 <b>Adirondack Park Agency</b>  P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 Fax: (518) 891-3938 www.apa.ny.gov	<b>APA Project Permit 2015-195</b>
In the Matter of the Application of  <b>TOWN OF CLIFTON AND ST. LAWRENCE COUNTY</b>  for a permit pursuant to §809 of the Adirondack Park Agency Act	Date Issued:          To the County Clerk: This permit must be recorded on or before _____. Please index this permit in the grantor index under the following names: <b>1. Town of Clifton</b> <b>2. St. Lawrence County</b>

### SUMMARY AND AUTHORIZATION

This permit authorizes a new public/semipublic use building in an area classified Industrial Use on the Adirondack Park Land Use and Development Plan Map in the Town of Clifton, St. Lawrence County.

This permit shall expire unless recorded in the St. Lawrence County Clerk's Office on or before \_\_\_\_\_, in the names of all entities 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 four years from the date the permit is recorded. The Agency will consider the project in existence when the exterior of the building has been completed.

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 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 a 4.94±-acre parcel of land located at the intersection of New York State Highway 3 and St. Lawrence County Route 60 in the Town of Clifton, St. Lawrence County, in an area classified Industrial Use on the Adirondack Park Land Use and Development Plan Map. The site is identified on Town of Clifton Tax Map Section 214, Block 4 as Parcel 22, and is described in a deed from Dongrove Holdings Limited to the County of St. Lawrence, dated April 7, 2014, and recorded April 9, 2014 in the St. Lawrence County Clerk's Office under Instrument Number R-2014-00004457. The project site is further described in an Easement between the County of St. Lawrence and Town of Clifton dated October 14, 2015.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the construction of a new public/semipublic use building. The building contains an area to be used to store equipment and supplies for an aquatic invasive species boat wash and monitoring station and an area to display information for the public. The building is also being constructed with an area to be developed as a restroom at such a time that water becomes available at the site. The project is shown on the following maps and plans: "Site Plan, Sheet SP1" dated June 2015, revised January 8, 2016 and "Detailed Plan, Sheet D1," dated June 2015, both prepared by Timothy J. Westbrook and untitled elevation drawings of the proposed structure received by the Agency on December 14, 2015. A reduced-scale copy of the Site Plan for the project is attached as a part of this permit for easy reference. The original, full-scale maps and plans described in this paragraph are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

### **AGENCY JURISDICTION**

The project requires an Agency permit pursuant to §§ 809(2)(a) and 810(2)(e)(5), of the Adirondack Park Agency Act [Executive Law, Article 27], because a public or semi-public building is a Class B regional project and a municipal building is a public or semi-public building as defined by section 802(54) of the Adirondack Park Agency Act.

## **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 St. Lawrence 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. Copies of this permit and Site Plan 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].

## **Deeds**

### **Recordation**

4. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2015-195, issued \_\_\_\_\_, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

## **Development**

### **Construction Location and Size**

5. Subject to the conditions stated herein, this permit authorizes the construction of one public/semi-public building in the location, footprint, and height shown on the Site Plan, Detailed Plan and elevation drawings. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.
6. Any new accessory structure shall be constructed on the portion of the project site that is north of the former NYS Route 3 existing concrete road bed and be located a minimum of 50 feet from the mean high water mark of the Little River or wetland.

### **Signage**

7. One permanent sign shall be installed on the existing sign stand in the location shown on the Site Plan. Any change to the location of the existing sign stand shall require prior written Agency authorization. Any new or replacement signs on the project site shall comply with 9 NYCRR Appendix Q-3 of the Adirondack Park Agency Regulations.

### **Outdoor Lighting**

8. Any new free-standing or building-mounted outdoor lights shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward NYS Route 3 or adjoining property.

### **Building Color**

9. All exterior building materials, including roof, siding and trim, of any new structure on the project site, other than temporary structures associated with the seasonal aquatic invasive species boat wash and monitoring station, shall be a dark shade of green, grey, or brown.

### **Tree Cutting/Vegetation Removal**

10. Within 50 feet of the centerline of County Route 60 and the mean high water mark of the Little River, no vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
11. All disruptions to the existing site cover associated with any vegetation management and or stump removal shall comply with the NYSDEC approved Site Management Plan (SMP).

### **Infrastructure**

#### **Wastewater**

12. The leaching components of any on-site wastewater treatment system on the project site shall be constructed within 50 feet of the location of the deep hole test pit shown on the Site Plan, and shall comply with New York State Department of Health's "Wastewater Treatment Standards for Individual Household Systems" (10 NYCRR Appendix 75 A), the Agency's Project Guidelines for Residential On-Site Wastewater Treatment, and with Agency

standards in 9 NYCRR Appendix Q 4. Construction of the system shall be supervised by a design professional (licensed Professional Engineer, Registered Architect, or exempt Licensed Surveyor).

## **FINDINGS OF FACT**

### **Project Site**

#### **Water Resources**

1. The project site contains approximately 280 feet of shoreline on an impoundment of the Little River. The development authorized herein will be located greater than 200 feet from the mean high water mark.

#### **Wetlands**

2. Agency staff determined that there are wetlands on the project site by means of aerial photography analysis. The development authorized herein will be located greater than 200 feet from these wetlands. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site. No grading is proposed within 25 feet of wetlands.

#### **Vegetation**

3. Vegetation on the project site consists of mowed grasses between the current NYS Route 3 and the former NYS Route 3 existing concrete roadbed, and mature deciduous forest cover to the north of the existing concrete road bed.

#### **Soils and Slopes**

4. The mapped soils series for the project site is Udorthents (mine waste). Soils investigation in the location shown on the Site Plan performed by Agency staff on January 7, 2016 revealed native undisturbed soils with no evidence of seasonal high groundwater being observed within 48 inches of the surface and no restrictive layer encountered to a depth of 72 inches.

Slope for the entire project site is uniform and less than 3%.

#### **Existing Structures**

5. The project site is used for an aquatic invasive species boat wash and monitoring station established in 2015. On March 31, 2015, prior to issuing a non-jurisdictional letter for the boat wash and monitoring station, Agency staff field verified that the station would be located more than 100 feet from any wetlands located on the site. The existing aquatic invasive species boat wash and monitoring station is not subject to Agency review.

6. The project site is currently improved by a National Grid Substation and a non-permanent shed provided by the NYS DEC on a temporary basis for the operation of a boat wash station as described above, prior to the construction of the new public/semi-public building authorized herein. Once the permanent structure has been constructed the shed is proposed to be removed from the project site. A new sign will be mounted to an existing sign stand.

### **Historic Sites or Structures**

7. By letter dated December 23, 2015, the New York State Office of Parks, Recreation and Historic Preservation determined that the project will have no impact upon the cultural resources in or eligible for inclusion in the State and National Registers of Historic Places.

### **Nearby Land Uses**

8. The project site is located on a portion of the former Jones and Laughlin Ore Processing facility, currently owned by St. Lawrence County. The project site is contiguous with other Industrial Use lands along a mostly undeveloped stretch of NYS Route 3 with large tracts of State lands and Resource Management lands located to the south and east. The Hamlet of Star Lake is located approximately one and one-quarter miles to the west on NYS Route 3 and the Hamlet of Newton Falls is located approximately two miles to the north on County Route 60.

### **Access**

9. Existing access to the project site is from NYS Route 3 and County Route 60. An abandoned portion of NYS Route 3 bisects the project site and this existing concrete roadway will be used for direct access to the building site. Vehicles will enter the site from the existing access on County Route 60 and exit the site from a previously constructed exit only asphalt driveway on to NYS Route 3 detailed in NYS DOT work permit 20150749866 issued May 13, 2015. An unimproved parking area exists along County Route 60 between where vehicles enter the site and NYS Route 3.

### **Infrastructure**

#### **Wastewater**

10. The location of the deep-hole test pit depicted on the Site Plan is suitable for the construction of an on-site wastewater treatment system absorption field on the project site and has a depth to seasonal high groundwater of at least 48 inches, depth to bedrock at least 72 inches, and existing slopes less than 15 percent, and is located more than 100 feet from water supplies, wetlands, lakes, ponds,

and all permanent and intermittent streams. The location of a previously installed pit privy is more than 100 feet from water supplies, bodies of water, wetlands and permanent or intermittent streams. The pit privy was constructed by NYS DEC to accommodate the boat wash station subject to Agency Jurisdictional Determination J2015-0268.

### **Public Notice and Comment**

11. The Agency notified all adjoining landowners and other parties and published a Notice of Complete Permit Application in the Environmental Notice Bulletin, as required by the Adirondack Park Agency Act. No comments have been received.

### **Economic and Fiscal Factors**

12. The visitor center component of the project will provide an opportunity to educate the public on attractions in the Clifton-Fine area and the Adirondack Park, as well as an opportunity to provide education on a variety of environmental issues concerning the Park, including invasive species prevention.
13. The project sponsor projects to employ 2 full-time workers during the 4-week construction period of the building authorized herein. The average annual wage for an employee in the construction industry in St. Lawrence County in 2014 was \$45,036.
14. The project sponsor projects to employ 2 full-time workers on a seasonal basis.

## **PROJECT IMPACTS**

### **Visual**

15. Although the development will be visible from NYS Route 3, the proposed size, location, color scheme and lack of outside lights will mitigate adverse impacts to the travel corridor. Requiring that vegetation be maintained on the project site along County Route 60 and the shoreline of the Little River will limit visibility from the roadway and ensure that the structure authorized herein remains back dropped by vegetation as viewed from NYS Route 3. Requiring written authorization prior to any change in the authorized dimensions of development on the project site will allow the Agency to ensure that the authorized structure will not adversely impact the travel corridor.
16. Requiring that any new accessory structure be located in the same vicinity as the authorized structure will serve to further reduce adverse impacts to the travel corridor.

**Wetlands**

17. Requiring written authorization prior to any change in the authorized location of development on the project site will allow the Agency to ensure that the location and manner of construction will not adversely impact wetlands. A new or amended permit will be required for any future activity that involves wetlands pursuant to 9 NYCRR § 578.

**Soils/Surface Waters/Groundwater**

18. Requiring that vegetation be maintained along the shoreline of the Little River and that any future wastewater treatment system be installed in the location of the deep-hole test pit shown on the site plan will protect against erosion, sedimentation, water quality degradation, and other adverse impacts.

**Historic Sites or Structures**

19. The project will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR §426.2 for the purposes of implementing §14.09 of the New York State Historic Preservation Act of 1980.

**Nearby Land Uses**

20. Use of existing access from County Route 60, a one-way traffic flow pattern, and an entrance on to NYS Route 3 authorized by NYS DOT will ensure safety and protect against impacts to the travel corridor.

**CONCLUSIONS OF LAW**

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

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Industrial Use land use area;
- c. will be consistent with the overall intensity guidelines for the Industrial Use land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- e. 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;



PERMIT issued this            day  
of            , 2016.

ADIRONDACK PARK AGENCY

BY: \_\_\_\_\_  
Richard E. Weber, III Deputy Director  
(Regulatory Programs)

STATE OF NEW YORK)  
 ) ss.:  
COUNTY OF ESSEX )

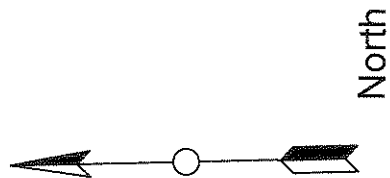
On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard E. Weber III, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument 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.

Notary Public

REW:DFK:JMH:mlr

General Notes

54.7 Acres  
Tax Parcel  
214.000-4-22  
Industrial



No.	Revision	Date
1	parking / deep pit	1.08.2016

Project Name

Boat Wash Station &  
Information Center  
State Route 3 @ CR60  
Clifton, NY

Prepared by

Timothy J. Westbrook  
Adk Compliance, LLC  
PO Box 45  
Wanakena, NY  
(315) 848-2200

Title Sheet

Site Plan

Date  
June 2015

Scale  
1" = 50'

SP1

RECEIVED  
ADIRONDACK PARK AGENCY  
JAN 13 2016

~Wooded~

Parcel C  
of Tax Lot  
4.94  
Acres

Approximate location of  
deep pit test

10' x 30'

Equipment  
Storage &  
Information  
Center

Electric  
Substation  
(National  
Grid)

Exist. Sign  
Stand to be  
re-used

Exist.  
Parking Area  
accommodating  
approx. 6 vehicles

DOT  
Easement

DOT  
ROW

State  
Route 3

County  
Route 60

FINAL  
ADIRONDACK PARK AGENCY

FILE # P2015-1915

