


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 2023-0104</p> |
| <p>In the Matter of the Application of</p> <p>NEW YORK STATE DEPARTMENT OF TRANSPORTATION</p> <p>Permittee</p> <p>Subject to Sections 814 of the Adirondack Park Agency Act and Pursuant to 9 NYCRR Part 578</p> | <p>Date Issued: September 19, 2023</p> |
| | <p>To the County Clerk: Please index this permit in the grantor index under the following name: 1. New York State Department of Transportation</p> |

SUMMARY AND AUTHORIZATION

This permit and order authorizes the replacement of an existing road crossing over Deer Brook within the NYS Route 30 Right-of-Way in an area classified Wild Forest on the Adirondack Park Land Use and Development Plan Map in the Town of Duane, 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 and order is recorded in the Franklin County Clerk's Office. The Agency will consider the project in existence when the replacement road crossing 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 and order 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 and order 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 located on NYS Route 30 in the Town of Duane, Franklin County, in an area classified Wild Forest on the Adirondack Park Land Use and Development Plan Map. The site is adjacent to Tax Map Section 244, Block 1, Parcel 4.

The project site contains shoreline on Deer River and a portion of a large wetland complex associated with Deer River. The large wetland complex is comprised of many covertypes and includes portions over 20 acres in size within the mean high water mark of Deer River and has a value rating of "1" pursuant to 9 NYCRR Part 578. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

The project site is improved by an existing two-culvert crossing of NYS Route 30 over Deer River.

PROJECT DESCRIPTION

The project as conditionally approved herein involves replacement of an existing two-culvert crossing of NYS Route 30 over Deer Brook with a 26-foot clear span pre-cast concrete bridge structure resulting in 0.319 acres of temporary impacts to wetlands and 744 square feet of permanent wetland impact.

The project is shown on a seven-sheet set of Project Plans titled "NYS Route 30 Over Deer River Flow," prepared by NYSDOT and dated last revised August 7, 2023.

A reduced-scale copy of Sheet 1 subtitled "Wetland Impacts Temporary vs. Permanent" is attached as a part of this permit for reference.

AGENCY JURISDICTION

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any deposit of fill in a wetland in the Adirondack Park.

The proposal involves new land use and development by NYSDOT within the Adirondack Park pursuant to § 814 of the Adirondack Park Agency Act, 9 NYCRR § 579.1, and 9 NYCRR § 4.150 (Executive Order 150).

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 NYS Route 30 road crossing of Deer River as authorized herein

remains on the site. Copies of this permit and 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 2023-0104, issued September 19, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. This permit authorizes the replacement of an existing two-culvert road crossing with a clear-span pre-cast concrete bridge in the location shown and as depicted on the Project Plans. Any change to the location, dimensions, or other aspect of the road crossing replacement shall require prior written Agency authorization.
6. The project shall be undertaken utilizing all erosion and sediment controls depicted on the Project Plans.
7. 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.
8. Outside of the limits of clearing shown on the Project Plans, no trees, shrubs, or other woody stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed 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.
9. All trees shall be planted as described and depicted on the Project Plans.
10. The undertaking of any additional activity involving wetlands shall require a new or amended permit.

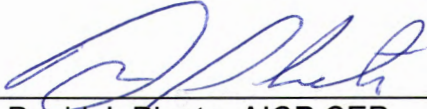
CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, Freshwater Wetlands Act and 9 NYCRR Part 578. The Agency hereby finds that the project authorized as conditioned herein:

- a. will be consistent with the Adirondack Park land use and development plan;
- b. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park, taking into account the economic and social or other benefits to be derived from the activity; and
- c. will, although economic, social and other benefits to be derived from the activity proposed compel a departure from the guidelines of 9 NYCRR Part 578.10 (a)(1), secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social and agricultural development of the state.

PERMIT issued this 19th day of September, 2023.

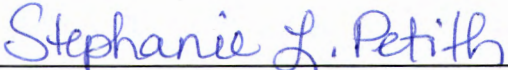
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 19th day of September 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

FILE NAME = D:\MAIL\JRW\JRW_STEEL.dwg
 DATE = 08-07-2023 08:05
 USER = jrw

PROJECT MANAGER: J. CRILL
 CHECK: DRAFTING: J. KILMER
 CHECK: DESIGN: J. KILMER
 JOB MANAGER: J. CRILL
 DESIGN SUPERVISOR: J. CRILL

TEMPORARY IMPACTS, TREES WILL BE REMOVED, AND UPON COMPLETION OF PROJECT, AREAS WILL BE RETURNED TO ORIGINAL GRADES AND RESTORED WITH TREE PLANTINGS AND ADA APPROVED SEED MIX.

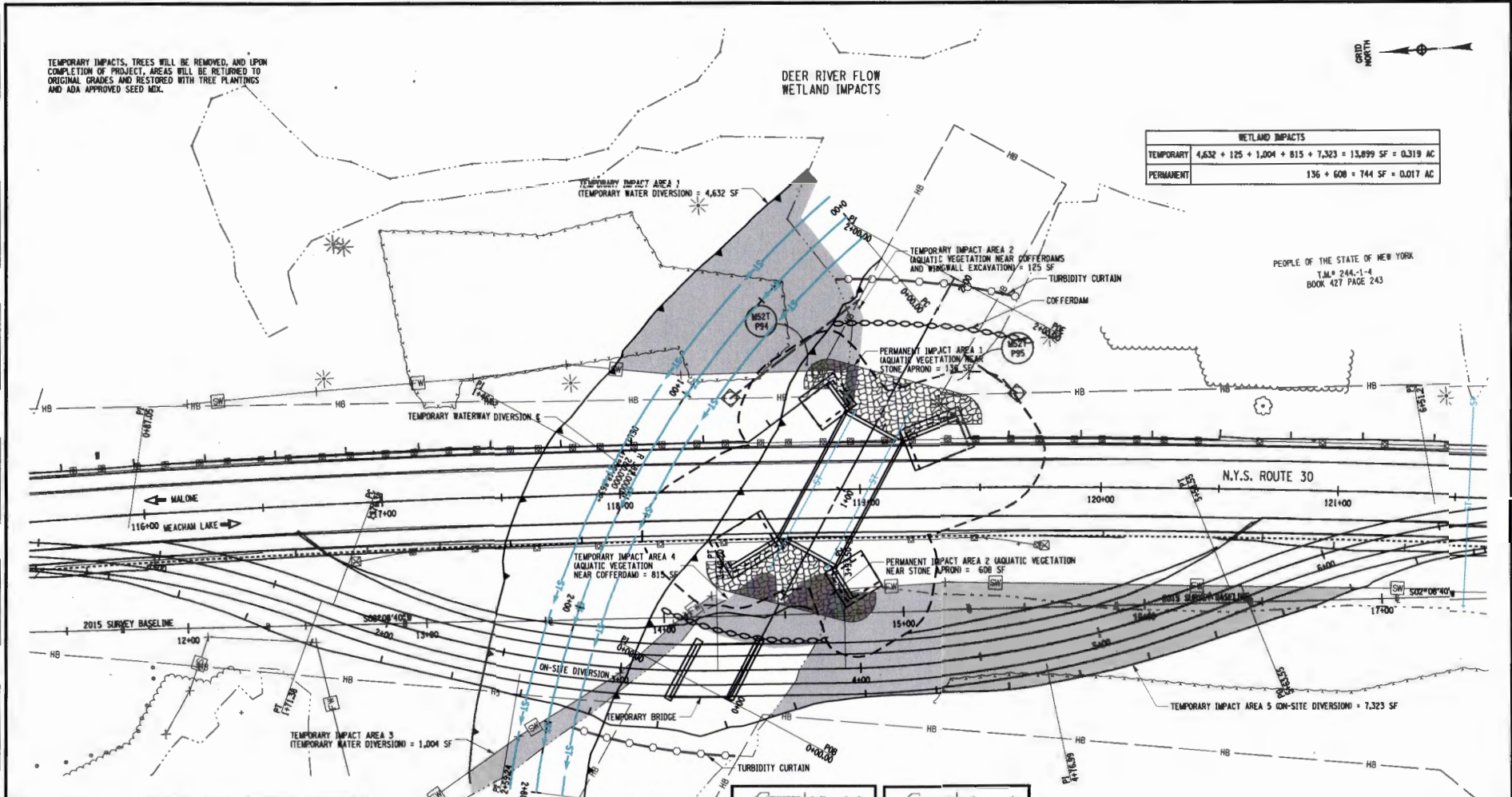
DEER RIVER FLOW
 WETLAND IMPACTS



| WETLAND IMPACTS | |
|-----------------|--|
| TEMPORARY | 4,632 + 125 + 1,004 + 815 + 7,323 = 13,899 SF = 0.319 AC |
| PERMANENT | 136 + 608 + 744 SF = 0.017 AC |

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| AFFIX SEAL: DN: | ALTERED BY: DN: |
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| AS-BUILT REVISIONS DESCRIPTION OF ALTERATIONS: | DUANE CENTER - MOUNTAIN POND | PIN T04431 MYS RTE 30 | BRIDGES 1072340 | CULVERTS | ALL DIMENSIONS IN FT UNLESS OTHERWISE NOTED | CONTRACT NUMBER D264XXX |
| | | | | | WETLAND IMPACTS TEMPORARY VS PERMANENT N.Y.S. ROUTE 30 OVER DEER RIVER FLOW | DRAWING NO. ENV-3 SHEET NO. 1 |
| COUNTY: FRANKLIN | | REGION: 07 | | Department of Transportation | | |

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR, TO ALTER AN ITEM IN ANY WAY. IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION.