

 <p>Adirondack parkagency NEW YORK STATE</p> <p>P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050 apa.ny.gov</p>	<p>APA Project Permit 2013-252</p>
<p>In the Matter of the Application of</p> <p>DMK DEVELOPMENT, LLC</p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>Date Issued: February 20, 2015</p>
	<p>To the County Clerk: This permit must be recorded on or before April 21, 2015. Please index this permit in the grantor index under the following names</p> <ol style="list-style-type: none">1. DMK Development, LLC2. YOOP, LLC

SUMMARY AND AUTHORIZATION

This permit authorizes a new commercial use in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of North Elba, Essex County.

This permit shall expire unless recorded in the Essex County Clerk's Office on or before April 21, 2015, 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 four years from the date the permit is recorded. The Agency will consider the project in existence when construction of the commercial use as authorized herein is 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.

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 7.28± acre parcel of land located on NYS Route 86 in the Town of North Elba, Essex County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified on Town of North Elba Tax Map Section 41.007, Block 5 as Parcels 1 thru 13 and is described in a deed from Adirondack Ventures, LLC to YOOP, LLC, dated April 3, 2013, and recorded April 8, 2013 in the Essex County Clerk's Office under Instrument Number 2013-1589 at Book 1730, Page 123. DMK Development, LLC has entered into a contract to purchase the project site in its entirety.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a lease subdivision of the project site into a 4.34± acre lot and a 2.94± acre lot. The 4.34± acre lot will be leased by DMK Development, LLC to Tractor Supply Company (TSC). The construction of a 19,000± square foot "Tractor Supply" commercial retail building with related development is proposed on the 4.34± acre lot. In addition to the retail building, the development includes an adjacent 15,000± square foot outside fenced display area, and approximately 6,000 square feet of sidewalk display areas. A parking area for 68 vehicles is proposed on the the south (front) and east side of the building, with a new access drive off of NYS Route 86 proposed on the east side of the property. One 5'2" by 1'11" sign hung on a 9'8" tall wood frame is proposed at the driveway entrance and one 4'3" by 9'3"± sign is proposed on the building. Exterior lighting, landscaping, stormwater infrastructure and an on-site wastewater treatment system are also proposed. The project will connect to the Town of North Elba Municipal Water System.

No new new land use or development is currently proposed on the 2.94± acre lot. The 2.94± acre will be granted an easement to share the TSC access to Route 86.

The project is shown on the following maps, plans, and reports:

- Ten (10) Sheets of Plans entitled, "Tractor Supply Company Route 86, Ray Brook, New York", prepared by North Woods Engineering, dated April 7, 2014: hereinafter "**North Woods Engineering Drawings**", and including:
 - o Drawing S1, "Existing Site and Demolition Plan" last revised 12-17-14;
 - o Drawing S2, "Site Plan," last revised 1-21-15;
 - o Drawing S3, "Stormwater and Grading Plan" last revised 1-21-15;
 - o Drawing D1, "Landscaping, Erosion, and Sediment Control

- Details, last revised 1-21-15;
- o Drawing D2, "Stormwater, Erosion and Sediment Control Details" last revised 4-14-14;
 - o Drawing D3, "Site Details" last revised 10-28-14;
 - o Drawing D4, "Sanitary Details" last revised 4-7-14;
 - o Drawing D5, "Water Service Details" last revised 4-7-14;
 - o Drawing D6, "Driveway Layout Notes and Details" last revised 10-28-14; and
 - o Drawing D7, "Traffic Control Notes & Details" last revised 10-28-14.
- An **Elevation Drawing**, entitled "TSC - Ray Brook, NY" prepared by Oxford Architecture and dated August 27, 2014;
 - "**Lease Site Plan**" prepared by North Woods Engineering, dated 9/26/13, and last revised 1-21-15;
 - Six (6) sheets of visual simulation entitled, "Tractor Supply Company - **Visual Study**" prepared by North Woods Engineering, dated August 15, 2014 and last revised November 5, 2014;
 - A Stormwater Pollution Prevention Plan (SWPPP) entitled "Tractor Supply Company" dated September 8, 2014, and Addendum 01 dated December 9, 2014 ("**SWPPP**");
 - A **Sign Plan**, including two sheets, entitled, "Tractor Supply", prepared by ENTERA, and dated 4-24-14; and
 - A **Lighting Plan** prepared by CREE, entitled, "TSC North Elba, NY" dated 3-4-14.

The original, full-scale maps and plans described in this paragraph are the official plans for the project, and hereinafter referenced "**Project Plans**". Copies of these plans are available upon request from Adirondack Park Agency headquarters in Ray Brook, New York. A reduced-scale copy of Drawing S2, "Site Plan," is attached as a part of this permit for easy reference.

AGENCY JURISDICTION

The project requires an Agency permit pursuant to Sections 809(2)(a) and 810(1)(b)(4), of the Adirondack Park Agency Act [Executive Law, Article 27], as a new commercial use involving more than 10,000 square feet of floor space in a Moderate Intensity Use land use area; a Class A Regional Project.

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 commercial use remains on the site. Copies of this permit and the 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 [Article 24 of the Environmental Conservation Law], and the Adirondack Park Agency's implementation regulations [9 NYCRR §§ 570-588].
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 2013-252, issued February 20, 2015, 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. This permit authorizes the construction of a commercial use development in the location shown and as depicted on the Project Plans. Any change to the location, dimensions, height, or other aspect of the commercial use development shall require a new or amended permit.

Building Color and Architectural Design

6. All exterior building materials, colors, and architectural design of the commercial use development, including roof, siding, trim, and signage shall be as depicted on the Project Plans, Elevation Drawing, and Visual Study. The proposed red color to be used on the exterior of the building, as depicted on the Elevation Drawing shall be a brown-shade of red, and samples of the color shall be submitted to the Agency for approval prior to construction.

Outdoor Lighting

7. All exterior lighting shall be in conformance with the Lighting Plan and Project Plans referenced herein and shall employ full cut-off fixtures that are shielded to direct light downward and not into the sky or toward NYS Route 86, or adjoining property. The only exterior lights which shall remain on outside of store operating hours are the nine wall packs on the east, west and north (rear) sides of the building and the gooseneck fixtures on the south (front) side of the building.

Signage

8. All signs associated with the commercial use on the project site shall comply with the Sign Plan referenced herein. Any change to this signage shall require prior written Agency approval.

Tree Cutting/Vegetation Removal

9. Other than vegetation identified to be removed as shown on the Project Plans, no additional vegetation shall be cut, removed, mowed or disturbed without prior written Agency approval. This condition shall not be deemed to prevent the removal of dead or diseased vegetation or of rotten or damaged trees or of other vegetation that presents a safety or health hazard. Within 30 days of removing any such vegetation a vegetative re-planting plan which mitigates any loss of vegetative screening shall be prepared and submitted to the Agency for approval.

Also, if trees are removed within the New York State Department of Transportation (DOT) right-of-way which result in increased visibility of the commercial use from NYS Route 86, then a mitigation planting plan for new vegetation on the project site between the parking area and highway right-of-way shall be submitted to the Agency within 30 days for approval.

All new trees and vegetation depicted on the approved re-planting (mitigation) plans shall be planted no later than the first spring or fall season after Agency approval of the plan.

Plantings

10. All landscaping shall be undertaken and maintained as depicted on the project plans. All new trees and vegetation depicted on the Project Plans shall be planted no later than the first spring or fall planting season after final grading related to the construction of the commercial use on the project site. Trees and shrubs that do not survive shall be replaced annually until established in a healthy growing condition.

Site Access/Traffic

11. Access to the project site shall be undertaken as shown on the project plans. No additional driveways or access points shall be constructed onto NYS Route 86 or McKenzie Pond Road. This includes no new access to the 2.94± acre lot; the 2.94± acre lot shall be granted an access easement to use the new driveway authorized herein.

Project Operations

Hours of Operation

12. The Tractor Supply Store shall not be open for business prior to 7AM or after 9PM Monday through Friday, or before 10AM or after 8PM Saturday and Sunday, without prior written Agency approval. Deliveries shall occur between the hours of 7:30 AM and 6PM, and tractor trailer deliveries shall occur on the loading dock at the rear of the building.

Infrastructure

Wastewater

13. If installed within five years of the date of issuance of this permit, the on-site wastewater treatment system shall be constructed in conformance with the location and design shown on the North Woods Engineering Drawings. Construction of the system shall be supervised by a design professional (licensed Professional Engineer, Registered Architect, or exempt Licensed Surveyor). Within 30 days of complete system installation and prior to its utilization, the design professional shall provide written certification to the Agency that the system was built in compliance with the approved plans.

No on-site wastewater treatment system shall be installed on the project site more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.

Grading/Stormwater Management/Erosion and Sediment Control

14. Stormwater management, erosion and sediment control and grading shall be undertaken in compliance with the SWPPP and North Woods Engineering Drawings. Any modifications from these plans shall require prior written Agency approval.
15. Prior to commencement of land disturbance on the project site, Agency staff shall review and approve the location of the construction fence as depicted on the North Woods Engineering

Drawings. Approval shall be given in the form of a letter of permit compliance. Land clearing and earthmoving activities shall not begin until the letter of approval has been issued.

Water Supply/Utilities

16. All utility installations and connections to the municipal water system shall be undertaken as shown on the project plans.

Invasive Species Spread Prevention

17. 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.

Future Activities

18. Beyond that authorized herein, no other new land use or development shall be undertaken on the 7.28± acre project site without a new or amended Agency permit. No change in the proposed commercial use or other commercial use shall be operated on the project site without a new or amended Agency permit.
19. If the Tractor Supply Store ceases its operations on the project site, then all signage on the site and on the building authorized herein shall be removed within 6 months.

FINDINGS OF FACT

Background/Prior History

1. The project site was not part of a larger parcel in 1973 and the landowner at that time did not own any adjoining property as of the May 22, 1973 enactment date of the Adirondack Park Land use and Development Plan. As of 1973, the property contained one single family dwelling and 15 rental cottages. A campground with 19 seasonal sites was also previously operated on the property. The pre-existing single family dwelling burned in 2006 and the remains of that structure have been removed from the property. All but three of the rental cottages have also been removed. The remaining cottages are abandoned and dilapidated. Two of these cottages will be removed to allow for construction of the proposed commercial building.
2. Agency Permit 2006-53 issued September 17, 2007, previously authorized conversion of the pre-existing rental cottages colony to

12 new residential subdivision lots, ranging in size from 0.46± acres to 0.71± acres. The maximum of 12 single family dwellings were approved on the project site pursuant to the conversion criteria set forth in 9 NYCRR 574.8. The subdivision project authorized by Permit 2006-53 was never undertaken, and the permit has since expired; this subdivision is no longer proposed. Separate tax designations however were previously assigned to the proposed subdivision lots. Conditions of local approval for the proposed Tractor Supply require that the applicant request the local assessor to merge the individual tax designations back into one lot within six months of purchasing the property.

Amended Permit 2006-53A also authorized temporary use of the project site for commercial boat storage; allowing 12 boats to be stored on the back (northerly) portion of the property for the 2008-2009 winter season, with all boats removed by May 15, 2009. That project was undertaken and completed.

Project Site

3. The project site is located in a Moderate Intensity Use land use area on the Adirondack Park Land Use and Development Plan Map. There are no navigable shorelines or designated river areas on the property. The property is bordered on the north and northwest by NYS Wild Forest lands; on the east by private lands owned by Niagara Mohawk Power Corporation, on the south by NYS Route 86, and on the southwest by McKenzie Pond Road (County Route 33).

Vegetation

4. Other than the disturbed areas associated with the pre-existing development and driveways that once existed on the project site, the property is primarily forested with a mixture of coniferous and deciduous trees and vegetation. As shown on the project plans, there are mature coniferous trees on the project site including white pine, spruce and cedar, which range in size from approximately 18" dbh to 30" dbh.

Slopes

5. The property is relatively flat with slopes of less than 10 percent throughout most of the site, except for the area adjacent to NYS Route 86 and County Route 33, where the slopes range from approximately 15 to 25 percent. Slopes in the area of the proposed commercial use development and wastewater treatment system are relatively flat and less than 8 percent.

Soils

6. Soils on the site are generally deep, well drained soils with average percolation rates between 2 to 3 minutes per inch. In the location of the proposed on-site wastewater treatment systems, there is no evidence of seasonal high groundwater within the top 4 feet of soil depth and no evidence of bedrock with the top 6 feet of soil depth.

Wetlands

7. As shown on the project plans, there are jurisdictional wetlands within 100 feet of the project site's westerly property line. The wetlands are associated with "Little Ray Brook", which crosses the State lands to the West. The wetlands include Scrub/Shrub and Forested wetlands with a preliminary value rating of "2". The site plan shows the flagged wetland boundaries closest to the project site.

Commercial Operations

8. The applicant proposes the Tractor Supply Store to be open from 8AM to 8PM Monday thru Friday, and 12PM to 6PM Saturday and Sunday. On average, deliveries will occur once per day between the hours of 8AM and 6PM and will primarily involve Tractor Supply tractor trailers and UPS or Fed Ex delivery vans. The planned level of activity at full operation is anticipated to be an average daily total of 150 customers per day with a maximum of 350 customers per day. Peak hours are expected to be: weekdays 11AM to 1PM and 5PM to 8PM, with a maximum number of customers at these times of 20-40 per hour; and weekends 12PM to 3PM with a maximum number of customers at 30-50 per hour.

Nearby Land Uses

9. The project site is bordered on the north and west by NYS lands designed as Wild Forest. The site is located between the Hamlet of Lake Placid Village (approximately 3.5 miles east), and the Hamlets of Saranac Lake Village (approximately 1.5 miles west) and Ray Brook (approximately 0.6 miles west). Land uses along NYS Route 86 in the area of the project site are a mixture of commercial uses, public uses, NYS Offices, residential uses and tourist accommodations, including: a veterinary office, a commercial gas station/convenience store, a commercial use building supply store, a NYS office complex, a commercial use seasonal restaurant with tourist accommodations, a commercial seasonal ice cream shop, NYS and Federal Correctional facilities, two commercial use car dealerships, a commercial golf course, a Post Office, a state campground, and tourist accommodations (rental cabins). Much of the existing commercial and public use development was in place prior to the May 22, 1973

enactment date of the Adirondack Park Land Use and Development Plan, and/or redeveloped a site that had been improved by pre-existing commercial or public uses. The nearby post-1973 commercial and public uses were authorized by prior Agency permits.

Access

10. Existing access to the project site is from NYS Route 86, along one of the busiest highway corridors in Essex County. Approval is required from DOT for the proposed access drive. Agency staff coordinated with DOT staff in review of the proposed access. Due to limited site distances and traffic concerns, the applicant has agreed that no additional access points onto NYS Route 86 will be requested. The applicant has also agreed that if any future development is proposed on the project site, then that development would be granted easements for shared access to use the Tractor Supply drive as shown on the project plans. The Project plans depict potential easement areas to the 2.94± acre lot for shared access.

Alternatives

11. As part of complete application, the applicant was asked to identify and evaluate potential alternative locations for the proposed Tractor Supply Store, including locations in the nearby Hamlet areas. As such, the applicant evaluated:
 - a. A vacant building in the Cold Brook Plaza in the Hamlet of Lake Placid and determined that significant expansion and renovation would have been required, including widening the building by a minimum of 30 feet. The applicant further concluded that redevelopment of that site would have been more costly than development of the proposed project site, and revenues of the redeveloped facility would have been approximately 75% of those anticipated from the new store on the project site.
 - b. A nearby vacant parcel on the south side of NYS Route 86 between Ray Brook and Saranac Lake was also evaluated. Access to this site would have been on a curve and a hill, with potentially dangerous site distances. Slopes on this site would potentially have required more grading, and land disturbance.

Overall Intensity Guidelines

12. Pursuant to § 802(50)(f), each 11,000 square feet of floor space, or portion thereof, constitutes one principal building. Accordingly, the commercial building authorized herein constitutes

two Principal Buildings. No more than four additional principal building(s) shall be allowed on the entire 7.28±-acre project site at any time. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

Infrastructure

Wastewater

13. An on-site wastewater treatment system constructed as located and depicted on the North Woods Engineering Drawings referenced herein will comply with all applicable New York State Department of Health and Agency standards.

Stormwater Management

14. A stormwater management plan is necessary for this project, because there will be more than one acre of land disturbance. Clearing, grading, and new impervious areas can result in erosion and sedimentation and increased stormwater runoff. The impacts associated with untreated stormwater runoff and erosion and sedimentation on the project site potentially include declining water quality, wetland impacts and diminished groundwater recharge and quality. The New York State Stormwater Management Manual dated August 2010 was utilized in the development of the SWPPP.

Economic/Fiscal Factors

15. The Project Sponsor anticipates spending \$400,000 to purchase the project site and \$1,621,000 to develop and construct the facility. The Project Sponsor projects to employ ten full-time workers during the 28-week construction period. The average annual wage for an employee in the Construction of Buildings sector in Essex County in 2013 was \$44,419. Accordingly, \$239,200 in wages is expected to be dispersed to construction workers during the 28-week construction period.
16. While no formal assessment has been determined for this project, based upon a \$4 million projected assessment, TSC would pay about \$9,600 in property taxes to the Town of North Elba and its special districts, \$11,440 in property taxes to Essex County, and \$38,920 in property taxes to the Saranac Lake Central School District (such payments would not be additive to the tax levies, but rather offset the bills of other tax payers in the jurisdictions).
17. The Project Sponsor anticipates the Tractor Supply Company (TSC) store in Ray Brook to generate approximately \$4 million/year in sales derived from an expected 45 minute/30-mile radius trade area. Of this \$4 million, the Project Sponsor estimates that about 48% to

58%, or \$1,920,000 to \$2,320,000, will be on product types not already available within the trade area. The Project Sponsor expects these new product types to primarily consist of "equine-related products, truck and trailer components, agricultural products, and maintenance products for agricultural equipment".

18. TSC is a publicly-traded company based out of Brentwood, Tennessee. Studies indicate that spending at locally and regionally owned businesses retains one-and-a-half to three times more money in the local economy than spending at nationally-owned retailers. Such retention is derived through differences in labor wages, the location of suppliers, and the location of ownership.
19. The Project Sponsor projects TSC to employ between six and nine full-time workers and between six and nine part-time workers on a year-round basis, or the equivalent of between 10.8 and 16.2 full-time equivalent (FTE) employees.
20. TSC's anticipated \$4 million in sales could generate up to \$320,000 in combined Essex County (\$160,000) and NYS (\$160,000) sales taxes. A portion of the total sales tax revenues to Essex County will be from sales redirected from within Essex County and another portion will result from sales redirected from neighboring counties including Franklin, Clinton, and Hamilton. A limited amount of sales tax revenue will result from induced sales and thus be new to New York State and Essex County.

Public Notice and Comment

21. 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 comment letters have been received.

State Permitting

New York State Department of Transportation (DOT)

22. The proposal requires approval from DOT for access onto NYS Route 86. Preliminary review by DOT required adjustments to the proposed access location in order to comply with required separation distances to adjacent driveways. Final permitting by DOT will not occur until after other regulatory approvals are issued. As part of a coordinated review, DOT has indicated that site access as shown on the revised plans authorized herein is acceptable, and construction of the concrete gutter will be reviewed and inspected by DOT staff during construction.

New York State Department of Environmental Conservation

23. The proposal requires a State Pollution Discharge Elimination System (SPDES) permit from the DEC because it includes more than one acre of land disturbance. The DEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) and Stormwater Management Design Manual were revised in January 2015. The effective date of GP-0-15-002 is January 29, 2015.

Town Review

24. The Town of North Elba Joint Review Board (JRB) discussed the proposal at several local meetings between November 2013 and September 2014, and held a public hearing on August 20, 2014. On October 1, 2014, the JRB conditionally approved the commercial use development. Subsequent to that approval, the proposed site plan and access were modified as a result of review comments from NYS DOT and the Agency. Further review and approval by the JRB is now required for the revised site design and access modifications made after the October 2014 local approval.

Impairment of Rights

25. 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.

Historic Sites or Structures

26. The project site does not include any areas identified on the New York State Archeological Sensitivity Map. During Agency review of Project application 2006-53, which involved removal of the old rental cottage colony, a referral was made to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). OPRHP issued a letter on June 23, 2006 stating that project would have "No Impact" upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Places.

PROJECT IMPACTS

Visual

27. Limiting the removal of vegetation on the project site, as well as prohibiting the construction of additional driveways, which would require vegetation removal, minimizes visual impacts to the State highway and adjacent land uses. Ensuring that that the vegetated area between the parking area and NYS Route 86 remains undisturbed in a natural state and is not mowed or landscaped

will further minimize visual impacts, as will requiring re-planting plans for any additional vegetation that is removed on the project site or within the highway right-of-way.

Requiring that exterior building design and colors, as well as outdoor lighting and signage be undertaken as shown on the Project Plans, Elevation Drawing, and Visual Study, will also minimize visual impacts from the project. Conditions herein limiting the time outdoor lights are operated and limiting those lights which may be operated after hours are consistent with conditions of local approval.

Requiring prior Agency review and approval for any other new land use or development or change in commercial use will ensure potential visual impacts are avoided from new development, removal of more vegetation or a change in signage. Requiring that all signage be removed if the Tractor Supply ceases operation on the project site will also help minimize visual impacts.

Conformance with the project plans and the Agency's prior approval of the limits of the proposed construction fence will ensure the protection of existing vegetation, its root systems and the protection of regional aesthetic and travel corridor resources.

Wetlands

28. Provided the development authorized herein is undertaken in the location depicted on the Site Plan and in accordance with the conditions of the permit, the entire wetland will be preserved, without any loss of values.
29. Requiring a new or amended permit prior to any change in the authorized location of development or future construction on the project site will allow the Agency to ensure that the location and manner of construction will not adversely impact wetlands.

Soils/Surface Waters/Groundwater

30. Implementation of the wastewater treatment and stormwater management/erosion control plans as conditioned herein will protect against erosion, sedimentation, and water quality degradation (including ground water). Requiring prior Agency review and approval for any other new land use or development and/or modifications to the SWPPP will avoid potential impacts to storm water infrastructure from future development.

Invasive Species

31. Strict conformance to the project plans and Drawing D1 (Landscaping, Erosion and Sediment Control Details) will avoid

the introduction of invasive plant species. Requiring inspection and cleaning of construction vehicles and tools prior to use on the project site or after use in an area with invasive plant species will reduce the likelihood of spreading invasive plants to the project site or adjoining properties. Furthermore, 6 NYCRR Part 575 of NYSDEC's Rules and Regulations takes effect on March 10, 2015. This law prohibits the sale, import, purchase, transport, introduction, or propagation of any prohibited invasive species, as listed by 6 NYCRR 575.3.

Operational Uses/Traffic/Nearby Land Uses

32. Limiting the hours of operation, exterior lighting, removal of vegetation, and location and size of the access drive will all minimize impacts to adjacent land uses and the State highway. Prohibiting the construction of additional access points onto NYS Route 86 and County Route 33 will address traffic issues, as well as impacts to adjacent land uses. Requiring prior Agency review and approval for any other new land use or development or change in commercial use will avoid potential adverse impacts which could result from increased traffic, site access, easements, and impacts to storm water infrastructure.

Historic Sites or Structures

33. The project site does not include any areas identified on the New York State Archeological Sensitivity Map. The development authorized herein, disturbs less area than that previously authorized by Agency Permit 2006-53 and determined by OPRHP to have no impacts to historic or archeological resources. The project 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.

Economic/Fiscal Impacts

34. The \$400,000 in acquisition costs represents new money entering the local economy. To the extent that the project development and construction costs are spent in the local economy, this money will represent new economic activity in the region.

After accounting for potential induced and retained spending, it can be anticipated that approximately 61%, or \$2,460,800, of a TSC Ray Brook store's sales will be retained in the local trade area, but also predominantly redirected from Potsdam, Malone, Plattsburgh, and Ticonderoga trade areas. Approximately 39%, or \$1,539,200, of TSC's Ray Brook revenues will be redirected from businesses primarily located in Hamlet areas within a 30-mile radius. Accordingly, a Tractor Supply Company (TSC) store in Ray

Brook, NY is not anticipated to generate significant new spending in the North Country Region (the seven counties comprising the North Country Regional Economic Development Council). Because 39% of TSC's sales can be expected to be redirected from existing retailers within the trade area, TSC is expected to reduce the profitability of such businesses. Accordingly there may be the potential for the reduction of rent rates, and retail space demand, which could lead to property assessment declines of other properties in the trade area.

35. It is expected that significant amounts of money spent at a Ray Brook TSC store, and the benefits associated with money spent at locally, regionally, and State owned businesses, will be redirected from the local, regional and state economies to Tennessee and TSC shareholders.

Due to competition with existing businesses, a net result of between an increase of 7.4 full-time equivalent (FTE) employees and a decrease of -2.0 FTE employees could be expected in the 30-mile trade area.

Local consumers may benefit from new competition within the trade area. TSC is expected to offer goods (between 48% to 58% of total sales) not currently available in the trade area and potentially provide lower prices on goods already existing within the trade area. Additionally, TSC notes that its business practices provide convenience to consumers by offering a diversity of products in one location. Some competing businesses may accordingly lower their prices or adopt business practices that benefit consumers including extended hours of operation, improved customer service, and increased product diversity in order to compete with TSC.

Increased traffic as a result of TSC may either induce spending at or redirect spending to neighboring businesses in the Moderate Intensity area including restaurants, gas stations, and hard good suppliers.

36. Section 805(3)(c)(1) of the Adirondack Park Agency Act states that "Hamlet areas will serve as the service and growth centers in the Park. They are intended to accommodate a large portion of the necessary and natural expansion of the Park's housing, commercial, and industrial activities." By redirecting activity from neighboring Hamlet centers, the viability of Hamlets to serve as commerce centers and destinations may be impaired.

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 project 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 Moderate Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Moderate Intensity Use land use area; and
- 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, taking into account the economic and social benefits that might be derived therefrom.

PERMIT issued this day
of , 2015.

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 2015, 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

REW:CCP:JLM:DFK:SEL:mlr:slp