

THIS IS A TWO-SIDED DOCUMENT

 <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>APA Permit and Order 2024-0333</p>
<p>In the Matter of the Application of</p> <p>NYS DEPARTMENT of TRANSPORTATION Permittee</p> <p>for a permit pursuant to § 814 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: March 20, 2025</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name(s): 1. New York State Department of Transportation</p>

SUMMARY AND AUTHORIZATION

This permit and order authorizes replacement of the Interstate 87 Northbound Exit 32 off-ramp bridge within the New York State Department of Transportation (NYSDOT) highway right-of-way in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Lewis, Essex County.

This authorization shall expire unless recorded in the Essex County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within five years of the date the permit is recorded in the Essex County Clerk's Office. The Agency will consider the project in existence when an authorized activity is undertaken.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional, or local.

PROJECT SITE

The project site is located within a 2.14-acre section of the NYSDOT highway right-of-way at the Interstate 87 Northbound Exit 32 Off-ramp in the Town of Lewis, Essex County.

The project site is located adjacent to and over Spruce Mill Brook and is improved by the existing roadbed and bridge infrastructure. The site contains a deciduous forested wetland with shrub swamp with a value rating of "2". Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves replacement and re-alignment of the Interstate 87 Northbound Exit 32 off-ramp bridge over Spruce Mill Brook. The bridge will replace the current multi-span, two-lane bridge on a curve with a new single span, one lane bridge on a straight alignment. The project will result in the loss of 2,369 square feet of wetlands.

As compensation for this loss, new on-site wetlands will be created within the project work area located at and adjacent to the existing bridge to be removed, as depicted and described on the Wetland Mitigation Plan cited below and referenced herein.

The project is shown on the following Project Plans:

- 26 pages of plans titled "I-87 Northbound Exit 32 Off-Ramp Over Spruce Mill Brook," prepared by NYSDOT, dated October 4, 2024 (Site Plans);
- A Stormwater Pollution Prevention Plan for DOT projects (SWPPP), titled "P.I.N. I-87 NB Exit 32 Off Ramp Over Spruce Mill Brook," dated October 2024 and received by the Agency December 13, 2024; and
- A 17-page document titled, "Appendix F, Compensatory Wetland Mitigation Plan," prepared by NYSDOT, dated November 2024 (Wetland Mitigation Plan).

A reduced-scale copy of the Erosion and Sediment Control Plans (7 of 8) for the project, shown on Drawing No. ECP-07, is attached as a part of this permit for reference.

AGENCY JURISDICTION

Pursuant to Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any deposit of fill in or excavation of a wetland in the Adirondack Park.

The proposal involves new land use and development within the Adirondack Park pursuant to § 814 of the Adirondack Park Agency Act, 9 NYCRR § 579.1, and 9 NYCRR § 4.150 (Executive Order 150).

CONDITIONS

THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The project shall not be undertaken until this permit has been recorded in the Essex County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project, for as long as the authorized development remains on the site. Copies of this permit and Project Plans shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit authorizes a bridge replacement and re-alignment project within the NYSDOT highway right-of-way of I-87 in the location shown and as depicted on the Project Plans. Any change to the location, dimensions, or other aspect of the project shall require prior written Agency authorization.
5. All aspects of the project shall be undertaken in compliance with the Project Plans cited herein.
6. The project shall be undertaken in compliance with the Stormwater Pollution Prevention Plan, Erosion and Sediment Control Plans, Landscape Architecture Plans, and Wetland Mitigation Plan.
7. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites.
8. No trees, shrubs, or other woody stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed for the off-ramp realignment and construction of the bridge without prior written Agency authorization, except as authorized herein or for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
9. All trees and shrubs depicted on the Landscape Architecture Plans shall be planted and maintained as described in the Site Plans.

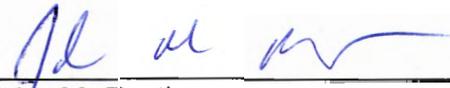
CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project;
- c. will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state; and
- d. will result in minimal degradation or destruction of the wetland or its associated values and provides an essential public benefit.

PERMIT issued this 20th day of March, 2025.

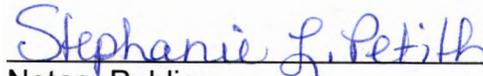
ADIRONDACK PARK AGENCY

BY: 
John M. Burth
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK
COUNTY OF ESSEX

On the 20th day of March in the year 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Stephanie L. Petith
Notary Public, State of New York
Reg No 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025


Notary Public

