

 <p>P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050 www.apa.ny.gov</p>	<p><b>APA Project Permit 2012-59</b></p>
<p>In the Matter of the Application of</p> <p><b>ADIRONDACK MEAT COMPANY, INC. and PETER WARD AND DENISE WARD and BRUCE CRAMMOND AND KAREN CRAMMOND</b></p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>Date Issued:</p>
	<p>To the County Clerk: This permit must be recorded on or before _____. Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none"><li><b>1. Peter and Denise Ward</b></li><li><b>2. Adirondack Meat Company, Inc.</b></li><li><b>3. Bruce and Karen Crammond</b></li></ol>

**SUMMARY AND AUTHORIZATION**

Peter and Denise Ward are granted a permit, on conditions, authorizing a meat processing facility in an area classified Moderate Intensity Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Ticonderoga, Essex County. This permit also constitutes after-the-fact approval for Bruce and Karen Crammond's subdivision that created the 22.2±-acre site where the facility is proposed and a 9.82±-acre lot.

Construction of the meat processing facility may not be undertaken, and no further transfer deed shall be recorded, until this permit is recorded in the Essex County Clerk's Office. This permit shall expire unless so recorded on or before \_\_\_\_\_ in the names of all persons listed on the first page hereof and in the names of all owners of record of any portion of the project site on the recordation date.

This meat processing facility project shall not be constructed 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 meat processing facility is operational. This permit will continue to remain in force and conditions apply in regards to the subdivision that created the 22.2±-acre site where the facility is proposed and the 9.82±-acre lot.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

#### **AGENCY JURISDICTION**

The project consists of a new industrial use, requiring an Agency permit as a Class A regional project in a Moderate Intensity Use area pursuant to §810(1)(b)(16) of the Adirondack Park Agency Act. The project also involves a new commercial use involving less than 10,000 square feet of floor space, a Class B regional project in a Moderate Intensity Use area pursuant to §810(2)(a)(8) of the Adirondack Park Agency Act. As further described in the findings below, the two-lot subdivision of a 32.02±-acre lot, whereby Bruce and Karen Crammond created a new 22.2±-acre lot and a 9.82±-acre lot, required Agency approval due to the subdivision of wetlands and as a major amendment to Agency permit 2008-310.

#### **PROJECT SITE**

The project site includes a vacant 22.2±-acre parcel and a vacant 9.82±-acre parcel located off Commerce Drive and adjacent to the Agency-approved Ticonderoga Business Park in the Town of Ticonderoga, Essex County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. It is identified on Town of Ticonderoga Tax Map Section 139.4, Block 1 as Parcels 54, 55.1 and 55.2. The 22.2±-acre parcel (tax parcels 54 and 55.2) is described in a deed from Bruce and Karen Crammond to their son, Robert Crammond dated February 2, 2012 which was recorded in the Essex County Clerk's Office on February 28, 2012 in Liber 1691 of Deeds at Page 231; and a subsequent deed from Robert Crammond to Peter Ward and Denise Ward dated March 16, 2012 and recorded in the Essex County Clerk's Office on March 19, 2012 in Liber 1693 of Deeds at Page 222. The 9.82±-acre parcel (tax parcel 55.1) retained by Bruce and Karen Crammond is described in a deed from Minier Tyrrell to Bruce and Karen Crammond dated November 25, 1998 which was recorded January 20, 1999 in the Essex County Clerk's Office in Liber 1200 of Deeds at Page 241.

#### **PROJECT DESCRIPTION AS PROPOSED**

The project authorized herein includes after-the-fact approval for the recent subdivision which created the 9.82±-acre and 22.2±-acre parcels.

On the 22.2±-acre parcel the applicant proposes to construct a small meat processing facility which will include construction of one 50' by 150' building approximately 25' in height. A gravel drive around the building and a paved parking area off Commerce Drive is proposed to accommodate 20 vehicles. The exterior color of the building will be tan and green. One unlit 2' by 7' sign will be attached to the southerly side of the building facing State Route 74. The interior of the building will include 6 pens, 3 coolers, freezers, processing areas, an employee lunchroom and restroom, an office for a USDA inspector, and a small retail area for direct sale of processed meats.

The business is expected to employ up to 12 full-time and 2 part-time employees year-round. The facility will operate Monday through Friday, 5am to 5pm, and will process a maximum of 10 animals per day; animals to be processed are primarily beef cattle, but the facility will also process pigs, goats, and sheep. All renderings and by products will be stored in freezers and collected weekly. No outside storage areas, pasture areas or waste disposal areas are proposed; all activities will occur inside the building.

The facility will be served by the Municipal water and sewer systems. No on-site wastewater treatment system is proposed.

The proposed development is shown on a drawing entitled "Site Plan for Adirondack Meat Company" prepared by Howard Weeden PLS, PC, and dated February 22, 2012. A reduced scale copy of the site plan is attached as a part of this permit for easy reference. The original, full-scale plan referenced in this permit is the official plan for the project.

#### CONDITIONS

#### BASED UPON THE FINDINGS BELOW, THE PROJECT IS APPROVED WITH THE FOLLOWING CONDITIONS:

1. The project shall be undertaken as described in the completed application, the Project Description as Proposed and as undertaken and Conditions herein. In the case of conflict, the Conditions control. Failure to comply with the permit is a violation and may subject the applicant, successors and assigns to civil penalties and other legal proceedings, including modification, suspension or revocation of the permit.
2. This permit is binding on the applicant(s), all present and future owners of the project site and all contractors undertaking all or a portion of the project. Copies of this permit and the site plan map(s) referred to herein shall be furnished by the applicant to all subsequent owners or lessees of the project site prior to sale or lease, and by the applicant or any subsequent

owner or lessee undertaking construction to any contractors undertaking any portion of this project. 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 2012-59 issued \_\_\_\_\_, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

3. The Agency may conduct such on-site investigations, examinations, tests and evaluations as it deems necessary to ensure compliance with the terms and conditions hereof. Such activities shall take place at reasonable times and upon advance notice where possible.

#### **Building Location and Size**

4. This permit authorizes the construction of one 50' by 150' building in the location shown on the site plan. The authorized building shall not exceed 30 feet in height, as measured from the highest point on the structure, including any ventilation units, to the lowest point of existing grade or finished grade, whichever is lower.

#### **Building Color**

5. All exterior building materials, including roof, siding and trim, used to surface the exterior of the dwelling authorized herein and all accessory use structures on the project site shall be of a color which blends with the existing vegetation. The Agency will, upon request, advise whether any particular proposal complies with this condition.

#### **Outdoor Lighting**

6. Any new free-standing or building mounted outdoor lights shall employ full cut-off fixtures, that is, they shall be fully shielded to direct light downward and not into the sky. The fixtures shall be oriented so as to not cast light toward NYS Route 74 or adjoining property. The intent is to reduce nighttime light pollution (glare, light trespass and sky glow).

#### **Planting/Screening**

7. A minimum of 6 evergreen trees at least 5 feet in height shall be planted as described on the site plan referenced herein. The tree planting shall be implemented in the spring or fall, whichever comes first, immediately following the construction of the building authorized herein. Any trees which do not survive

or become diseased shall be replaced annually until such time as all of the trees have been established in a healthy growing condition.

#### Signage

8. All signs on the project site shall comply with 9 NYCRR Appendix Q-3 of the Adirondack Park Agency Regulations.

#### Odor

9. No waste shall be disposed on site. As proposed, all by-products shall be stored in freezers or inside tanks and collected weekly by licensed rendering services or waste management services. Cleaning and best management practices shall be utilized to prevent and reduce odor.

If within one year after the commencement of full operations, the Agency receives *bona fide* complaints from nearby residents, it will evaluate the odor impacts to nearby uses. If the Agency determines there are undue adverse odor impacts as a result of this project, the applicants shall be required to submit an odor abatement plan for Agency approval within 45 days of written notification by the Agency. The plan shall include use of best practical odor control measures, including - but not limited to - devices, methods, processes, equipment technology, wastewater treatment and procedures which reduce the generation and transmission of odor. The final approved odor abatement plan must then be implemented by the applicants within the time specified in the Agency approval of the plan.

#### Wastewater Treatment

10. All wastewater generated from the project shall be discharged to the municipal wastewater collection system and shall meet Town of Ticonderoga sewage collection and pretreatment requirements. Final review and approval from the Town's Municipal Sewer and Water departments in accordance with the local sewage use ordinance shall be obtained prior to operation of the facility. The applicant shall submit a copy of the approval to the Agency within 10 days of it being issued.

#### Erosion Control / Stormwater Management

11. Erosion controls measures and stormwater runoff shall be installed and managed in accordance with the site plan referenced herein.

**Wetlands**

12. No "regulated activity" as defined in the Agency's Freshwater Wetland Regulations (9 NYCRR Part 578) shall occur on the project site without prior Agency approval. Such activities include, but are not limited to, new land use or development in, subdivision of, clearcutting more than three acres within, or dredging or filling of a wetland, or any other activity, whether or not occurring within the wetland, which pollutes it or substantially impairs its functions, benefits or values.

**Energy Conservation**

13. At a minimum, the development authorized herein shall be designed and constructed to comply with the Energy Conservation Construction Code of New York State, 2007 (ECCCNYS-2007), or whatever subsequent version is in effect at the time when the facility is constructed. This will include adherence to properly selected, installed and inspected insulation, high performance windows, tight building envelope construction and duct work and efficient heating and cooling equipment.

The facility shall use the highest rated Energy Star products (current at the time of construction), including light fixtures and equipment to the maximum extent possible.

**Legal Interests of Others**

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

**Agency Review of Future Development**

15. Without a new or amended Agency permit there shall be no further subdivision of the 22.2±-acre lot or the 9.82±-acre lot authorized After-The-Fact herein. Beyond the development on the 22.2±-acre lot authorized herein, no other new land use and development, or further ground disturbance shall occur on either lot without a new or amended Agency permit. Any application to the Agency for new land use, development or ground disturbance shall include documentation from New York State Office of Parks, Recreation and Historic Preservation (OPRHP) regarding impacts to historic resources [see finding below]

**FINDINGS OF FACT**

**Background/Prior History**

1. The project site was part of a larger parcel as of the May 22, 1973 enactment date of the Adirondack Park Land use and Development Plan. Prior Agency permits, including permits 93-189, 95-60, and 99-130 authorized post 1973 subdivision of the original larger parcel and conveyance of lands from Crammond to the Essex County Industrial Development Agency for creation of the Ticonderoga Business Park, which is located adjacent to the project site. Agency Permit 2008-310 authorized Crammond's further subdivision of his remaining vacant 45.37±-acre parcel into two lots: "Parcel B" a 32.02±-acre lot and "Parcel A" a 13.35±-acre lot. As authorized After-The-Fact herein, "Parcel B" was subdivided again to create the 22.2±-acre lot conveyed to Ward for the meat processing facility site and to create a 9.82±-acre lot retained by Crammond. This subdivision required Agency approval due to the subdivision of wetlands and as a major amendment to Agency permit 2008-310. The Agency's Enforcement Environmental Program Specialist 2 and Deputy Director of Regulatory Programs determined the issuance of this permit shall resolve the violation.

**Existing Environmental Setting**

2. The project site is located in a Moderate Intensity Use land use area on Adirondack Park Land Use and Development Plan Map. The project site is primarily flat open field with some scattered trees and shrubs. There is a stream located along the northern property boundary.
3. As shown on the site plan, there are wetlands along the stream and on the easterly side of the project site. The wetlands are an emergent and scrub shrub wetlands with a preliminary value rating of 2. Wetlands shown on the plans and/or described herein are intended to alert landowners and others that wetlands are present on the project site. However, this may not identify all wetlands on or adjacent to the project site.

Other than jurisdictional wetlands, there are no statutory "critical environmental areas" on the property.

4. Adjacent land uses are primarily commercial, including the Essex County Industrial Development Agency Ticonderoga Business Park, which includes a "Tractor Supply" Company, (Agency Permit 2011-48) and a Niagara Mohawk Power Corporation Service Center (Agency Permit 2000-250). Agricultural and scattered residential

properties are located across Route 74. Strip commercial uses of Hamlet area are located approximately 2,000 feet to the east of the project site and medium density residential uses of the Hamlet area are located approximately 4,000 ft. to the east of the project site.

#### **Public Notice and Comment**

5. The Agency notified all adjoining landowners and those parties as statutorily required by §809 of the Adirondack Park Agency Act and published a Notice of Complete Permit Application in the Environmental Notice Bulletin. Three comment letters have been received. One letter is in favor of the project and describes how the project will provide a direct economic benefit to the region, enhance a sustainable rural way of life, help promote viable farming in the Adirondacks and address growing demands for local food sources. Two lessors of adjacent commercial properties submitted letters in general opposition to the project; one stating concerns that the facility would detrimentally affect their commercial tenants and the other expressing a general concern about potential odor, noise, traffic and visibility.

#### **Other Regulatory Permits and Approvals**

6. Pursuant to their decision filed with Town Clerk on March 13, 2012, The Town of Ticonderoga Planning Board has conditionally approved the meat processing facility in accordance with the "Site Plan Notes". Approval from the Town's Municipal Sewer and Water departments will be required prior to issuance of a local building permit. The Town will coordinate with New York State Department of Environmental Conservation (NYSDEC) to evaluate and monitor the waste stream from the facility.
7. Prior to operating an approval ("Grant of Inspection") from the United States Department of Agricultural (USDA) is required. USDA's Food Safety & Inspection Service (FSIS) is responsible for ensuring the safety and wholesomeness of the meat processed. A USDA inspector will have an office in the meat processing facility and slaughter operations cannot be conducted unless the inspector is present. The USDA inspector conducts carcass by carcass inspections, and verifies that the facility follows all food and safety and humane handling regulations.

**Economic/Fiscal Factors**

8. During the 16 week construction period, the Project Sponsor expects to employ twenty full-time workers and fifteen part-time workers. The New York State Department of Labor employment multiplier for construction is 2.24; the construction of this project is projected to support the employment of an additional eighteen part time workers and twenty-four full time workers within the region during the construction period.

Once completed the Project sponsor projects a full-time employment of twelve workers and two part-time employees. The New York State Department of Labor employment multiplier for manufacturing is 3.04; the operations of this project are projected to support the employment of an additional twenty-four full time and six part time workers in related industries.

9. The development of this meat processing facility will support the expansion of a growing cattle production industry and local direct market farming within the Adirondacks. A 2010 study by the Cornell Cooperative Extension found that North Country farmers have the potential to increase beef production by 137% but that a lack of processing facilities in relative proximity to their farms and the limited capacity at existing regional processing facilities is preventing industry growth.

**PROJECT IMPACTS**

**Wetlands**

10. As proposed and authorized herein, no new land use or development will occur within 400+ feet of wetlands. Erosion controls and stormwater will be managed to ensure no runoff into wetlands. A grading plan and vegetated buffer areas between the development area and wetlands are incorporated into the Site Plan to manage stormwater runoff. Thus, this project will not involve any loss of wetland acreage, function or the benefits derived therefrom.

**Water Resources**

11. The lots are served by the municipal wastewater and water systems. Per the applicant's design plan, the facility will process all parts of the animal and thus the waste to be discharged into the municipal system will primarily be from restrooms and sinks. Final Engineering plans confirming this design must be submitted to the town for approval. The Town of Ticonderoga Water & Sewer Department, in consultation with

NYSDEC, will evaluate and monitor the waste stream from the facility and identify any required pretreatment prior to discharge into the Municipal Wastewater collection and treatment system. Requiring that prior to operation of the facility, final review and approval from the Town's Municipal Sewer and Water departments in accordance with the local sewage use ordinance is obtained will protect water resources and avoid potential waste odor issues. Further, the use of adequate erosion controls and stormwater management practices will help to protect groundwater and surface water resources.

#### **Open Space/Aesthetics**

12. As shown on the site plan, the applicant's proposal to plant evergreen trees on the south side of the building will help screen the facility from state Route 74 and minimize visual impacts to the state highway. Further, the use of full cut-off shielded/hooded light fixtures, and exterior finish materials in natural colors of tan and green will help to minimize potential visual impacts to adjacent land uses.

#### **Operational Issues Affecting Nearby Land Uses**

13. The meat processing facility will operate Monday through Friday, 5am to 5pm, and will process a maximum of 10 animals per day. As proposed by the applicant, and in an attempt to maximize discretion, animals will primarily be delivered to the facility before 6am and will enter the building on the north side, opposite (and not visible) from State Route 74. The facility is proposed adjacent to the Ticonderoga Business Park and in a former agricultural use area and as such the facility is consistent with character of the surrounding area. Further, since all activities will occur inside the building and no outside pasturing areas or waste disposal areas are proposed or authorized, impacts to adjacent land uses will be minimized. All renderings and by-products will be stored in freezers and collected weekly, thus minimizing any potential odor impacts from the facility. Further, a USDA inspector will be present on site and have an office in the building thereby ensuring compliance with all USDA regulations.

A maximum of 10 animals delivered per day and weekly collection of renderings and by-products by a licensed company will not result in significant traffic issues on State Route 74, or on Commerce Park Road, which is a dead-end town road currently serving the two existing businesses in the Business Park.

Further, the small scale commercial aspect of the business whereby processed meats can be bought directly is not anticipated to result in notable traffic issues or impacts to the adjacent uses.

#### **Projected Remaining Building Density**

14. After the construction of the one building authorized herein, not more than 16 potential principal buildings shall be allowed on the 22.2±-acre lot and not more than 7 potential principal buildings shall be allowed on the vacant 9.82±-acre lot unless the overall intensity guidelines of the Adirondack Park Agency Act or the Park Plan Map are amended or, pursuant to the adoption of an Agency-approved local land use program. Due to site limitations, the Agency makes no assurances the maximum development mathematically allowed can be approved.

#### **Historic Sites or Structures**

15. After their review of "Phase I Cultural Resources Survey, Adirondack Meat Company, Town of Ticonderoga, Essex County, NY" dated April 2012, The New York State Office of Parks, Recreation and Historic Preservation (OPRHP) issued a letter dated April 19, 2012 which determined the proposed project would have "No Impact" upon cultural resources in or eligible for inclusion in the National Registers of Historic Places. Thus, the project as proposed and authorized herein will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR Section 426.2 for the purposes of implementing §14.09 of the New York State Historic Preservation Act of 1980. The "No Impact" determination, however, applies only to the Area of Potential Effects (APE) as currently proposed; any changes in location of the proposed development and/or additional development on site would require further review and determination by OPRHP.

#### **CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval as set forth in: Section 809(10) of the Adirondack Park Agency Act (Executive Law, Article 27) and 9 NYCRR Part 574; Section 24-0801(2) of the NYS Freshwater Wetlands Act (ECL, Article 24, Title 8) and 9 NYCRR Section 578.10. The Agency hereby finds that the project is approvable and complies with the above criteria, provided it is undertaken in compliance with the conditions herein.

