


THIS IS A TWO-SIDED DOCUMENT

 <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 2023-0069</p>
<p>In the Matter of the Application of</p> <p>LISA A. SYMONDS & ROGER P. SYMONDS, Jr. Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: July 3, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none">1. Lisa A. Symonds2. Roger P. Symonds, Jr.

SUMMARY AND AUTHORIZATION

This permit authorizes the expansion of an existing commercial use auto repair and towing facility in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Franklin, 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 commercial use building authorized herein has been constructed.

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 the 18.5±-acre Low Intensity Use portion of a 68.4±-acre parcel of land located on State Route 3 in the Town of Franklin, Franklin County. The property is identified as Tax Map Section 384, Block 3, Parcel 39.100, and is described in a deed from John W. Peckham and Norma A. Peckham to Roger P. Symonds, Jr. and Lisa A. Symonds, dated February 27, 1998, and recorded March 11, 1998 in the Franklin County Clerk's Office at Book 693, Page 179. Parcel 39.100 contains lands classified Low Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map.

Agency Permit 97-171 authorized the establishment of a commercial use auto repair and towing facility in a pre-existing 1,760± square foot commercial building, including the construction of an associated vehicle impoundment yard adjacent to the building. In November 2022, the pre-existing commercial building was destroyed by fire and has since been removed.

The project site is currently improved by the on-site wastewater treatment system, vehicle impoundment yard stockade fence, and vegetative screening authorized in Agency Permit 97-171 and Agency Settlement Agreement E2004-070.

Coniferous and deciduous wooded and shrub wetlands are present on the project site associated with Lyon Brook. All development authorized in P97-171 and authorized herein is located greater than 200 feet from wetlands.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the construction of a new three-bay garage and office building having a footprint of 3,480± square feet and a maximum height of 22 feet in the location of the former facility recently destroyed by fire, located 67± feet from the centerline of State Route 3. The facility will utilize the existing well and the on-site wastewater treatment system constructed in 1998.

The facility will utilize the existing highway access consisting of 150± feet of road frontage along State Route 3. Parking for employees and customers will be located between the building and the northern property line. Parking for tow trucks will be located along the southern wall of the new building, with additional parking for tow trucks in the vehicle impoundment yard. The northern vehicle impoundment yard fence will be replaced parallel with the wall of the new building, resulting in a 95±-foot by 108±-foot impoundment area. The western boundary of the vehicle impoundment yard is not delineated by a perimeter fence.

The project is shown on the following maps and plans (Project Plans):

- Two pages of un-titled site plan maps prepared by Roger P. Symonds, Jr., received by the Agency on May 30, 2023 (Site Plan);
- A one-page un-titled floor plan prepared by Roger P. Symonds, Jr., received by the Agency on May 30, 2023 (Floor Plan); and

- An architectural plan sheet titled “RNL Towing, 50’x60’x16 4:12 with attaching 12’x40’ Office,” un-signed, un-dated, and received by the Agency on May 30, 2023 (Architectural Plan).

A reduced-scale copy of the Architectural Plan and Page 1 of the Site Plan for the project is attached as a part of this permit for reference.

AGENCY JURISDICTION

Condition 11 of Agency Permit P97-171 required a new or amended permit for a 25% or greater expansion of the pre-existing 1,760 square foot commercial use building.

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 the commercial use auto repair and towing service continues on the site. Copies of this permit and Site Plan 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. This permit amends and supersedes Permit 97-271 and Settlement Agreement E2004-070. The terms and conditions of Permit 97-271 and E2004-070 shall no longer apply.
5. 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 2023-0069, issued July 3, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees.”
6. This permit authorizes the construction of a commercial use garage and office building in the location shown and as depicted on the Project Plans. Any change to the location, dimensions, or other aspect of the building shall require prior written Agency authorization. The construction of additional structures associated with the commercial use auto repair and towing operation on the project site shall require prior written Agency authorization.

7. Expansion of the existing on-site wastewater treatment system or construction of a new on-site wastewater treatment system(s) shall require Agency review and approval.
8. Vehicle repair services shall only occur Monday through Friday, 7:30 a.m. to 6 p.m., Wednesday until 8 p.m. and Saturday 8 a.m. to noon. Emergency towing services may occur at any time, but shall only consist of vehicle drop offs.
9. 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. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.
10. All exterior building materials, including roof, siding and trim, of the garage and office building shall be a dark shade of green, grey, or brown.
11. Any new free-standing or building-mounted outdoor lights associated with the commercial use auto repair and towing operation 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 State Route 3 or adjoining property.
12. All signs associated with the commercial use auto repair and towing operation on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
13. Except for the "Burned Trees" depicted on the Site Plan, no trees within 250 feet of the centerline of State Route 3 may be cut, culled, trimmed, pruned or otherwise removed on the project site without prior written Agency authorization, except for the removal of dead, diseased, or damaged trees that presents a safety or health hazard, which shall be replaced within one year of removal.
14. Six native coniferous trees at least 3 feet in height shall be planted in the location depicted on the Site Plan in a row with trees planted 6 feet on center. All trees shall be planted no later than the first spring or fall planting season after final grading related to the construction of the garage and office building on the project site. Trees that do not survive shall be replaced annually until established in a healthy growing condition.
15. The northern vehicle impoundment yard fence shall be reconstructed as depicted on the site plan within 1 year of the construction of the garage and office building. The northern and southern vehicle impoundment yard fences may be extended to a total length of 125 feet provided that the area of new fence is screened by additional native coniferous trees at least 3 feet in height located within 6 feet of the fence, planted 6 feet on center. The extension of the impoundment fence longer than 125 feet shall require prior Agency review and approval.

16. Tow trucks and customer vehicles shall be parked in the parking areas depicted on the Site Plan. At no time shall disabled vehicles be parked outside of the vehicle impoundment yard or garage building.
17. The collection, storage, and disposal of all solid and liquid wastes shall comply with New York State Department of Environmental Conservation requirements.
18. All disabled vehicles and metal debris shall be removed from the area outside of the vehicle impoundment yard prior to the commercial use operation of the new garage building.
19. There shall be no more than five principal building(s) located on the Low Intensity Use portion of Lot 39.100 at any time. The commercial use building authorized herein constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
20. The undertaking of any activity involving wetlands shall require a new or amended permit.
21. New land use and development within 200 feet of the treeline depicted on the Site Plan shall require prior Agency review and approval.

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 Low Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Low 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 3rd day
of July, 2023.

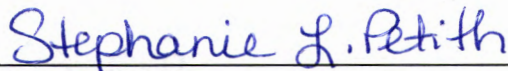
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 3rd day of July in the year 2023, 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.

Stephanie L. Petith
Notary Public, State of New York
Reg. No. 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025

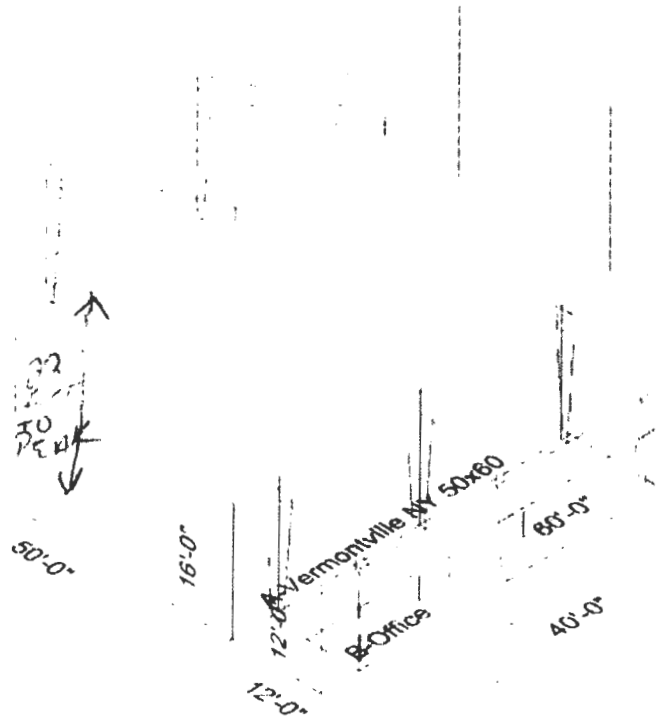

Notary Public

NEW YORK STATE OF OPPORTUNITY
Adirondack Park Agency
RECEIVED
Date: May 30, 2023

NEW YORK STATE OF OPPORTUNITY
Adirondack Park Agency
FINAL
P2023-0069

RNL Towing
50'x60'x16' 4:12
with attaching
12'x40' Office

NY 2020
95# Snow
110MPH Wind
3# Collateral Load



⊗ = BALSAM TREE

⊖ = BURNED TREES

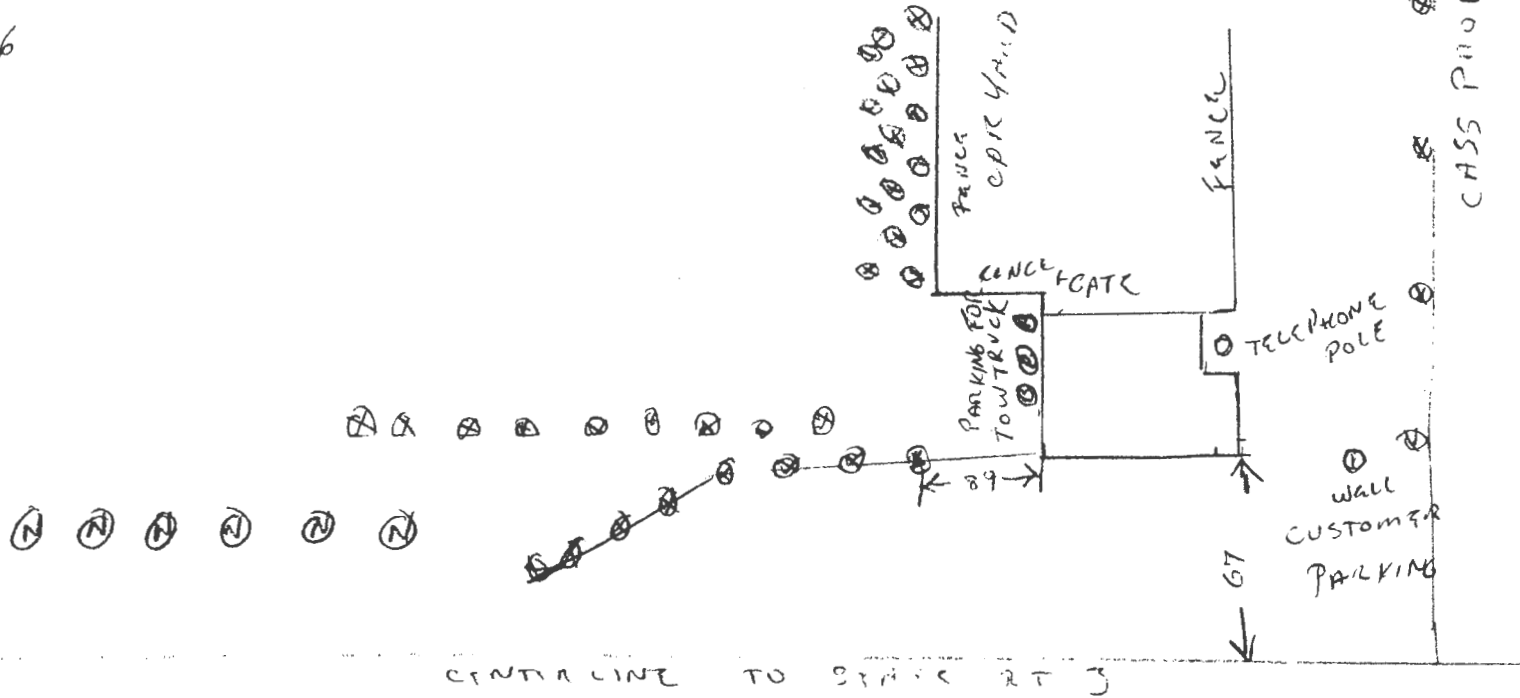
SO THE BURNED TREES NEED TO COME DOWN

⊕ = NEW TREES NEW TREES WILL BE PLANTED
TO REPLACE BURNED TREES

2A-2E-2G

#5

#6



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