


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 2024-0014</p>
<p>In the Matter of the Application of</p> <p>TOWN OF PERU Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: July 9, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Town of Peru</p>

SUMMARY AND AUTHORIZATION

This permit authorizes dredging and reservoir maintenance in an area classified Low Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Peru, Clinton County.

This authorization shall expire unless recorded in the Clinton 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 Clinton County Clerk's Office. The Agency will consider the project in existence when any of the authorized activities begin on the project site.

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 an approximately 2±-acre portion of Tax Map Parcels 290.-1-9 & 290.-1-8.2 located on Reservoir Road in the Town of Peru, Clinton County, in an area classified Low Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is described in an Order of the State of New York Supreme Court, Clinton County, granting an Eminent Domain Petition, dated April 17, 1984 and recorded at the Clinton County Clerk's Office on May 3, 1984 in Liber 67 of Supreme Court Orders at Page 929.

The project site contains the Town of Peru Water Supply Reservoir. The reservoir is formed by an existing dam that impounds a stream known as Furnace Brook that is classified as AA by the NYS Department of Environmental Conservation. The project site also contains wetlands throughout the reservoir and wetlands associated with Furnace Brook. These wetlands consist of deepwater and emergent marsh, shrub swamp and deciduous/coniferous swamp, and have a value rating of "1". 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 subject to Agency Permit 98-274 which authorized the installation of a diversion structure in the bed of Furnace Brook upstream of the water supply reservoir, and Agency Permit 99-29 which authorized the reconstruction of the dam which impounds the water supply reservoir. The project site is also subject to Agency Project and Order 99-221 which authorized (1) the construction of a chain link fence around the water supply reservoir, (2) the cutting of vegetation within 6 feet of the mean high water mark of the reservoir, and the cutting of 14 trees with a greater than six inches diameter breast height within 35 feet of the mean high water mark of the reservoir, and (3) the dredging of wetlands within the reservoir.

PROJECT DESCRIPTION

The project as conditionally approved herein involves maintenance dredging to remove accumulated sediment and debris from the Town of Peru drinking water supply reservoir and the adjacent Furnace Brook. The project will involve approximately 77,700 square feet of permanent excavation in the reservoir and approximately 2,880 square feet of permanent excavation in Furnace Brook. The vegetation and associated sediment will be excavated from the reservoir, de-watered on site, and then deposited at an approved off-site facility.

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

- Six-sheets of plans titled "Peru Permitting," prepared by Michael R. Martin, AES Northeast, dated August 4, 2023, and last revised March 1, 2024 (Engineered Plans);
- A two-sheet document titled "APA Project No 2024-0014 Revised Project Narrative," prepared by Michael R. Martin, AES Northeast, dated June 3, 2024 (Project Narrative);
- A four-sheet document titled "APA Project No 2024-0014 Notice of Incomplete Permit Application," prepared by Michael R. Martin, AES Northeast, dated March 1, 2024 (Response Letter 1); and

- A three-sheet document titled “APA Project No 2024-0014 Second Notice of Incomplete Permit Application,” prepared by Michael R. Martin, AES Northeast, dated March 18, 2024 (Response Letter 2).

A reduced-scale copy of the Engineered Plans for the project are 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 excavation of a wetland 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 Clinton 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 dredging continues on the site. Copies of this permit and Engineered 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. This permit amends and supersedes Agency permits 98-274, 99-29 and 99-221 in relation to the project site. The terms and conditions of permits 98-274, 99-29 and 99-221 shall no longer apply to the project site.
7. 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 2024-0014, issued July 9, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees.”
8. This permit authorizes dredging in the location shown and as depicted and described in the Project Plans. Any change to the location, dimensions, or other aspect of the Project Plans shall require prior written Agency authorization.

9. Prior to any ground disturbance on the project associated with the authorized activities, silt fence shall be installed in the locations depicted on the Site Plan Map and maintained until all disturbed soils are stabilized with native, non-invasive vegetation.
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. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.
11. All vegetation removal, maintenance, and restoration associated with the dredging activities authorized herein shall be undertaken in compliance with the Project Plans. Any additional vegetation removal within the project area not shown on the Project Plans shall require 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.
12. Any reconstruction or maintenance of the existing dam shall require prior written Agency authorization.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578 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 Rural Use and Low Intensity land use areas;
- c. will be consistent with the overall intensity guidelines for the Rural Use and Low Intensity land use areas;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act;
- 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; and
- f. compels a departure from the general guidelines in 9 NYCRR §578.10 because of the benefits to be derived from the activity.

PERMIT issued this 9th day
of July, 2024.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 9th day of July 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.

[Signature]
Notary Public

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

Note: It is a condition of the contract for the engineer to furnish the services of a professional Engineer, Architect, or Landscape Architect. The engineer shall be responsible for the design of the project and shall be held liable for any errors or omissions in the design. The engineer shall also be responsible for the preparation of all reports and drawings. The engineer shall not be held liable for the actions of any subcontractors or other parties. The engineer shall not be held liable for the actions of any clients, owners, or other parties. The engineer shall not be held liable for the actions of any other parties.

GRAPHIC -
NOT FOR
CONSTRUCTION

REVISION	DATE
1	01/21/2011
2	02/01/2011
3	02/01/2011

TOWN OF PERU

PERU PERMITTING

364 RESERVOIR ROAD
PERU, NEW YORK, 12972

AES PROJ. # 1193 DESIGNED BY NHEVCN

CONVENED BY SUR CHECKED BY NHEVCN

DRAWN BY SUR DATE

SCALE PERU PERMITTING

S. AGENCY PERMIT REVIEW REVIEWED BY

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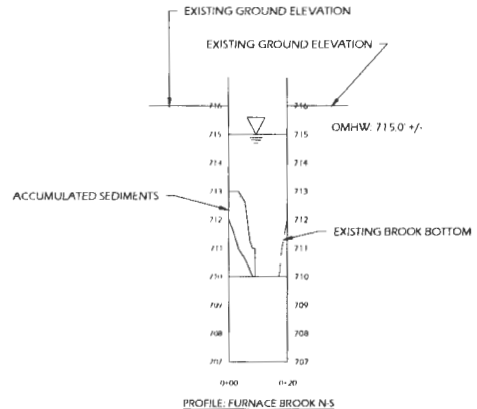
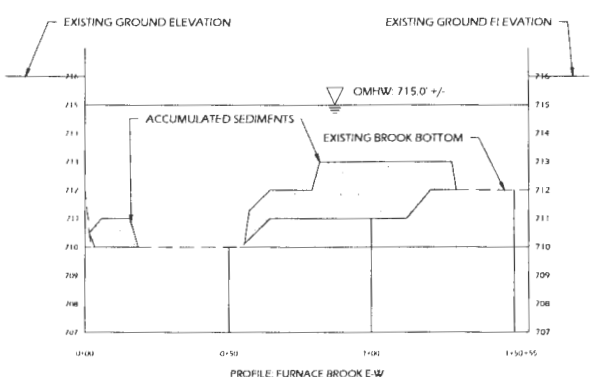
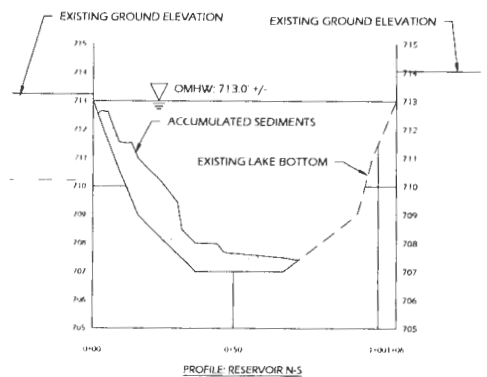
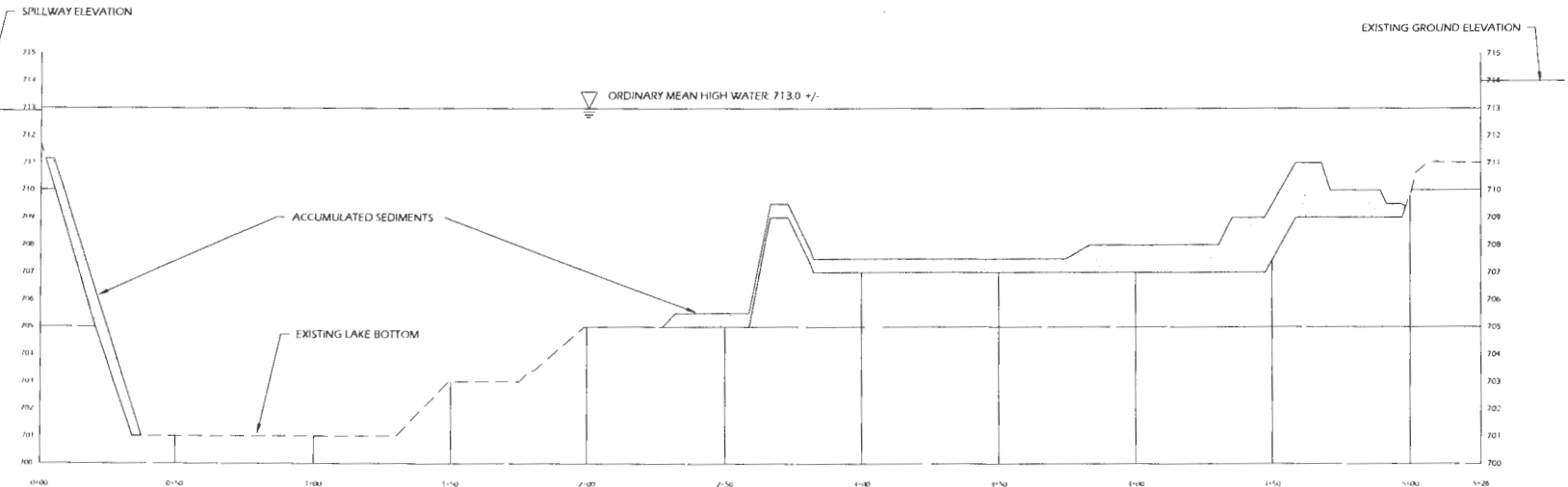
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Vertical Scale 1" = 2'

Horizontal Scale 1" = 20'

PROFILE VIEW

SHEET NO. C-103





 Admitted
 Risk Agency
INSURE
 Date: January 15, 2021


 12 City Hall Place, Plattsburgh, New York 12001
 Phone: (518) 501-1588 Fax: (518) 501-1980
www.aesnortheast.com


Peru Reservoir
Bathymetric Map - Hard Bottom

5202
 Peru Permitting

1. Aerial Imagery from EagleView-Mission
 2. Parcel data: 2021 Clinton County GIS
 For accurate determination of the location of property lines, consult a
 Land Surveyor licensed by the State of New York.
 ESRI/Mapbox/AerialSatellite

1 inch = 45 feet







 Adirondack
 Park Agency
RECEIVED
 Date: March 1, 2024



MACROPHYTE KEY

M = *Myriophyllum spicatum*
 C = *Potamogeton crispus*
 T = *Typha spp.*
 R = *Potamogeton Robensii*
 A = *Sagittaria latifolia*
 B = *Scirpus spp.*

↑
 EXTENT OF VEGETATION

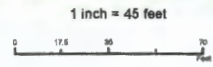
 Extent of Dredging
 Clinton County Parcels


 12 City Hall Place, Plattsburgh, New York 12801
 Phone: (518) 561-1508 Fax: (518) 561-1000
 www.aesnotwest.com

**Peru Reservoir
 Macrophyte Map**

5202
 Peru Permitting



Notes:
 1. Aerial Imagery from EagleView Missouri.
 2. Parcel data: 2021 Clinton County GIS.
 For accurate determination of the location of property lines, consult a
 Land Surveyor licensed by the State of New York.
 3. Macrophyte survey - initial from drone OPERATED by Michael R. Martin, OLM, Environmental Scientist.





Adirondack Park Agency
RECEIVED
 Date: January 15, 2024




 Extent of Dredging
 Sediment Thickness

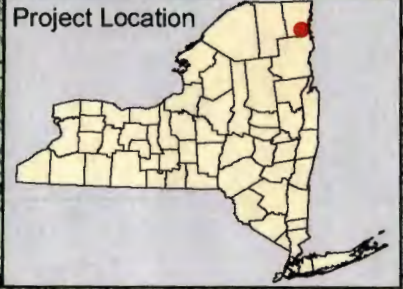
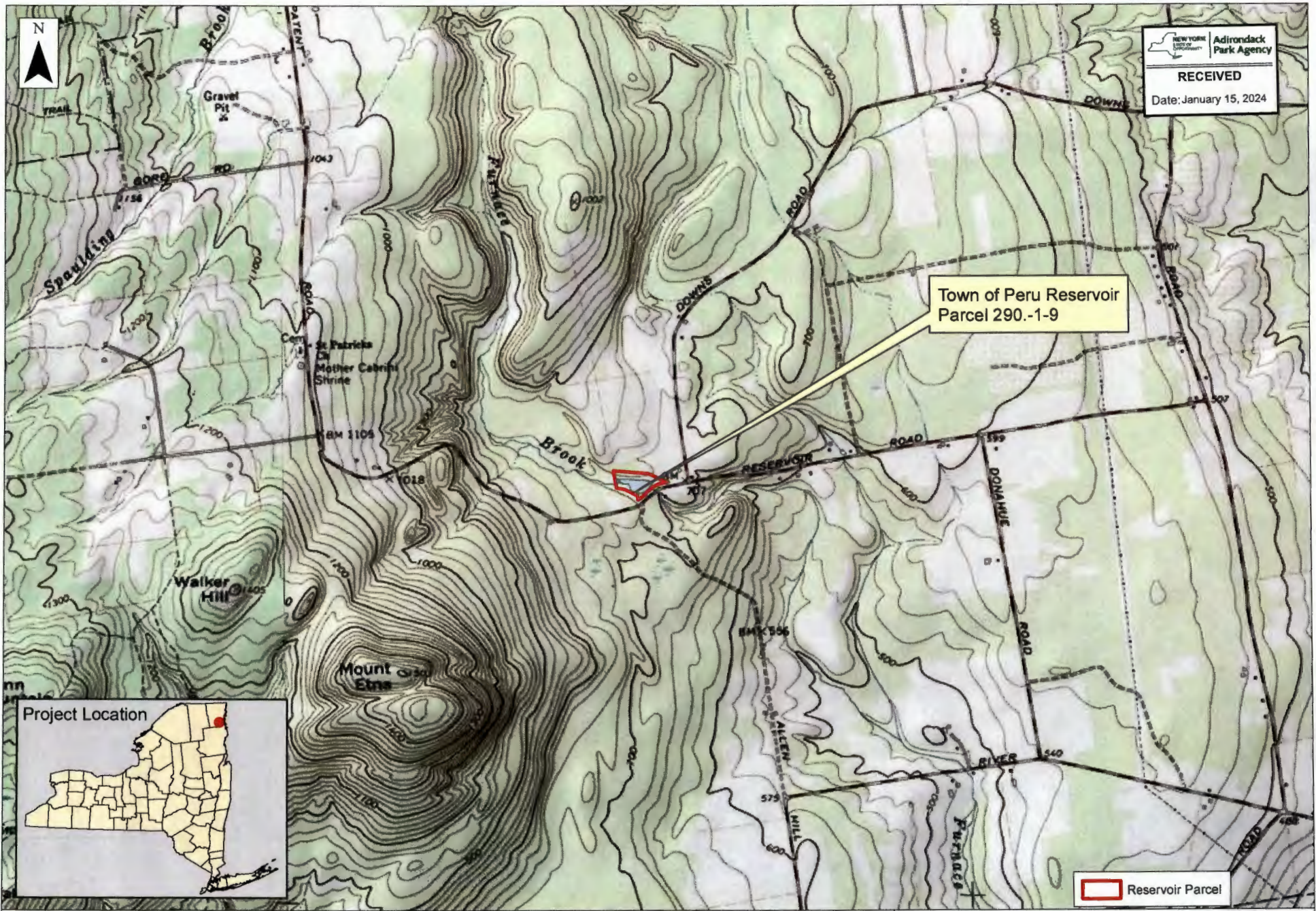
AES
 12 City Hall Place, Pittsburgh, New York 12901
 Phone: (518) 561-1368 Fax: (518) 561-1900
www.aesorthwest.com

**Peru Reservoir
 Sediment Thickness**

**5202
 Peru Permitting**

Notes:
 1. Aerial imagery from EagleView Motion.
 2. Parcel data: 2021 Otsego County GIS.
 For accurate determination of the location of property lines, consult a Land Surveyor licensed by the State of New York.
 1/15/24

1 inch = 45 feet




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Figure 1
Location of Peru Reservoir

5202
Peru Permitting

Notes:
 1. Topographic Map from ESRI USA Topo Maps online.
 2. Parcel data from 2021 County GIS shapefile.
 For accurate determination of the location of property lines, consult a Land Surveyor licensed by the State of New York.

Reservoir Parcel

1 inch = 2,000 feet
 0 500 1,000 2,000 Feet

© 2021 AES. Peru Reservoir Location Figure