

**From:** Paul Van Cott  
**To:** Ulasewicz, Thomas  
**Date:** 8/24/2011 10:31 AM  
**Subject:** Reimbursement to Village

The Project Sponsor apparently committed to reimburse the Village \$13,000 for a higher volume main pipeline as part of the highway project. Will that be paid soon or do I need to reference it in the brief?

Paul Van Cott  
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**From:** Paul Van Cott  
**To:** Ulasewicz, Thomas  
**Date:** 8/31/2011 4:43 PM  
**Subject:** Your call

I tried to call you back but you are gone, according to the desk. I will be in all day tomorrow and am here until 5 pm today.

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**From:** Paul Van Cott  
**To:** Ulasewicz, Thomas  
**Date:** 10/18/2011 5:26 PM  
**Subject:** Vegetative language - Try this

Tom - the language in the draft order has been used in other Agency permits for sensitive sites re: visual impacts and is included among the boilerplate conditions that staff may use in permits. Since we are trying to find common ground, and I understand this to be a condition that your client does not like, I have attempted to re-work it to meet the same objective but with more focus:

**"In the event of any loss of vegetation resulting in material off-site visual impacts from structures authorized herein, as determined by the Agency, the landowner shall replace the vegetation that provided such screening, to the extent practicable, within one year to a tree density and species composition similar to prior existing vegetation. Any replacement vegetation that does not survive shall be replanted annually, until such time as healthy replacement vegetation is established. Deciduous replacement trees shall be a minimum of 12" in caliper at the time of planting and coniferous trees shall be a minimum of 6-8 feet in height. This condition shall not be deemed to prevent the removal of dead or diseased vegetation or of rotten or damaged trees or of other vegetation that presents a safety or health hazard, but rather is intended to ensure that replanting of screening vegetation is accomplished."**

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**From:** Paul Van Cott  
**To:** Ulasewicz, Thomas; Velasquez, Ana  
**Date:** 10/19/2011 7:50 AM  
**Subject:** Edits to Findings of Fact

Ana - Tom was going to send me Kevin Franke's suggested edits to the Findings of Fact in the draft order. Could you all get them to us this morning if possible so that we can review them and work them in?

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**From:** Paul Van Cott  
**To:** Ulasewicz, Thomas  
**Date:** 10/22/2011 4:18 PM  
**Subject:** Deed restrictions

**Tom - what do you think of this? I can do it for Type 2 and 3 lands, but I thought we already had agreement on the Type 1 lands.**

**"Prior to the any undertaking of the proposed project on Resource Management lands, the Project Sponsor shall file deed restrictions in the Franklin County Clerk's Office that permanently prohibit any **subdivision** or new land use or development on all of the retained Resource Management lands described as Type 3 Open Space on Drawing R-1 in the June 30, 2010 project plans referenced herein except for the portion of such lands described in Condition 31 below. **The deed restrictions shall run with the land and shall be enforceable by the Adirondack Park Agency in its sole discretion or, upon the request of the owner of such lands, may be amended as prescribed by the Agency.**"**

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**From:** Paul Van Cott  
**To:** Ulasewicz, Thomas  
**Date:** 10/22/2011 4:35 PM  
**Subject:** Quick thought on deed restrictions

If we have agreement, my position in the brief will be that the revisions take into account the Project Sponsor's stated desire to have future flexibility to sell a conservation easement or something like that on these lands.....basically tracking Jeff/Kevin's testimony on goal of keeping it open space but also making some money off of it.

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**From:** Paul Van Cott  
**To:** Ulasewicz, Thomas  
**Date:** 10/22/2011 6:20 PM  
**Subject:** Back at it

You can reach me at 637-3612 or via e-mail. I am working through comments on significant changes to the permit conditions.

**From:** Paul Van Cott  
**To:** Ulasewicz, Thomas  
**Date:** 10/22/2011 6:34 PM  
**Subject:** Reference to the record in Conditions

I agree with your concern that reference to the "record" is too broad for the conditions. Unfortunately, we have not had enough time to cite every finding in the order to a specific document. And I do not think the executive team will have enough depth in the record to do it (It really needs to be Shaun and me, principally). One suggestion would be to agree to a 1-month timeframe for issuance of the permit after the order is issued. That would give us time to cite everything correctly and to work with you and Kevin to make sure we have it right. I could make that change to our revised order and you could endorse it, if you agree that it makes sense.



**From:** Paul Van Cott  
**To:** Ujasewicz, Thomas  
**Date:** 10/23/2011 3:39 PM  
**Subject:** Conditions 29, 30 and 40

Just to cover the bases, could your letter cite to all 3 of these conditions in staff's Revised Draft Order, and the applicant's agreement to them?

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**From:** Paul Van Cott  
**To:** Ulasewicz, Thomas  
**Date:** 10/23/2011 6:41 PM  
**Subject:** Re: FW: Message from KMBT\_C353

Tom - only difference is I say "shall only" and you say "only shall". Do you really want "only shall"?

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>>> Thomas Ulasewicz <[TAU@fmbf-jaw.com](mailto:TAU@fmbf-jaw.com)> 10/23/2011 6:23 PM >>>

Paul,

Please see attached.

**From:** Konica Minolta  
**Sent:** Sunday, October 23, 2011 7:22 PM  
**To:** Ana Velasquez  
**Subject:** Message from KMBT\_C353