

 <p>P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050 www.apa.ny.gov</p>	<p>APA Project Permit 2012-167</p>
<p>In the Matter of the Application of</p> <p>TOWN OF ST. ARMAND, STUART J. DARRAH AND TRACY J. DARRAH</p> <p>for a permit pursuant to Section 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">1. Town of St. Armand2. Stuart J. Darrah3. Tracy J. Darrah

SUMMARY AND AUTHORIZATION

The Town of St. Armand, Stuart J. Darrah and Tracy J. Darrah are granted a permit, on conditions, authorizing a waste disposal area in an area classified Moderate Intensity Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of St. Armand, Essex County.

This project may not be undertaken, and no 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 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 waste has been disposed of at the site and the waste disposal area has been final graded, seeded and mulched.

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 waste disposal area, a Class B regional project requiring an Agency permit pursuant to Section 810(2)(a)(17) of the Adirondack Park Agency Act.

PROJECT SITE

The project site is a 25.3±-acre parcel of land located off Roosevelt Road in the Town of St. Armand, 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 St. Armand Tax Map as Section 13.003, Block 4 as Parcel 2. The project site is described in a deed from Adirondack S.A.N.D., Inc. to Stuart J. Darrah and Tracy J. Darrah dated June 1, 2006 which was recorded June 19, 2006 in the Essex County Clerk's Office as document number 2006-00003839 in Liber 1493 of Deeds at Page 100.

PROJECT DESCRIPTION AS PROPOSED

The project as proposed is the creation of a waste disposal area on the project site to dispose of materials generated by the demolition of the Town of St. Armand municipal garage located on NY Route 3 in the Hamlet of Bloomingdale. Approximately 650 cubic yards of waste will be disposed of at the project site. Trucks will travel over NYS Rte. 3 to Roosevelt Street, then on Roosevelt Street to the waste disposal area. A one way trip is approximately 1 mile. The Town will utilize two Town owned tandem dump trucks and estimates 26 loaded truck trips will be required. The project will progress as the building is demolished. It is estimated that the demolition will take less than one week.

The waste disposal area is shown on drawings entitled "Town of St. Armand Waste Disposal Site" dated December 19, 2012. A reduced scale copy of the site plan is attached as a part of this permit for easy reference. The original, full-scale maps and plans referenced in this permit are the official plans 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 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 2012-167 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.
4. The permittee shall require that any agent, contractor, project engineer, or other person responsible for the overall supervision of this project read and understand this permit and all terms and conditions and provide them with a copy of the permit. The permit shall be kept at the waste disposal site during disposal and site restoration activities.
5. Any proposed deviation from the project as authorized or the terms and conditions of this permit must be approved in advance in writing by the Agency.
6. All waste disposal sites shall be final graded to naturally stable slopes and blended smoothly into the surrounding topography in the area identified on the approved plan.
7. The waste to be disposed of at this site shall be limited to recognizable uncontaminated concrete and concrete products (including steel or fiberglass reinforcing rods embedded in the concrete) asphalt pavement, brick, glass, soil and rock.
8. All waste shall be covered with 6 inches of soil and seeded with native grasses and mulched with straw within three days of final grading to establish an erosion resistant turf.

9. Any roads or access drives disturbed or damaged as a result of the waste disposal activities shall be restored to their original condition.
10. The waste disposal work shall be scheduled and conducted to minimize erosion of soils and to completely prevent silts or sediments from eroding into wetlands or surface waterbodies. Prior to undertaking any earthwork on the site silt fence shall be installed within 5 feet of the proposed toe-of-slope of the waste disposal area. The silt fence shall be embedded into the earth a minimum of six inches, shall be maintained throughout the waste disposal project and shall not be removed until after all soils in the vicinity of the wastedisposal area are stabilized with growing vegetation. The applicants or their successors in interest shall inspect the fabric at least once a week and after every major storm event to ensure the fabric and supports are intact and to remove accumulated sediments so as to maintain the fence in a functional manner.
11. The waste disposal and site restoration activities shall be completed within one construction season unless otherwise authorized herein. The final grading, seeding and mulching of the waste disposal area shall be completed within 60 days of disposing of the materials on the project site.

Legal Interests of Others

12. This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian 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 Subdivision and Development

13. No further subdivision or land use and development shall occur on the property without first obtaining a jurisdictional determination and, if required, a permit from the Agency.

FINDINGS OF FACT

Background/Prior History

1. The project site was part of a larger pre-May 22, 1973 parcel and the subject of many agency permits and letters of non-jurisdiction. The 25.3±-acre lot was created by Agency permit

99-38 issued August 17, 1999 and recorded August 30, 1999 in the Essex County Clerk's Office in Book 48 of APA permits at page 230. The permit authorized a three lot subdivision of 61.5± acres in Moderate Intensity Use involving wetlands.

Existing Environmental Setting

2. The project site is a 25.3±-acre lot which consists of forested and open field areas. It is developed with one single family dwelling. The proposed waste disposal area is part of a plan for the property to create a relatively flat area to park vehicles and store equipment. The proposed waste disposal area will be located within a large open field on an existing moderately steep sloping bank 10 to 15 feet in height. There are no wetlands or water features within 100 feet of the proposed waste disposal area. Access to the area will be over an existing gravel driveway. The waste disposal site will not be visible from any off-site locations.

Public Notice and Comment

3. The Agency notified all adjoining landowners and those parties as statutorily required by Section 809 of the Adirondack Park Agency Act and published a Notice of Complete Permit Application in the Environmental Notice Bulletin. One letter was received voicing concerns that the waste disposal site should not be an eyesore and that it should not change existing drainage patterns or affect adjoining land owners. Both these concerns have been adequately addressed by the applicants, land owners and this permit.

Other Regulatory Permits and Approvals

4. The project as proposed is exempt from NYS Department of Environmental Conservation review pursuant to Part 3607.1(b)(1)(i) regarding solid waste management facilities.

PROJECT IMPACTS

5. The project as proposed will not have any undue adverse impacts to any resources within the Adirondack Park.

Operational Issues Affecting Nearby Land Uses

6. The project will take place over a relatively short time period and truck traffic will be minimal. The project will not have any undue adverse impacts to nearby or adjoining land owners.

Historic Sites or Structures

7. The project site is not located in an area known to have cultural resources in close proximity to the site. Therefore, 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 Section 14.09 of the New York State Historic Preservation Act of 1980.

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. 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.

PERMIT issued this day
of , 2013

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 2013, 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:TES:MAO:PVC:DFK:mlr