


THIS IS A TWO-SIDED DOCUMENT
STAFF DRAFT – NOT APPROVED BY AGENCY

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>APA Permit 2022-0218 DRAFT</p>
<p>In the Matter of the Application of</p> <p>USL Marina, LLC Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: XXXX</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. USL Marina, LLC</p>

SUMMARY AND AUTHORIZATION

This permit authorizes an expansion of an existing marina from a capacity of 71 rental slips to a capacity of 92 rental slips in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Santa Clara, Franklin County.

This authorization shall expire unless recorded in the Franklin County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded 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 five years of the date the permit is recorded in the Franklin County Clerk's Office. The Agency will consider the project in existence when the docking structures authorized herein have been installed.

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.

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.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee 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 a 9.10±-acre parcel of land located on NYS Route 30 in the Town of Santa Clara, Franklin County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 453.3, Block 1, Parcel 1.300, and is described in deeds recorded in the Franklin County Clerk's Office under Instrument Numbers 2020-3296, 2020-3297, and 2020-3298.

The project site contains shoreline on Fish Creek Ponds. The project site also contains wetlands below the mean high water mark of Fish Creek Ponds.

The project site is improved by a pre-existing marina with a capacity of 71 rental slips, as well as an associated bait shop, storage buildings, repair shop, parking area, boat storage area, and boat launch area. In addition, the site is improved by a pre-existing campground, two pre-existing single family dwellings, and a pre-existing café building that is currently not in use.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the installation of a new docking system to include a total of 92 boat slips available for rent.

The project is shown on the following plans:

- "Upper Saranac Marina, Santa Clara, NY, Marina and Dock Improvements," prepared by North Woods Engineering and dated March 14, 2024 (Project Plans).
- "Dock 4 Path Vegetation Removal," prepared by North Woods Engineering and dated January 26, 2024 (Dock 4 Path Vegetation Removal Plan).

A reduced-scale copy of the Site Plan for the project, shown on Sheet C10 of the Project Plans, is attached as a part of this permit for reference.

AGENCY JURISDICTION

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to the expansion by more than 25% of any marina on Moderate Intensity Use lands in the Adirondack Park.

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 Franklin 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 operation of the marina continues 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, and the Adirondack Park Agency's implementing 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 2022-0218, issued **XXXX**, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. This permit authorizes the expansion of a marina in the location shown and as depicted on the Site Plan. Any change to the location, dimensions, or other aspect of the marina shall require prior written Agency authorization.
6. Non-leaching "porta-johns" shall be provided for use by customers and employees of the marina.
7. Installation of any on-site wastewater treatment system to serve the marina on the project site shall require prior written Agency authorization of plans prepared by a design professional (licensed engineer or registered architect). Construction of the system shall be supervised by the design professional. 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.
8. The project shall be undertaken in compliance with the erosion and sediment control measures depicted on Sheet C21 of the Project Plans.
9. When brought from off-site, all equipment 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.
10. The open-sided covered structure containing rental boat slips depicted on the site plan shall not exceed 14 feet in height. The roof shall be maintained in a dark green color and the supporting poles shall be maintained in a brown color.
11. There shall be no lighting below the mean high water mark on the project site except solar lights at the ends of Docks 1, 2, 3, and 4 as depicted on the Site Plan and downward facing lights beneath the open-sided covered structure. Any change to these lighting specifications shall require prior written authorization from the Agency.

Any new free-standing or building-mounted outdoor lights above the mean high water mark and associated with the marina on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Fish Creek Ponds, Route 30, or adjoining property.

12. All new signs associated with the marina on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
13. Within 50 feet of the mean high water mark of Fish Creek Ponds, no trees, shrubs, or other woody stemmed vegetation may be cut or otherwise removed on the project site without prior written Agency authorization, except for 1) the removal of vegetation as described in the Dock 4 Path Vegetation Removal Plan, and 2) the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
14. The undertaking of any activity involving wetlands shall require a new or amended permit.

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;
- 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.

PERMIT issued this day
of , 2024.

ADIRONDACK PARK AGENCY

BY: _____
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the day of in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, 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

