

PERMIT WRITING FORM – PP2022-0218

Assigned EPS: JMB Reviewed by: DJP Date: 5/6/2024

APPLICANT

Project Sponsor(s): USL Marina, LLC
Landowner(s): USL Marina, LLC
Authorized Representative: Matthew D. Norfolk, Esq.

PROJECT SITE

Town/Village: Santa Clara County: Franklin
Road and/or Water Body: NYS Rt. 30/Fish Creek Ponds
Tax Map #(s): 453.3-1-1.300
Deed Ref: 2020/3296, 2020/3297, 2020/3298
Land Use Area(s): H MIU LIU RU RM IU
Project Site Size: 9.10± acres

- Same as Tax Map #(s) identified above
 Only the H MIU LIU RU RM IU portion of the Tax Map #(s) identified above
 Other (describe): [Click or tap here to enter text.](#)

Lawfully Created? Y N Pre-existing subdivision: [Click or tap here to enter text.](#)
River Area: Y N If Yes: Wild - Scenic - Recreational Name of River: [Click or tap here to enter text.](#)
CEAs (include all): Wetland - Fed Hwy - State Hwy - State Land - Elevation - Study River

PROJECT DESCRIPTION

Expansion of an existing marina through the installation of a new docking system from a total of 71 boat slips available for rent to a total of 92 boat slips available for rent.

JURISDICTION (including legal citation)

Section 809 of the APA Act – greater than 25% expansion of an existing use

PRIOR PERMITS / SETTLEMENT AGREEMENTS BEING SUPERSEDED

None

FINDINGS OF FACT – ENVIRONMENTAL SETTING

Lakes, Ponds, Navigable Rivers and Streams

Check if none

Water Body Name: Fish Creek Ponds
Length of Existing Shoreline (feet): Approx 900'
Minimum Lot Width: 100'
Structure Setback (APA Act): 50'
Structure Setback (River Regs): N/A
Y N Cutting proposed within 6 ft of MHWM?

MHWM determ: Y N
Meets standard: Y N
Meets standard: Y N
Meets standard: Y N

If Yes, < 30% vegetation? Y N

- Y N Cutting proposed within 35 ft of MHWM? If Yes, < 30% trees 6" dbh? Y N
Y N Cutting proposed within 100 ft of river area? (If Yes, include under jurisdiction)

Non-Navigable Streams in proximity to development

Check if none

- Permanent Stream Intermittent Stream Classified? Y N

[DEC Environmental Resource Mapper](#) stream classification: [Click or tap here to enter text.](#)

Wetlands

- Y N Jurisdictional wetland on property, or
Y N Wetlands are a basis of development jurisdiction If Yes, RASS biologist consulted
 → If Y, covertime: [Click or tap here to enter text.](#)
 → If Y, value rating: [Click or tap here to enter text.](#)
Y N Draining, dredging, excavation of wetland
 Area of wetland loss: [Click or tap here to enter text.](#) Permanent? Y N
Y N Fill/structure in wetlands
 Fill/structure area: [Click or tap here to enter text.](#)
Y N Shading of wetland
 Area of shading: [Click or tap here to enter text.](#)
Y N Clearcutting >3 acres of wetland *RASS forester consulted
 Clearcut area: [Click or tap here to enter text.](#)
Y N Untreated stormwater discharge into wetland
Y N Pollution discharge into wetland
 Pollution type: [Click or tap here to enter text.](#)
Y N Pesticide/Herbicide application in wetland
 Pollution type: [Click or tap here to enter text.](#)
Y N OSWTS within 100 feet of a wetland
 Distance to Wetland: [Click or tap here to enter text.](#)

Ecological / Wildlife

- Y N Natural Heritage Sites/listed species or habitat present, including bat
Y N Forest management plan existing or proposed If Yes, RASS forestry analyst consulted
Y N Biological Survey required by RASS Biologist 2 or Supervisor If Yes, completed

Special Districts

- Y N Agricultural District

Slopes

RASS engineer consulted if structure proposed on >15%, driveway on >12%, or wwts on >8/15%

Existing slope range: 0-8% Building area(s) if authorizing development: N/A

Soils

- Y N Deep-hole test pit completed? (Necessary for every building lot) Check if N/A
 If Yes, soil data information determined or approved by RASS soil analyst?
 NRCS Mapped Soil Series or Other Comments: [Click or tap here to enter text.](#)

Stormwater

- Y N Greater than 1 acre disturbance, or
 Y N Proposed ground disturbance < 100 feet from wetlands
 If Yes, stormwater management reviewed and approved by RASS engineer
Setback to wetlands: [Click or tap here to enter text.](#)

Character of Area

Nearby (include all): Residential Commercial Industrial Agricultural Forested
Adjoining Land Uses / State Land: [Residential, Fish Creek Campground, Saranac Lakes Wild Forest](#)
Is nearby development visible from road? Y N
→ If Y, name road and describe visible development: [NYS Route 30 – residential, commercial, and NYS DEC campground](#)

Additional Existing Development (ex: dam on site, etc.): [N/A](#)

*** **Attach Individual Lot Development Worksheet (if a subdivision, attach one for each lot)**

FINDINGS OF FACT – COORDINATED REVIEW

- | | | |
|--|---|---|
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Archeologically Sensitive Area, according to OPRHP | <input type="checkbox"/> If Yes, APA APO consulted |
| <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Structures > 50 years old on or visible from site ** | <input type="checkbox"/> If Yes, APA AHPO consulted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Solar Project > 50 acres requiring ZVI & historic inventory | <input type="checkbox"/> If Yes, APA AHPO consulted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Within Lake George Park | <input type="checkbox"/> If Yes, LGPC consulted / application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Public water supply | <input type="checkbox"/> If Yes, DEC / DOH application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Greater than 1,000 gpd wastewater | <input type="checkbox"/> If Yes, DEC application submitted |
| <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Disturbing bed or bank of classified/navigable water body | <input checked="" type="checkbox"/> If Yes, DEC application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Disturbing 300 LF or more of a stream (temp + perm) | <input type="checkbox"/> If Yes, DEC application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Disturbing ¼ acre of Corps wetlands (temp + perm) | <input type="checkbox"/> If Yes, DEC application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Creating 5 or more lots less than 5 acres each | <input type="checkbox"/> If Yes, DOH application submitted |
| <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Army Corps involvement * | <input checked="" type="checkbox"/> If Yes, ACOE application submitted |
| <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Agency-approved Local Land Use Program | <input type="checkbox"/> If Yes, Town/Village consulted |

** [May 26, 2022 OPRHP issued letter of no impact](#)

*- Review the Pre-Construction Notification (PCN) thresholds for the [Buffalo District](#) and the [New York District](#) to help determine if an application (PCN) needs to be submitted to the Corps. Additionally, review the [Section 10 waters list](#) to determine if a Section 10 Navigable Waters permit might be required from the Corps.

PERMIT CONDITIONS AND IMPACT ANALYSIS

Merger N/A

Justification if merger required: [Click or tap here to enter text.](#)

Deed Covenant

Non-building lot being created? Y N

If Yes and lot is not being merged by condition, no PBs? Or no structures at all? Justification: [Click or tap here to enter text.](#)

Easement

Easement proposed or required? Y N

If Y, consult with Legal for conditions. Justification: [Click or tap here to enter text.](#)

Construction Location and Size (may be different for each subdivision lot)

Is new development (other than oswts) being authorized without further Agency review? Y N

→ If Y: Structure height limit and justification: [14 ft. – as proposed and reviewed](#)

Structure footprint limit and justification: [13,812 sq. ft. – as proposed and reviewed](#)

→ If N:

→ Acceptable development sites identified for all subdivision lots with PB allocation? Y N

→ Review of future development required? Y N

→ If Y, justification: [Click or tap here to enter text.](#)

Guest Cottages (if authorizing a dwelling) N/A

Proposed and reviewed? Y N

If N, guest cottages potentially allowed? Y N

→ Justification for any conditions: [Click or tap here to enter text.](#)

Boathouses (if project site contains shoreline)

Proposed and reviewed? Y N

If N, boathouses potentially allowed? Y N

→ If N, justification: [Click or tap here to enter text.](#)

→ If Y, review required (beyond definition limits)? Y N

→ If Y, justification: [wetlands, marina expansion](#)

Docks (if project site contains shoreline)

Proposed and reviewed? Y N

If N, docks potentially allowed? Y N

→ If N, justification: [Click or tap here to enter text.](#)

→ If Y, review required (beyond definition limits)? Y N

→ If Y, justification: [Click or tap here to enter text.](#)

Outdoor Lighting (if authorizing development)

Plan proposed and reviewed? Y N

Building Color (if authorizing development)

If color condition required, justification: [Roof and supporting posts for covered boat berths – protect against visual impacts to Fish Creek Ponds](#)

Tree Cutting / Vegetation Removal

Town with Northern Long-Eared Bat occurrences? Y N

Indiana Bat habitat indicated on Lookup? Y N

Vegetative cutting restrictions required? Y N

If Y, restrictions required (choose all that apply):

within [Click or tap here to enter text.](#) feet of limits of clearing

- within [Click or tap here to enter text.](#) feet of road
 - within 50 feet of river/lake/etc
 - within [Click or tap here to enter text.](#) feet of wetlands
 - Other: [Click or tap here to enter text.](#)
- OR on entire site outside limits of clearing

Extent of cutting restriction necessary within the area noted above:

- Cutting of all vegetation prohibited
 - Cutting of trees of [Click or tap here to enter text.](#) diameter dbh prohibited
 - Other: [Click or tap here to enter text.](#)
- Justification: [Protect water quality and screen development located above mhwmm](#)

Plantings

Plan proposed and reviewed? Y N

If N, plantings required? Y N

→ If Y, species, number, location, and time of year: [Click or tap here to enter text.](#)

Justification: [Click or tap here to enter text.](#)

Wastewater (if authorizing construction of a new PB without further review)

- Municipal system connection approved? Y N
- Community system connection approved by RASS? Y N
- Proposed on-site system designed by engineer and approved by RASS? Y N
- If N, has RASS field-verified location for conventional standard trench system? Y N
- If N, has RASS field-verified location for conventional shallow trench system? Y N
- Suitable 100% replacement area confirmed for existing / proposed system? Y N

Consult with RASS for additional conditions.

[Non-leaching "porta-johns" required to provide bathroom facilities for staff and customers. Any new on-site wastewater treatment system will require Agency review and approval.](#)

Stormwater Management (if authorizing development) N/A

Consult with RASS for conditions. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too.

Justification: [Click or tap here to enter text.](#)

Erosion and Sediment Control (if authorizing development)

Consult with RASS for conditions. Condition required if authorizing development within 100 feet of wetlands or greater than 1 acre disturbance; condition possibly required in other circumstances too.

Justification: [Erosion and sediment controls to prevent impacts to water quality resulting from dock installation and expansion.](#)

Infrastructure Construction (if authorizing development) N/A

Construction necessary before lot conveyance: [Click or tap here to enter text.](#)

Justification: [Click or tap here to enter text.](#)

For permits that will not include conditions related to Building Color, Vegetation Removal, or Plantings

Explain why no condition is needed: [No opportunity or need for additional plantings](#)

Additional Site / Project-Specific Concerns / Conditions Needed

Justification: [Click or tap here to enter text.](#)

Y N **Public comments received** If Yes, #: [112](#)
Y N **Applicant submitted response (notes, if any)** [Click or tap here to enter text.](#)