NEW YORK STATE Park Agency	APA Permit 2024-0294
P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov	Date Issued: January 8, 2025
In the Matter of the Application of NATIONAL GRID Permittee	To the County Clerk: Please index this permit in the grantor index under the following name(s): <b>1. National Grid</b>
for a permit pursuant to § 809 of the Adirondack Park Agency Act	

## SUMMARY AND AUTHORIZATION

This permit authorizes two utility pole structures in excess of 40 feet in height in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map in the Town of Russia, Herkimer County.

This authorization shall expire unless recorded in the Herkimer 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 Herkimer County Clerk's Office. The Agency will consider the project in existence when the authorized structures have been installed.

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 located within an existing transportation and utility right-of-way on County Route 90/Grant Road in the Town of Russia, Herkimer County, in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map. The site is identified as a portion of Tax Map Section 77.4, Block 1, Parcel 4.

The project site contains a portion of an existing overhead power line along the transportation and utility right-of-way on County Route 90/Grant Road.

#### PROJECT DESCRIPTION

The project as conditionally approved herein involves the placement of one new utility pole (Pole 88B) with an overall height of 43 feet above grade and the replacement of a 34-foot utility pole with a new utility pole (Pole 88A) with an overall height of 43 feet above grade to support the existing overhead power line.

The project is shown on the following Project Plans:

- Two sheets of plans titled, "New 3 Phase OH Primary Metered Service For New Phase of Campground," and dated September 12, 2024 (Site Plan);
- An annotated aerial photo titled "National Grid (WR 30603570); and
- A narrative titled "Subject: Adirondack Seed Mixes."

A reduced-scale copy 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 construction of any structure in excess of 40 feet in height on Hamlet lands in the Adirondack Park.

#### CONDITIONS

#### THE PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

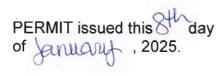
- 1. The project shall not be undertaken until this permit has been recorded in the Herkimer County Clerk's Office.
- 2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project, for as long as the authorized structures remain on the site. Copies of this permit and Site Plan 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 2024-0294, issued January 8, 2025, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
- 5. This permit authorizes the installation of one new utility pole (Pole 88B) and the replacement of an existing utility pole (Pole 88A) in the locations shown and as depicted on the Project Plans. Any change to the locations, dimensions, or other aspect of the authorized structures shall require prior written Agency authorization.
- 6. Prior to undertaking the authorized project, silt fencing shall be installed downgradient of the new and replacement pole locations to protect the adjacent wetlands and remain in place until the disturbed area is fully stabilized.
- 7. Grass seed mixes used to stabilize disturbed areas shall be used in the variety and ratios as described in the Project Plans.

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



## ADIRONDACK PARK AGENCY

BY:\_\_\_ U

Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK COUNTY OF ESSEX

On the S<sup>M</sup> day of January in the year 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, 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

