


**THIS IS A TWO-SIDED DOCUMENT**

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <p><b>Adirondack Park Agency</b></p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p>APA Project Permit <b>2019-0014</b></p>
<p>In the Matter of the Application of</p> <p><b>VILLAGE OF MAYFIELD and TOWN OF MAYFIELD</b></p> <p><b>Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: June 17, 2019</p>
	<p>To the County Clerk: This permit must be recorded on or before August 16, 2019. Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none"><li><b>1. Village of Mayfield</b></li><li><b>2. Town of Mayfield</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision and construction of a new 150-foot-tall water storage tank in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map in the Town of Mayfield, Fulton County (Project).

This permit shall expire unless recorded in the Fulton County Clerk's Office on or before August 16, 2019, in the names of the municipalities 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 it is in existence within four years from the date the permit is recorded. The Agency will consider the Project in existence when the authorized lot has been conveyed to the Village of Mayfield or upon completed installation of the proposed 150-foot-tall water storage tank.

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 permittees, successors, and assigns to civil penalties and other legal proceedings.

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 Project, nor does it authorize the impairment of any easement, right, title, or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittees to comply with all applicable laws and regulations or 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 8.64± acres and is comprised of a 0.34± acre parcel of land improved by an existing water storage tank and a separate 8.3± acre parcel of land improved by the Town of Mayfield Courthouse and Town of Mayfield Garages. Both parcels are located on North Main Street in the Town of Mayfield, Fulton County, within an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map.

The 0.34± acre portion of the Project site is identified as Tax Map Section 104.13, Block 3, Parcel 31, and is described in a deed from Joseph E. Ward and Frances M. Ward to the Village of Mayfield, dated November 14, 1988, and recorded on December 30, 1988, in the Fulton County Clerk's Office at Book 641, Page 316.

The 8.3± acre portion of the Project site is identified as Tax Map Section 104.9, Block 3, Parcel 10.5, and is described in the following: a deed from John O. Wemple and Beverly Wemple to the Town of Mayfield, dated January 31, 1983, and recorded February 4, 1983, in the Fulton County Clerk's Office at Book 574, Page 202; a deed from Charles Henderson and Dolores H. Goss to the Town of Mayfield, dated May 9, 1995, and recorded May 16, 1995, in the Fulton County Clerk's Office at Book 753, Page 299; a deed from Fulton County to the Town of Mayfield, dated January 23, 1941, and recorded June 5, 1942, in the Fulton County Clerk's Office at Book 247, Page 275; a deed from Virginia Morrison and Carol Smullen to the Town of Mayfield, dated October 30, 1998, and recorded November 5, 1998, in the Fulton County Clerk's Office at Book 818, Page 48.

## **PROJECT DESCRIPTION**

The Project as conditionally approved herein involves a two-lot subdivision of the 8.3± acre portion of the Project site to create:

- Lot 1, a 125 foot by 125 foot (0.36± acre) parcel containing wetlands to be conveyed to the Village of Mayfield for the construction of a 150-foot-tall, 200,000-gallon water tank; and
- Lot 2, a 7.9± acre parcel containing the Town of Mayfield Courthouse and Town of Mayfield Garages. No new land use or development is proposed on Lot 2.

The 0.34± acre portion of the Project site is located approximately 1500 feet south of proposed Lot 1 and contains an existing 90± year old, 140-foot-tall, 150,000 gallon water tank. After construction of the water storage tank on Lot 1, the existing water storage tank will be dismantled and removed. No new land use or development is proposed on the 0.34± acre portion of the Project site.

The proposed two-lot subdivision is shown on a Subdivision Plan prepared by Chazen Companies and dated January 17, 2019.

The proposed water tank is shown on a set of 11 plan sheets (Project Plans) prepared by Chazen Companies, which includes the following:

- G-001 Title Sheet dated 1-25-19
- G-002 General Notes and Legends dated 1-25-19

- SP-1 1" = 30 feet Subdivision of Lands Now or Formerly of the Town of Mayfield dated 3-1-17
- C-130 1" = 30 feet Site Access and Security Plan dated 1-25-19
- C-131 1" = 10 feet Water Tank Site, Utility, and Grading Plan last revised 3-22-19
- C-503 Work Zone, Traffic Control Details, and Notes dated 1-25-19
- C-530 Site Details dated 1-25-19
- C-550 Erosion and Sediment Control Details and Notes last revised 3-22-19
- C-560 Water Details dated 1-25-19
- C-561 Water Details and Notes dated 1-25-19
- C-565 Tank Details dated 1-25-19

Reduced-scale copies of the Subdivision Plan and the Water Tank Site, Utility, and Grading Plan (Sheet C-131) are 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**

The Project requires an Agency permit pursuant to §§ 809(2)(a) and 810(1)(a)(1) and 810(1)(a)(4) of the Adirondack Park Agency Act [Executive Law, Article 27], because the Project is a two-lot subdivision involving wetlands and construction of a structure greater than 40 feet in height on Hamlet lands. The Project is a regulated activity requiring a wetland permit pursuant to § 578.2 and § 578.3(n)(3)(i) of Agency regulations implementing the Freshwater Wetlands Act [Article 24 of the Environmental Conservation Law], because the subdivision involves wetlands.

### **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 Fulton County Clerk's Office.
2. This permit is binding on the permittees, all present and future owners or lessees of the Project site, and all persons undertaking all or a portion of the Project. Copies of this permit and the Project Plans incorporated herein by reference shall be furnished by the permittees to all subsequent owners or lessees of the Project site prior to sale or lease, and by the permittees 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, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].

## **Deeds**

### **Recordation**

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 2019-0014, issued June 17, 2019, the conditions of which are binding upon the heirs, successors, and assigns of the grantors and all subsequent grantees."

### **Subdivision**

5. Subject to the conditions stated herein, this permit authorizes a two-lot subdivision as depicted on the Subdivision Plan. Any subdivision of the Project site not depicted on the Subdivision Plan shall require prior written authorization.

## **Development**

### **Construction Location and Size**

6. Subject to the conditions stated herein, this permit authorizes the construction of one new 150-foot-tall, 200,000-gallon water storage tank and associated infrastructure on Lot 1 in the location, footprint, and height shown and as described on the Project Plans. Any change to the location, dimensions, or other aspects of the authorized structure shall require a new or amended permit from the Agency.
7. Within one year of completed construction of the water storage tank on Lot 1, the existing 140-foot-tall, 150,000-gallon water tank shall be removed from Town of Mayfield Tax Map Parcel 104.13-3-31 and lawfully disposed.

### **Outdoor Lighting**

8. Any new lighting installed on the water storage tank on Lot 1 shall be installed in compliance with Federal Aviation Administration (FAA) guidelines.

### **Structure Color**

9. The exterior of the water storage tank authorized herein shall be a dark shade grey or brown with a non-reflective flat or matte finish.

### **Wetlands**

10. The undertaking of any activity involving wetlands shall require a new or amended permit.

### **Invasive Species Control/Sanitizing Equipment**

11. When brought from off-site, all vehicles, construction equipment, and hand excavation tools 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 vehicles, construction equipment and hand excavation tools used in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.

### **Infrastructure**

#### **Stormwater Management & Erosion and Sediment Control**

12. The installation of the water storage tank on Lot 1 shall be undertaken in compliance with the stormwater management and erosion and sediment control measures included in the Project Plans.

### **Discontinuance of Use**

13. If the use of the authorized water storage tank is discontinued for more than one year, the Village of Mayfield, its successors and assigns, shall remove the water storage tank from the site within the following year.

### **Reports**

14. At the request of the Agency, the permittees or the permittees' successor shall report in writing the status of the Project, including details of compliance with any terms and conditions of this permit.

### **Legal Interests of Others**

15. This permit does not convey to the permittees any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the 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. Agency Permit 2006-0239 authorized the installation of new telecommunications antennas on the existing water tower at a centerline mounting height of 130 feet above ground level and an equipment shelter on Town of Mayfield Tax Map Parcel 104.13-3-31.

### **Existing Conditions**

2. Town of Mayfield Tax Map Parcel 104.13-3-31 contains a pre-existing 90-year-old, 150,000 gallon water storage tank made of welded steel. The tower sits on a steel lattice structure and is approximately 140 feet tall. Within the last five years, the Village of Mayfield has done extensive emergency repair work to keep the tank operational. The tank has reached the end of its useful operation, and continued repairs are not economically feasible.

Town of Mayfield Tax Map Parcel 104.9-3-10.5 is improved by three pre-existing structures, the Mayfield Courthouse constructed in 1948, and two Town of Mayfield Garages both constructed in 1960.

### **Project Site**

#### **Wetlands**

3. No wetlands are present on Town of Mayfield parcel 104.13-3-31.

Wetlands are present on Town of Mayfield parcel 104.9-3-10.5 and were delineated by Agency staff. Wetlands in the vicinity of the proposed subdivision consist of a palustrine forested and scrub/shrub broad-leaved deciduous covertype. Other wetlands on the site consist of a palustrine persistent emergent and scrub/shrub broad leaved deciduous covertype. These wetlands have a value rating of "2" pursuant to 9 NYCRR Part 578.5. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the Project site.

#### **Vegetation**

4. Beyond the limits of the lattice water storage tank and telecommunications equipment shelter, vegetation on Town of Mayfield parcel 104.13-3-31 consists of deciduous vegetation ranging in height from 40 to 60 feet.

Vegetation on Town of Mayfield parcel 104.9-3-10.5 is comprised of a mix of forested and scrub/shrub wetland vegetation ranging in height from 10 to 40 feet. The remainder of the parcel consists of gravel and paved parking areas serving the Town of Mayfield courthouse and garages.

#### **Soils**

5. Soils on Town of Mayfield parcel 104.13-3-31 are comprised of a well-drained fine sandy loam in the Broadalbin soils series.

Soils on Town of Mayfield parcel 104.9-3-10.5 are comprised predominantly of a poorly drained loamy till in the Mosherville soils series. Other soils on the site consist of a well-drained fine sandy loam in the Paxton soils series, and a well-drained fine sandy loam in the Broadalbin soils series.

#### **Slopes**

6. Slopes on Town of Mayfield parcel 104.13-3-31 range from 0 to 3 percent.

Slopes on Town of Mayfield parcel 104.9-3-10.5 range from 1 to 8 percent.

### **Nearby Land Uses**

7. As described herein, the Project site contains multiple structures which are greater than 50 years old. The site is not within an archeologically sensitive area as mapped by the Office of Parks, Recreation, and Historic Preservation.

8. The Project site is located within the hamlet of Mayfield. Nearby land uses include the Town of Mayfield High School, Town of Mayfield municipal offices, Mayfield Fire Department, multiple marinas which serve Great Sacandaga Lake, agricultural uses, churches, grocery stores, and densely concentrated single-family dwellings.

### **Access**

9. Access to Town of Mayfield parcel 104.13-3-31 is along an existing gravel access drive which originates from North Main Street.

Access to Town of Mayfield parcel 104.9-3-10.5 occurs from an existing gravel access drive from NYS Route 30 and an asphalt driveway from North Main Street.

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

10. A completed Local Government Notice Form signed January 29, 2019, by the Mayor of Mayfield indicates that the proposed "use" is allowed in the local zoning district and that the Project is not prohibited by any local law or ordinance and that no municipal approval is required.
11. By letter dated February 22, 2019, the FAA determined that the Project would not be a hazard to air navigation.
12. The proposed water storage tank is not located with any military training airspace corridors and will not be a hazard to air navigation.
13. The proposal requires approval from the NYSDOH because the proposal involves a public water supply.
14. The proposal does not require a State Pollution Discharge Elimination System (SPDES) permit from the NYSDEC because there is less than one acre of land disturbance. As shown on the Project Plans, the applicant's consultant has implemented stormwater and erosion and sediment control measures for the proposed facility.

### **Public Notice and Comment**

15. 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 comments have been received.

### **Visual Analysis**

16. A visual analysis of the proposed water storage tank was submitted by the applicant and the viewpoints which were evaluated were from Great Sacandaga Lake, NYS Route 30, and the Driftwood Park and Marina. As part of that submission, computerized mapping showing areas of potential visibility based on topography, photographs of the balloon test, and simulations of the proposed water storage tank were provided.

### **Towers Policy**

17. On February 15, 2002, the Agency adopted a policy titled "Policy on Agency Review of Proposals for New Telecommunications Towers and Other Tall Structures in the Adirondack Park" (Towers Policy). This policy is intended to protect aesthetic, open space, and other resources, while providing for telecommunications systems consistent with federal law.
18. The water storage tank will be consistent with the Agency's Towers Policy because the pre-existing water tower located 1500± feet south of the proposed water storage tank will be dismantled and removed upon completion of the new facility. Although the proposed water storage tank will be visible from the same viewshed (Great Sacandaga Lake and local points in the Town of Mayfield), the facility will be backdropped by existing forested vegetation and will not be skylit, thereby reducing the visual impact of the proposed facility. The difference in height of the pre-existing tower and proposed tower is 10 feet. This does not result in a visual impact from the increase in height. The mass of the existing water storage tank is 24± feet tall, 28 feet in diameter, and is elevated approximately 110± feet above ground level, with a maximum height of 140 feet.

The proposed water storage tank is 150 feet tall and the storage component is 41± feet tall and 41± feet in diameter. The new structure will, to the maximum extent practicable, blend with the background vegetation as seen from all significant potential public viewing points as documented by simulation and other visual analysis methods.

### **Historic Sites or Structures**

19. On June 9, 2017, the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) concurred with the filing of No Effect (OPRHP File No. 17PR03665), meaning OPRHP found that the Project will not cause any change in the quality of "registered," "eligible," or "inventoried" property. Further, the application on record reveals that no 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, would be materially affected by the Project.

### **PROJECT IMPACTS**

#### **Visual/Open Space Impacts**

20. Review of the simulations reveal that there is minimal difference in visual impact of the pre-existing water storage tank from the proposed water storage tank. The existing water storage tank will be removed upon installation of the new water storage tank.
21. As a result of Agency review of the Project based upon the pertinent development considerations set forth in § 805(4) of the Adirondack Park Agency Act and applicable regulations, it has been determined that the Project will not result in any undue adverse impacts on the Park's visual and open space resources because the proposed water storage tank will replace the pre-existing water storage tank within the same viewshed. Although the new facility will be visible as viewed from



off-site locations, the visual impact will be minimized provided the new facility is painted dark a shade of grey or brown with a non-reflective flat or matte finish.

### **Soils/Surface Waters/Groundwater**

22. Provided the stormwater management and erosion and sediment control measures are installed as shown on the Project Plans, there will not be any adverse impacts to soil, ground, or surface waters.

### **Habitat/Wetlands**

23. 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 Project will protect wetland resources.

### **Invasive Species**

24. 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 and adjoining properties.

### **Historic Sites or Structures**

25. 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**

26. Existing land uses in the vicinity of the water storage tank authorized herein will not be adversely impacted by the Project. Access to that portion of the Project site can occur from two separate entrances and will not cause congestion for parking at the Mayfield Courthouse and Town of Mayfield Garages. Removal of the existing water storage tank will occur after the new tank is installed and operational, thereby providing for an uninterrupted water supply to the Town of Mayfield residents.

**CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for Project approval set forth in the Adirondack Park Agency Act, 9 NYCRR Part 578, and 9 NYCRR Part 574.

The Agency hereby finds that the Project:

- 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 Hamlet land use area;
- c. will be consistent with the overall intensity guidelines for the Hamlet land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act;
- 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; and
- f. will result in minimal degradation or destruction of the wetland or its associated values and provides an essential public benefit.

PERMIT issued this        day  
of                               , 2019.

ADIRONDACK PARK AGENCY

BY: \_\_\_\_\_  
Terry Martino, Executive Director

STATE OF NEW YORK  
COUNTY OF ESSEX

On the        day of                                in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Terry Martino, 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

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