


THIS IS A TWO-SIDED DOCUMENT

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|  <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 2023-0091</p> |
| <p>In the Matter of the Application of</p> <p>BIONIQUE TESTING LABORATORIES, INC. Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p> | <p>Date Issued: November 28, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Bionique Testing Laboratories, Inc.</p> |

SUMMARY AND AUTHORIZATION

This permit authorizes expansion of an existing commercial use and the associated on-site wastewater treatment system in an area classified Industrial Use on the Adirondack Park Land Use and Development Plan Map in the Town of Harrietstown, 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 foundation for the expanded facility is complete.

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 4.96±-acre parcel of land located on Fay Brook Lane in the Town of Harrietstown, Franklin County, in an area classified Industrial Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 423, Block 1, Parcel 41.300, and is described in a deed from Adirondack Economic Development Corporation to Bionique Testing Laboratories, Inc., dated May 7, 1999, and recorded May 11, 1999 in the Franklin County Clerk's Office at Book 722, Page 224.

The project site is improved by an existing testing laboratory facility, associated on-site wastewater treatment system, parking area, and accessory structures that support the testing facility, as authorized by Agency Permits 1998-140 and 1998-0140B. The project site is accessed from NYS Route 186 by Fay Brook Lane, as authorized by Agency Permit 1996-38.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a 19,000-square-foot expansion of an existing 9,460-square-foot building resulting in a 28,459-square-foot building to provide for expanded testing laboratory facilities and up to 90 additional employees.

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

- An 11-page set of plans prepared by Hyman Hayes Associates, titled "Bionique Lab Expansion 156 Fay Brook Ln, Saranac Lake, NY 12983," dated June 28, 2023, and last revised August 25, 2023 (Site Plan), including:
 - Sheet Number C100, titled "Existing Site Conditions & Demolition Plan;"
 - Sheet Number C200, titled "Proposed Site Improvement Plan;"
 - Sheet Number C300, titled "Proposed Grade & Utility Plan;"
 - Sheet Number C400, titled "Proposed Landscaping Plan;"
 - Sheet Number C500, titled "Proposed Lighting Plan;"
 - Sheet Number C600, titled "Proposed Erosion & Sediment Control Plan;"
 - Sheet Number C601, titled "Proposed Erosion & Sediment Control Details;"
 - Sheet Number D100, titled "Site Plan Details;"
 - Sheet Number D200, titled "Site Plan Details;"
 - Sheet Number D300, titled "Site Plan Details;" and
 - Sheet Number D400, titled "Site Plan Details."
- A set of plans prepared by Robert M. Sutherland P.C., titled "Stormwater Management Report for Bionique Testing Labs, Prepared for: Bionique Testing Labs Proposed Building Expansion 2023," revised May 1, 2023 (Stormwater Management Report).

A reduced-scale copy of Sheet Number C200, titled "Proposed Site Improvement Plan," of the Site Plan for the project, 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 commercial use on Industrial 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 the commercial use remains on the site. Copies of this permit and the Site Plan and Stormwater Management Report 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 Permits 1998-0140 and 1998-0140B in relation to the project site. The terms and conditions of Permits 1998-0140 and 1998-0140B shall no longer apply to the project site.
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 2023-0091, issued November 28, 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 an expanded commercial use in the location shown and as depicted on the Site Plan. Any change to the location, dimensions, or other aspect of the commercial use shall require a new or amended permit or prior written Agency authorization.
7. If installed within five years of the date of issuance of this permit, the on-site wastewater treatment system shall be constructed in conformance with the location and design shown on the Site Plan. Construction of the system shall be supervised by a design professional (licensed engineer or registered architect). 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.

No on-site wastewater treatment system shall be installed on the project site more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.
8. The project shall be undertaken in compliance with the Stormwater Pollution Prevention Plan shown on the Site Plan and the Stormwater Management Report.

9. The project shall be undertaken in compliance with the Erosion and Sediment Control Plan shown on Sheets C600 and C601 of the Site Plan.
10. 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.
11. All exterior building materials, including roof, siding and trim, of commercial use shall be a dark shade of green, grey, or brown.
12. All lighting associated with the commercial use on the project site shall comply with the Lighting Plan shown on Sheet C500 of the Site Plan. Any change to this lighting shall require prior written Agency authorization.
13. 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 Part 570, Appendix Q-3].
14. Outside of the limits of clearing shown as "treeline" on Sheet C200 of the Site Plan, no trees, shrubs, or other woody stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed 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.
15. All trees and shrubs depicted on Sheet C400 of the Site Plan shall be planted no later than the first spring or fall planting season after final grading related to the construction of the expanded commercial use on the project site. Trees and shrubs that do not survive shall be replaced annually until established in a healthy growing condition.

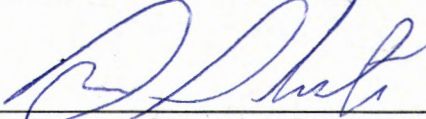
CONCLUSIONS OF LAW

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 Industrial Use land use area;
- c. will be consistent with the overall intensity guidelines for the Industrial 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.

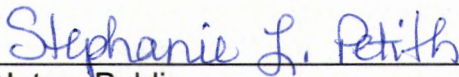
PERMIT issued this 28th day
of November, 2023.

ADIRONDACK PARK AGENCY

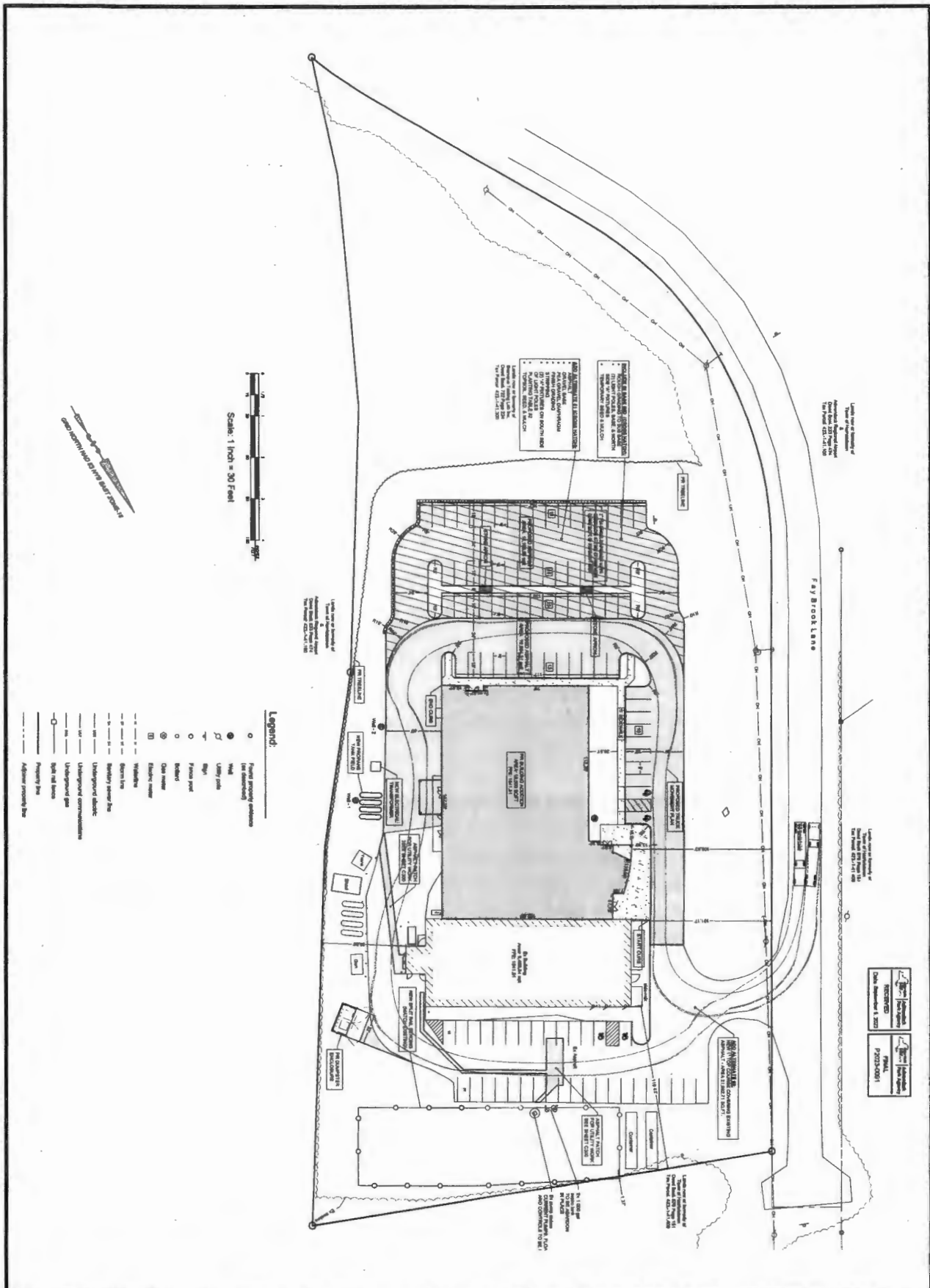
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 28th day of November 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.


Notary Public

Stephanie L. Petith
Notary Public, State of New York
Reg. No. 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 20____



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| C200 | DATE: 06/08/2023 SCALE: 1" = 30' DRAWN BY: LSC CHECKED BY: AJO APPROVED: [Signature] CLIENT APPROVAL: [Signature] IHA PROJ. NO.: 2709 CLIENT PROJ. NO.: 2134 | SHEET TITLE: Proposed Site Improvement Plan BIONIQUE LAB EXPANSION 138 Fay Brook Ln, Secaucus, NJ 07094 | ARCHITECT/INTERIOR DESIGN/STRUCTURAL/ENGINEER HYAHAY HAYES ASSOCIATES IHA MEP CONSULTANT: DELTA CIVIL CONSULTANT: RMS GENERAL CONTRACTOR: BY | REVISION SCHEDULE # DESCRIPTION DATE PROGRESS PRINT NOT FOR CONSTRUCTION 06/08/2023 |
| | bi:unique | | | SEAL: [Signature] |

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 1709-B SUBSECTION 2 OF THE NEW YORK STATE EDUCATION LAW.