


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 2024-0128</p>
<p>In the Matter of the Application of</p> <p>DOMINIC DATTOLA and FRANKLIN COUNTY INDUSTRIAL DEVELOPMENT AGENCY Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: July 23, 2024</p>
	<p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <p>1. Franklin County Industrial Development Agency</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a four-lot subdivision and establishment of commercial uses in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Tupper Lake, 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 an authorized lot has been conveyed to an outside party or an authorized commercial use is established.

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 an approximately 75-acre parcel of land located on Pitchfork Pond Road in the Town of Tupper Lake, Franklin County. The site is the portion of Tax Map Section 469, Block 1, Parcel 5.100, classified as Low Intensity Use on the Adirondack Park Land Use and Development Plan Map and described in a deed from SP Forests LLC to Franklin County Industrial Development Agency, dated December 20, 2000, and recorded December 29, 2000 in the Franklin County Clerk's Office at Book 766, Page 106.

There is a value "2" wetland on the project site containing coniferous and emergent swamp covertypes associated with an unclassified permanent stream near the northern boundary of the 5-acre lot authorized herein. Additional wetlands not described herein or depicted on the Survey and Site Plan Map cited below may be located on or adjacent to the project site.

The project site is a vacant portion of the business park authorized by Agency Permit 99-180.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a four-lot subdivision and development of two 5-acre lots (BP1 and BP2) in the Tupper Lake Business Park.

The project is shown on the following Project Plans:

- A "Map Showing Boundary Survey and Subdivision of Tupper Lake Business Park," prepared by Leifheit & Littlefield Land Surveying, last revised June 19, 2024 (Survey);
- Drawing No. C-101 titled "Lot A Grading and Drainage / Erosion Control Plan," prepared by KB Engineering & Consulting PLLC," and dated 22, 2024 (Lot BP1 Site Plan); and
- Drawing No. C-102 titled "Lot B Grading and Drainage / Erosion Control Plan," prepared by KB Engineering & Consulting PLLC," and dated 22, 2024 (Lot BP2 Site Plan).

A reduced-scale copy of the Survey 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 and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any subdivision involving wetlands in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to the establishment of any commercial use on Low Intensity Use lands in the Adirondack Park.

Pursuant to Condition 8 of Agency Permit 99-180, an Agency permit is required prior to any construction of buildings, subdivision of land or other new land use and development on the project site.

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. 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. This permit amends and supersedes Permit 99-180 in relation to Lots BP1, BP2 and BP3 authorized herein. The terms and conditions of Permit 99-180 shall no longer apply to Lots BP1, BP2 and BP3.
5. All conditions in Permit 99-180 remain in full force and effect in relation to the remaining portion of Tax Map Section 469, Block 1, Parcel 5.100 except as amended herein.
6. 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 2024-0128, issued July 23, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
7. Subject to the conditions stated herein, this permit authorizes a four-lot subdivision as depicted on the Survey. Any subdivision of the project site not depicted on the Survey shall require prior written Agency authorization.
8. Subject to the conditions stated herein, this permit authorizes the construction of one commercial use building and related development on Lot BP1 in the location, footprint, and height shown and as described on Drawing No. C-101. Any change to the location or dimensions of the authorized structure, site development, or construction of additional structures shall require prior written Agency authorization.

9. Subject to the conditions stated herein, this permit authorizes the construction of one commercial use building and related development on Lot BP2 in the location, footprint, and height shown and as described on Drawing No. C-102. Any change to the location or dimensions of the authorized structure, site development, or construction of additional structures shall require prior written Agency authorization.
10. The construction of any commercial use structure or other principal building on Lot BP 3 shown on the Survey shall require prior written Agency authorization.
11. All wastewater treatment infrastructure on on Lots BP1 and BP2 shall be connected to and served by the municipal wastewater treatment system.

Alternatively, written authorization shall be obtained from the Agency prior to construction of any on-site wastewater treatment system(s) on the project site. Any on-site wastewater treatment system shall be installed pursuant to plans prepared by a New York State design professional (licensed engineer or registered architect) that comply with the Agency's Project Guidelines for Residential On-Site Wastewater Treatment, and with Agency standards in 9 NYCRR Appendix Q-4.

Installation of the approved plans shall be under the supervision of a licensed design professional. Within 30 days of complete system installation and prior to utilization, the design professional shall provide the Agency with written certification that the system was installed in compliance with the Agency authorized plan set.

12. 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.
13. Any new free-standing or building-mounted outdoor lights associated with the commercial uses authorized herein shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Pitchfork Pond Road or adjoining property.
14. All exterior building materials, including roof, siding and trim, of any structure on the project site shall be a dark shade of green, grey, or brown.
15. Any signs associated with the commercial use authorized herein shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
16. Outside of the limits of disturbance shown on the Site Plans for Lot BP1 or BP2, no trees, shrubs or other woody-stemmed vegetation may be cut or otherwise removed on Lots BP1 and BP2 without prior written Agency authorization, dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

17. Outside of the clearing shown on the Survey for Lot BP3, no trees, shrubs or other woody-stemmed vegetation may be cut or otherwise removed on Lot BP3 without prior written Agency authorization, except for the removal of an area up to 25 feet in width for driveway construction and utility installations, and dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
18. There shall be no more than two principal buildings located on Lot BP1 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.
19. There shall be no more than two principal buildings located on Lot BP2 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. There shall be no more than two principal buildings located on Lot BP3. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
21. There shall be no more than 20 principal buildings located on the remaining portion of Tax Map Section 469, Block 1, Parcel 5.100. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

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 subdivision/single family dwelling 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;
- 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;
- f. will 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; and
- g. will be compatible with preservation of the entire wetland and will not result in degradation or loss of any part of the wetland or its associated values.

PERMIT issued this 23rd day
of July, 2024.

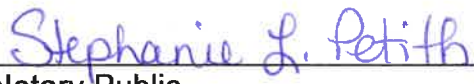
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 23rd 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.

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


Notary Public

