


THIS PERMIT AMENDS AND SUPERCEDES AGENCY PERMIT P87-342
THIS IS A TWO SIDED DOCUMENT

 <p>Adirondack Park Agency</p> <p>P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p>APA Project Permit 2014-101</p>
<p>In the Matter of the Application of F. R. SMITH & SONS, INC. for a permit pursuant to §809 of the Adirondack Park Agency Act</p>	<p>Date Issued: August 14, 2015</p>
	<p>To the County Clerk: This permit must be recorded on or before October 13, 2015. Please index this permit in the grantor index under the following: 1. F. R. Smith & Sons, Inc.</p>

SUMMARY AND AUTHORIZATION

This permit amends Agency permit P87-342 to allow for a different commercial use structural footprint, a second entrance drive, the outside storage of boats, and the establishment of a boat washing area in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Bolton, Warren County.

This permit shall expire unless recorded in the Warren County Clerk's Office on or before October 13, 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 the construction authorized herein has been completed.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

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.

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.

PROJECT SITE

The project site is a 4.92±-acre parcel of land located on Edgecomb Pond Road in the Town of Bolton, Warren County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified on Town of Bolton Tax Map Section 171, Block 1 as Parcel 10, and is described in a deed from Bolton Conservation Club, Inc. to F. R. Smith & Sons, Inc., dated September 8, 1988, and recorded September 8, 1988 in the Warren County Clerk's Office at Book 723, Page 243.

PROJECT DESCRIPTION

Agency Permit P87-342 authorized a new commercial use involving the construction of a 12,000 square-foot boat storage structure on the project site. A 6,070± square-foot boat storage structure was built. The project as conditionally approved herein involves the construction of 5,884± additional square feet of boat storage structure space, for a total of 11,954± square feet, in a different configuration than previously authorized. A 600± square-foot portion of the additional space will contain a boat washing station. In addition, outdoor storage of boats within an existing gravel area on the property and a second entrance drive are approved.

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

- Five sheets of architectural drawings, entitled "For: F. R. Smith & Sons, Inc.," prepared by Chris Gabriels, and dated April 21, 2015 ("Elevation and Floor Plans");
- Drawing L1 titled "Vegetative Screening Plan" ("Vegetative Screening Plan") prepared by Jarrett Engineers, PLLC, dated April 3, 2015;
- A report entitled "Stormwater Management Report and NYSDEC Stormwater Pollution Prevention Plan (SWPPP) for the F. R Smith Edgecomb Pond Road Boat Storage Site" prepared by Jarrett Engineers, PLLC and dated May 2015 ("Stormwater Pollution Prevention Plans"); and
- Six Sheets of plans included as Appendix 14 of the Stormwater Pollution Prevention Plan, more specifically described as Sheet C1A "Phase I Layout Plan", Sheet C2 "Existing Topographic Survey, Sheet C3 "Phase I Grading and Stormwater Plan, Sheet D1 "Details", Sheet D2 "Details", Sheet EC1 "Erosion Control Details." prepared by Jarrett Engineers, PLLC, dated April 3, 2015 ("Plan Set").

A reduced-scale copy of the Vegetative Screening Plan for the project, shown on Drawing L1, is attached as a part of this permit for easy reference. The original, full-scale maps and plans described in this paragraph are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

AGENCY JURISDICTION

This amendment is a material change to Permit P87-342, specifically to Conditions 1, 12, and 13. The project as originally proposed required an Agency permit pursuant to §§ 809(2)(a) and 810(1)(d)(4) of the Adirondack Park Agency Act [Executive Law, Article 27], as a commercial use involving more than 2500 square feet of floor space on Rural Use lands.

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 Warren 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 continues on the site. Copies of this permit, the Elevation and Floor Plans, Vegetative Screening Plan, Stormwater Pollution Prevention Plans and Plan Set 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 2014-101, issued August 14, 2015, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Development

Construction and Development Location and Size

5. This permit authorizes the construction of 5,884± square feet of boat storage structure space in addition to the existing 6,070± square-foot structure, the creation of a second entrance drive, the outside storage of boats, and the establishment of a boat washing area in the locations shown and in accordance with the Elevation and

Floor Plans, Vegetative Screening Plan, Stormwater Pollution Prevention Plans, and Plan Set, and as conditioned herein. Any change to the location, dimensions, or other aspect of the commercial use shall require a new or amended permit.

Building/Boat Covering Color

6. All exterior building materials, including roof, siding and trim, of the commercial use on the project site shall be a dark green, grey, or brown color. All boats stored outside and winterized shall be wrapped or covered with material that is clear, light grey, light tan or white.

Outdoor Lighting

7. Any new free-standing or building-mounted outdoor lights associated with the commercial use on the project site shall employ full cut-off fixtures to direct light downward and not into the sky or toward Edgecomb Pond Road, Potter Hill Road or adjoining property.

Signage

8. All signs associated with the commercial use on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Appendix Q-3]. Any new signs on the project site shall require prior Agency review and approval.

Tree Cutting/Vegetation Removal

9. Outside of the limits of clearing shown on the Vegetative Screening Plan, no vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

Plantings

10. All trees depicted for planting on the Vegetative Screening Plan shall be planted no later than the first spring or fall planting season after final grading related to the construction authorized herein. Trees that do not survive shall be replaced annually until established in a healthy growing condition.

Project Operations

Refinishing/Winterizing/Repairing of Boats

11. There shall be no refinishing, mechanical winterizing (i.e. draining of fluids, engine work, or other mechanical work) or repairing of boats, motors or trailers on the site without a new or amended permit.

Hours of Operation

12. Activities on the site associated with the commercial use, including boat washing and delivery of boats, shall only occur between 8 a.m. and 6 p.m.

Vehicle Trips

13. Delivery and removal of boats from the project site shall only occur between 8 a.m. and 6 p.m. daily, with a maximum of 15 round trips a day during the months of April through June, a maximum of 10 round trips a day during the months of July and August, a maximum of 15 round trips a day during the months of September through November, and a maximum of 10 round trips a week during the months of December through March.

Invasive Species Control/Sanitizing Equipment

14. During construction and other site preparation, all equipment brought in from off-site, 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. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.
15. There shall be no more than seventy-five (75) boats stored outside on the project site from September 16 to June 30. From July 1 to September 15, there shall be no more than thirty (30) boats stored outside. Storage of boats outside will be only on the cleared gravel drive shown on the Drawing L1 titled "Vegetative Screening Plan" ("Vegetative Screening Plan") prepared by Jarrett Engineers, PLLC, dated April 3, 2015. Outside storage of boats shall be on one level, at individual spaces at grade, without the use of racks or any other stacking mechanism.

Infrastructure

Wastewater

16. There shall be no on-site wastewater sewage treatment system installed on the project site without prior Agency review and approval.

Stormwater Management/Erosion Control

17. The project shall be undertaken in compliance with the Stormwater Pollution Prevention Plans and Plan Set referenced herein.

Density

18. There shall be no principal buildings located on the project site except as authorized herein.

FINDINGS OF FACT

Background/Prior History

1. The project site was created by subdivision from a 27.44±-acre parcel on September 8, 1988. This subdivision constituted a Class B regional project, and was approved by the Town of Bolton on May 28, 1987, pursuant to its Agency-approved local land use program.
2. On August 13, 1987, the Town of Bolton Planning Board issued site plan review approval for construction of a 12,000 square-foot commercial use boat storage building on the project site.
3. On September 24, 1993, the Agency issued Permit P87-342, authorizing construction of the 12,000 square-foot commercial use boat storage building. This land use and development constituted a Class A regional project as a commercial use involving a structure with more than 2,500 square feet of floor space.
4. An approximately 6,000 square-foot storage building was constructed on the project site.

Project Site

Water Resources

5. A non-navigable stream located approximately 400 feet east of Edgecomb Pond Road traverses the property from north to south. This stream is connected to a pond located on adjacent lands to the north of the project site and feeds into Lake George approximately $\frac{3}{4}$ of a mile east of the project site.

Wetlands

6. There are no wetlands on the project site, although there may be wetlands located on adjacent lands.

Vegetation

7. The existing vegetation along Edgecomb Pond Road and along the adjacent property boundary lines to the north and south consists mostly of deciduous saplings and trees with a few mature coniferous trees. The remainder of the site contains a mixture of coniferous and deciduous vegetation. The project involves approximately 0.2 acres of tree removal.

Soils

8. Soils on the site are largely red/brown fine to medium sands based upon test pits summarized on Drawing C3 of the Plan Set. Depth to seasonal high groundwater is greater than 5± feet, and no bedrock was encountered to the same depth. The Stormwater Pollution Prevention Plans and Plan Set take into account soil conditions and depth to seasonal high groundwater and bedrock.

Slopes

9. Existing topography is depicted on the Plan Set. In the vicinity of the existing development, the project site is relatively flat. The property slopes downwards from the existing cleared area towards the stream. Slopes adjacent to and within the footprint of the authorized 5,884± additional square feet of structure are 15 to 20 percent.

Endangered Species

10. There is no evidence of any endangered or threatened species on the site. The Town of Bolton is within the foraging range of Indiana Bat (*Myotis sodalis*) and Northern Long-eared Bat (*Myotis septentrionalis*), both federally listed species; however, there are no nearby bat hibernacula in the area.

Nearby Land Uses

11. The lands immediately adjoining the project site are mostly undeveloped forested tracts except for a nature center on the property immediately to the north. Other nearby land uses consist mostly of year-round residential uses. The project site is associated with a marina located approximately a mile away on the shoreline of Lake George.
12. Edgecomb Pond Road is designated as a scenic corridor by the Town of Bolton and has limited development and traffic. The road is used by pedestrians, bicyclists and nature enthusiasts who are visiting the adjoining nature center.
13. There will be an increase in daily vehicle trips as authorized herein along the route between the project site and the marina as a result of the project.

Access

14. Existing access to the project site is from Edgecomb Pond Road south of the existing structure. A second access from Edgecomb Pond Road is authorized north of the existing structure to create a circular drive.

Infrastructure

Stormwater Management

15. Clearing, grading, and new impervious areas on the site can result in erosion and sedimentation and increased stormwater runoff. The potential impacts associated with untreated stormwater runoff and erosion and sedimentation include declining water quality, diminished groundwater recharge and quality, stream channel and wetland impacts, increased flooding, floodplain expansion and impacts to aquatic organisms. The Stormwater Pollution Prevention Plan has been designed to treat the stormwater runoff from the new activities on the project site and minimize the potential for erosion and sedimentation.
16. There will be more than an acre of land disturbance associated with the authorized construction, and the development will be located at the top of a steep slope leading down towards a stream.

Wastewater

17. No on-site wastewater sewage treatment system has been proposed at the project site. As a result, no design was provided or evaluated. An individual on-site wastewater treatment system would require careful siting to achieve required setbacks from ground and surface water resources. Soils have not been evaluated to determine suitability of an on-site wastewater treatment system on the property.

Economic Factors

18. The permittee currently employs three full-time year-round staff, nine full-time seasonal staff, and 10 part-time seasonal staff at the project site and associated marina. The total payroll is over \$450,000.
19. The permittee projects to employ six full-time workers during the eight week construction period. The average annual wage for an employee in the Construction Industry in Warren County in 2014 was \$49,045.
20. The permittee anticipates a \$150,000 investment to complete this project. The boat storage and marina currently generate combined annual sales and property tax revenue of over \$190,000 per year. These tax benefits are expected to increase as a result of this project.

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. Seventy-five comment letters have been received from 40 people with concerns related to impacts to the stream, visibility, pollutants, character of the area, traffic, town zoning, impacts to adjoining property, scenic corridor, town approvals, and noise.

Town of Bolton Local Land Use Program

22. The Town of Bolton administers a local land use program approved by the Agency pursuant to Section 807 of the APA Act and effective since June 13, 1980.
23. On November 24, 2014, the Town Planning Office issued a letter confirming approval by the Zoning Board of Appeals of area variances from the front yard, building length, and non-conforming structure requirements of the Town of Bolton Zoning Code, to allow for construction of the additional boat storage structure space authorized herein. The November 24, 2014, letter also confirmed approval by the Planning Board of site plan review, on conditions, for the project authorized herein.
24. By letter dated June 25, 2015, the Agency requested comments on the application from the Town of Bolton Planning Board. The Town responded by letter dated July 22, 2015, advising that the project as authorized in the variance and site plan review approvals "has satisfied all requirements for local review specified in the Town of Bolton local land use ordinance."
25. Under both the Town of Bolton Zoning Code and the Adirondack Park Agency Act, each 11,000 square feet of floor space or portion thereof of "a commercial use structure which involves the retail sale or rental or distribution of goods, services or commodities" constitutes one principal building. Agency Permit P87-342 authorized a 12,000 square-foot commercial use structure on the project site as "consistent with the overall intensity guidelines," referencing the Town's 1987 subdivision permit approving creation of the project site and site plan review approval. The project authorized herein complies with the density allocation recognized by the Agency in 1993.

Other Permits

26. The proposal requires a State Pollution Discharge Elimination System (SPDES) permit from the DEC because it includes more than one acre of land disturbance. A Stormwater Pollution Prevention Plan has been prepared to meet the requirements of the NYS DEC General Permit. A Notice of Intent will be filed with NYS DEC prior to construction commencing on the project site. The Stormwater Pollution Prevention Plan has been reviewed and approved by the Town of Bolton and the Lake George Park Commission.
27. The Lake George Park Commission issued a permit on July 10, 2015, for Operation and Modification of a Class A Marina involving the project site. The permit contains general and special conditions, including the following special conditions: 1) only biodegradable detergents and cleaning compounds listed on the EPA webpage may be used; 2) boats cannot be stored outside or within the building until the authorized stormwater controls are constructed; and 3) inspection of the authorized stormwater control measures must be performed by a professional licensed engineer at least once every five years, with a report of each inspection provided to the Commission.

PROJECT IMPACTS

Visual

28. The construction authorized herein will be located further from Edgecomb Pond Road than the existing building and is required to be colored green, grey or brown. Minimal vegetative cutting is necessary for the proposal, and further tree cutting and vegetative removal is limited by condition. Boats that will be stored outside during the winter months will be covered with clear, light grey, light tan or white shrink wrap. No more than seventy-five (75) boats will be stored outside in the winter, and no more than thirty (30) boats will be stored outside during the boating season (June 15 to September 1). Outside storage will be limited to one level to reduce visual impact. These conditions and the requirement that the Vegetative Screening Plan be implemented as authorized will help screen the development as viewed from Edgecomb Pond Road or adjoining properties.
29. Requiring new outdoor lights to employ full cut-off fixtures will reduce nighttime light pollution (glare, light trespass and sky glow) and minimize the light cast into the sky or toward Edgecomb Pond Road, Potter Hill Road or adjoining property.

Soils/Surface Waters/Groundwater

30. Requiring compliance with the Vegetative Screening Plan will protect ground and surface water resources.
31. Construction of the boat washing station in accordance with the Plan Set will protect groundwater and surface water resources.

32. Requiring stormwater management, erosion and sediment control and grading to be undertaken in compliance with the Stormwater Pollution Prevention Plans and Plan Set will protect groundwater and surface water resources including the stream located on the project site.
33. Requiring Agency review and approval of any on-site wastewater sewage treatment system installed on the project site will protect groundwater and surface water resources.

Historic Sites or Structures

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

Nearby Land Uses

35. Requiring prior review for repairing, mechanical winterizing, or refinishing of boats, motors, or trailers on the site will protect nearby uses. Requiring that boats stored outside and winterized have clear, light grey, light tan or white coverings will help to screen the boats from off-site locations, thereby protecting the aesthetic resources of the surrounding area.
36. Limiting the hours for removal and return of boats to the storage facility and limiting the number of vehicle trips per day will protect the character of the area and the scenic nature of the road, and will ensure pedestrian safety.

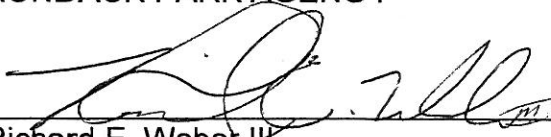
CONCLUSIONS OF LAW

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 meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Bolton; and
- b. 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.

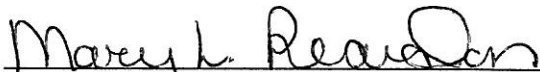
PERMIT issued this 14 day
of August, 2015.

ADIRONDACK PARK AGENCY

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

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

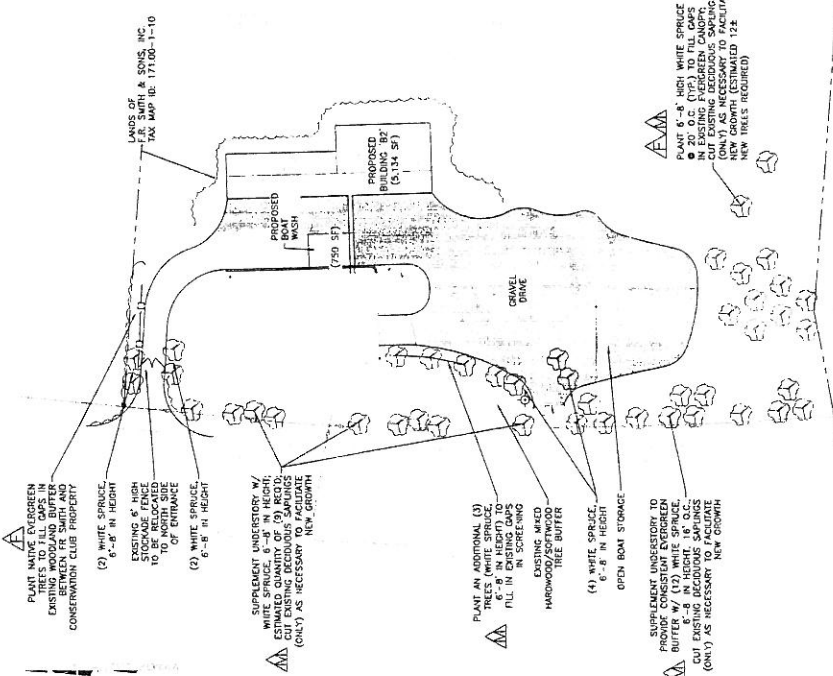
On the 14 day of August in the year 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard E. Weber III, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that 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:SEL:JMB:EAP:mlr

MARY L. REARDON
Notary Public - State of New York
Qualified in Franklin County
No. 01RE6114798
Commission Expires, August 23, 2016

GENERAL NOTES:



PLANT NEW 6" HIGH WHITE SPRUCE TREES TO FILL GAPS IN EXISTING WOODLAND BUFFER TO MAINTAIN 50% CANOPY AND CONSERVATION CLUB PROXIMITY

(2) WHITE SPRUCE, 6"-8" IN HEIGHT EXISTING 6" HIGH STORAGE FENCES TO NORTH SIDE OF ENTRANCE

(2) WHITE SPRUCE, 6"-8" IN HEIGHT

SUPPLEMENT OVERSTORY WITH QUANTITY OF (2) RED CEDARS TO PROVIDE BALANCE (ONLY AS NECESSARY TO FACILITATE NEW GROWTH)

PLANT AN ADDITIONAL (2) TREES (WHITE SPRUCE, 6"-8" IN HEIGHT) TO FILL IN SCREENING IN EXISTING WOODLAND BUFFER

(4) WHITE SPRUCE, 6"-8" IN HEIGHT OPEN ROAM STORAGE

SUPPLEMENT NECESSARY TO PROVIDE CONSISTENT OVERSHOOT BUFFER WITH (10) WHITE SPRUCE, 6"-8" IN HEIGHT (ONLY AS NECESSARY TO FACILITATE NEW GROWTH)

PLANT 6"-8" HIGH WHITE SPRUCE @ 20' O.C. (TYP.) TO FILL GAPS IN EXISTING WOODLAND BUFFER (ONLY AS NECESSARY TO FACILITATE NEW TREES REQUIRED)

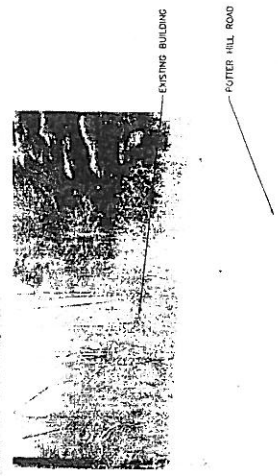
REMOVED TREES OUT OF NATIONAL BIRD ROOM

REMOVED TREE SPACING REQUIREMENT

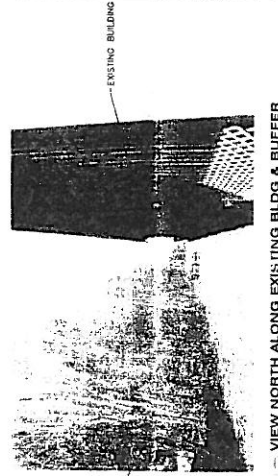
VEGETATIVE SCREENING PLAN

GRAPHIC SCALE

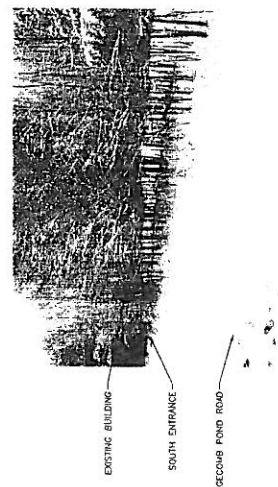
31 FT



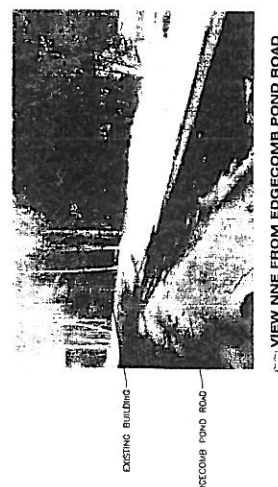
VIEW NORTH FROM POTTER HILL ROAD



VIEW NORTH ALONG EXISTING BLDG & BUFFER



VIEW NORTH FROM EDGECOMB POND ROAD



VIEW NORTH FROM EDGECOMB POND ROAD

NO. 5	M	RECEIVED BY THE BOARD OF SUPERVISORS	2014
NO. 10	L	DESIGNATED BY LOCAL BOARD OF SUPERVISORS	2014
NO. 15	A	APPROVED BY THE BOARD OF SUPERVISORS	2014
DATE	REV	ISSUED FOR PERMITS	2014
VEGETATIVE SCREENING PLAN		L1	
SMITH & SONS, INC.		12 EAST WASHINGTON ST. CLEVES FALLS, NY	
JARRETT Engineers, PLLC		12 EAST WASHINGTON ST. CLEVES FALLS, NY	
JULY 2014		2014-07-13-001	

NOT FOR CONSTRUCTION

