


TWO SIDED DOCUMENT

 <p>Adirondack parkagency P.O. Box 99 • Ray Brook, New York 12977 (518) 891-4050 www.apa.ny.gov</p>	<p>APA Project Permit 2013-172</p>
<p>In the Matter of the Application of MAPLE DEVELOPMENT GROUP, LLC AND JENNIFER LIBERTY for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>Date Issued: November 15, 2013</p> <p>To the County Clerk: This permit must be recorded on or before January 14, 2013 Please index this permit in the grantor index under the following names: 1. Maple Development Group, LLC 2. Jennifer Liberty</p>

SUMMARY AND AUTHORIZATION

Maple Development Group, LLC and Jennifer Liberty are granted a permit, on conditions, authorizing a new commercial use in an area classified Moderate Intensity Use by the Official Adirondack Park Land Use and Development Plan Map in the Towns of Dannemora and Saranac, Clinton County.

This project may not be undertaken until this permit is recorded in the Clinton County Clerk's Office. This permit shall expire unless so recorded on or before January 14, 2014 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 foundation for the proposed building has been installed.

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 commercial use structure involving less than 10,000 square feet of floor space, a Class B regional project requiring an Agency permit pursuant to Section 810(2)(a)(8).

PROJECT SITE

The project site is a 0.95±-acre parcel of land located on NYS Route 374 and Haley Way in the Towns of Dannemora and Saranac, Clinton County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. It is identified on Town of Dannemora Tax Map Section 188.17, Block 4 as Parcel 11 and Town of Saranac Tax Map Section 188.17, Block 5 as Parcel 1. The project site is described in a deed from Sydney W. Haley, Wallace F. Haley and Doris E. Sweeney to Jennifer Liberty dated July 7, 2011 which was recorded July 8, 2011 in the Clinton County Clerk's Office as Instrument No. 2011-00241269.

PROJECT DESCRIPTION AS PROPOSED

The project is summarized as follows:

- A pre-existing single family dwelling located on the property will be demolished, removed from the site and disposed of at the High Acres Landfill.
- Construction of a new commercial use consisting of a one-story, 8,320-square foot building to be leased as a "Family Dollar Store". This building will measure approximately 20 feet in overall height. The first floor elevation will be set at 1308 feet, approximately 12 feet higher than the elevation of the property at the southeast corner of the building. A retaining wall with railing will be installed along the edge of the paved area south and east of the building. A dumpster enclosure will be located in the southeastern corner of the property.
- The exterior walls of the building will consist of tan steel and light gage metal walls bearing one externally-lighted sign, measuring approximately 31 square feet in size. The top of the sign will be approximately 18 feet in height above finished grade. A second sign measuring 28 square feet and mounted on a monument will be located approximately 25 feet from the edge of pavement of NYS Route 374.
- The commercial use will operate year-round, seven days per week from 8:00 a.m. to 9:00 p.m. Monday through Saturday and 9:00 a.m. to 9:00 p.m. on Sunday. Delivery of products to the store will occur once a day via tractor trailer between the hours of 9:30 am and 3:30 pm.
- Municipal water supply and wastewater treatment facilities will serve the commercial use.

- The main entrance will be located on Haley Way and will cross an existing utility line easement. A sewer line easement bisects the property from northwest to southeast and a water line easement is located along the edge of the property adjacent to NYS Route 374.
- A paved parking lot with approximately 23 parking spaces will be constructed.
- Exterior lighting will consist of pole-mounted light fixtures 25 feet in height located in the parking lot and building wall-mounted light fixtures. All light fixtures will be hooded and directed downward to confine light to the project site. Light pole #2 and building light BMC 4 will remain on as security lighting. All other lights will be on a timer.
- Landscaping will involve the planting of 11 white pine trees and 11 spruce trees along the southerly and westerly property boundary, and the planting of 1 red maple and 21 shrubs and bushes between the parking lot and NYS Route 374.
- All drainage from the site will be controlled by positive surface drainage, roof drains and/or catchbasins to an infiltration stormwater management system.

The project is shown on a set of five drawings entitled "Family Dollar 953 Route 374," drawn by ABD Engineers & Surveyors, and dated July 24, 2013 referred to herein as the "project plans", an elevation plan entitled "Family Dollar for Maple Development Group, LLC" drawn by C. L. Helt, Architect Inc., a survey map entitled "Survey Map Showing Existing Conditions on Certain Lands of Jennifer Liberty" drawn by Dean H. Lashway, L.S., P.C. and two sheets of sign plans dated August 8, 2013. Proposed stormwater provisions are contained in the July 24 and 25, 2013 report entitled "Basic Stormwater Pollution Prevention Plan and Stormwater Management Report" which was prepared by Joseph J. Binachine, P.E. of ABD Engineers & Surveyors. Reduced scale copies of Sheet 2 of the project plans (Grading & Utility Plan) and the elevation plan are 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, for as long as the commercial use continues on the site.
3. Copies of this permit and the project plans 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 2013-172 issued November 15, 2013, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
4. 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.

Projected Remaining Building Density

5. After the construction of the commercial use authorized herein, no additional principal buildings shall be allowed on the project site 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, refined so as to permit additional principal buildings. Due to site limitations, the Agency makes no assurances the maximum development mathematically allowed can be approved, if so increased.

Building Location and Size

6. This permit authorizes the construction of an 8,320 square foot commercial use building as described in the Project Description as Proposed and in the project plans. Any change in the site plan configuration as depicted on the project plans, any increase in footprint or height of any portion of the building, and the construction of any additional structure shall require prior Agency review and approval in the form of an amended or new permit or letter of permit compliance.

Hours of Operation

7. Any change to the proposed hours of operation shall require prior Agency review and approval in the form of an amended permit or letter of permit compliance.

Water Resources

8. The project shall be undertaken in conformance with the Stormwater Management Report and project plans dated July 24, 2013 and with the July 25, 2013, basic stormwater pollution prevention plan.

Waste Disposal

9. No waste material generated by the removal of the single family dwelling shall be disposed of on-site. All waste material disposed of within the Adirondack Park shall be disposed in a lawful sanitary landfill, non-wetland area designated as Hamlet on the Adirondack Park Land Use and Development Plan Map, or an Agency-permitted waste disposal area. Any other disposal location within the Adirondack Park (outside of a Hamlet land use area) shall require prior Agency review and written approval in the form of a new or amended permit.

Wastewater Treatment

10. The business may not open to the public until the authorized structure has been connected to operational municipal wastewater treatment facilities.

Signage

11. All signs on the project site shall comply with 9 NYCRR Appendix Q-3 of the Adirondack Park Agency Regulations. Any additional signage beyond that proposed and shown on the project plans (other than directional signage having a sign area less than 3 square feet in size) shall require prior Agency review and approval.

Aesthetic Resources

12. All tree and shrub plantings shall occur in conformance with the July 24, 2013, project plans, with all planting completed by no later than the growing season following completion of the commercial use building and related site improvements. Any of the trees or shrubs planted pursuant to the project plans that do not survive shall be replaced annually until all plants are established in a healthy growing condition.

Lighting

13. All lighting shall comply with Sheet 3 of the approved plans drawn by ABD Engineers & Surveyors, and dated July 24, 2013 and shall be on timers except for the two security lights as proposed.

Legal Interests of Others

14. 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.

FINDINGS OF FACT

Background/Prior History

1. As of the May 22, 1973 enactment date of the Adirondack Park Agency Land Use and Development Plan, the 0.95±-acre project site was not part of a larger parcel.

Existing Environmental Setting

2. There are no wetlands, navigable shorelines or designated river areas on the property or within 100 feet of the property. There are no statutory "critical environmental areas" on the property.
3. The northern portion of the project site is currently developed with a single family dwelling, which is proposed to be removed from the site. The southern portion of the site contains a mix of deciduous and coniferous trees. The property slopes gradually downward from the northwest corner to the southeast corner.
4. The property is subject to water and sewer line easements granted to the Town of Dannemora. NYSEG has also been granted an easement along the eastern portion of the property.
5. The project site is within an area characterized by residential uses and commercial uses including a gas station/convenience store and a bottle redemption center. The project site is located approximately ¼ mile from the Hamlet land use area and approximately ¼ mile from the New York State Dannemora Correctional Facility.

PROJECT IMPACTS

Water Resources

11. Installation and proper functioning of municipal water supply and wastewater treatment facilities will adequately protect groundwater quality from contamination from wastewater and the groundwater levels.
12. Adherence to the proposed erosion and sedimentation control plan contained in the project plans and the stormwater pollution prevention plan including prompt re-vegetation of disturbed soil areas will avoid soil erosion and sedimentation impacts.
13. Project construction will involve removal of an existing single family dwelling. Proper disposal of the dwelling waste material and other wastes from the project will minimize resource impacts and avoid the creation of unlawful waste disposal areas.

Open Space/Aesthetics

14. As shown on the August 8, 2013 sign plans, a 32± square foot sign with a 27.5±-square foot sign area is proposed to be located on the building and a 28± square foot sign is proposed to be mounted on a monument located adjacent to NYS Route 374. Both signs will be externally lit with downward shielded gooseneck lamps that are on timers. Requiring that no additional signs be constructed without prior Agency review and approval will minimize impacts and ensure compliance with Agency sign standards.
15. Successful tree and shrub plantings as part of proposed landscaping, and use of full cut-off fixtures as part of proposed lighting will minimize impacts to aesthetic resources.

Operational Issues Affecting Nearby Land Uses

16. Requiring that lighting comply with the lighting plan and landscaping plan and requiring prior Agency review and approval for any changes to the type commercial use, footprint and height of the building and hours of operation will minimize impacts to nearby land uses.

Historic Sites or Structures

17. By letter dated August 12, 2013 the NYS Office of Parks, Recreation and Historic Preservation determined that the proposed project will have no impact upon cultural resources in or eligible for inclusion in the State and National Registers of

Public Notice and Comment

6. 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 from adjoining landowners have been received expressing concerns regarding noise, traffic, lighting and other potential impacts.

Other Regulatory Permits and Approvals

7. The Town of Dannemora has review jurisdiction over the project in so far as the NYS Building Safety and Sanitary codes apply. The project will also require approval from the Town of Dannemora Water & Sewer Department. On July 18, 2013 the Town of Dannemora Planning Board issued three resolutions regarding: the proposed improvements to Haley Way; approval to connect to the Town's water and sewer system; and the proposed improvements within the Town's sewer right-of-way for the project's parking area.
8. By letter dated September 4, 2013, the New York State Department of Transportation preliminarily approved a highway work permit for the addition of curb and pavement within the highway right-of-way.

Economic/Fiscal Factors

9. The project site is currently assessed at \$85,600. The project cost (land and structure) has been estimated at \$900,000. These values will be considered by the local real property tax officials in establishing a revised real property tax assessment after project completion. The applicant may apply for a NYS Real Property Tax Law §485.b business investment exemption to reduce its property tax liability over a ten year period following completion of the project. The §485.b program allows a maximum 50 percent tax reduction in the first year and provides for a 5 percent annual increase in tax liability through the balance of the 10 year period.
10. Six full-time workers are expected to be employed by Family Dollar once the store becomes operational. Ten full-time workers are anticipated to be employed during the 24-week construction period.

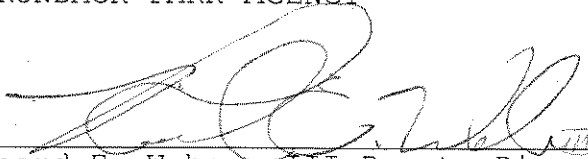
Historic Places. Therefore, project as proposed and authorized herein will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR Section 426.2 for the purposes of implementing Section 14.09 of the New York State Historic Preservation 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 15 day
of November, 2013

ADIRONDACK PARK AGENCY

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

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

On the 15 day of November 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:TJD:mlr



C.L. Heit, Architect Inc.

1136 Greenwood Cliff
Charlotte, NC 28204
Ph: 704-342-0896
Fax: 704-342-0897
E-MAIL: CLHEIT@CLHEIT.COM

ARCHITECT'S PROJECT - EMBED
Project: **FAMILY DOLLAR**
FOR **MAPLE DEVELOPMENT**
GROUP, LLC
988 ROUTE 374
DANNEMORA, NY
DESIGN BASED ON 2012-03 PD PROTOTYPE

**ELEVATIONS/
EXTERIOR FINISH
SCHEDULE**

Sheet Description: **ELEVATIONS/
EXTERIOR FINISH
SCHEDULE**

Drawn By: **T. FRICH**

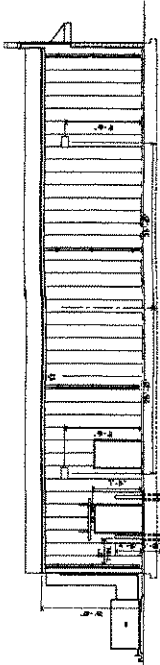
Checked By: **D. MYERS**

Permitted:

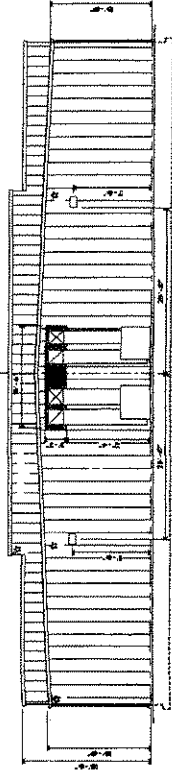
Scale: **1/8" = 1'-0"**

Sheet No. **A-2**

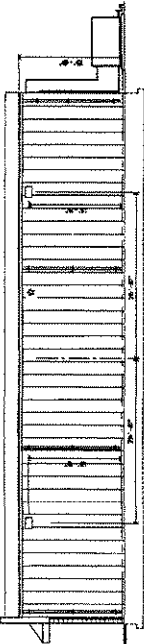
FINAL PLANS
ADIRONDACK PARK AGENCY
P-21013-173
DATE: 10/30/13



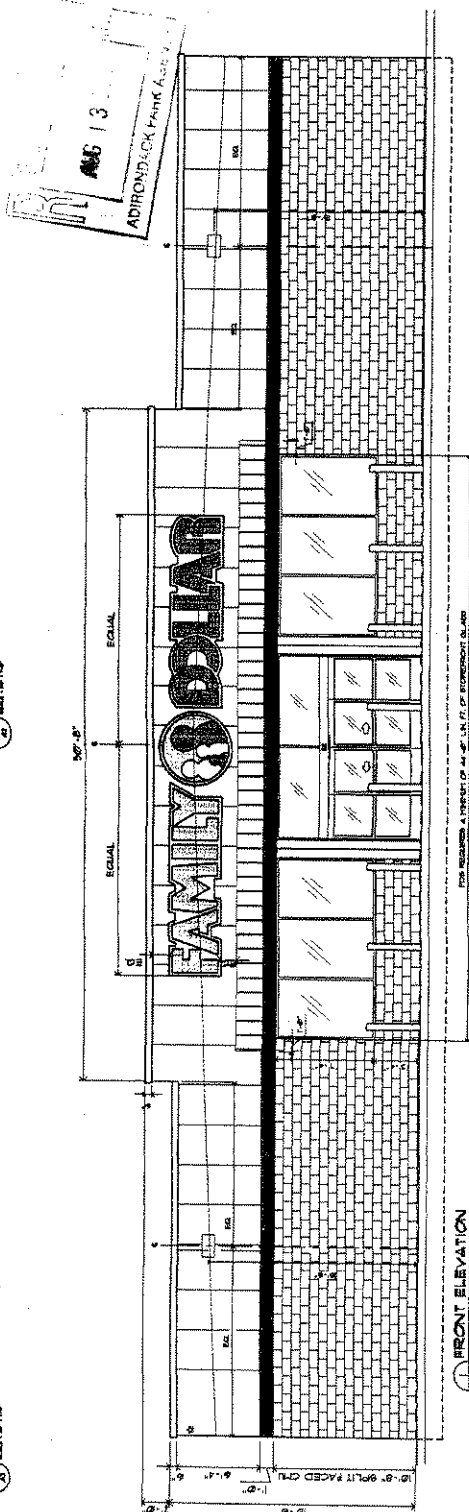
2 LEFT SIDE ELEVATION



3 REAR ELEVATION



4 RIGHT ELEVATION



1 FRONT ELEVATION

THIS DRAWING IS THE PROPERTY OF C.L. HEIT, ARCHITECT INC. AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF C.L. HEIT, ARCHITECT INC.

N.Y.S.D.O.T. STANDARD GENERAL NOTES

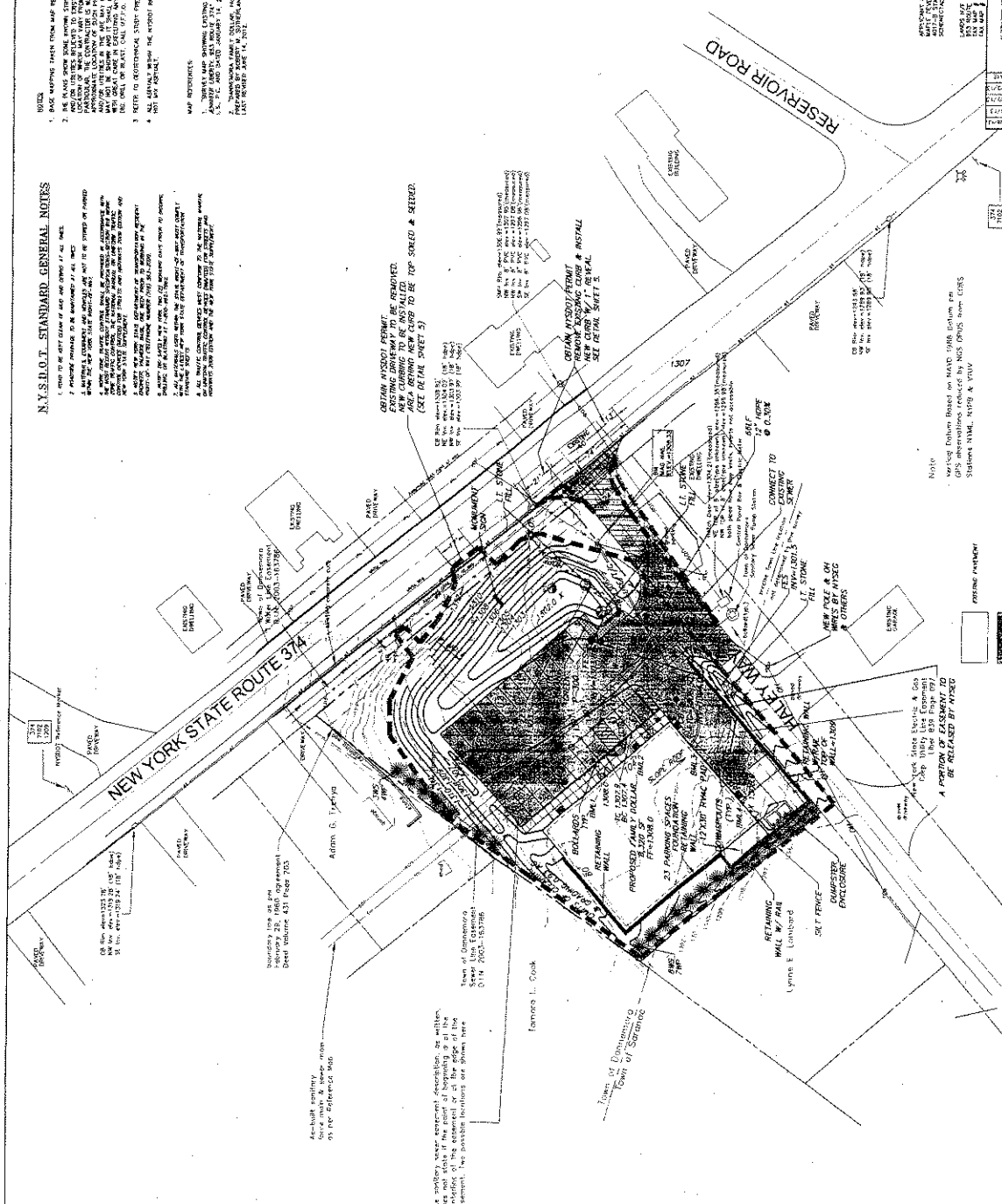
1. REFER TO THE ADJUST STATE OF NEW YORK 2011. ALL NOTES.
2. ALL DISTANCES TO BE MEASURED AS SHOWN ON THE PLAN.
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NOTES

1. BASE MAPS SHOWING EXISTING UTILITIES, STRUCTURES, AND OTHER FEATURES.
2. THE PLANS SHOW EXISTING UTILITIES, STRUCTURES, AND OTHER FEATURES.
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APPROVED AND SEALED UNDER THE PROFESSIONAL ENGINEER SEAL OF THE STATE OF NEW YORK
 DATE: JUL 12, 2011
 ADRIAN WELCH, P.E.

RECEIVED
 JUN 15, 2011
 ADRIAN WELCH, P.E.

GRADING & UTILITIES PLAN
FAMILY DOLLAR
 100 ROUTE 374
 ADRIAN WELCH, P.E.
 300 N. 10TH STREET
 SUITE 202
 PHILADELPHIA, PA 19107
 (215) 562-3333
 (215) 562-3334



NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	7/12/11	AW
2	ISSUED FOR PERMIT	7/12/11	AW
3	ISSUED FOR PERMIT	7/12/11	AW
4	ISSUED FOR PERMIT	7/12/11	AW
5	ISSUED FOR PERMIT	7/12/11	AW

NOTES:
 1. WORKING DRAWING BASED ON MAPS 1000, 1000a, 1000b, 1000c, 1000d, 1000e, 1000f, 1000g, 1000h, 1000i, 1000j, 1000k, 1000l, 1000m, 1000n, 1000o, 1000p, 1000q, 1000r, 1000s, 1000t, 1000u, 1000v, 1000w, 1000x, 1000y, 1000z.

2. GPS OBSERVATIONS COLLECTED BY MRS. DRISCOLL, SURVEYOR.

3. SYSTEMS NAME, NAD83 & NAVD83.

4. ALL DISTANCES TO BE MEASURED AS SHOWN ON THE PLAN.

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