


THIS IS A TWO-SIDED DOCUMENT

 <p><b>Adirondack Park Agency</b></p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p>APA Permit <b>2019-0093</b></p>
<p>In the Matter of the Application of</p> <p><b>PRIMAX PROPERTIES, LLC and CAROGA LAKE VOLUNTEER FIRE COMPANY, INC.</b> Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: January 15, 2020</p> <p>To the County Clerk: This permit must be recorded on or before March 16, 2020. Please index this permit in the grantor index under the following names: <b>1. Caroga Lake Volunteer Fire Company, Inc.</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision, construction of a commercial use structure, and construction of a public building in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map in the Town of Caroga, Fulton County.

This permit shall expire unless recorded in the Fulton County Clerk's Office on or before March 16, 2020, 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 by March 16, 2024. The Agency will consider the project in existence when an authorized lot has been conveyed to an outside party.

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 Hamlet portion of a 57.53± acre vacant parcel located on NYS Route 29A in the Town of Caroga, Fulton County. The site is identified as Tax Map Section 83, Block 1, Parcel 1 (Parcel 1), and is described in a deed from Betty Battisti to Caroga Lake Volunteer Fire Company, Inc., dated May 14, 2013, and recorded May 31, 2013 in the Fulton County Clerk's Office under Instrument Number 2013-20035. Parcel 1 is comprised of lands classified Hamlet and Rural Use on the Adirondack Park Land Use and Development Plan Map

A mixed coniferous and deciduous swamp wetland with a value rating of "2" is located on the western portion of the project site. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the subdivision of Parcel 1 to create:

- Lot 1, a 2.1± acre parcel to be improved by a new commercial use structure; and
- Lot 2, a 55.4± acre parcel to be improved by a new public building.

The project is shown on the following maps and plans:

- A plan received by the Agency on August 13, 2019, titled "Proposed Subdivision of the Lands of The Caroga Lake Fire Company, INC.", prepared by Ausfeld and Waldruff Land Surveyors LLP, and dated May 30, 2019 (Subdivision Plan);
- Three sheets of plans received by the Agency on October 28, 2019, titled "Site Plan", "Grading and Drainage Plan", and "Utility Plan", prepared by Bohler Engineering, and dated October 25, 2019 (Dollar General Development Plans);
- A plan received by the Agency on November 12, 2019, titled "Stormwater Pollution Prevention Plan", prepared by Bohler Engineering, and dated October 28, 2019 (Stormwater Plan);
- A plan received by the Agency on November 18, 2019, titled "Grading and Utility Plan", prepared by Environmental Design Partnership, LLP, and last revised October 11, 2019 (Fire Station Site Plan); and
- 11 sheets of plans received by the Agency on November 18, 2019, titled "Proposed Fire Station For The Caroga Lake Volunteer Fire Department", prepared by Environmental Design Partnership, LLP, and last revised October 11, 2019 (Fire Station Development Plans).

A reduced-scale copy of the Subdivision Plan, Dollar General Development Plans, and Fire Station Site Plan for the project is attached as a part of this permit for easy reference. The original, full-scale plan described in this paragraph is the official plan for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

**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.

**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 Fulton 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, Dollar General Development Plans, Stormwater Plan, Fire Station Site Plan, and Fire Station Development 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].

**Deeds**

**Recordation**

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 2019-0093, issued January 15, 2020, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

**Subdivision**

5. Subject to the conditions stated herein, this permit authorizes a two-lot subdivision as depicted on the Subdivision Plan. Any subdivision of the project site not depicted on the Subdivision Plan shall require prior written Agency authorization.

**Development**

**Construction Location and Size**

6. Subject to the conditions stated herein, this permit authorizes the construction of a commercial use Dollar General on Lot 1 in the location shown and as depicted on the Dollar General Development Plans. Any change to the location,

dimensions, or other aspect of the commercial use structure shall require prior written Agency authorization.

7. Subject to the conditions stated herein, this permit authorizes the construction of a public building fire station on Lot 2 in the location shown and as depicted on the Fire Station Site Plan. Any change to the location, dimensions, or other aspect of the public building, shall require prior written Agency authorization.
8. The construction of any additional structure on Lot 1, outside of the proposed tree line shown on the Dollar General Development Plans shall require prior written Agency authorization.
9. The construction of any additional structure on Lot 2 outside of the limits of disturbance shown on the Fire Station Site Plan shall require prior written Agency authorization.

### **Tree Cutting/Vegetation Removal**

10. On Lot 1, Within the 100' wetland buffer depicted on the Dollar General Development 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.
11. On Lot 2, Within the 100' wetland setback depicted on the Fire Station Site Plan, 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.

### **Wetlands**

12. The undertaking of any activity involving wetlands shall require a new or amended permit.

### **Infrastructure**

#### **Wastewater**

13. If installed within five years of the date of issuance of this permit, the on-site wastewater treatment system on Lot 1 shall be constructed in conformance with the location and design shown on the Dollar General Development Plans. 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.

14. If installed within five years of the date of issuance of this permit, the on-site wastewater treatment system on Lot 2 shall be constructed in conformance with the location and design shown on the Fire Station Development Plans. 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.
15. 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.

#### **Stormwater Management/Erosion Control**

16. The development on Lot 1 shall be undertaken in compliance with the Stormwater Pollution Prevention Plan.
16. The development on Lot 2 shall be undertaken as depicted on the Fire Station Site Plan.

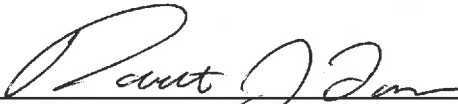
#### **CONCLUSIONS OF LAW**

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 authorized as conditioned herein:

- a. will meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Caroga;
- b. 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;
- c. 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
- d. will result in minimal degradation or destruction of the wetland or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives.

PERMIT issued this 15<sup>th</sup> day  
of January, 2020.

ADIRONDACK PARK AGENCY

BY:   
Robert J. Lore  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 15<sup>th</sup> day of January in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert J. Lore, 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  
Qualified in Franklin County  
No. 01PE6279890  
Commission Expires Apr. 15, 2021

  
Notary Public











