Interim Executive Director

Message from the Director

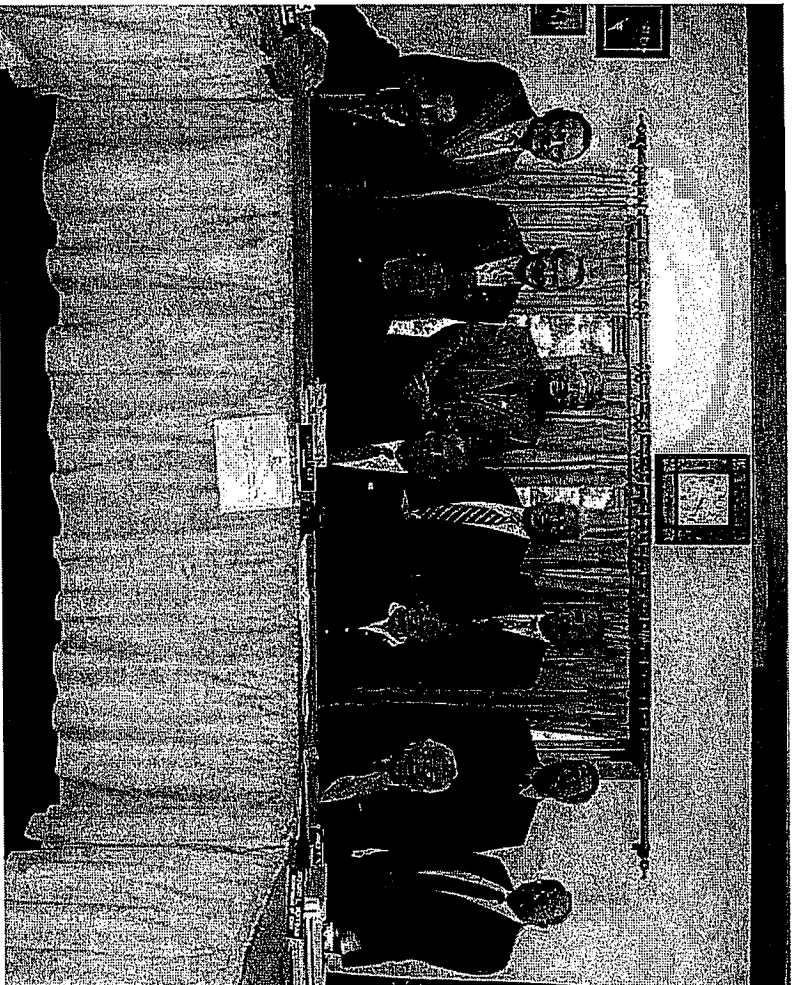


Mark E. Sengenberger, *Interim Executive Director*

Adirondack Park Agency Board

The Adirondack Park Agency (APA) was created in 1971 by the New York State Legislature to develop long-range land use plans for both public and private lands within the boundary of the Park.

The APA is a New York State government agency with an eleven-member board and a staff consisting of 72 people. The Agency Board meets monthly to act on Park policy issues and permit applications. Agency Board meetings take place the second Thursday and Friday of each month and are open to the public.



Back row (from left): Cecil Wray, James T. Townsend, Richard Booth, Randy Beach (Department of Economic Development Designee), Richard L. Hoffman (Department of State Designee), Frederick Monroe (Adirondack Park Local Government Review Board Executive Director), and Frank Mezzano. Front row (from left): Arthur Lussi, Lellani C. Ulrich, Curtis F. Stiles, Elizabeth Lowe (Department of Environmental Conservation Designee) and William H. Thomas.

The Adirondack Park Agency is an independent agency in the Executive Department.

The Board consists of 11 members, five of whom must reside inside the Park. The Governor appoints eight, and three are ex-officio members: the Commissioner of the Department of Environmental Conservation, the Secretary of State, and the Commissioner of the Department of Economic Development. This Board represents a careful balance of local, regional and statewide interests.

The Adirondack Park Agency Act gives the Agency broad authority over private and public land use policy. The Agency conducts its business at regular monthly public meetings and does so through specialized committees charged with responsibilities in specific issue areas.

The Agency has further defined those tasks that are most appropriately handled by staff under the direction of the Executive Director with the guidance of a delegation resolution. Staff members develop technical information and conduct analysis that is necessary to make informed decisions and to develop policy direction. The staff exercises broad authority to conduct certain aspects of the Agency's business. A careful balance of activities between the Agency Board and its staff is a matter of ongoing dialogue and close attention.

AGENCY BOARD

Curtis F. Stiles, Chairman, Franklin County

Richard Booth, Tompkins County

Arthur Iussi, Essex County

Frank Mezzano, Hamilton County

William H. Thomas, Warren County

James T. Townsend, Monroe County

Lellani C. Ulrich, Herkimer County

Cecil Wray, New York County

Daniel Gundersen, Commissioner Department

of Economic Development

Christopher Walsh, Designee Department of

Economic Development

Pete Gramis, Commissioner Department

of Environmental Conservation

Elizabeth Lowe, Designee Department of

Environmental Conservation

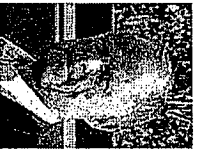
Lorraine Cortés-Vázquez, Secretary of State

Richard L. Hoffman, Designee Department of
State



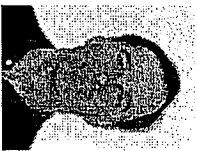
Meet the Board Members

Curtis F. Stiles Chairman



Curtis F. Stiles was named chairman in October 2007. He served with the U.S. Marines as a Naval Flight Officer during the Vietnam War and worked for Xerox Corporation for over 30 years. As President of the Upper Saranac Lake Foundation, he led an effort to raise \$1.5 million for the removal of Eurasian water milfoil. His past board memberships include Upper Saranac Lake Foundation, Upper Saranac Lake Association, Adirondack Council, Trudeau Institute, Town of Harrietstown Planning Board, Adirondack Medical Center, Paul Smith's College and the Adirondack Explorer. He and his wife live on Upper Saranac Lake.

Arthur Lussi Member



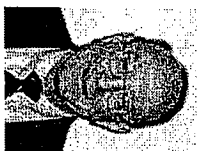
Arthur Lussi was appointed to the Agency in June 2006. He joined the New York State Bar in 1989 and the District of Columbia Bar in 1990 and spent time coaching ski racing in Colorado, returning to Lake Placid in 1991 to help his family manage and operate the Holiday Inn (now Crowne Plaza Hotel). He worked on the Village of Lake Placid's Comprehensive Plan in the mid 1990s. Mr. Lussi resides in Lake Placid with his wife, son and two daughters.

Richard Booth Member



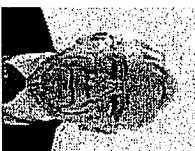
Richard Booth was appointed to the Agency in October 2007. He is a professor in the City and Regional Planning Department at Cornell University and has served on the Tompkins County Legislature, Ithaca's Common Council, NYS Low Level Radioactive Waste Siting Commission and the Environmental Planning Lobby. A Plattsburgh native, he worked as an attorney in the Agency and the DEC. He is married with two children.

Frank Mezzano Member

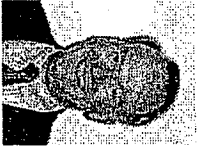


Frank Mezzano was appointed to the Agency in February 1998. He is Supervisor of the Town of Lake Pleasant, a member of Hamilton County Board of Supervisors, and President of the Speculator/Lake Pleasant Consolidated Health District. Commissioner Mezzano also served as the County representative to the Region 5 Open Space Committee. He owned the Speculator Department Store and lives with his wife in Speculator.

William H. Thomas Member

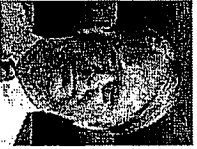


William H. Thomas was appointed to the Agency in December 2006. He worked at Montgomery's Department Store in Pottersville, the State Bank of Albany and NL Industries in Newcomb. In 1990, Mr. Thomas was elected Supervisor of the Town of Johnsburg. He has served as the Warren County Budget Officer from 1996 to 2000, then in 2001 he was elected by his fellow supervisors as Chairman of the Warren County Board of Supervisors.



James T. Townsend
Member

James T. Townsend was appointed to the Agency in June 1999. He is a partner with the Rochester, New York, law firm of Remington, Gifford, Williams & Colicchio, LLP, a general practice firm concentrating in corporate, business and real estate matters. He was Counsel to the Monroe County Industrial Development Corporation and an Assistant Corporation Counsel to the City of Rochester. He lives in Rochester.



Christopher Walsh
Department of Economic
Development, Designee

Christopher Walsh is the Designee for the Commissioner of the Department of Economic Development.



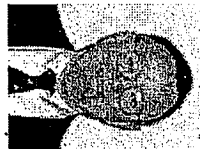
Leilani C. Ulrich
Member

Leilani C. Ulrich was appointed to the Agency in November 2004. In 1997, she began coordination of community discussions which grew into CAP-21 (the Central Adirondack Partnership for the 21st Century), a community development organization serving hamlets in Long Lake, Inlet, Webb and Forestport. She has received the Adirondack North Country Association Citizen of the Year Award. She and her husband reside in Old Forge.



Elizabeth Lowe
Department of
Environmental
Conservation, Designee

Betsy Lowe is the Designee for the Commissioner of the Department of Environmental Conservation.



Cecil Wray
Member

Cecil Wray was appointed to the Agency in June 1999. He is a retired senior partner with the law firm of Debevoise & Plimpton, retiring in 1997. His practice has focused on general corporate matters, including domestic and international corporate finance transactions, securities matters and acquisitions. Also, he served as a Law Clerk to United States Supreme Court Justice Tom C. Clark. He lives with his wife in New York City.



Richard L. Hoffman
Department of State,
Designee

Richard L. Hoffman is the Designee for the Secretary of State.

About the Adirondack Park

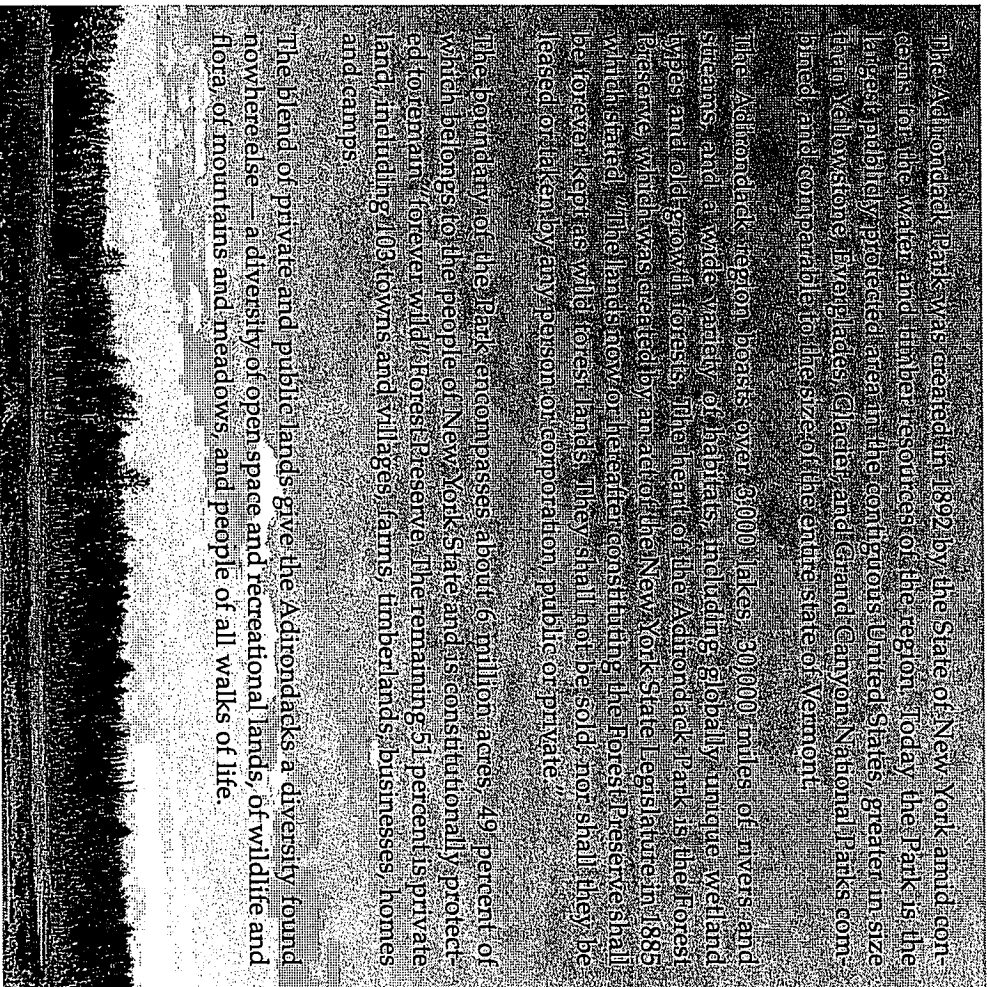
The Adirondack Park State Land Master Plan sets policy for the management of the State-owned lands. Developed by the Adirondack Park Agency in cooperation with the Department of Environmental Conservation (DEC) and approved by the Governor of New York State, the Master Plan was first adopted in 1972. The actual management of the State Lands is carried out by DEC forest rangers, foresters, environmental conservation officers, and other State personnel.

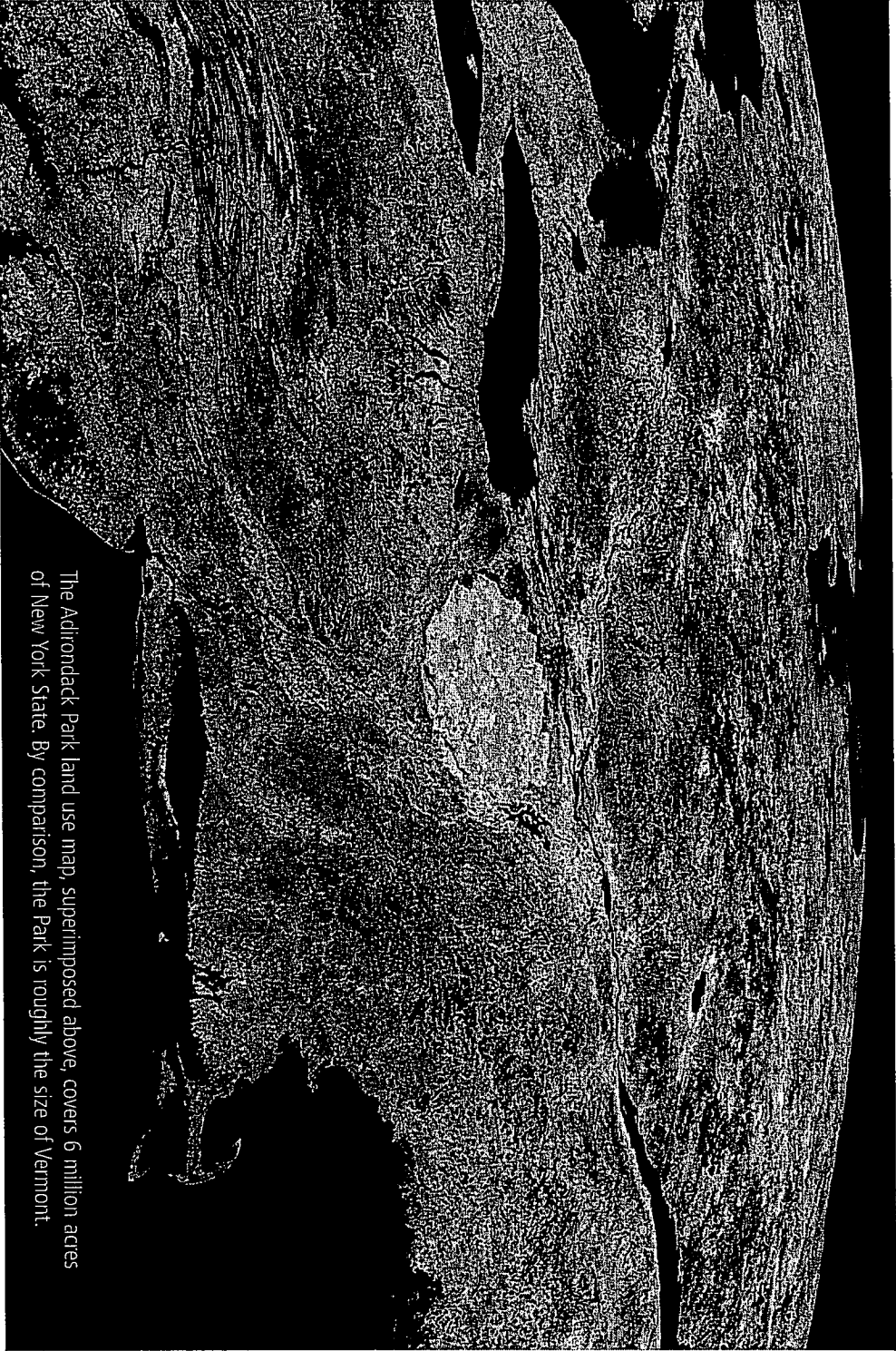
The Adirondack Park was created in 1892 by the State of New York and contains for the water and timber resources of the region. Today the Park is the largest publicly protected area in the contiguous United States, greater in size than Yellowstone, Everglades, Glacier, and Grand Canyon National Parks combined, and comparable to the size of the entire state of Vermont.

The Adirondack region boasts over 3,000 lakes, 50,000 miles of rivers and streams, and a wide variety of habitats, including globally unique wetland types and old-growth forests. The heart of the Adirondack Park is the Forest Reserve, which was created by an act of the New York State Legislature in 1885 which stated: "The lands now or hereafter constituting the Forest Reserve shall be forever kept as wild forest lands. They shall not be sold, nor shall they be leased or taken by any person or corporation, public or private."

The boundary of the Park encompasses about 6 million acres, 49 percent of which belongs to the people of New York State and is constitutionally protected to remain "forever wild." Forest Reserve. The remaining 51 percent is private land, including 103 towns and villages, farms, timberlands, businesses, homes and camps.

The blend of private and public lands give the Adirondacks a diversity found nowhere else—a diversity of open space and recreational lands, of wildlife and flora, of mountains and meadows, and people of all walks of life.





The Adirondack Park land use map, superimposed above, covers 6 million acres of New York State. By comparison, the Park is roughly the size of Vermont.

About the Adirondack Park Agency

The Adirondack Park Agency (APA) was created in 1971 by the New York State Legislature to develop long-range land use plans for both public and private lands within the boundary of the Park, commonly referred to as the "Blue Line." The APA is responsible for maintaining the protection of the State Forest Preserve, and overseeing development proposals of the privately owned lands.

The mission of the APA is to protect the public and private resources of the Park through the exercise of the powers and duties provided by law. The Agency strives to balance the complementary needs of all the people of the State for the preservation of the Park's resources and open space character with the needs of the Park's permanent, seasonal and transient populations for growth and service areas, employment, and a strong economic base.

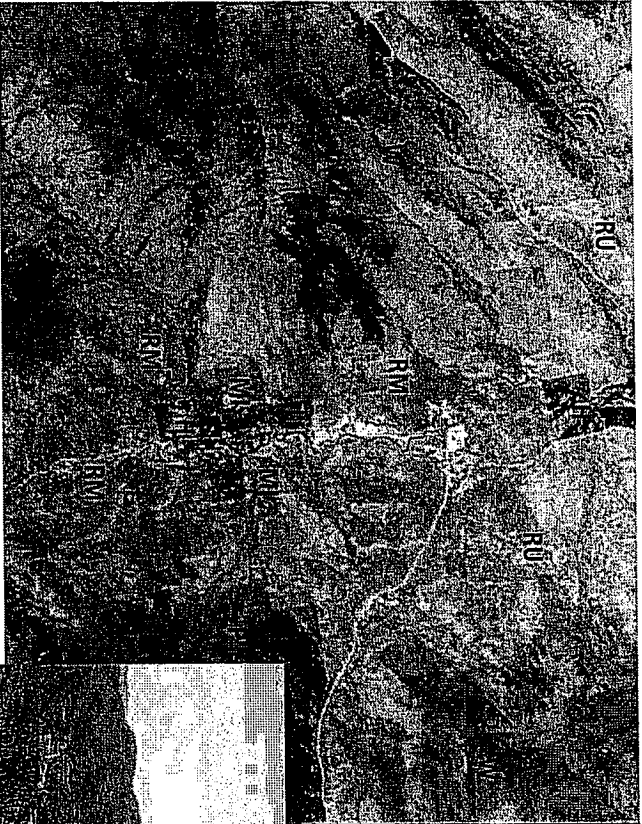
The Agency's mission to conserve the Park's natural resources and assure that development is well-planned in the Park is guided through the administration of:

- the Adirondack Park Agency Act and the Land Use and Development Plan;
- the New York State Freshwater Wetlands Act;
- the New York State Wild, Scenic, and Recreational Rivers System Act; and
- the Adirondack Park State Land Master Plan.

The Agency prepared the State Land Master Plan, which was signed into law in 1972, followed by the Adirondack Park Land Use and Development Plan in 1973. Both plans are periodically revised to reflect the changes and current trends and conditions of the Park.

The Adirondack Park Land Use and Development Plan applies to the private land in the Park. The Plan is designed to conserve the Park's natural resources and open space character by directing and clustering development to minimize impact. Under the Plan, all private lands are mapped into six land use classifications: Hamlet, Moderate Intensity Use, Low Intensity Use, Rural Use, Resource Management and Industrial Use.

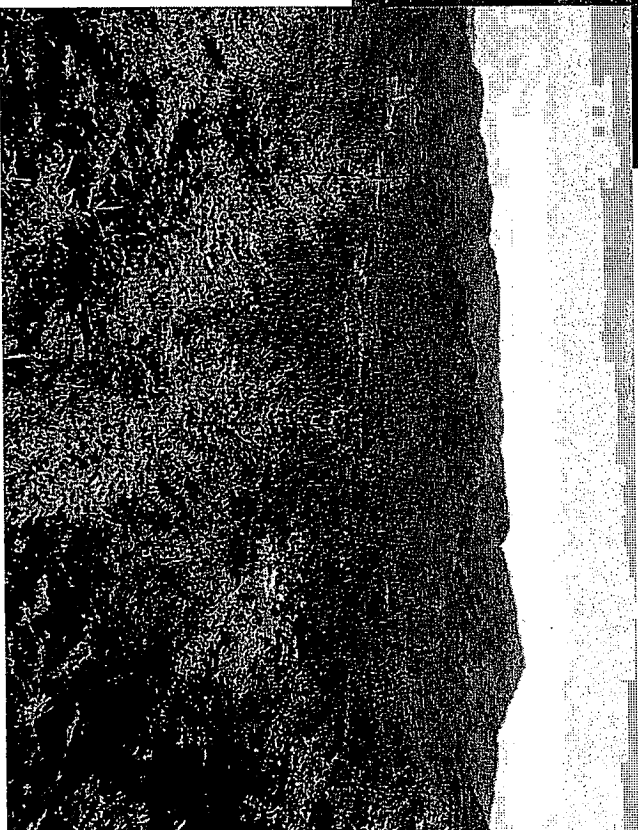
Prior to undertaking any land use and development, the Adirondack Park Agency strongly advises landowners and their representatives to contact staff for a jurisdictional determination.



Above is a map of the Adirondack Park Land Use and Development Plan land classifications in the Essex County Town of Keene, looking north from the hamlet of Keene Valley along the Route 73 corridor to the hamlet of Keene. The photo at right is Keene Valley, as seen from Rooster Comb Mountain looking north.

The goal of the land use plan is to channel growth where it is best supported and minimize the spread of development to areas less suited to sustain growth.

- Land Use Map KEY**
- H = Hamlet
 - MI = Moderate Intensity
 - LI = Low Intensity
 - RU = Rural Use
 - RM = Resource Management
 - P = Primitive
 - W = Wilderness



Administration

The Administration Services Division is responsible for all fiscal management, contract administration, personnel management, physical plan management, and office support. This includes fiscal matters such as: preparation of purchase orders and vouchers, determination of division allocations, fiscal record keeping, determination of availability of funds for the Agency's division programs, and computerization of fiscal records. Staff are also responsible for media relations, community relations and outreach.

The Administration Services Division and the Agency experienced a year of transition in 2007. Judith Smith retired from her position as Office Services Manager and was replaced in April 2007 by Elaine Caldwell, Chief Administrative Officer, who was immediately challenged with implementing significant staff re-organization. With assistance from administrative staff, the following accomplishments were achieved in 2007:

Personnel

- Five positions created under the Governor's initiative to increase the enforcement program were filled. Three positions were assigned to enforcement, and two positions were added to regulatory programs.
- The retirement of the Senior Natural Resources Planner created a vacancy that was filled in March 2007. The Agency back-filled another Senior Natural Resources position in August 2007.
- The Agency hired a Land Use Training Specialist in the Planning Division to work with local governments in June 2007.
- A secretarial vacancy was filled in June 2007.

Fiscal Management

The Administration Services Division:

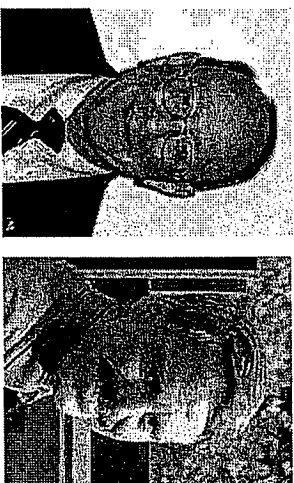
- prepared bi-weekly payroll for staff of 72 permanent, 15 temporary (including Agency members) and three seasonal employees through the PayServ system.
- prepared all documentation, fiscal analysis, and expenditure projections as required by the Division of the Budget and Office of the State Comptroller.
- prepared and administered grants and contracts, including contracts for building maintenance, maintenance of telephone system, computers, copying equipment, publications and other miscellaneous services.
- administered a grant from the U.S. EPA, providing for completion of a pilot Wetland Demonstration Program. This grant will reimburse up to \$699,000 over a three-year period. Staff also coordinated grant funding for two ongoing EPA grants.

Facilities

- Staff coordinated energy audits conducted at Agency headquarters and the Paul Smiths and Newcomb VICs. As a result, the Agency accepted bids on energy conservation measures for the Ray Brook headquarters, including the installation of foundation insulation, replacing interior lights with energy-efficient designs and automatic shut-offs, and implementing heating and cooling improvements.
- The Agency also received funding to install photovoltaic solar panels at its Ray Brook headquarters. The photovoltaic arrays could generate approximately 25 percent of the Agency's Ray Brook electrical energy needs.
- Staff managed a 25-vehicle fleet — which tallies in excess of 300,000 miles per year — including processing NYS Office of General Services semi-annual reports, monitoring and computerizing records of the use, mileage and maintenance.
- Staff maintained Agency building and grounds at headquarters in Ray Brook and assisted in the maintenance of the Paul Smiths and Newcomb VICs.

Information Services and Records Management

- Staff upgraded computer resources and coordinated efforts to expand and integrate Agencywide computer records management.
- Staff supervised refinements to computerized Agency records, including enforcement cases, jurisdictional inquiries and project applications, and established a cross-referencing system based on tax map numbers and a Look-Up system for all parcels within the Adirondack Park.
- Staff supervised the Agency's ongoing effort to scan project and enforcement maps dating from 1971 to the present into digital CD format to allow for integration with existing project/enforcement files.
- Staff oversaw the operation of the Agency's library, including the preparation of microfiche records of all Agency files dating back to 1971.



Frank Mezzano, Chair Administration Services

Mark E. Sengenberger, Interim Executive Director

ADMINISTRATION STAFF

Mark E. Sengenberger, *Interim Executive Director*
Deborah A. Lester, *Secretary to Exec. Director*
Elaine M. Caldwell, *Chief Administrative Officer*
Stephen M. Erman, *Special Assistant-Economic*

Affairs

Keith P. McKeever, *Public Information Director*
Robert P. Kreider, *Sr. Computer Programmer /*

Analyst

Patrick R. Farrell, *General Mechanic*
Susan A. Carey, *Principal Clerk*
Rachel A. Platt, *Keyboard Specialist*
Stephanie S. Segard, *Maintenance*
Norma Howard, *Administration*
Howard Baker, *Green Thumb volunteer*
Cheri Phillips, *Green Thumb volunteer*

Regulatory Programs

The Regulatory Programs Division is responsible for the review and the recommendations or determination of all project permit applications subject to Adirondack Park Agency jurisdiction.

BY THE NUMBERS			
WORKLOAD			
	2007	2006	
Applications	414	449	
Permits issued	345	381	

The Agency considered a diverse variety of regional projects during the year and took the following actions with respect to some of them:

- **The Elizabethtown-Lewis Emergency Squad** was issued a permit for the construction of a new ambulance hall for two ambulances and a medic car. The facility will provide improved space for training, meetings and equipment storage.
- **The Natural History Museum of the Adirondacks** located in Tupper Lake, Franklin County, secured a permit to construct an observation tower referred to as the "Skywalk Observation Tower" and new educational and recreational connector trails. The Skywalk Observation Tower will provide a unique opportunity for visitors to access the tree canopy to view perching birds and will be used for special evening programs for stargazing, nocturnal wildlife viewing and guided tours.
- **Trudeau Institute, Inc.**, a not-for-profit corporation in Saranac Lake, Franklin County, was granted a permit for a greater than 25 percent expansion of an existing 40-foot-high research laboratory building. The expansion includes construction of a three-story 11,133-square-foot brick/masonry addition and a one-story 575-square-foot boiler room. The three-story addition will provide additional scientific research space for animal housing, procedures rooms and support facilities.
- **The Town of Keene and the New York State Department of Transportation** were granted a Permit and Order authorizing the construction of a 500,000-gallon water storage tank, a 12-by-14-foot water storage tank control building and generator, and the replacement of water lines involving regulated wetlands.
- **The Town of Chester** was granted a permit for a five-year program to control Eurasian watermilfoil, *Myriophyllum spicatum*, by hand harvesting and use of benthic barriers at 26 sites in Loon Lake, Warren County. Goals are to eliminate as much milfoil as possible from the lake and to prevent its spread to other areas of the lake.
- **Bruce J. Kilgore and Nancy J. Dow** were granted a permit authorizing a new 101.5-foot-high wind-powered turbine for residential electricity generation for a previously authorized single-family dwelling, located in the Town of Saranac, Clinton County. The power generation output of the proposed tower/wind turbine is 1000 watts, or 1kW per hour. Other than its limited visibility from local roads

within a half mile of the project site, the tower/wind turbine is substantially screened from other public viewing areas by intervening topography and forested vegetation.

• **Susan J. Moody** was granted a permit authorizing a structure in excess of 40 feet in height with variances of the statutory shoreline structure setback and shoreline cutting restrictions to allow a new use at the mean high water mark of the Saranac River in the Village of Saranac Lake, Franklin County. Two pre-existing, abandoned structures on the site will be demolished and replaced with a 5,100-square-foot mixed-use building to include four residential units, a 35-seat restaurant and retail space. Indoor parking for four cars is incorporated in the building design. The building will be constructed in accordance with green building LEED-certification requirements ("Leadership in Energy and Environmental Design") and will incorporate solar panels, energy-efficient utilities and low-wattage lighting, among other features.

• **Nextel Partners Inc, Jon H. Close, and National Grid** were granted a permit authorizing, after the fact, a temporary subdivision into sites and installation of a 60-foot-high temporary telecommunications tower (Communication on Wheels, COW) and related equipment powered by an existing National Grid utility line. Agency Enforcement determined Nextel Partners Inc. installed the COW on the project site without receiving a new or amended permit from the Agency. Resolution of the enforcement action deemed the proposed tower was a material change to Agency Permit 2005-335, and required Nextel to seek an amended permit from the Agency, and required the payment of a \$10,000 civil penalty. This permit is a result of the settlement agreement.

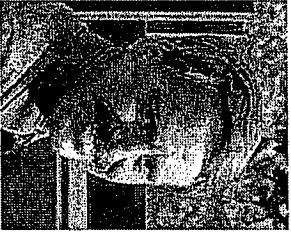
• **RCC Atlantic, Inc., David E. Baker and Jean R. Baker** were authorized a General Permit to co-locate three cellular antennas on the existing 28-foot-high roof of the Ledge Rock at Whiteface Motel. The project site is located along New York State Route 86 across the road from the Whiteface Mountain Ski Center in Town of Wilmington, Essex County.



Lellani C. Ulrich, *Chair Regulatory Programs*



Environmental Program Specialist Leigh R. Walrath, far left, conducts a site visit in 2007. Staff members conduct at least one site visit for each project they review.



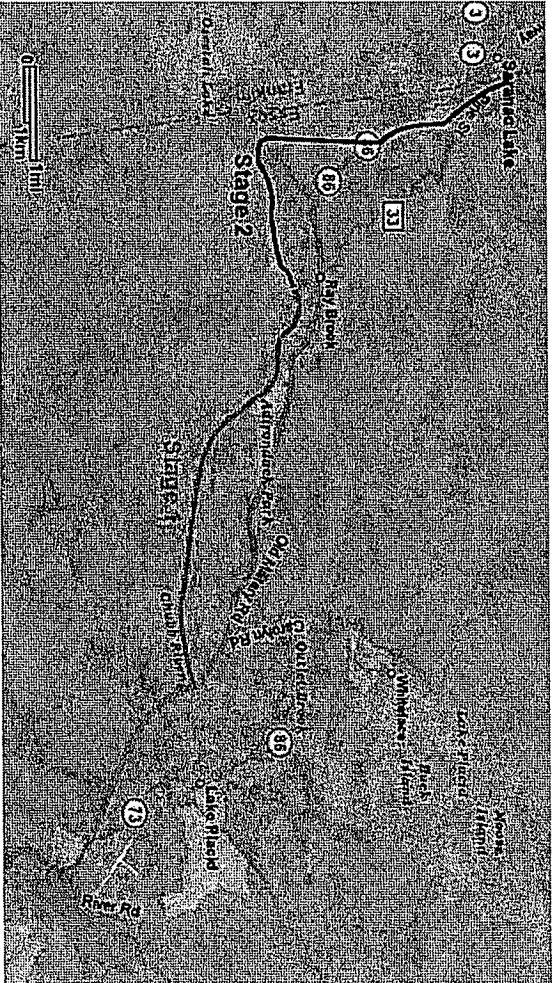
Mark E. Sengenberger, Deputy Director

REGULATORY PROGRAMS STAFF

- Mark E. Sengenberger, Deputy Director
- Holly E. Kneeshaw, Assistant Director
- Mary L. Reardon, Secretary
- Stephanie C. Summers, Keyboard Specialist
- John L. Quinn, Environmental Prog. Spec.
- George V. Outcalt, Environmental Prog. Spec.
- Colleen C. Parker, Environmental Prog. Spec.
- Thomas Saehrig, Environmental Prog. Spec.
- Michael Hannon, Environmental Prog. Spec.
- Susan Parker, Environmental Prog. Spec.
- Suzanne B. McSherry, Environmental Prog. Spec.
- Virginia Yannick, Environmental Prog. Spec.
- Leigh R. Walrath, Environmental Prog. Spec.
- Tracy J. Darrah, Environmental Prog. Spec.
- Ariel A. Diggory, Environmental Prog. Spec.

• Verizon Wireless, John E. Gokey and Jean F. Gokey were granted a permit authorizing the installation of a new telecommunications tower, a major public utility use. The project involves the construction of a new 84-foot-high telecommunications tower with a 12-panel antenna array. The overall height of the proposed tower will be 94 feet. The project site is located on the east side of U.S. Route 9, in the Town of North Hudson, Essex County, in close proximity to exit 29 of the Adirondack Northway. The approved tower is part of Verizon's proposal to provide cellular telephone coverage to the Adirondack Northway Corridor between Lake George and Keeseville. Verizon's proposal involves 18 sites (towers), including five existing sites and 13 proposed sites.

• The Town of North Elba, the Village of Lake Placid and the New York State Department of Transportation were granted a permit and order for the construction of the first of a two-phase shared-use recreation path project located along and



Map of the proposed shared-use recreation path between Saranac Lake and Lake Placid

within the State-owned Rensen to Lake Placid Railroad (Adirondack Scenic Railroad) right-of-way. The path will be used by pedestrians, bicyclists, cross-country skiers and snowmobilers (including tracked-vehicle groomers). The first phase will extend approximately 4.5 miles from Old Military Road to its intersection with the Scarface Mountain Trail near the community of Ray Brook.

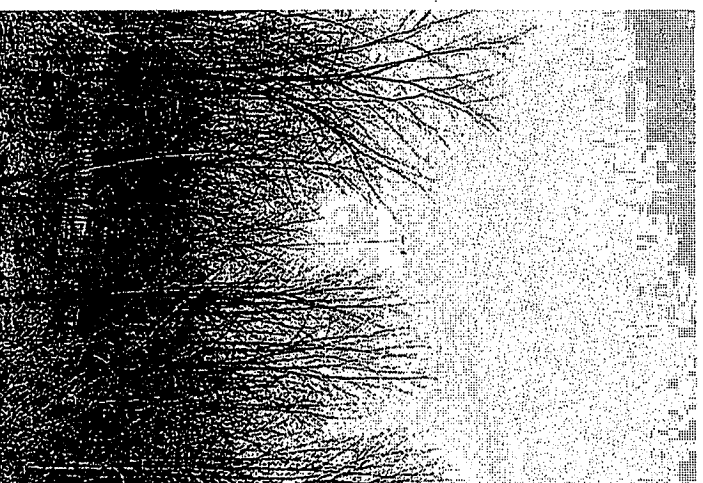
Adirondack Club and Resort

The Adirondack Club and Resort is a proposed large-scale resort/residential project located on and around Mount Morris in the Town of Upper Lake, Franklin County. It includes a ski center, marina, 60-unit inn, 675 single-family and multiple-family residential dwelling units, and 24 "great camp" lots.

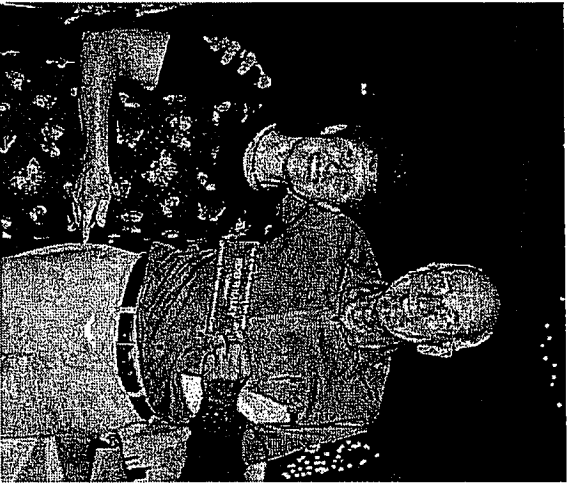
Staff deemed the application complete in December 2006. The Agency held a legislative hearing in January 2007 to brief agency members, stakeholders and the public on the proposal. Written public comments were accepted and included as part of the project record. In February, Agency staff presented the project to the board with a recommendation to proceed to an adjudicatory hearing. After two days of presentations and discussion, the Agency Board unanimously voted to proceed to an adjudicatory public hearing, identifying 10 issues for consideration.

The pre-hearing conference commenced in April 2007 to determine party status, discovery and any additional issues. The applicant requested a delay in scheduling further meetings while they addressed DEC permit issues.

In October 2007, the pre-hearing conference resumed with the applicant requesting a mediation process be considered. Stakeholders agreed to discuss how mediation could be utilized. Progress was made on party status, and the next meeting was scheduled for January of 2008.



An important residential wind tower project was approved in the Town of Saranac, Clinton County. The use of existing vegetation and topography when selecting the site location helped the applicant secure project approval.



Chairman Ross Whaley, who resigned in September, served with an agenda to respect the law, be courteous to all stakeholders and work to ensure that the Adirondack Park remains a model of sustainable development.

Paul Smiths VIC Volunteer Services Coordinator Lydia Wright presents Chairman Whaley with an honorary volunteer badge at the Volunteer Recognition Dinner held in August at the Paul Smiths VIC.



Interim Executive Director Mark Sengenberger welcomes Chairman Curtis F. Stiles. Chairman Stiles was confirmed by the Senate on October 22, 2007 and presided as Chairman at the November 2007 Agency meeting. His goals for the Agency include achieving a balanced agenda that protects the natural resources, respecting the Integrity of the State Land Master Plan and the Adirondack Park Agency Act, and ensuring economic development for the common good.

Legal Division

The Legal Division is responsible for legal review of Agency documents, enforcement and litigation, as well as public advice regarding Agency jurisdiction. It is also responsible for application of related statutes such as the State Environmental Quality Review Act (SEQRA) (Environmental Conservation Law, Article 8); the State Administrative Procedures Act (SAPA); the Open Meetings Law (Public Officers Law, Article 7); and the Freedom of Information Law (Public Officers Law, Article 6). The Legal Division consists of three major components: the Office of Counsel, the Jurisdictional Inquiry Unit and the Enforcement Unit.

Office of Counsel

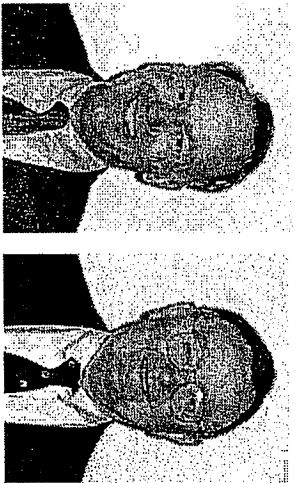
Three Senior Attorneys, the Associate Counsel and Counsel provide legal services and advice to all Agency programs and the Board. Services include review of documents for significant permits including notices of incomplete permit application and permits and orders themselves. When the Agency directs a matter to an administrative hearing, an Agency attorney helps to ensure a complete record as directed by Agency regulations. Similarly, Agency attorneys assist the Attorney General with litigation to both defend the Agency and enforce its legal authorities. This may include drafting pleadings and affidavits as well as organizing the record of the Agency decision involved in the litigation.

The Associate Counsel actively monitors legal advice provided by staff in different programs to communicate important guidance in general terms to the Legal Affairs Committee and the public, and to help assure consistent decision making by Agency staff. Counsel and Associate Counsel work with the Board, the Governor's Counsel and the various offices that oversee legislative and regulatory reform to advance the Agency's interests in legislation and regulatory updates. Finally, the Agency's Enforcement Program is managed by an Associate Attorney with the assistance of a Senior Attorney.

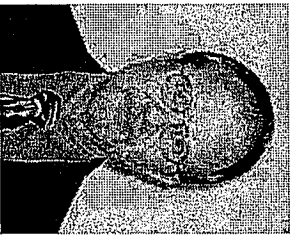


Legal

The Legal Division's attorneys provide legal advice to the Agency Board and staff on most issues. The Division also oversees the Jurisdictional Inquiry and Enforcement Offices.



James I. Townsend, *Chair Legal Affairs*
Cecil Wray, *Chair Enforcement*



John S. Banta, *Counsel*

Regulatory Reform

With new Agency Board appointments in place, dialogue resumed addressing Agency rules and regulations. In December 2007, Agency legal staff met with members of a technical advisory group known as the TAL, a multi-disciplinary, multi-interest volunteer group created to assist the Agency in reviewing proposed regulations. The group received a status report on pending regulatory proposals, reviewed specific priorities identified by the Agency's Legal Affairs Committee, and participated in a roundtable discussion of regulatory needs and opportunities.

2007 Major Litigation Underway or Resolved

- **Lewis Family Farm, Inc. v APA:** This case upheld Agency jurisdiction over the construction of single-family dwellings for agricultural worker housing based upon the location of the structures in a Resource Management area and a designated River Area. This important decision clarifies that the overall intensity guideline exception granted by the APA Act for agricultural housing does not also create an exemption from permit review jurisdiction in the Resource Management and Rivers Act areas of the Park.

- **RCPA v APA and Town of Chester:** This case upheld Agency approval of the Town's local land use program, affirming two major legal issues. The decision affirmed the Agency's authority to allow the Town to add as "permitted uses" in Resource Management areas certain uses which are not "compatible" under the APA Act for that land use area, provided there was no transfer of Agency Class B jurisdiction over such projects. This affirms that the Town and Agency have discretion to create approved local land use programs tailored to the local needs. It also affirmed the Agency's long-standing practice, as mandated by its regulations, to review separately two important components of a proposed local land use program: a) amendments to the APA map and b) the terms of the land use program itself. While SEQRA prohibits segmented review of one project, the Court recognized these Agency actions as necessarily independent, as the regulatory review criteria for one action prohibits consideration of the facts and criteria relevant to the other.

• **APA v Spiegel:** The Spiegel enforcement case continues the Park Agency's concerted efforts to ensure compliance with Agency permits and statutory criteria. It follows a series of successful enforcement cases (e.g. Bucci, Noonan, Hickey, Hamn, Doner), and continues the message to the public that the Agency will not ignore violations of the basic and well-established parameters of the Adirondack Park Agency Act.

• **Sierra Club et al v APA and Hutchison:** The Agency prevailed in a challenge to its discretion to determine the appropriate process and its substantive determination in approving a 20-lot subdivision.

• **Jessup River Wild Forest UMP Case:** Litigation brought by Adirondack Mountain Club, Residents' Committee to Protect the Adirondacks, Inc., The Adirondack Council and The Association For the Protection of the Adirondacks, Inc. challenging the Agency and DEC approval of the Jessup River Wild Forest Unit Management Plan was dismissed in 2007. The Agency and DEC agreed to withdraw new snowmobile trail and grooming proposals proposed in the UMP, to preserve the status quo, and to resolve significant Adirondack Park State Land Master Plan snowmobile issues prior to developing any new snowmobile trail and grooming proposals in pending Wild Forest unit management plans.

Jurisdictional Inquiry Office

The public's first point of contact with the Agency is often a letter or phone call handled by the Jurisdictional Inquiry Office at the Agency. The Jurisdictional Inquiry Unit consists of three individuals who advise landowners and others whether an Agency permit or variance is required for a proposed land use or subdivision of land within the Park. The determination often requires a full deed history from Adirondack Park Agency Act implementation in 1973, and other legal and factual research developed in communications with landowners and from Agency technical resources. This is the Agency's initial and most common point of contact with the public; hence, staff places a high priority on prompt responses.

LEGAL STAFF

Office of Counsel

John S. Banta, *Counsel*
Barbara A. Rottier, *Associate Counsel*
Richard R. Terry, *Senior Attorney*
Mitchell J. Goroski, *Senior Attorney*
Ellen Egan George, *Senior Attorney*
Mary B. Palmer, *Keyboard Specialist*

Jurisdictional Inquiry Office

Rita G. Quinn, *Environmental Prog. Spec.*
Nancy M. Heath, *Environmental Prog. Spec.*
Brian M. Ford, *Environmental Prog. Spec., FOIL*

Enforcement

Paul Van Cott, *Associate Attorney*
Sarah H. Reynolds, *Attorney*
Jill L. Lawrence, *Keyboard Specialist*
Emily M. Tyner, *Environmental Prog. Spec.*
Douglas W. Miller, *Environmental Prog. Spec.*
Trevor S. Fravor, *Environmental Prog. Spec.*
John M. Burth, *Environmental Prog. Spec.*
Joseph Thouin, *Environmental Prog. Spec.*
Theresa A. LeBaron, *Environmental Prog. Spec.*

**BY THE NUMBERS
WORKLOAD**

	2007	2006
Jurisdictional Determinations		
Written Inquiries	1,114	1,214
Responses	1,101	1,226
Phone Calls	6,322	7,482
Referrals	1,163	1,263
FOILs	167	213
Enforcement Cases		
Open	473	438
Closed	406	415

The Agency received 1,114 written requests for formal jurisdictional determinations in 2007, with an average response time of nine days. Jurisdictional staff addressed 6,322 telephone contacts and met with 334 walk-in members of the public. In addition, staff handled 1,163 referrals from other agencies.

In 2007, the average response time decreased by two days. This is the third year in a row that the JIF staff decreased the average response time. The Agency attributes this to continued training, improved automation, and, most importantly, the dedication of the Jurisdictional staff.

The Agency's Records Access Officer in this Office is responsible for responding to requests for access to and/or copies of records pursuant to the Freedom of Information Law (FOIL). In 2007, the Agency received 167 such requests. In response to changes in the law, the Agency's Records Access Officer established an electronic database to monitor all FOIL transactions, established a mechanism to provide responses electronically when requested by the applicant, and with the Administrative Division set up an accounting and tracking system to insure complete compliance and financial accountability for the FOIL program.

Enforcement

The Enforcement Unit was increased to six enforcement officers in an effort to improve the agency's ability to resolve and prevent violations. The addition of staff had an immediate positive impact on enforcing the three statutes administered by the Agency. These six officers are knowledgeable in the legal requirements of the Agency statute and regulations and supported by a Senior Attorney and a supervising Associate Attorney. The Enforcement Unit also has primary responsibility for undertaking educational initiatives to prevent violations before they occur.

In 2007, the Enforcement Program continued to focus on environmentally significant violations. Priorities include violations involving wetlands, shorelines, river

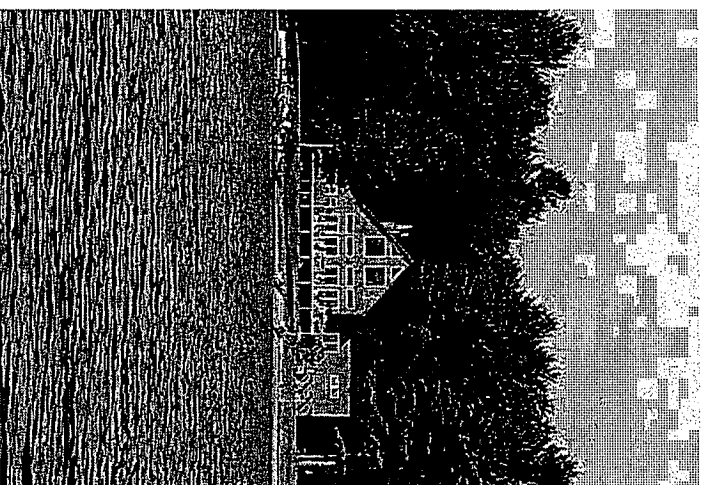
areas, critical environmental areas, open space resources and subdivisions. At year's end, 473 cases were unresolved, including 243 cases opened in 2007. The active case backlog increased by 64 cases in 2007.

Despite this increase, the majority of open cases are less than two years old, and staff completed most of their investigations on environmental priority cases. Of the open cases, approximately half involved alleged shoreline, wetlands, rivers and permit violations. Subdivision violations comprise the other half — almost all of which are older subdivisions that were undertaken without as Agency permit.

In 2007, 269 settlement agreements were prepared with 156 accepted and returned.

Notable Agency-Resolved 2007 Enforcement Cases

- **Matter of Champlain Stone, Ltd. (Town of Warrensburg, Warren County):** Unpermitted construction of mineral extraction structures resolved by settlement imposing \$10,000 penalty and requiring an after-the-fact permit for the structures.
- **Matter of Nextel Partners, Inc. (Town of Mayfield, Fulton County):** Illegal temporary cell tower providing emergency services resolved by settlement imposing \$10,000 penalty and requiring removal of the tower if not approved by after-the-fact permit. The permit was issued.
- **Matter of Hamm (Town of Corinth, Saratoga County):** Illegal subdivision and two illegal mobile homes resolved by Supreme Court Order requiring rescission of the subdivision, removal of mobile homes and payment of a \$5,000 penalty.
- **Matter of Hickey (Town of Harrietstown, Franklin County):** Illegal subdivision and single-family dwelling on shoreline of Lake Clear resolved by Enforcement Committee decision requiring removal of illegal deck, extensive vegetative planting and a \$50,000 penalty.
- **Matter of Beneke (Town of Santa Clara, Franklin County):** Illegal boathouse in wetland on Upper Saranac Lake resolved by removal of the boathouse from the wetland pursuant to court order obtained by the Town. Penalty to be determined.



The owners of this house on Lake Clear were required to remove an illegal deck, plant significant vegetation and pay a civil penalty to resolve violations of the APA Act.

Resource Analysis & Scientific Services

In 2007, the RASS staff spent the majority of its time in support of the Regulatory Programs Division's permitting program, the Legal Division's jurisdictional determination and enforcement programs, and rules revision efforts. Staff involvement with these divisions has increased in recent years due to significant building constraints found on proposed development sites. Steep slopes and limited soils require sound planning to prevent impacts to wetlands, water quality and visual resources. Engineered plans are extremely critical to protect fragile natural resources and to ensure adjacent landowners are not adversely impacted.

Staff also developed two Supplemental Information Request (SIR) documents to assist project applicants in providing the necessary information for completing permit applications. The two SIR documents are "SIR-Application for Excavated Pond" and "SIR-Application for Use of Pesticides to Control Aquatic Plants."

The Resource Analysis and Scientific

Services (RASS) unit provides the scientific and technical data supporting most Agency matters, including project review, enforcement and state land activities. The Agency's scientists provide daily guidance on septic systems and stormwater runoff, soils analysis, forestry, invasive species and wildlife habitat. Staff also conducts wetland delineations.

RASS contributed to the extensive review of several major projects including:

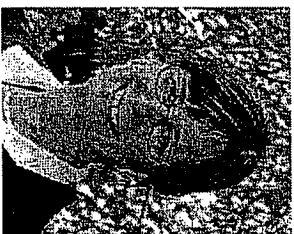
- Adirondack Club and Resort (Tupper Lake)
- Ski Bowl Village at Gore Mountain North Creek Snowbowl (Johnsburg)
- Whiteface UMP: New Trail Construction (Wilmington)
- Tall Timbers (Johnsburg)
- Renssen-Lake Placid Travel Corridor Vegetation Management Plan (North Elba)

RASS staff also spent time on large projects which were either withdrawn or remain incomplete. Examples include an ATV Park in Johnsburg, a 133-lot subdivision in the Town of Webb and a 21-lot subdivision adjacent to Lake George.

Additional staff activities included:

- Providing engineering and soil science technical assistance for Town of Westport and Inlet map amendments
- Public outreach
- Technical review of Unit Management Plans as requested

Engineering and Soil Science: Engineering staff provided 365 written documents in support of all Divisions within the Agency. Engineering and Soil Science staff conducted approximately 260 site visits and prepared and implemented a Local Government Technical Outreach for Onsite Wastewater Treatment System function, design and construction. RASS staff described soil profile descriptions from 152 deep hole test pits and reviewed data from an additional 205 test pits. Deep hole test pit investigations ensure Onsite Wastewater Treatment Systems are placed in the correct location so they will function properly.



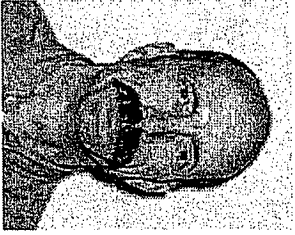
Elizabeth Lowe, *Chair Park Ecology*

Aquatics: Staff reviewed 21 permit applications (including general permits and permit amendments), wrote and issued 18 aquatic permits, and reviewed 17 other projects, pre-applications and consultations with Regulatory Programs, Legal Division and State Lands Planning staff involving aquatic systems.

Invasive species: Staff represent the Agency for the Adirondack Park Invasive Plant Program; the NYS Invasive Species Task Force and Steering Committee; the Adirondack Park Aquatic Nuisance Species Committee; the Lake Champlain Basin Program Rapid Response Team and Aquatic Nuisance Species Committee; and the Northeast Aquatic Plant Management Society. Responsibilities include implementation of the Adirondack Aquatic Nuisance Species Work plan; coordinating efforts to monitor and control the spread of non-native aquatic species in the Park; assisting in the management of aquatic vegetation; providing scientific and educational advancement; promoting scientific research of aquatic plant management; and promoting the exchange of information among members.

Ecological influence zones: Staff, in cooperation with Wildlife Conservation Society and SUNY College of Environmental Science and Forestry researchers, are developing a GIS model to analyze the effects of large-lot subdivisions and low-density residential development (exurban development) on wildlife habitat. This model uses the concept of "ecological influence zones" surrounding development.

BY THE NUMBERS WORKLOAD		
	2007	2006
Wetland Delineations	333	444
Soil Test Pits	152	105
Field/ Site Visits	260	205



Daniel M. Spada, Supervisor-Natural Resource Analyst

RASS STAFF

Daniel M. Spada, Supervisor-Natural Resource Analyst

Shaun E. Lalonde, Soil and Water Engineering Specialist

Greg A. Bendell, Environmental Engineer
Lawrence P. Phillips, Assoc. A.P. Project Analyst

Analyst Forest Resources
W. Mark Rooks, Assoc. A.P. Project Analyst,
Biological Resources

Edward S. Snizek, Assoc. A.P. Project Analyst,
Fresh Water Resources

May A. O'Dell, Biologist (Ecology)
Stephanie L. Petith, Keyboard Specialist

Wetlands: The Unit is charged with most duties related to the Agency's administration of the Statewide Freshwater Wetlands Act. This includes wetland determinations, delineations, mapping and testifying at public hearings. Staff also assists in drafting permit conditions for projects involving wetlands. In 2007, staff completed 333 wetland delineations. The majority of wetland delineations occurred in Essex and Warren Counties. Staff conducted approximately 67 percent of wetland field visits on lands classified as Moderate Intensity (79), Rural Use (73) or Low Intensity (71).

EPA Grants: RASS staff continue to secure funding from the United States Environmental Protection Agency to conduct data collection, study and map wetlands with the goal to improve resource protection efforts in major watersheds of the Park. In 2006, RASS staff worked on the Au Sable-Boquet Watershed EPA project identifying historic converted wetlands. This project was a partnership with the Au Sable and Boquet River Associations, the New York Natural Heritage Program, and the Remote Sensing Lab at SUNY Plattsburgh. Ariel Diggory coordinated the project as part of a Master's degree program at SUNY ESF.

RASS successfully secured additional EPA grant funding to complete wetland and watershed mapping to inventory and manage aquatic and terrestrial invasive plants in the Mohawk Watershed. This project includes a partnership with the Adirondack Park Invasive Plant Program.

The Agency received EPA funds for a project awarded in 2005 to complete wetland mapping in the Saranac River and Lake George basins and to develop a systematic permit compliance effort. Three independent contractors were hired in 2006 to act as the Project Coordinator and two Project Compliance Officers.

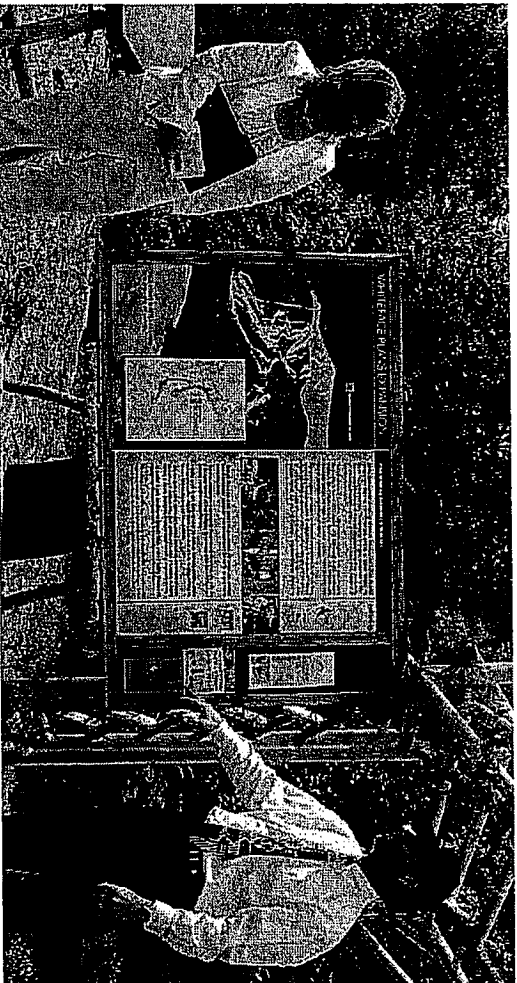
Interagency Coordination

RASS staff participated in or served in leadership roles in interagency groups

including the Lake Champlain Ecosystem Team, Adirondack Research Consortium, Wetlands Forum, Interagency Wetlands Group, Bicknell's Thrush Habitat Conservation Steering Committee and Two Countries One Forest. These groups are critical for staying current on issues and forming and maintaining working relationships with other organizations.

Outreach

The Agency worked with the Ticonderoga Central School District to develop a three-day curriculum that introduces high school seniors to Agency rules and regulations. The course is titled "APA 401, You and the Adirondack Park Agency." RASS staff plan on improving the program for future use.



RASS staff was critical in support of the Bicknell's Thrush Mitigation Plans included in the Whiteface Mountain UMP. Adirondack Community Trust Executive Director Call Brooks and ORDA Chief Executive Officer Ted Blazer announce the creation of the Bicknell's Thrush Habitat Protection Fund. The fund will support land protection, improved enforcement, education and scientific research.



As part of an EPA wetlands grant, the Agency hired three independent contractors to develop a new project compliance monitoring program. Goals of this program include avoidance of permit violations and improved wetlands conservation. From left are Tom Colarusso, Kathy Regan (Project Manager) and Aaron Ziemann.

APA Web site
www.apa.state.ny.us

Significant Content Added in 2007

- A sample municipal resolution, training certification form and other information to promote Annual Training for Planning Board and Zoning Board of Appeals Members
 - Local Government Day 2007 information
 - All job vacancies
 - A List of Land Use Planning Consultants Who Have Practiced in the Adirondacks
 - Information about Proposed New York Air National Guard Adirondack Range Airspace Modifications to the Current Activities page and information from the NYS Division of Military and Naval Affairs on Low-Flying Military Aircraft in the Adirondacks
 - The 2006 Annual Report
 - The revised Agency Public Comment Policy
 - A new Access to Records page and the Application for Access to Agency Records form for Freedom of Information Law compliance
 - Information on the 2007 Adirondack Park Community Smart Growth Program
 - General Enforcement Guidelines
 - New statistics for Land Use Classification Acreage and Percent by County and the whole Park on the Maps/GIS page
 - Easy access on our home page to all current Agency actions involving towers in the Park
 - A link on the Current Activities page to The Town of Johnsburg Web site, where their proposed Town Land Use Program, the Comprehensive Plan and proposed request for amendments to the Adirondack Park Land Use and Development Plan Map
- The five most frequently visited pages for 2007 included the home page, the press releases page, the job vacancy page, About the Adirondack Park page, and the Maps and GIS page.
- The most frequently downloaded documents in 2007 included the Rules & Regulations, the State Land Master Plan, the Citizen's Guide and the APA Act.
- The Adirondack Park Agency's main Web site generated more than 25,000 visits each month in 2007.

The Planning Division during 2007 continued its long history and leadership role in developing and maintaining the Agency's GIS and mapped data, progressing the scenic byways improvements, managing the Agency's records systems, and providing essential support to the functions of the other Agency divisions.

Notable Planning Division accomplishments for 2007:

Scenic Byways Program

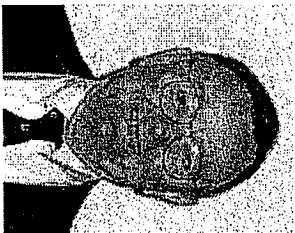
- Staff developed a request for proposals to initiate a Scenic Byways project for Route 86 and the West Branch of the Ausable River Corridor. The project will involve creating parking access improvements, improved signage, and the development and installation of interpretive signs.
- Staff completed a vegetation remediation project for State Route 73 under the direction of Park Agency staff. Seven areas along the road were planted with native wildflowers, shrubs and grasses. Staff developed four interpretive roadside exhibits on the topics of wildflowers and invasive plant species in consultation with DOT and the Nature Conservancy.
- Staff processed the Town of Keene's final payment request for a Hamlet Improvement project for a \$220,000 Scenic Byways project which included the placement of electric speed-recording devices for traffic control, creation of a new public parking lot, development of a small roadside park, streetscape plantings, installation of sidewalks and curbing, and other visual/safety improvements.
- Staff participated in a DOT Advisory Committee to plan improvements to vegetation along the Cascade Lakes. DOT has been working to plant salt-tolerant native shrubs and grasses in the area in accordance with a Clarkson University study on winter road management for the area.

GIS and Map Amendments

- Staff reviewed/developed responses to preliminary proposals and/or initial draft SEQOR documents for proposed amendments to the official Adirondack Park

Park Policy & Planning

The Agency's Planning Division is responsible for Local Government Services, Adirondack Park Land Use and Development Plan Map Updates and Map Amendments, Scenic Byways Program Development and Management, State Lands, Park Policy Research & Analysis, Geographic Information System (GIS), Cartographic Services, Records Management & Library Services, and Web Site Management.



Cecil Wray, Chair Park Policy and Planning

Land Use and Development Plan map requested by the Towns of Inlet, Minerva, Westport and Johnsburg.

- Staff completed the review of a map amendment request for 4.4 acres from a private individual in the Town of Putnam, Washington County.
- Staff completed technical map amendments in the Towns of Minerva and Schroon.
- Staff edited GIS data for parcels in the Towns of Jay, Keene, Elizabethtown and Lewis in order to bring the data into agreement with DEC Real Property geo-data and tax parcel boundaries.
- Staff assisted in organizing a meeting of GIS stakeholders to develop suggestions and recommendations for the New York State GIS Strategic Plan. The meeting included representatives from Clinton, Lewis and St. Lawrence Counties and staff from various State and Federal agencies including the DEC, DOH, ORPS, FEMA and USGS.
- Staff conducted a field investigation to verify State land boundaries for the Blue Ridge Wilderness, Sargent Pond Wild Forest and Horseshoe Lake Wild Forest.
- Staff obtained new data for Agricultural District Boundaries within the Park and included it in the Agency's GIS system.
- Staff added new detailed USGS soils data for Essex, Fulton and Warren Counties to the Agency's GIS system.
- Staff obtained updated tax parcel boundary data for Fulton, Lewis and Washington Counties and added it to the Agency's GIS system. Plus, they added updated NYS Office of Real Property tax map and parcel ownership information to the system.
- Staff developed and provided graphics showing Park boundaries for the NYS Division of Military and Naval Affairs Web site. A map showing locations for low-level military training in the Park was developed/added to the Agency Web site.
- Staff added information on land use planning and environmental consulting firms to the Agency Web site.
- Provided guidance on spatial models to members of a Unit Management Plan

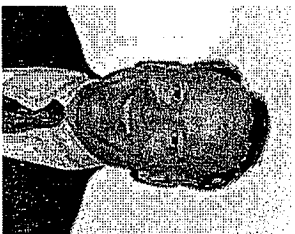
GIS work group and Adirondack Ecological Center staff who have been working on improvements to GIS data for Forest Preserve Unit Management Planning.

State Lands

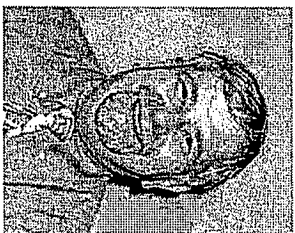
State Land staff of the Agency's Planning Division are responsible for working with the Department of Environmental Conservation (DEC) to prepare Unit Management Plans (UMPs) consistent with the Adirondack Park State Land Master Plan (SLMP); providing guidance and interpretation regarding the SLMP to the Agency's Board; reviewing projects on State lands to ensure conformance with the SLMP; and working with DEC to classify or re-classify State lands.

In 2007, staff also reviewed and provided advice on various State land policy and planning issues. Due to the significance of major travel corridors to the integrity of the Park and in response to management concerns for the lands along Route 3, the Agency, DOT and DEC jointly reviewed the "New York State DOT Guidelines for the Adirondack Park," which serves as the interagency guide for design, construction and maintenance of State highways in the Park. Staff continues to work with DEC and DOT to draft a memorandum of understanding for the development and implementation of Travel Corridor Management Plans.

Following approval of the Adirondack Park Snowmobile Plan by DEC and OPRHP in 2006, APAs role in interpreting relevant SLMP guidelines (particularly concerning "no material increase" of trail mileage, definition of trail character and administrative use of tracked groomers) came to the forefront of the State land planning agenda. Agency staff worked diligently in 2007 to comprehensively document, through a mapping approach, the approximate mileage of snowmobile trails that existed at the time of adoption of the SLMP in 1972 — this a necessary step in interpreting whether or not current DEC policy (limiting snowmobile trail mileage on Wild Forest lands in the Park to 848.88 miles) is compliant with the SLMP.



James T. Townsend, *Chair State Lands*



James E. Connolly, *Deputy Director, Planning*

PARK POLICY & PLANNING STAFF

James E. Connolly, *Deputy Director, Planning*
Edward J. Hood, *Assistant Director, Planning*
Brian F. Grisi, *Local Planning Assistance*

Specialist

Lauretta Bullis, *Secretary*

Susan Van Wormer, *Calculations Clerk*

Matthew S. Kendall, *Senior Natural Resources Planner*

Kevin G. Prickett, *Senior Natural Resources Planner*

Planner

Richard E. Weber III, *Supervisor, A.P. Regional Planning*

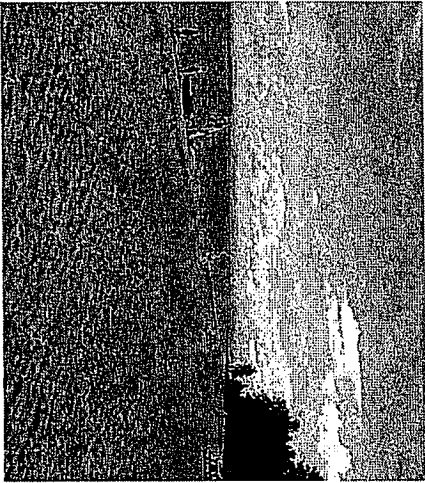
Planner

John W. Barge, *Mapping Technologist*

Robyn E. Burgess, *Environmental Program Specialist*

Specialist

Walter W. Linck, *Project Specialist (State Land Planning)*



The Agency reviewed and determined that the Ausable Point Campground UMP was compliant with the State Land Master Plan. This busy state campground is located where the Ausable River enters Lake Champlain. The campground supports diverse populations of flora and fauna as well as unique recreational opportunities.

BY THE NUMBERS WORKLOAD

	2007	2006
Unit Management Plans (UMPs)	1	9
UMP Approvals	0	3
UMP Amendments	12	NA
UMP Consultations		

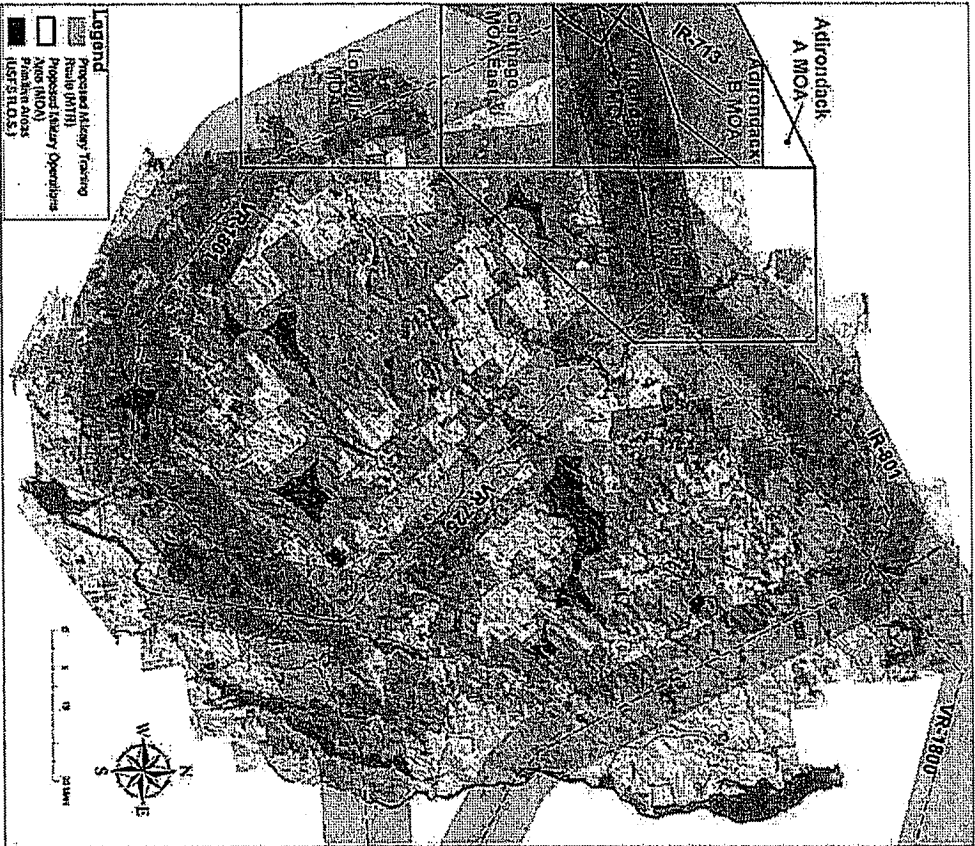
In a short list of other achievements, Agency staff participated in review of proposed final actions by the FAA to restructure military airspace over the Park through continued involvement in the Governor's Ad Hoc Committee on Low-Level Flights; assisted the North Country Trail Association and DEC in the effort to finalize a route through the Adirondacks for the North Country National Scenic Trail; and evaluated proposed projects for development by DEC in the Moose River Plains and Lake George Wild Forests that are intended to increase opportunities in those areas for persons with disabilities.

Involvement in Unit Management Planning in 2007 included providing guidance for the Agency's review and approval of the UMP for the Ausable Point Public Campground. The plan outlines actions including the control of invasive species, repairing and resurfacing roadway and parking areas and bringing facilities into conformance with the SLMR. Agency staff also worked with the Department of Transportation (DOT) and the DEC to revise proposed vegetation management approaches for the Remsen-Placid Travel Corridor Management Plan. The proposed changes will be brought to the Agency as a plan amendment early in 2008.

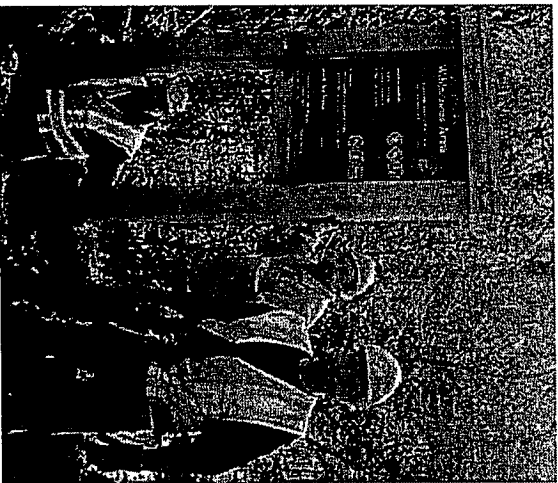
Professional development for staff remains an important objective. In 2007, staff participated in a multi-day, first module of a "Wildlands Training" program — one developed and taught by Chad Dawson and Rudy Schuster of the SUNY College of Environmental Science and Forestry. This training (sponsored by DEC and extended as an opportunity for APA staff) is designed to provide State land managers in the Adirondack and Catskill Parks with a curriculum focused on managing recreation impacts and adapting management and planning to the Forest Preserve.

Other State Land Activities

- Agency staff moderated a panel discussion on Wilderness Management at the Adirondack Research Consortium meeting held at the Natural History Museum of the Adirondacks. Speakers included Agency staff, SUNY College of Environmental



State Land staff provided advice and guidance to the New York Air National Guard as part of their efforts to re-design the Adirondack Range Airspace. The Air National Guard modified Military Operation Areas (MOAs) to avoid wilderness areas and populated places.

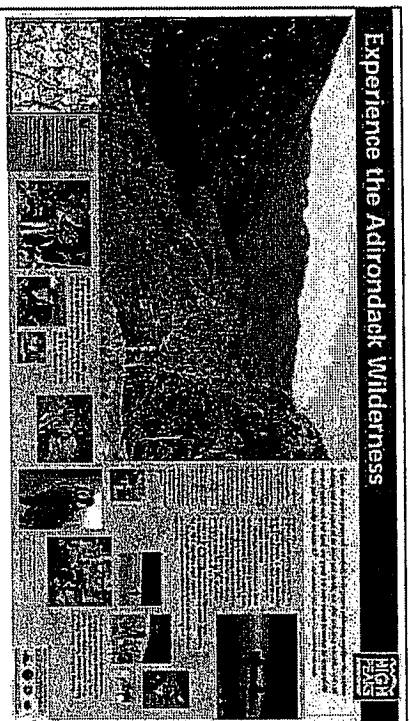


DOT staff install a new Cascade Mountain trailhead sign along the High Peaks Scenic Byway (State Route 73)

Science and Forestry researchers, and representatives of various environmental organizations.

- Staff consulted with DEC and staff from the North Country Trail Association Program on the development of a long-distance trail, which will include development of new and existing trails in the southern portion of the Park. The ultimate goal of the planning project is to create an east/west hiking trail between North Dakota and Crown Point, N.Y. Three public input meetings were held in December 2007 in Warrensburg, Boonville and Albany.

- Staff conducted field investigations in conjunction with Unit Plan Development and facility and trail proposals for Watson's East Triangle, Wilmington, Ferris Lake, Shaker Mountain, Wilcox Lake and Moose River Plains Wild Forests; Dix Mountain, Pharaoh Lake, Siamese Ponds and West Canada Lakes Wilderness areas; and the Champlain Islands complex. Discussions were held with DEC on integrating Wilderness and Wild Forest management principles into management of the Administrative Campground for the Indian Lake Islands. Campsite locations managed by DEC Operations Division are located in the Siamese Pond Wilderness and Jessup River Wild Forest.



High Peaks Byways Sign: These interpretive signs identify flora and fauna, as well as recreational opportunities in the area.

In 2007, Agency planning staff spent significant time working with the Town of Johnsburg on the preparation of their Agency-approved local land use program. In July, the Park Agency approved Johnsburg's local program. The Town officially adopted its program in October. The Agency transfers jurisdiction for Class B regional projects and variances to towns with approved programs. Prior to transfer, staff conducted three training sessions with Johnsburg officials to support program administration efforts. Johnsburg was the 18th municipality in the Adirondack Park with an Agency-approved local land use program.

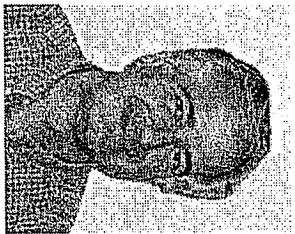
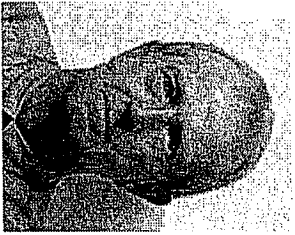
Increasing development pressures have encouraged many communities to consider improving their local land use programs. Some communities without any local land use regulations are for the first time contemplating land use controls. Many communities expressed a desire to engage in planning efforts but indicated they lacked the financial resources to undertake an often complicated and controversial task.

In July 2007, the Governor launched a \$1 million Adirondack Park Smart Growth Grant Program. This program will provide funding to assist Park communities develop local land use plans that foster sustainable development, environmental protection and community livability. Agency planning staff in partnership with the Department of Environmental Conservation and the Department of State worked cooperatively on the Smart Growth program. Staff participated in informational workshops during the summer and fall and assisted with application review.

The Adirondack Park Local Government Day Conference continued to grow with 230 people in attendance at the Crowne Plaza Resort and Golf Club in Lake Placid in March 2007. This was the largest participation in the event's 10-year history. Planning staff devoted considerable time working with local officials in preparing the conference agenda and organizing the event. Every year, issues of local concern are discussed through workshops and presentations.

Local Government Services

The Local Government Services Division works with individual towns in the Park to assist them in planning and zoning and administering Agency-approved local land use programs. The staff also assists communities by attending community meetings, providing written advice, designing workshops and providing plan and code review.



Richard L. Hoffman, Chair Local Government Services
 Brian Grisi, Local Planning Assistant Specialist

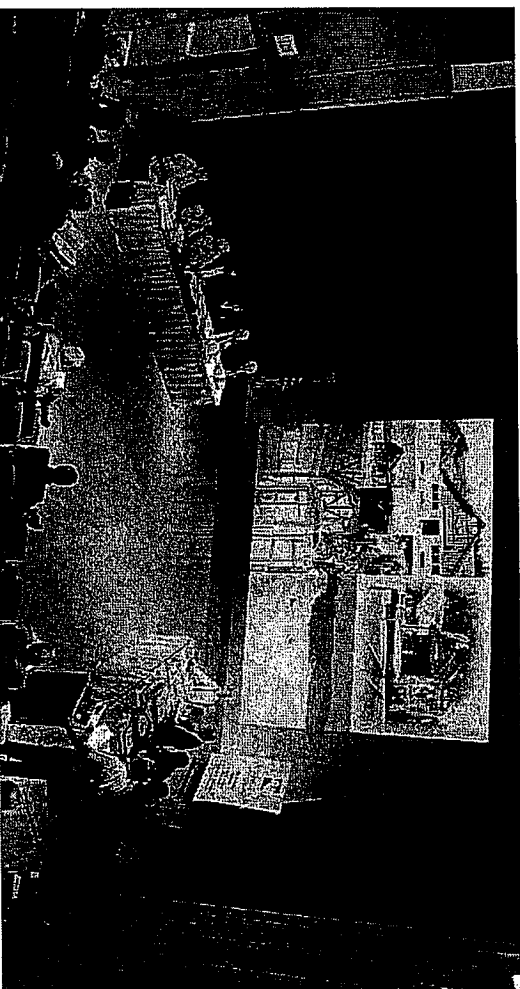
BY THE NUMBERS WORKLOAD

	2007	Total to date
Local Land Use Programs	1	18
Approvals		
Local Land Use Programs	2007	2006
Amendments	32	33
Variations	80	106
Municipal Meetings	17	44
Jurisdictional Workshops	20	17

In addition to these major efforts, staff:

- attended 17 town planning and zoning board meetings in 2007. During these meetings, staff provided Agency program overviews, gave advice on land use planning and zoning actions, and conducted training workshops.
- reviewed and the Agency approved 32 local land use amendments from the Towns of Newcomb, Caroga and Day. These three towns have Agency-approved local land use programs.
- reviewed 80 local variance referrals from municipalities with Agency-approved local land use programs. The Agency reversed four locally approved variances.
- responded to 668 inquiries from Town officials on land use issues.

In October, Robyn Burgess joined the Local Government Services staff. She will provide outreach and training to communities and review local program materials.



Agency Local Planning Assistant Brian Grisi addresses the Agency Board during deliberations on the Town of Johnsbury's Agency-approved local land use program.

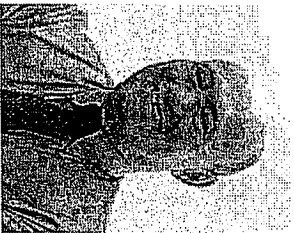
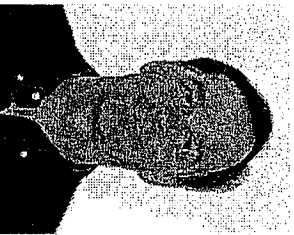
With New York's renewed focus on improving the economy of all of Upstate, including the Adirondack Park, 2007 began with a challenge of how best to protect the Park's open space character and environmental quality while building a sustainable economic future for Park communities. These compatible goals are advanced through the Agency's Economic Affairs Committee and its staff-level Economic Services Unit in partnership with regional stakeholders, including local governments.

In 2007, the Economic Affairs Committee focused its attention on energy issues in the Adirondack Park and on tourism planning and marketing along designated Scenic Byways. In October, the Committee sponsored a panel discussion on Primary Health Care in the Adirondack Park. The discussion focused on a serious economic and community development matter: the continued availability and affordability of basic health care for Adirondack Park residents. An expert panel, which discussed physician demographics and medical service delivery and finance issues, included representatives of the Center for Health Workforce Studies at the School of Public Health, SUNY Albany; Hudson Headwaters Health Network; Adirondack Medical Center; and the New York State Department of Health.

On a staff level, affordable housing, improved broadband service, and further diversification of the Park's economy continued to be of high priority. The Agency, through its Special Assistant for Economic Affairs, provided support to the Department of Economic Development's "Regional Blueprint" planning sessions. In partnership with Empire State Development, the Agency is working to define practical strategies to improve economic conditions and quality of life within the Adirondack Park. This includes discussion of the critical relationship between successful tourism marketing and the creation of economic activities in the tourism- and non-tourism-based businesses. There are a range of small businesses in the Park that essentially exist because of the quality-of-life goals of entrepreneurs. This recognition is one key to building a sustainable economic future. There are also

Economic Services

The Economic Services unit provides expertise in real estate and financial feasibility analysis, economic and fiscal impact analysis and economic development planning. It also provides general public guidance on development sites and assists project sponsors, economic developers and planners in the evaluation of specific business development sites.



Arthur Lussi, *Chair Economic Affairs*
Stephen M. Erman, *Special Assistant-Economic Affairs*

The Economic Affairs Committee served as a regional forum in October regarding Primary Health Care in the Adirondack Park. Experts in the field provided testimony on issues facing the region and provided advice on how to proceed. From left, the panelists included: Sandra McGinnis, School of Public Health, SUNY Albany; Dr. John Ruggie, M.D., Chief Operating Officer, Hudson Headwaters Health Network; Stephen Erman, APA Special Assistant for Economic Affairs; Chandler Ralph, President, Adirondack Medical Center, and Barry Gray, Director Workforce Development, NYS Department of Health.

great opportunities for marketing a wide range of products "Made in the Adirondack Park" based on the region's strong natural image.

Building a sustainable economic future also involves support for local planning and community infrastructure improvements. Staff has assisted the Adirondack North Country Association (ANCA), the Adirondack Association of Towns and Villages (AATV), the Town of Chester, and the Town of Arietta in a State-funded research effort to assess municipal infrastructure, inventory other economic assets, and define quality-of-life features in all 103 Adirondack towns and villages.

The Economic Services Unit continued to provide entrepreneurs with information to assist their planning of projects that could be approved by the Adirondack Park Agency. Economic staff also provided the Agency's Regulatory Programs Division with expertise on economic and fiscal impact analysis and assisted Planning Division staff with the 10th annual Local Government Day conference.

The Agency is proud of its increased attention to community and economic issues in the Park and to the quest for a more vibrant and sustainable economic future.



The year 2007 was a productive one for the Interpretive Programs Division, which provided excellent service to more than 92,000 visitors in 2007. With 28,373 visitors, the Newcomb VIC tallied its highest visitation since opening in 1990.

Paul Smiths

The Interpretive Programs Division launched its new Web site — www.adkvic.org — on March 1, 2007, with Senior Public Information Specialist Andy Flynn as its Webmaster. Flynn worked with Cathy Teylin, of In the Woods Design Studio, to make the site more user-friendly and rich with content. The site includes a calendar of programs, a press room, trail conditions, weather information, a resource guide for teachers, and traveler information.

Maintenance and program staff added a vestibule to the Native Species Butterfly House in June 2007, creating a separate room at the entryway so butterflies and moths do not escape. A solar-powered water feature was also included in the improvement project. The 30-by-55-foot structure duplicates the natural environment of the region and contains plants and trees used by butterflies and moths.

Environmental Educator Mike Brennan attended The Climate Project's workshop in Nashville, where former Vice President Al Gore trained him in global-warming education. Brennan has developed his own PowerPoint program — "An Inconvenient Truth and You: Local Solutions to the Climate Crisis" — and began teaching people about the effects of global warming on the regional ecosystem.

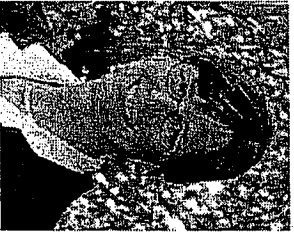
Staff at the Paul Smiths VIC continued to upgrade the facility in 2007, including reconstruction of the back porch deck.

Newcomb

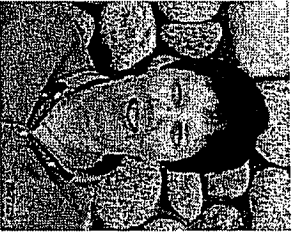
Newcomb VIC staff members welcomed the center's newest employee, Joyce King, who filled the vacant Keyboard Specialist position.

Interpretive Programs

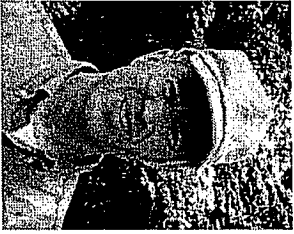
The Interpretive Programs Division oversees two Visitor Interpretive Centers (VICs) in the Adirondack Park located in Paul Smiths and Newcomb. They offer environmental education and visitor orientation services. Both facilities feature exhibits, indoor and outdoor public programs and miles of scenic, surfaced trails where people can learn about the Park's ecology. They are open daily from 9 a.m. to 5 p.m. year round, except Thanksgiving and Christmas. Admission is free.



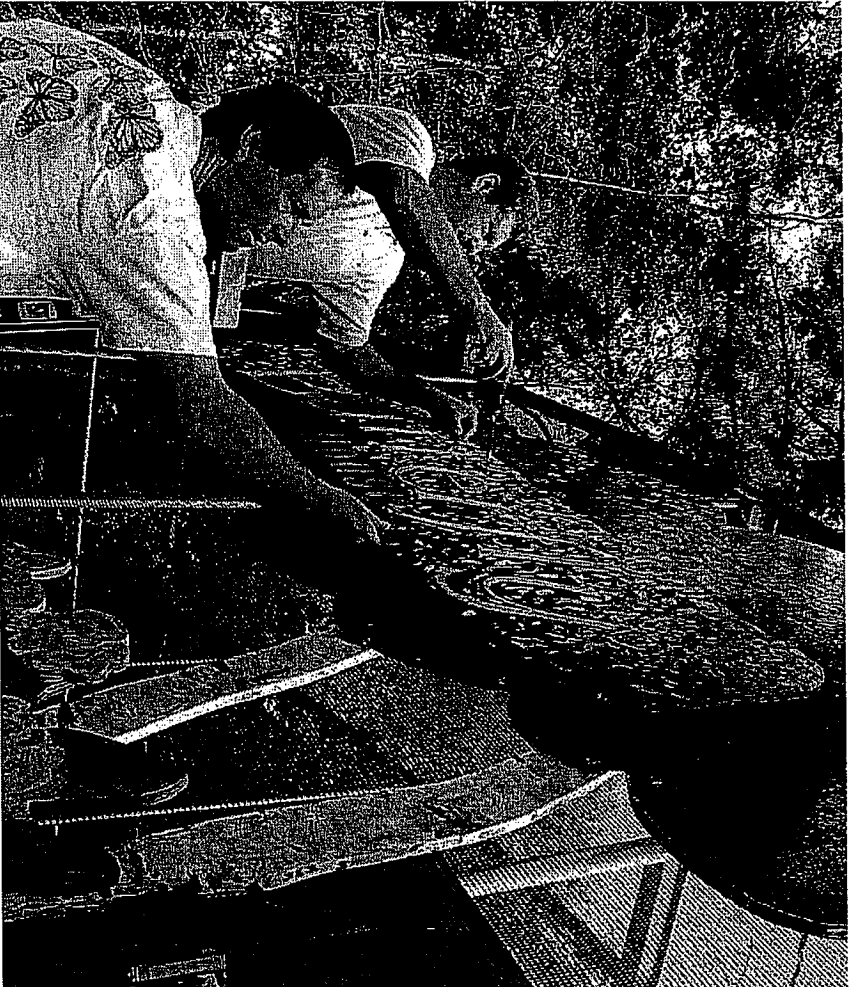
*Elizabeth Lowe, Chair
Interpretive
Programs*



*Rynda McCray, Environmental Educator and
Center Director, Newcomb VIC
Michael Brennan, Environmental Educator and
Center Director, Paul Smiths VIC*



BY THE NUMBERS	
VISITATION	
2007	2006
Newcomb Paul Smiths	28,373 27,758 64,057 76,376



Environmental Educator Milt Adams holds the bottom of a sign as Maintenance Supervisor George Hare secures it to the front of the Native Species Butterfly House at the Paul Smiths VIC. Staff added a vestibule to the Butterfly House in 2007 to prevent butterflies and moths from escaping.

Improvements were made to the interpretive exhibits at the Newcomb VIC in 2007, including the addition of the Browsing Botanist and Wildlife Watch panels in the lobby. Also, staff created a children's area in the small room off of lobby.

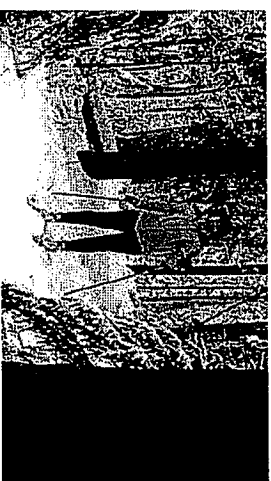
In July 2007, New York State Department of Environmental Conservation crews finished the Connector Trail from the R.W. Sage Jr. Memorial Trail to the road at the Camp Santanoni Historic Area. The new trail created a 12-mile round-trip from the Newcomb VIC to Great Camp Santanoni. This gave the staff the opportunity to add ski trails at the Newcomb VIC for the first time in the facility's 17-year history. On Dec. 15, 2007, 1.5 miles of ski trails were opened to the public along a portion of the Sucker Brook Trail and the entire length of the Sage Trail, allowing skiers to travel to Camp Santanoni in the winter via the Connector Trail.

Volunteers

Let's hear it for the volunteers! Without them, we would not be as successful. The VIC volunteers assist in many areas both on and off the centers' properties. In 2007, about 4,566 volunteer hours were donated at Paul Smiths, and 575 were donated at Newcomb. In addition, inmate crews from the Department of Correctional Services facility at Camp Gabriels in the town of Brighton provided invaluable assistance to maintenance staff at the Paul Smiths VIC, totaling about 900 hours of work barking the trail system

BY THE NUMBERS PROGRAMS, GROUPS & SCHOOLS			
VIC	2007	2006	
Newcomb	3,812	3,771	
Paul Smiths	18,667	19,681	

BY THE NUMBERS OUTREACH			
VIC	2007	2006	
Newcomb	353	283	
Paul Smiths	1,747	1,680	



PAUL SMITHS STAFF

- Michael Brennan, Environmental Educator
- Milton B. Adams, Environmental Educator
- Joanne B. MacDowell, Administrative Aide
- Cara McCann, Artist Designer
- Andy Flynn, Sr. Public Information Specialist
- C. George Hare, Maintenance Supervisor
- Kyle Martin, Maintenance Assistant/Laborer
- Lydia Wright, Volunteer Services Coordinator
- Penny Dufrane, Maintenance Assistant
- Camille Burns, Student Aide

NEWCOMB STAFF

- Rynda McCray, Environmental Educator
- Ellen Rathbone, Environmental Educator
- Michael Tracy, Maintenance Assistant
- Joyce M. King, Keyboard Specialist
- Ann LaRose, Volunteer Services Coordinator
- Mary Tisi, Student Aide
- Brian Poulton, Laborer

Adirondack Park Institute



VIC Naturalist Camille Burns tends to a painted lady in the Native Species Butterfly House at the Paul Smiths VIC. The Adirondack Park Institute helps fund the Butterfly House, which is open from mid-June to Labor Day every year.

The Adirondack Park Institute, Inc. (API) was created in 1989 as a 501(c) 3 not-for-profit corporation to provide enhanced environmental educational and interpretive opportunities to schools, area visitors, children and their families. The API accomplishes this mission through a partnership with the two Visitor Interpretive Centers (VICs) operated by the Adirondack Park Agency. The API motto, "Teaching a Generation to Care," reflects this important mission.

The API's primary source of funding comes from the annual contributions of its membership, a very dedicated group. The API also administers grants for the benefit of program development at the VICs. With the members' help, the API can continue to support the VICs' effort to teach the importance of caring for the world around us and help preserve the natural beauty of our environment.

The API supports environment education programs, special events, publications and curricula at the Paul Smiths and Newcomb VICs. Some current examples of API-funded programs are the: Adirondack Wildlife Festival, Chilly Ski Festival, Adirondack Raptor Celebration, Saturdays are for Kids, Exploring Nature with Little People, school field trips and the Native Species Butterfly House.

Learn more about the API by contacting its office at (518) 327-3376 or going online to www.adirondackparkinstitute.org.

Officers and Executive Director

President, Valerie L. Trudeau
Secretary, Thad P. Collum
Treasurer, Edmund E. Lynch
Vice President Development, Charles F. Monzeglio Jr.
Vice President Membership, Stuart H. Angert
Executive Director, Jennifer Fregoe-Fifield

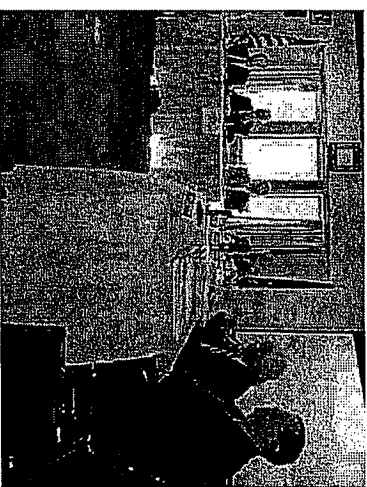
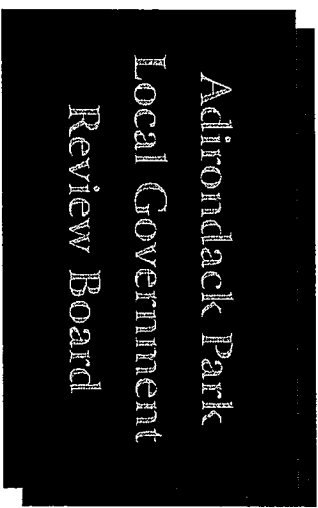
Section 803-a of the Adirondack Park Agency Act provides for the establishment of the Adirondack Park Local Government Review Board. As provided by law, the purpose of the Review Board is to advise and assist the Agency in carrying out its mission. The Agency enjoys a strong working relationship with the Review Board through open discussion and dialogue focused on local government perspectives.

Agency Members and staff regularly attend the Review Board meetings, which are held monthly throughout the Adirondack Park. At the monthly Adirondack Park Agency meetings, Review Board Executive Director Frederick Monroe plays a prominent and active role in all deliberations. The Park Agency's efforts to achieve balanced decision making are greatly enhanced by this dialogue.

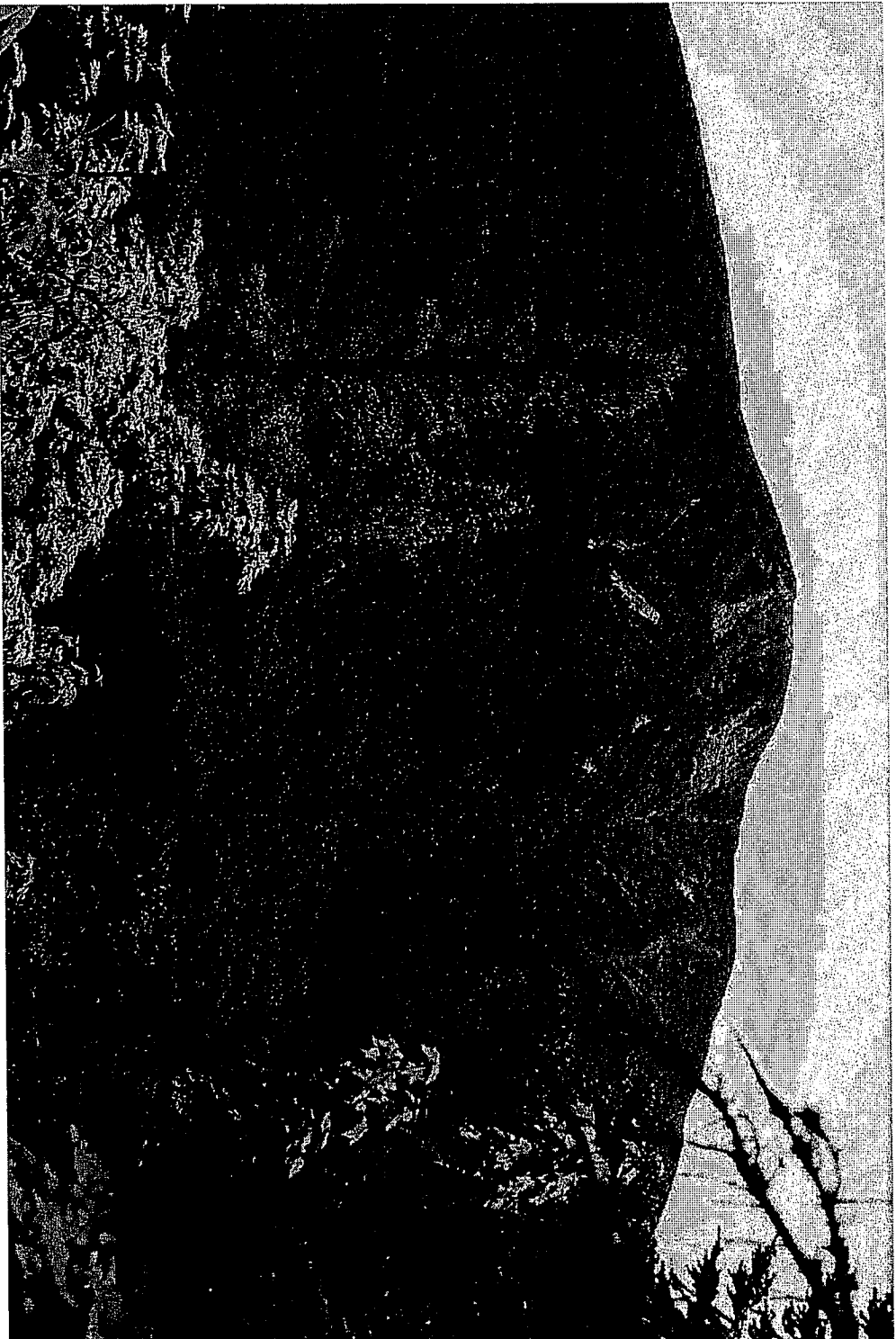
The State of New York provides \$100,000 in operating funds for the Local Government Review Board in the Agency's budget.

Chairman and Officers

- Chairman, Lloyd Moore, St. Lawrence County
- Executive Director, Frederick Monroe
- Counsel, John C. McDonald
- Secretary, Carol A. Monroe



LGRB Executive Director Fred Monroe (far right) attends the monthly Agency meetings and advises the Agency regarding local government concerns.



Giant Mountain in the Essex County Town of Keene



CREDITS

The APA would like to thank its staff for contributing text and photographs to the 2007 Annual Report.

This report was produced by Agency Public Information Director Keith P. McKeever and Senior Public Information Specialist Andy Flynn.

At left, painted lady butterflies feed on chives in the Native Species Butterfly House at the Adirondack Park Agency Visitor Interpretive Center at Paul Smiths. Back cover photo: Heron Marsh at the Paul Smiths VIC. Photos by Andy Flynn.



State of New York Adirondack Park Agency
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Paul Smiths Visitor Interpretive Center, Route 30, P.O. Box 3000, Paul Smiths, NY 12970, (518) 327-3000
Newcomb Visitor Interpretive Center, Route 28N, P.O. Box 101, Newcomb, NY 12852, (518) 582-2000
www.adirvic.org

David A. Paterson, Governor • Curtis F. Stiles, Chairman • Mark E. Sengenberger, Interim Executive Director