

ENGINEERING REPORT

Town of Harrietstown Business Park Town of Harrietstown, New York

Prepared For:
Town of Harrietstown
Saranac Lake, New York

30 March 2011

It is a violation of New York
State law for any person, unless
acting under the supervision of a
licensed Professional Engineer,
to alter an item in any way.



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Appendix 1

Property Deeds

October 1941 - 1199.43 acres

From Paul Smith's Hotel Company to Town of Harrietstown

17 February 2005 - 24.468 acres

From AEDC to Town of Harrietstown

Appendix 2

Harrietstown Planning Board - Subdivision Approval

Permit Granted 14 September 2007

Appendix 3

Town of Harrietstown Industrial Business Park - Aquifer Protection Policy
effective date 18 June 1998

Appendix 4

Declaration of Covenants and Restrictions - Town of Harrietstown
second draft dated 22 March 2011

Attachments

Project Plans, as follows, dated 30 March 2011

| | | | |
|-----|---------------------------------|-----|--------------------|
| COV | Cover Sheet | C32 | Lot 3 Grading Plan |
| C10 | Phases I & II Overall Site Plan | C33 | Lot 4 Grading Plan |
| C11 | Phase I Site Plan | C34 | Lot 5 Grading Plan |
| C20 | Lot 1 Site Plan | C35 | Lot 6 Grading Plan |
| C21 | Lot 2 Site Plan | C36 | Lot 7 Grading Plan |
| C22 | Lot 3 Site Plan | C40 | Road Plan |
| C23 | Lot 4 Site Plan | C41 | Road Grading Plan |
| C24 | Lot 5 Site Plan | C42 | Road Profiles |
| C25 | Lot 6 Site Plan | C50 | Site Details |
| C26 | Lot 7 Site Plan | C51 | Site Details |
| C30 | Lot 1 Grading Plan | C52 | Utility Details |
| C31 | Lot 2 Grading Plan | C53 | Utility Details |

Stormwater Pollution Prevention Plan (SWPPP), dated 30 March 2011

Introduction

The Town of Harrietstown Business Park is proposed to be located on a +/- 88 acre parcel in the Town of Harrietstown, Franklin County, New York. The parcel is located immediately east of the Adirondack Regional Airport, in the community of Lake Clear. However, there will be no direct access between the Business Park and the Airport. Rather, the Business Park will be accessed via an extension of Fay Brook Drive, which is an existing Town Highway that originates at NYS Route 186, approximately 3/4 miles to the south.

The overall project involves nineteen lots proposed for development. However, the project will be phased; Phase I will include seven shovel-ready lots and an accompanying access road extending off the current Fay Brook Drive. Phase II will include the remaining twelve lots, and the accompanying road extension. Electric and communication service utilities will also be developed along the road.

Project Overview

Property Description

The parcel proposed to be used for the Business Park is a primarily forested parcel in the Town of Harrietstown. The parcel is adjacent to the Adirondack Regional Airport (owned by the Town), which is located to the west and north. To the east and south, the Town owns additional land. Beyond the Town ownership, the landowners further north, east, and south are private.

The parcel is accessed via an existing Town Highway, Fay Brook Drive, a 3/4 mile long Town road that runs generally north - south. At its southern end, Fay Brook Drive starts at New York State Route 186, just east of the community of Lake Clear. At its northern end, the road currently terminates at a hammer-head. The road is proposed to be extended, to provide access to the lots within the Business Park.

There are currently two industrial/commercial buildings along Fay Brook Drive, located south of the Business Park. The first building, on the west side of the road and close to Route 186, was constructed as an incubator building, intended to assist in the development of new private enterprises in the region. The incubator building was previously used by BGX and Rainbow Technologies, among other businesses. It now fully owned and operated by the Adirondack Arc, which uses it as office and meeting space, as well as warehouse storage of records. The second building along Fay Brook Drive is on the eastern side of the road, at the northern end just before the hammer-head. This building houses Bionque Laboratories, an actively operating private enterprise.

The parcel is primarily forested, although selective logging was conducted a few years ago. Prior to the logging, the roadways that are proposed for the Business Park were flagged, and then cut and used for the main skid roads. Additionally, Lot 2 was cleared and used as the log landing.

Fay Brook runs from north to south, along property to the southeast of the parcel. There are wetlands associated with the Brook; these wetlands and are shown, along with the Brook, on the project plans. There are also wetlands along the western side of the parcel, again off the property. These are also shown on the project plans. The Business Park was developed with the intent to avoid impacts to any wetlands, or to Fay Brook.

Project History

Approximately 15 years ago, the Town contracted with the Adirondack Economic Development Corporation (AEDC) in order to prepare plans and obtain permits for the proposed Business Park. AEDC contracted with Tectonic Engineering (Tectonic) to perform the required engineering services. Plans and associated documentation were submitted to the Adirondack Park Agency (APA) in an effort to obtain a permit from that agency. In January 2002, the APA

returned documentation in the form of a Notice of Incomplete Application.

In 2007, the Town contracted with North Woods Engineering in order to obtain Harrietstown Planning Board approval, which was obtained that same year.

The Town met with APA staff in 2010 in order to review the status of the project. The APA then provided the Town with a letter (dated 26 April 2010) summarizing the meeting, and outlining specific information that would be necessary in order to deem the application complete.

The Town then retained North Woods to complete the remainder of the engineering services associated with the permit requirements. The scope of services specifically recognizes the APA approval process and the documentation requested in the 26 April 2010 letter. Also, North Woods is responsible for applying for and obtaining the required permits from any other jurisdictional resource agency, such as the Department of Environmental Conservation, and the Department of Health.

Phasing of Development

To ease the economic burden on the Town, the development is proposed to be phased. In Phase I, seven shovel-ready lots will be designed, and an APA permit obtained. Also in Phase I, Fay Brook Drive will be extended approximately 800' and the first side road (approximately 300' long) and its termination cul-de-sac will be constructed.

The Phase I lots will be permitted to contain commercial-type buildings of typically 15,000 sf, although the design also includes one lot for a 20,000 sf building, and one lot for a 25,000 sf building. The development of the individual lots, including infrastructure, will be the responsibility of the lot developer.

Completion of Phase I will allow for seven sites to be occupied, providing for up to +/- 170 jobs. Based upon the success of Phase I, Phase II will be initiated. The timing of Phase II will be dependent upon the financial viability of Phase I.

In Phase II, twelve additional shovel-ready lots will be designed, and an APA permit amendment obtained. Also in Phase II, Fay Brook Drive will be extended approximately 1,750' beyond its terminus at the end of Phase I. Two side roads and their termination cul-de-sacs will be constructed. Similar to Phase I, development of the individual lots, including infrastructure, will be the responsibility of the lot developer. As part of the application for an amended APA permit, the building size, parking requirements, septic and water use will all be reviewed and finalized based upon market conditions.

Project Description

Proposed Uses and Building Sizes

It is expected that the businesses that will locate in the Business Park will be of relatively modest size, and be light industrial or warehouse type businesses. The building footprints, and type of industry, will be driven by the lack of fire suppression and municipal water and sewer.

Large industrial-type buildings are required to install an automatic sprinkler system. According to the Building Code of New York State, factory buildings over 12,000 square feet, as well as storage buildings that house products that are considered to be of moderate hazard, are required to have an automatic sprinkler system. In the absence of municipal water supply, this effectively will require a large, filled water storage tank, as well as a large pump to charge the system. This is a significant added expense.

Further, any industrial process that requires large amounts of water, and associated wastewater, is not envisioned to locate in the Business Park. Industrial processes of this nature would more likely locate to an area that has municipal water and sewer systems, rather than construct onsite infrastructure (ie wells and septic) of significant size.

For these reasons, although the project has been designed to accommodate buildings larger than this threshold, it is unlikely that the actual facilities will be constructed to the maximum design. It is expected that regional distribution centers, light industrial/commercial enterprises, or other similar entities will be the most likely businesses.

Estimated Employees and Parking Spaces

Employees per lot have been estimated based upon a ratio encouraged for use in a 2006 Environmental Protection Agency document, "Parking Spaces / Community Places: Finding the Balance through Smart Growth Solutions". The first 2,000 sf of a building is estimated to have 8 employees, while the remainder of the building is estimated to have 1 employee per 1,000 sf. As an example, for a 15,000 square foot building, employees would be estimated at $8 + 13 = 21$.

Parking spaces are estimated as one space per employee, plus one visitor space per 10,000 sf, plus one company vehicle space per 10,000 sf. The sum is rounded up to the next whole odd number. Included in the sum are 2 accessible parking spaces. As an example, a 20,000 sf building has 26 employee spaces, 2 visitor spaces, and 2 company vehicle spaces, for a total of 30 spaces. Rounding up to the next whole odd number results in a total of 31 spaces.

A summary of the seven shovel-ready lots proposed for Phase I follows:

| Lot # | Lot Size (ac) | Bldg Size (sf) | Parking Spots | Employees |
|--------------|----------------------|-----------------------|----------------------|------------------|
| 1 | 4.51 | 15,000 | 25 | 21 |
| 2 | 6.02 | 20,000 | 31 | 26 |
| 3 | 5.17 | 15,000 | 25 | 21 |
| 4 | 4.15 | 15,000 | 25 | 21 |
| 5 | 6.20 | 15,000 | 25 | 21 |
| 6 | 4.24 | 15,000 | 25 | 21 |
| 7 | 4.19 | 25,000 | 37 | 31 |

At this time, the Phase II buildings have not changed from the original Tectonic submission, of 30,000 to 40,000 sf. The larger square footage, and associated parking areas and other infrastructure, is intended to be for planning purposes only. Given the reasons stated above for building size, we do not expect that when Phase II is developed, the buildings will typically be that large. Following the development of Phase I, the building size, parking requirements, septic and water use will all be reviewed and adjusted based upon actual market conditions. We anticipate that the final building sizes for Phase II may be decreased from the Tectonic layout.

Development Considerations

Zoning, Deed Restrictions and Covenants

The parcel is in an area classified as Industrial Use by the APA. The proposed project includes the construction of a municipal road, and approval of commercial development in the lots. These proposed actions are compatible with the land use area, although the project does require a permit. The permit requirements are discussed in more detail in a later section of this Report.

The area is zoned by I1, General Industrial, by the Town of Harrietstown. Commercial uses are generally permitted in this district, although some specific uses require a special use permit. The permit requirements are discussed in more detail in a later section of this Report.

A “Declaration of Covenants and Restrictions by Town of Harrietstown”, second draft dated 22 March 2011, has been prepared by the Town attorney, with the input of the Town Board and our office. The document was based upon other similar Business Parks in the Adirondack Park, with changes appropriate for this location. A copy of this most recent draft is attached as an appendix to this Report.

Review of Traffic Impact Study

As part of previous design efforts, a Traffic Impact Study was prepared by Creighton Manning Engineering, LLP, for Tectonic in 2000. This study reviewed existing traffic patterns, projected future traffic volumes, including peak hour trip generation of the development, and then examined the potential for traffic impacts from the proposed development.

After reviewing this study, it is our opinion that potential build-out, and resulting number of future employees, and therefore the estimated volume of traffic at the Business Park is grossly overestimated. The study assumed a building coverage of twenty-five percent, which corresponds to 915,903 sf of buildings, to support an unrealistic estimate of 1,511 employees.

The current design involves a total of 120,000 sf for Phase I and 555,000 sf at full build out (Phase I plus Phase II). We expect a mix of light manufacturing and warehouse space, with assumptions of 8 employees for the first 2,000 sf of building plus 1 employee per additional 1,000 sf. This results in a total number of expected employees of 624, based on the full build out of all nineteen lots. This is approximately 40% of the traffic study’s employee estimate.

The significant reduction in expected employees modifies the conclusions made in the traffic study. The study states that all approaches of the Route 186 and site driveway intersection will be acceptable in their current state, until approximately 800,000 sf of buildings are developed, or 1,320 employees. Since we now estimate the total number of employees in the full park to be approximately half of that threshold, no modifications to these approaches will be necessary.

This also means that a traffic signal at the Route 186 and Route 86 intersection will not be necessary, as the full build-out that was previously estimated has now been decreased significantly.

The study also recommended the removal of two pine trees that prevented the intersection of Fay Brook Drive and Route 186 from meeting minimum sight distances for a right hand turn from Fay Brook Drive. A field inspection was completed by NWE staff and did not find that trees that would limit site distance were present at this time. It is presumed that they have been removed by the NYS DOT.

Review of Aquifer Protection Plan

Given the fact that the Business Park is situated over a significant aquifer, the Town of Harrietstown adopted an Industrial Business Park Aquifer Protection Policy. This Policy sets requirements for any non-sanitary waste discharges to ensure that the aquifer remains free from contamination. This Policy is attached as an appendix to this Report.

As discussed in a previous section, industrial processes that are likely to create non-sanitary waste streams would more likely locate to an area that has municipal water and sewer systems, rather than construct onsite infrastructure (ie wells and septic) of significant size. Therefore, we do not anticipate any conflicts between the uses in the Business Park and the requirements in the Aquifer Protection Policy. However, the draft Declaration of Covenants and Restrictions does address this potential, by requiring that businesses that anticipate a non-sanitary waste discharge prepare and submit a detailed waste stream analysis report to appropriate regulatory agencies for review.

Architectural Standards and Exterior Lighting

Architectural Standards for the Business Park's buildings are outlined in the draft Declaration of Covenants and Restrictions. In short, the Standards are specified in order to "insure attractive and dignified appearance, practical design and sound construction throughout the Business Park to the mutual benefit of all occupants." The Standards include requirements for exteriors, signs, fences, canopies, and vegetation.

Light pollution is especially important to the Town in this location, given the Business Park's proximity to the Adirondack Airport, which is Town-owned. Lighting Standards are clearly outlined in the draft Declaration of Covenants and Restrictions. All lighting must be full cutoff, with a maximum height of 24' and with automatic timers or motion detectors.

Additionally, both the Architectural and the Lighting Standards are subject to the Town's review and approval prior to construction.

Regulatory Jurisdiction

Adirondack Park Agency

The parcel is in an area classified as Industrial Use by the APA. The proposed project includes the construction of a municipal road, and approval of commercial development in the lots. These proposed actions are compatible with the land use area, although the project requires a Class B major permit. As with the Town, the seven shovel-ready lots developed under Phase I are assumed to be for commercial uses that are considered a permitted use; some unusual uses may require either a demonstration of compatibility, or a Class A permit.

NYS Department of Environmental Conservation

The wastewater thresholds which require a NYS Department of Environmental Conservation (DEC) SPDES permit are 1,000 gallons per day (gpd). We do not anticipate that this threshold will be met, and therefore do not anticipate the septic systems to be jurisdictional to the DEC. It is noted that in the event that non-sanitary wastes are proposed, the lot developer is required to prepare and submit a detailed waste stream analysis report to appropriate regulatory agencies for review.

Because of the area to be disturbed, there is a requirement for stormwater practices and SWPPPs to be employed and developed. The development is jurisdictional to the DEC stormwater regulations, and therefore, a Notice of Intent must be filed prior to construction. This will apply for the Town's construction of the road, as well as prior to the development of the individual lots.

NYS Department of Health

Should staffing in any of the buildings in the Business Park exceed the permitting threshold (ie at least 25 employees), then those water systems would become jurisdictional to the NYS Department of Health (DOH). The systems would be considered nontransient noncommunity water systems, which is a subset of a public water system. These subset systems are defined as a water system serving at least 25 of the same people, four or more hours per day, four or more days per week, 26 or more weeks per year.

The applicant must provide water quality and quantity information in order to obtain a DOH permit. Because the Phase I businesses may be borderline in requiring the permit, and because it is most cost-effective to complete testing while the well driller is present, we recommend that at the time of installation for each well, water quality and yield tests be completed. This is discussed in more detail in a later section of this Report.

Although this is a subdivision of land involving more than four lots smaller than 5 acres, the

subdivision itself is not jurisdictional to the DOH, since these lots are industrial/commercial use. Only residential subdivisions are jurisdictional to the DOH.

Town of Harrietsown

The parcel is zoned I1, General Industrial, by the Town of Harrietsown. Commercial uses are generally permitted in this district, although some specific uses require a special use permit. The seven shovel-ready lots developed under Phase I are assumed to be for business uses that are considered a permitted use; other uses would require the applicant to obtain a special use permit from the Town, and would be dependent upon the specific proposed use.

Road, Drive, and Parking Design

Roadways

The existing town highway entrance road, Fay Brook Drive, will be extended to service the Business Park. This road extension will be of the same cross sectional width as the existing road, which consists of 12' paved lanes plus 4' gravel shoulders.

Horizontal and vertical elements of the road are proposed to be of sufficient size to provide for delivery truck and fire apparatus. Of note is that in accordance with the Building Code of New York State, entrance drives are now required to be of size, surface and grade to adequately support and provide access for fire apparatus.

Test holes were dug in the area of the proposed road to determine depths of organic material. This material must be removed in order to provide for a road subbase that will not compact over time nor be susceptible to frost action. Organic material was found to a depth of 24" in the area for the Phase I roadway. This was generally a result of logging operations in the road area.

During Phase I, the road will be extended approximately 800' to the first side road intersection, and then end at a temporary turn-around. This temporary turn-around will be removed when the road is extended full length into the Business Park, for Phase II. The first side road (approximately 300' long) and its termination cul-de-sac will be constructed, as well. At the completion of construction, and acceptance by Harrietstown, the road will be dedicated to the Town.

Phase II work includes the completion of the remainder of Fay Brook Drive, approximately 1,750' beyond its terminus at the end of Phase I. The two remaining side roads and their termination cul-de-sacs will be constructed, as well. Following successful and approved construction of these features, they will also be dedicated to the Town. The time frame for the remaining road extension is unknown and based upon market conditions of the Phase I portion of the park.

Fire Apparatus Access Roads

According to the current version of the Fire Code of New York State (2010), fire apparatus access roads must be provided for every facility. These roads are typically required to be extended to within 150' of all portions of a facility (unless the building is equipped with an approved automatic sprinkler system, in which case the distance is permitted to be 300').

The Fire Code also mandates widths, grades, vertical clearance, surface, and other specifications of fire apparatus access roads. The site plans for the Phase I shovel ready lots have been developed with consideration for the access road requirements, to ensure code compliance.

Parking Lot and Building Accessibility

The New York State Building Code, with reference to ICC/ANSI A117.1, requires 1 accessible parking space for a parking lot containing up to 25 total parking spaces, and 2 accessible spaces for lots with 26 to 50 total spaces. For lots 1 through 6 of Phase I, 2 accessible parking spaces are included. Lot 7 includes 3 accessible parking spaces.

Each accessible parking space must also be provided with an access aisle, that is a minimum of 8' in width. Secondary access aisles for cars may be reduced to 5' in width when an another access aisle of 8' in width is already provided in the parking lot (see Lot 7). Access aisles can be shared between adjacent accessible parking spaces.

These requirements, as well as the requirements for accessible egress paths, have been incorporated into the site plans.

Water System Design

Introduction

Given the modest amount of water usage expected per lot, water supply will be provided by individual wells. As discussed in a previous section, industrial processes that are likely to require significant water flows would more likely locate to an area that has municipal water and sewer systems, rather than construct onsite infrastructure (ie wells and septic) of significant size.

There are no wells currently drilled in the proposed shovel-ready lots. The closest well is at the existing facility, Bionique Laboratories, near the existing hammerhead turn-around.

Design Flows

The design flow for the water system requirements is based upon the hydraulic loading rates provided in Table 3 of the NYS Department of Environmental Conservation's "Design Standards for Wastewater Treatment Works", 1988. That table provides an estimated loading of 25 gallons per day (gpd) per person per shift for a factory. There is an expected 20% reduction in loading for new facilities, with new fixtures. Therefore, the design flow for the proposed buildings will be 20 gpd/person/shift.

Based upon the design of building sizes for the initial phase, the design flows for Phase I are expected as follows:

| Lot # | Bldg Size (sf) | Employees | Shifts | Design Flow (gpd) |
|-------|----------------|-----------|--------|-------------------|
| 1 | 15,000 | 21 | 1 | 420 |
| 2 | 20,000 | 26 | 1 | 520 |
| 3 | 15,000 | 21 | 1 | 420 |
| 4 | 15,000 | 21 | 1 | 420 |
| 5 | 15,000 | 21 | 1 | 420 |
| 6 | 15,000 | 21 | 1 | 420 |
| 7 | 25,000 | 31 | 1 | 620 |

System Design

The design of a typical system, for a 15,000 sf building in Phase I, is provided below:

| | | |
|-------------------------|--|-----------|
| Total flow per day: | $(21 \text{ persons}) \times (20 \text{ gal/day/person}) = 420 \text{ gpd}$ | |
| Average hourly flow: | $(420 \text{ gpd}) \times (1 \text{ day} / 12 \text{ hours}) = 35 \text{ gph}$ | |
| Average unit flow rate: | $(35 \text{ gph}) \times (1 \text{ hour}/60 \text{ min}) = 0.58 \text{ gpm}$ | |
| Max peak six hour flow: | $(0.58 \text{ gpm}) \times (\text{peak hour factor of } 4) = 2.33 \text{ gpm}$ | Say 3 gpm |
| Max peak one hour flow | $(0.58 \text{ gpm}) \times (\text{peak hour factor of } 9) = 5.25 \text{ gpm}$ | Say 6 gpm |

Similarly, for a 20,000 sf building, the following estimate would apply:

| | | |
|-------------------------|---|-----------|
| Total flow per day: | $(26 \text{ persons}) \times (20 \text{ gal/day/person}) = 520 \text{ gpd}$ | |
| Average hourly flow: | $(520 \text{ gpd}) \times (1 \text{ day} / 12 \text{ hours}) = 43.33 \text{ gph}$ | |
| Average unit flow rate: | $(43.33 \text{ gph}) \times (1 \text{ hour}/60 \text{ min}) = 0.72 \text{ gpm}$ | |
| Max peak six hour flow: | $(0.72 \text{ gpm}) \times (\text{peak hour factor of } 4) = 2.89 \text{ gpm}$ | Say 3 gpm |
| Max peak one hour flow | $(.72 \text{ gpm}) \times (\text{peak hour factor of } 9) = 6.50 \text{ gpm}$ | Say 7 gpm |

Last, for a 25,000 sf building, the following estimate would apply:

| | | |
|-------------------------|---|-----------|
| Total flow per day: | $(31 \text{ persons}) \times (20 \text{ gal/day/person}) = 620 \text{ gpd}$ | |
| Average hourly flow: | $(620 \text{ gpd}) \times (1 \text{ day} / 12 \text{ hours}) = 51.67 \text{ gph}$ | |
| Average unit flow rate: | $(51.67 \text{ gph}) \times (1 \text{ hour}/60 \text{ min}) = 0.86 \text{ gpm}$ | |
| Max peak six hour flow: | $(0.86 \text{ gpm}) \times (\text{peak hour factor of } 4) = 3.44 \text{ gpm}$ | Say 4 gpm |
| Max peak one hour flow | $(.86 \text{ gpm}) \times (\text{peak hour factor of } 9) = 7.75 \text{ gpm}$ | Say 8 gpm |

A typical residential sized well can generally produce up to this volume of water, provided that the depth to the water table is within certain depths. If not, storage may be required to cover the short term flows. In addition to well construction requirements, potential storage requirements are also detailed on the project plans.

Treatment Requirements

As described earlier in this Report, should staffing in any of the buildings in the Business Park exceed the permitting threshold (ie at least 25 employees), then those water systems would become jurisdictional to the NYS Department of Health (DOH). The systems would be required to conduct and submit initial water quality and quantity results to the DOH, as well as follow routine monitoring. We recommend that all lots as they are developed conduct yield testing in accordance with Part 5D, and also complete a full Part 5 water quality analysis. However, if the number of employees is always under the above mentioned threshold, there is no requirement to do so.

Given the relatively modest volume of water usage envisioned, we recommend that treatment for the systems that are jurisdictional to the DOH be accomplished via ultraviolet (UV) treatment. Detailing for a typical UV system is provided on the project plans. It is noted that the required treatment could also be accomplished with chlorination, but that type of system would be more involved and require more maintenance.

Wastewater System Design

Introduction

For each of the seven shovel-ready lots, the individual wastewater systems have been designed in accordance with the New York State Department of Health Wastewater Treatment Systems Design Handbook. Each system has been designed using soil data from the nearest deep hole and percolation tests.

Soil Information

Deep hole tests and corresponding percolation tests were completed in order to acquire necessary soil information to design each wastewater system. The location of the deep hole and percolation tests is shown on the project plans.

The deep holes were completed by Cindy Garso, PE, of NWE on 8 and 13 September 2010. The Town's equipment and staff were utilized for the testing. The perc tests were completed by Tim Northrop, EIT, and Nick Cowan, EIT, of NWE on 5 and 6 October 2010.

Deep Hole 1 (DH1)

N 44° 23' 11.1", W 074° 11' 30.5"

| | | |
|-----------|-----------------------------|---------------|
| 0" - 4" | dark brown sandy topsoil | 5YR / 2.5 / 2 |
| 4" - 11" | charcoal | 7.5YR / 4 / 2 |
| 11" - 17" | red sand, hard | 5YR / 4 / 6 |
| 17" - 28" | red sand | 5YR / 4 / 6 |
| 28" - 61" | red - tan beach sand | 7.5YR / 4 / 4 |
| 61" - 72" | grey - tan blocky hard silt | 7.5YR / 5 / 2 |

roots to ~12"
no mottling, hole dry
photos taken
limiting factor = 61"

DH1 Percolation Tests

PT1-1 located 25 ft from DH1, PT1-2 located 9 ft from DH1

Both PT1-1 and PT1-2 are 24" deep

| RUN | PT1-1 | PT1-2 |
|-----|-------|-------|
| 1 | 15:35 | 4:07 |
| 2 | 25:05 | 4:51 |
| 3 | 30:40 | 5:47 |
| 4 | 31:20 | 5:40 |
| 5 | | 5:50 |

Stabilized Rate = 31-45 minutes Application Rate = 0.50 gpd/sf

Deep Hole 2 (DH2)

N 44° 23' 10.2", W 074° 11' 29.4"

0" - 4" dark brown sandy topsoil 7.5YR / 2.5 / 3

4" - 9" charcoal 10Y / 5 / 1

9" - 23" red to tan medium sand 7.5YR / 5 / 6

23" - 60" tan beach sand 2.5YR / 5 / 3

total hole depth to 80", no significant changes

roots to ~36"

no mottling, hole dry

photos taken

limiting factor = none

DH2 Percolation Tests

PT2-1 located 10 ft from DH2, PT2-2 located 18 ft from DH2

Both PT2-1 and PT2-2 are 24" deep

| RUN | PT2-1 | PT2-2 |
|-----|-------|-------|
| 1 | 6:35 | 2:00 |
| 2 | 9:20 | 2:15 |
| 3 | 10:00 | 2:20 |
| 4 | 12:20 | 2:40 |
| 5 | 13:40 | 2:20 |
| 6 | 13:50 | |
| 7 | 14:00 | |

Stabilized Rate = 11-15 minutes Application Rate = 0.80 gpd/sf

Deep Hole 3 (DH3)

N 44° 23' 05.7", W 074° 11' 38.0"

0" - 3" dark brown sandy topsoil 7.5YR / 2.5 / 1

3" - 18" loose charcoal 5Y / 6 / 1

18" - 27" dark red medium sand, hard 7.5YR / 2.5 / 3

27" - 34" red medium sand, hard 7.5YR / 4 / 6

34" - 67" tan loose beach sand 10YR / 5 / 4

total hole depth to 84", no significant changes

roots to ~18"

no mottling, hole dry

photos taken

limiting factor = none

DH3 Percolation Tests

PT3-1 located 17 ft from DH3, PT3-2 located 36 ft from DH3

Both PT3-1 and PT3-2 are 24" deep

| RUN | PT3-1 | PT3-2 |
|-----|-------|-------|
| 1 | 0:38 | 5:39 |

| | | |
|---------------------------------|------|--------------------------------|
| 2 | N/A | 7:55 |
| 3 | 1:43 | N/A |
| 4 | 1:56 | 11:31 |
| 5 | 2:03 | 11:09 |
| 6 | 2:05 | 11:35 |
| Stabilized Rate = 11-15 minutes | | Application Rate = 0.80 gpd/sf |

Deep Hole 4 (DH4)

N 44° 23' 11.2", W 074° 11' 34.3"

| | | |
|--|--|---------------|
| 0" - 6" | dark brown loose duff | 10YR / 2 / 1 |
| 6" - 37" | red sand, more firm w/ depth | 7.5YR / 4 / 6 |
| 37" - 66" | hard grey - tan coarse sand w/ cobbles | 7.5YR / 3 / 1 |
| hole stopped due to hard soil and boulders | | |
| roots to ~18" | | |
| boulders to 24" starting at depth of 37" | | |
| no mottling, hole dry | | |
| no photos taken | | |
| limiting factor = 37" | | |

DH4 Percolation Tests

PT4-1 located 20 ft from DH4, PT4-2 located 10 ft from DH4

Both PT4-1 and PT4-2 are 24" deep

| RUN | PT4-1 | PT4-2 |
|-----|-------|-------|
| 1 | 4:22 | 17:45 |
| 2 | 7:20 | 25:10 |
| 3 | 8:00 | 27:40 |
| 4 | 9:50 | 28:00 |
| 5 | 11:10 | |
| 6 | 12:50 | |
| 7 | 13:30 | |
| 8 | 13:40 | |

Stabilized Rate = 21-30 minutes Application Rate = 0.60 gpd/sf

Deep Hole 5 (DH5)

N 44° 23' 10.9", W 074° 11' 41.4"

| | | |
|--------------------------------|--------------------------|-----------------|
| 0" - 5" | dark brown loose topsoil | 7.5YR / 2.5 / 2 |
| 5" - 8" | charcoal | 5YR / 5 / 1 |
| 8" - 18" | red clayey silt | 7.5YR / 4 / 6 |
| 18" - 28" | tan silt w/ clay | 10YR / 4 / 3 |
| 28" - 36" | mottled silt w/ clay | 7.5YR / 4 / 6 |
| 36" - 70" | grey sand, damp | 10YR / 5 / 2 |
| roots to ~24" | | |
| mottling at 28", seeps at ~66" | | |
| photos taken | | |

limiting factor = 28"

DH5 Percolation Tests

PT5-1 located 28 ft from DH5, PT5-2 located 25 ft from DH5

Both PT5-1 and PT5-2 are 7" deep

| RUN | PT5-1 | PT5-2 |
|-----|-------|-------|
| 1 | 0:18 | 0:51 |
| 2 | 0:32 | 1:14 |
| 3 | 0:44 | 1:25 |
| 4 | 0:50 | 1:33 |
| 5 | 0:59 | 1:45 |
| 6 | 1:03 | 1:57 |
| 7 | 1:06 | 1:59 |
| 8 | 1:14 | |
| 9 | 1:14 | |
| 10 | 1:16 | |

Stabilized Rate = 1-5 minutes

Application Rate = 1.2 gpd/sf

Deep Hole 6 (DH6)

N 44° 23' 14.2", W 074° 11' 42.8"

| | | |
|-----------|-------------------------------|-----------------|
| 0" - 3" | dark brown loose topsoil | 2.5YR / 2.5 / 2 |
| 3" - 23" | dark red silty sand | 2.5YR / 2.5 / 4 |
| 23" - 55" | sand, red to tan w/ depth | 7.5YR / 5 / 6 |
| 55" - 63" | blocky tan - gray silt, talcy | 10YR / 5 / 2 |

total hole depth to 80", no significant changes

roots to ~20"

rocks to 15" starting at bottom of hole

no mottling, hole dry

photos taken

limiting factor = none

DH6 Percolation Tests

PT6-1 located 18 ft from DH6, PT6-2 located 12 ft from DH6

Both PT6-1 and PT6-2 are 18" deep

| RUN | PT6-1 | PT6-2 |
|-----|-------|-------|
| 1 | 5:38 | 5:30 |
| 2 | 8:33 | 8:20 |
| 3 | 10:40 | 10:20 |
| 4 | 10:45 | 11:30 |
| 5 | 10:40 | 11:45 |
| 6 | 14:00 | 12:30 |
| 7 | 10:45 | 12:30 |

Stabilized Rate = 11-15 minutes

Application Rate = 0.80 gpd/sf

Deep Hole 7 (DH7)

N 44° 23' 17.3", W 074° 11' 43.1"

| | | |
|-----------|-------------------------------|---------------|
| 0" - 4" | dark brown sandy topsoil | 10YR / 2 / 2 |
| 4" - 7" | charcoal | 7.5YR / 6 / 2 |
| 7" - 15" | red loose sand | 7.5YR / 4 / 6 |
| 15" - 26" | red - tan silty sand | 10YR / 4 / 6 |
| 26" - 37" | tan fine sand | 7.5YR / 5 / 2 |
| 37" - 52" | tan coarse sand, hard, cobbly | 10YR / 6 / 2 |

hole stopped due to hard soil

roots to ~15"

no mottling, hole dry

photos taken

limiting factor = 37"

DH7 Percolation Tests

PT7-1 located 20 ft from DH7, PT7-2 located 12 ft from DH7

Both PT7-1 and PT7-2 are 18" deep

| | | |
|-----|-------|-------|
| RUN | PT7-1 | PT7-2 |
| 1 | 27:00 | 7:00 |
| 2 | 29:40 | 8:30 |
| 3 | 30:20 | 9:00 |
| 4 | 30:30 | 9:00 |
| 5 | | 9:30 |
| 6 | | 9:30 |

Stabilized Rate = 21-30 minutes Application Rate = 0.60 gpd/sf

Design Flows

As with the water system design, the design flow for the wastewater system requirements is based upon the hydraulic loading rates provided in Table 3 of the NYS Department of Environmental Conservation's "Design Standards for Wastewater Treatment Works", 1988. That table provides an estimated loading of 25 gallons per day (gpd) per person per shift for a factory. There is an expected 20% reduction in loading for new facilities, with new fixtures. Therefore, the design flow for the proposed buildings will be 20 gpd/person/shift.

Based upon the design of building sizes for the initial phase, the design flows for Phase I are expected as follows:

| Lot # | Bldg Size (sf) | Employees | Shifts | Design Flow (gpd) |
|-------|----------------|-----------|--------|-------------------|
| 1 | 15,000 | 21 | 1 | 420 |
| 2 | 20,000 | 26 | 1 | 520 |

| Lot # | Bldg Size (sf) | Employees | Shifts | Design Flow (gpd) |
|-------|----------------|-----------|--------|-------------------|
| 3 | 15,000 | 21 | 1 | 420 |
| 4 | 15,000 | 21 | 1 | 420 |
| 5 | 15,000 | 21 | 1 | 420 |
| 6 | 15,000 | 21 | 1 | 420 |
| 7 | 25,000 | 31 | 1 | 620 |

Septic Tank Requirements

Typically, the minimum required septic tank as per Table 8 of the NYS DEC Design Standards for Wastewater Treatment Works, 1988, is 1.5 times the design flow. However, since the flow is expected to be delivered primarily over an eight hour work day, septic tank sizing will be based upon 2.25 times the design flow, as follows:

| | | |
|--------------------|--------------------------------|------------------------|
| 15,000 sf building | 420 gpd * 2.25 = 945 gallons | Use 1,000 gal D/C tank |
| 20,000 sf building | 520 gpd * 2.25 = 1,170 gallons | Use 1,250 gal D/C tank |
| 25,000 sf building | 620 gpd * 2.25 = 1,395 gallons | Use 1,500 gal D/C tank |

Absorption Field Design

For construction of Phase I, conventional trenches are appropriate. All systems will be gravity systems, so no dosing is necessary. The Phase I septic design is as follows:

Lot 1: 15,000 sf building = 420 gpd

Use DH1 for design. DH1 has no limiting factor.

Bottom of trenches shall be no more than 30" into existing grade.

Stabilized Perc Rate = 31-45 min/in

Required Area = Design Flow / Application Rate (0.5 gpd/sf) = 840 sf

Required Field Length = Required Area / 2ft (Trench Width) = 420 ft

Example - Install 7 trenches at 60 ft each = 420 ft total

Lot 2: 20,000 sf building = 520 gpd

Use DH3 for design. DH3 has no limiting factor.

Bottom of trenches shall be no more than 30" into existing grade.

Stabilized Perc Rate = 11-15 min/in

Required Area = Design Flow / Application Rate (0.8 gpd/sf) = 650 sf

Required Field Length = Required Area / 2ft (Trench Width) = 325 ft

Example - Install 6 trenches at 55 ft each = 330 ft total

- Lot 3: 15,000 sf building = 420 gpd
Use DH1 for design. DH1 has no limiting factor.
Bottom of trenches shall be no more than 30" into existing grade.
Stabilized Perc Rate = 31-45 min/in
Required Area = Design Flow / Application Rate (0.5 gpd/sf) = 840 sf
Required Field Length = Required Area / 2ft (Trench Width) = 420 ft
Example - Install 7 trenches at 60 ft each = 420 ft total
- Lot 4: 15,000 sf building = 420 gpd
Use DH4 for design. DH4 has a limiting factor at 37".
Bottom of trenches shall be no more than 13" into existing grade.
Stabilized Perc Rate = 21-30 min/in
Required Area = Design Flow / Application Rate (0.6 gpd/sf) = 700 sf
Required Field Length = Required Area / 2ft (Trench Width) = 350 ft
Example - Install 6 trenches at 59 ft each = 354 ft total
- Lot 5: 15,000 sf building = 420 gpd
Use DH5 for design. DH5 has a limiting factor at 28".
Bottom of trenches shall be no more than 4" into existing grade.
Stabilized Perc Rate = 1-5 min/in
Required Area = Design Flow / Application Rate (1.2 gpd/sf) = 350 sf
Required Field Length = Required Area / 2ft (Trench Width) = 175 ft
Example - Install 3 trenches at 59 ft each = 177 ft total
- Lot 6: 15,000 sf building = 420 gpd
Use DH7 for design. DH7 has a limiting factor at 37".
Bottom of trenches shall be no more than 13" into existing grade.
Stabilized Perc Rate = 21-30 min/in
Required Area = Design Flow / Application Rate (0.6 gpd/sf) = 700 sf
Required Field Length = Required Area / 2ft (Trench Width) = 350 ft
Example - Install 6 trenches at 59 ft each = 350 ft total
- Lot 7: 25,000 sf building = 620 gpd
Use DH7 for design. DH7 has a limiting factor at 37".
Bottom of trenches shall be no more than 13" into existing grade.
Stabilized Perc Rate = 21-30 min/in
Required Area = Design Flow / Application Rate (0.6 gpd/sf) = 1034 sf
Required Field Length = Required Area / 2ft (Trench Width) = 517 ft
Example - Install 9 trenches at 58 ft each = 522 ft total

System Piping

As noted on the project plans, 4" SCH 40 PVC pipe, at a minimum slope of 1/4 in/ft, will be used

from the line out of each building to the septic tank. 4" SDR 35 PVC pipe, at a minimum slope of 1/8 in/ft, will be used from the septic tank to distribution box. Leaving the distribution box, each line will include a minimum of 2.5' solid 4" SDR 35 PVC pipe prior to changing to the perforated 4" SDR 35 PVC distribution lines. All of these will be gravity lines.

Installation and Inspection Requirements

Each septic system shall be installed in accordance with the approved project plans. Construction shall not begin until all required permits are obtained. The owner shall notify the engineer three working days before the start of the project. The engineer shall complete a post-construction inspection and provide a certificate of completion prior to turning on the system.

Power and Communication Utilities

In addition to water and septic, other utilities will be extended to properly serve the users of the Business Park. Power, cable and telephone will be extended from their current terminus, near the existing hammerhead turnaround at the end of Fay Brook Drive. The existing utilities are all overhead. The proposed utility extensions are also planned to be overhead, and will be installed within the limits of Fay Brook Drive.

Utilities from the pole to each building will be responsible for the individual lot developer. We expect that these individual lines will be overhead as well, although each developer may elect to have those utilities placed underground.

Sediment and Erosion Controls and Stormwater Management

The development of the property includes the clearing of wooded areas, creation of new open spaces, and increasing the impervious ground cover throughout portions of the site. These changes will alter the hydraulic conditions and runoff characteristics of the developed areas, thus requiring erosion controls and stormwater management features to be incorporated into the site design.

The clearing of wooded areas and grading through the Phase I lots will create a need for both temporary and permanent erosion controls. Initial clearing will be limited to what is necessary to install the specified erosion and sediment controls. A detailed description of erosion control methods used can be found in the Stormwater Pollution Prevention Plan (SWPPP), and details of these features can be found on the project plans.

Each of the seven lots to be developed has its own stormwater conveyance system and stormwater detention basin. Required stormwater runoff storage will be provided by lot-specific dry stormwater detention basins. Water quality standards will be achieved by a system of grass-lined swales on each lot. A detailed explanation of stormwater features and their corresponding calculations can be found in the Stormwater Pollution Prevention Plan (SWPPP), and details of these features can be found on the project plans. All design and construction associated with the SWPPP will be in accordance with DEC requirements.

Appendix 1

Property Deeds

October 1941 - 1199.43 acres

From Paul Smith's Hotel Company to Town of Harrietstown

17 February 2005 - 24.468 acres

From Adirondack Economic Development Corporation to Town of Harrietstown

THIS INDENTURE, Made this 3rd day of October in the year of our Lord one thousand nine hundred and forty one BETWEEN PAUL SMITH'S HOTEL COMPANY, a corporation duly organized under the Laws of the State of New York, of the town of Brighton, Franklin County, State of New York, of the first part, and THE TOWN OF HARRIETSTOWN, FRANKLIN COUNTY, NEW YORK of the second part, WITNESSETH, That said party of the first part in consideration of the sum of One (\$1.00) Dollar to it duly paid, has sold and BY THESE PRESENTS does grant and convey to the said part__ of the second part, heirs and assigns,

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Harriestown County of Franklin, State of New York, and being a part of Great Tract One, Township No. 21 of McComb's Purchase, bounded and described as follows:

Beginning at a point marked by an iron pipe driven in the northerly bounds of the new Lake Clear-Saranac Lake State highway at a point fifty (50) feet northeasterly, measured at right angles, from the Paul Smith's Electric Light and Power and Railroad Company's Saranac Lake-Lake Clear transmission line, and running thence North 67° 30' 00" West nineteen hundred thirty six and four tenths (1936.4) feet parallel to said transmission line to a point marked by an iron pipe, said pipe bearing South 36° 08' 00" East twelve and one tenth (12.1) feet from a spike driven in a blaze on a 20" white pine tree; said spike also bearing easterly four hundred fifty (450) feet from the East line of the New York State tree nursery Lot, measured at right angles to said State line; thence North 4° 08' 30" East one thousand (1000) feet to an iron pipe witnessed by blazed on three tamarack trees; thence North 85° 51' 10" West twenty four hundred forty eight and two tenths (2448.2) feet to an iron pipe driven in the southeasterly bounds of the New York Central Railroad Company's right of way at a point approximately twenty hundred eighty four (2084) feet northeasterly from a railroad Mile Post marked H132; thence North 46° 55' 30" East eleven thousand eight hundred forty six (11,846.0) feet to a point; thence continuing along said railroad right of way around a curve to the left of radius 3114 feet, tangent distance 550 feet, central angle 20° 02', a distance of ten hundred eighty seven (1087) feet to the point of tangency

of said curve; thence North 26° 53' 30" East fifteen hundred forty nine and three tenths (1549.3) feet along the southeasterly bounds of the railroad right of way to a point marked by an iron pipe, said pipe bearing northeasterly approximately 710 feet from a railroad Mile Post marked H135, said pipe also bearing South 26° 53' 30" West 106.1 feet from the point where the southeasterly bounds of the railroad right of way intersects the northerly line of the Town of Harriestown; thence South 43° 05' 00" East twenty nine hundred eighty six and four tenths (2986.4) feet to an iron pipe; thence South 46° 55' 00" West forty five hundred seventy one (4571.0) feet to an iron pipe; thence South 13° 04' 30" East twenty two hundred eighty one (2281.0) feet to an iron pipe; thence South 4° 10' 30" West thirty hundred forty eight and six tenths (3048.6) feet to an iron pipe, said pipe bearing North 4° 10' 30" East 200.0 feet from an old iron pipe driven at the intersection of two fences running easterly and southerly and marking the northeast corner of lands owned by George Donaldson; thence South 29° 55' 45" West two hundred twenty nine and six tenths (229.6) feet to an iron pipe, said pipe bearing North 89° 44' 15" West one hundred (100) feet from said Donaldson's northeast corner; thence North 89° 44' 15" West thirty six hundred eighty five and five tenths (3685.5) feet along the northerly line of said Donaldson's lands and along the northerly line of lands owned by David Martelle to an iron pipe marking the northwest corner of said Martelle's lands; thence South 4° 50' 00" West fourteen hundred sixty five and eight tenths (1465.8) feet along the westerly line of said Martelle's lands and the westerly line of lands owned formerly by J. Sharlette to an iron pipe driven in the northerly bounds of the hereinabove mentioned Saranac Lake-Lake Clear State highway, said pipe bearing North 87° 12' 15" East seven and six tenths (7.6) feet from a New York State Highway boundary marker; thence South 87° 12' 15" West nine hundred eighteen and four tenths (918.4) feet along the northerly bounds of said highway to the point or place of beginning, and containing one thousand one hundred and ninety nine and forty three one hundredths (1199.43) Acres of land. All bearings given herein are as determined by the application of transit angles to a reference meridian through the point of beginning of the above description and being the approximate mean magnetic meridian over the above described premises in September, 1941, and the true bearing of said meridian is North twelve degrees and two minutes and forty five seconds West.

All as shown on a certain map of the premises made by F. Ives Turner, C. E. dated October 4, 1941.

EXCEPTING and RESERVING the right heretofore given to the New York Telephone Company, its successors and assigns, and to the Paul Smith's Electric Light and Power and Railroad Company, its successors and assigns, to construct and thereafter maintain a jointly owned pole line carrying electric and telephone wires, as also the right to install and thereafter maintain transformers and other equipment used in connection with and necessary to the operation of said electric and telephone line together with the right to enter upon the premises for the purpose of reconstructing said pole line and wires and thereafter to make necessary repairs for the maintenance of said line, without doing unnecessary damage, but with the right to cut such trees on said premises as might interfere with the operation of said lines.

FURTHER RESERVING to the said party of the first part any timber now standing on said premises; any of said timber as may be cut by the party of the second part from said premises shall be cut into such lengths as determined by the party of the first part and shall be delivered and piled along the Lake Clear-Saranac Lake State highway and shall be and remain the property of the party of the first part;

WARRANTY DEED

THIS INDENTURE, made the 17 day of February, Two Thousand and Five,

Between THE ADIRONDACK ECONOMIC DEVELOPMENT CORPORATION, a not for profit corporation of the State of New York, with offices located at 60 Main Street, Suite 200, Saranac Lake, New York 12983,

party of the first part, and

THE TOWN OF HARRIETSTOWN, a municipal corporation of the State of New York, with offices located at 37 Main Street, Saranac Lake, New York 12983,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ---ONE and no/100 DOLLAR, lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, its heirs or successors and assigns forever,

A 24.468 acre parcel more particularly described in Schedule A annexed hereto.

BEING part of the premises conveyed by The Town of Harrietstown to The Adirondack Economic Development Corporation by deed dated May 7, 1999 and recorded in the Franklin County Clerk's Office on May 11, 1999 in Liber 722 of Deeds at page 219.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, its heirs, successors and assigns forever.

AND said party of the first part covenants as follows:

FIRST, That the party of the second part shall quietly enjoy the said premises

SECOND, That said party of the first part will forever Warrant the title to said premises; and

THIRD, That in Compliance with Section 13 of the Lien Law, grantor(s) will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

IN WITNESS WHEREOF, the party of the first part has hereunto set his hand and seal the day and year first above written.

IN PRESENCE OF:

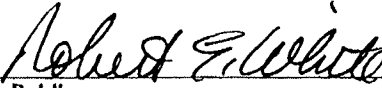
ADIRONDACK ECONOMIC DEVELOPMENT
CORPORATION

By: Ernest Hohmeyer
ERNEST HOHMEYER, President

25
22
165
5
217

STATE OF NEW YORK)
) SS.
COUNTY OF FRANKLIN)

On this 17 day of February, 2005 before me, personally appeared ERNEST C. HOHMEYER, 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

ROBERT E. WHITE
Notary Public - State of New York
Qualified in Franklin County
No. 024746059168
My Commission Expires July 31, 2005

SCHEDULE A

ALL THAT CERTAIN PIECE OR PARCEL OF LAND situate, lying and being in the Town of Harrietstown, County of Franklin, State of New York, being part of the Paul Smith's Purchase in Township 21 Great Tract One of Macomb's Purchase and being more particularly bounded and described as follows:

BEGINNING at a point marked by a capped 5/8" rebar set on the westerly bounds of the Town of Harrietstown Industrial Park Road, said point being 25 feet westerly of the centerline and 3629.5 feet northerly, measured along the centerline of said road, from the intersection thereof with the centerline of the Lake Clear Junction - Saranac Lake State Highway, Route 186 and running thence from said point of beginning, North 74° 58' 21" West for a distance of 350.89 feet to a point marked by a capped 5/8" rebar; thence North 04° 06' 25" East for a distance of 1030.00 feet to a point marked by a capped 5/8" rebar; thence South 78° 50' 42" East for a distance of 1295.78 feet to a point marked by a capped 5/8" rebar; thence in a southwesterly direction generally parallel with and approximately 528 feet northwesterly from the centerline of Fay Brook, the following 6 courses and distances:

1. South 29° 48' 03" West, 126.76 feet;
2. South 24° 57' 05" West, 158.82 feet;
3. South 18° 40' 01" West, 234.33 feet;
4. South 17° 33' 24" East, 185.65 feet;
5. South 29° 14' 56" West, 143.27 feet;
6. South 67° 17' 08" West, 186.46 feet;

to a point marked by a capped 5/8" rebar set at the northeasterly corner of a 4.956 acre parcel of land conveyed or to be conveyed to Adirondack Economic Development Corp.; thence North 48° 57' 41" West along the northerly line of said parcel for a distance of 334.67 feet to a point marked by a capped 5/8" rebar set on the easterly bounds of the Industrial Park Road; thence North 50° 10' 35" East along said easterly bounds for a distance of 40.00 feet to a point marked by a PK nail set in the asphalt surface at the northerly terminus of said road; thence North 39° 49' 25" West along the end of said road for a distance of 50.00 feet to a point marked by a capped 5/8" rebar; thence South 50° 10' 35" West along the westerly bounds of said road for a distance of 470.63 feet to the point and place of beginning.

Containing 24.468 acres of land, be the same, more or less

No money is being exchanged between the parties. The only consideration for this conveyance is the exchange of the 24.468 acre parcel conveyed herein for a parcel of land of 10.052 acres owned by the Town of Harrietstown, to be conveyed to the Adirondack Economic Development Corporation by separate deed simultaneously with this conveyance. The sole consideration fro both conveyances is each party's conveyance to the other of the respective parcels.

The lands conveyed are subject to Adirondack Park Agency Permit and Order 96-38 issued May 3, 1996, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantor and all subsequent grantees.

The lands conveyed are also subject to Adirondack Park Agency Permit 98-140 issued August, 19, 1998, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantor and all subsequent grantees.

FRANKLIN COUNTY CLERK
WANDA D. MURTAGH

DOCUMENT # 908 TYPE: DDC

RETT: 1205 \$.00

02/24/2005 10:52:30 A.M.

RECEIPT: 1670

WANDA D. MURTAGH

FRANKLIN COUNTY CLERK

VOL: DE LIBER: 876 PAGE: 151

Type of Document: Warranty Deed

Property Location: Harrietstown
Town / Village

Parties To Transaction:

Consideration \$0.00

The Adirondack Economic
Development Corporation

TO

The Town of Harrietstown

Record and Return to:

James E. Maher, Esq.

PO Box 627

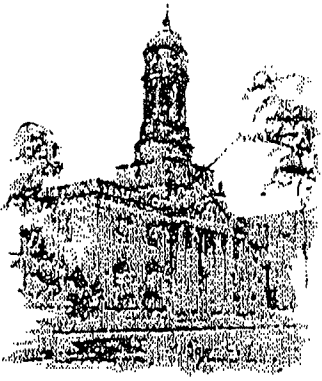
Saranac Lake, NY 12983

of Pages

5

Appendix 2

Harrietstown Planning Board - Subdivision Approval
Permit Granted 14 September 2007



TOWN OF HARRIETSTOWN

FRANKLIN COUNTY, NEW YORK
39 MAIN STREET
SARANAC LAKE, NEW YORK 12983

(518) 891-1470
(518) 891-4500
FAX (518) 891-6265

SUPERVISOR

LARRY L. MILLER

COUNCILMEN

BARRY S. DEFURIA
RONALD B. KEOUGH
HOWARD RILEY
BRIAN McDONNELL

TOWN CLERK AND RECEIVER OF TAXES

PATRICIA A. GILLMETT

SUPERINTENDENT OF HIGHWAYS

CRAIG DONALDSON

September 15, 2007

Town of Harrietstown
39 Main St.
Saranac Lake, NY 12983

COPY

Re: NOTICE OF DECISION

To Whom It May Concern:

This is to advise that the Planning Board, following a Public Hearing met on September 14, 2007 and approved your application for Phase I and Phase II of a 19 Lot Subdivision located Industrial Park Rd., Saranac Lake, NY 12983.

If you need any further assistance please contact me at my office at 891-0202.

Sincerely,

Edwin K. Randig
Zoning Administrator/Code Enforcement Officer

PLANNING BOARD DECISION
AND
SUBDIVISION PERMIT

FILE COPY

Major Subdivision # 07-002

Applicant: Town of Harrietstown
Location: Industrial Park Rd., Saranac Lake, NY 12983
Township: 21
Lot: 423-1-41-400
Zone: I-1 Industrial

Plot B42
DOCUMENT # 05001981

Nov 09, 2007 09:09A
RECEIPT # 37903
Wanda D. Murtash
Franklin County Clerk

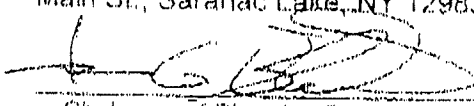
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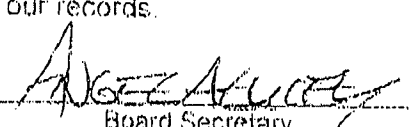
Project Description: 19 LOT SUBDIVISION: Phase I: Lot 1 - 4.51 Ac., Lot 2 - 5.57 Ac., Lot 3 - 5.19 Ac., Lot 4 - 4.17 Ac., Lot 5 - 4.10 Ac., Lot 6 - 4.26 Ac., Lot 7 - 4.19 Ac.
Phase II: Lot 8 - 3.62 Ac., Lot 9 - 4.06 Ac., Lot 10 - 4.56 Ac., Lot 11 - 3.51 Ac., Lot 12 - 4.96 Ac., Lot 13 - 5.13 Ac., Lot 14 - 3.11 Ac., Lot 15 - 3.35 Ac., Lot 16 - 4.05 Ac., Lot 17 - 3.20 Ac., Lot 18 - 3.31 Ac., Lot 19 - 3.61 Ac.

The Planning Board of the Town of Harrietstown has reviewed the survey map and application for this subdivision. Following a Public Hearing, and as set forth in the Planning Board's resolution of conditional approval passed at it's regular meeting on **September 14, 2007**, the Planning Board does hereby grant approval for the applicant to proceed with this project, subject to the following:

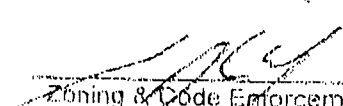
- The map, bearing the Planning Board's stamp, and this Permit must be duly filed in the Franklin County Clerks Office within 60 days of the date of approval.
- Future deeds for the subdivided lots shall contain the following stipulations: NONE
- All Existing Codes and Regulations shall be complied with
- All septic requirements will be strictly adhered to; Article 9 Section 2 of the subdivision regulations
- This approval applies only to the Town of Harrietstown Subdivision Regulations and Law. It is the responsibility of the owner to check with other State and Local Agencies for their jurisdiction, particularly the Adirondack Park Agency.
- State Environmental Quality Review Act (SEORA) Compliance, Negative Declaration September 14, 2007 Public Hearing

Proof of Compliance: Both parties of this Certificate shall be presented to the Clerk of Franklin County, with 1 mylar and 2 paper copies of the stamped maps which are to be recorded. The duplicate copies shall be returned to the Town of Harrietstown Building and Planning Office, 39 Main St., Saranac Lake, NY 12983, for our records.

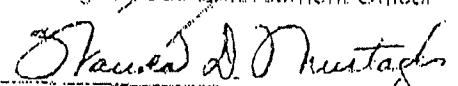

Chairman of Planning Board


Board Secretary

9-14-2007
Date Granted

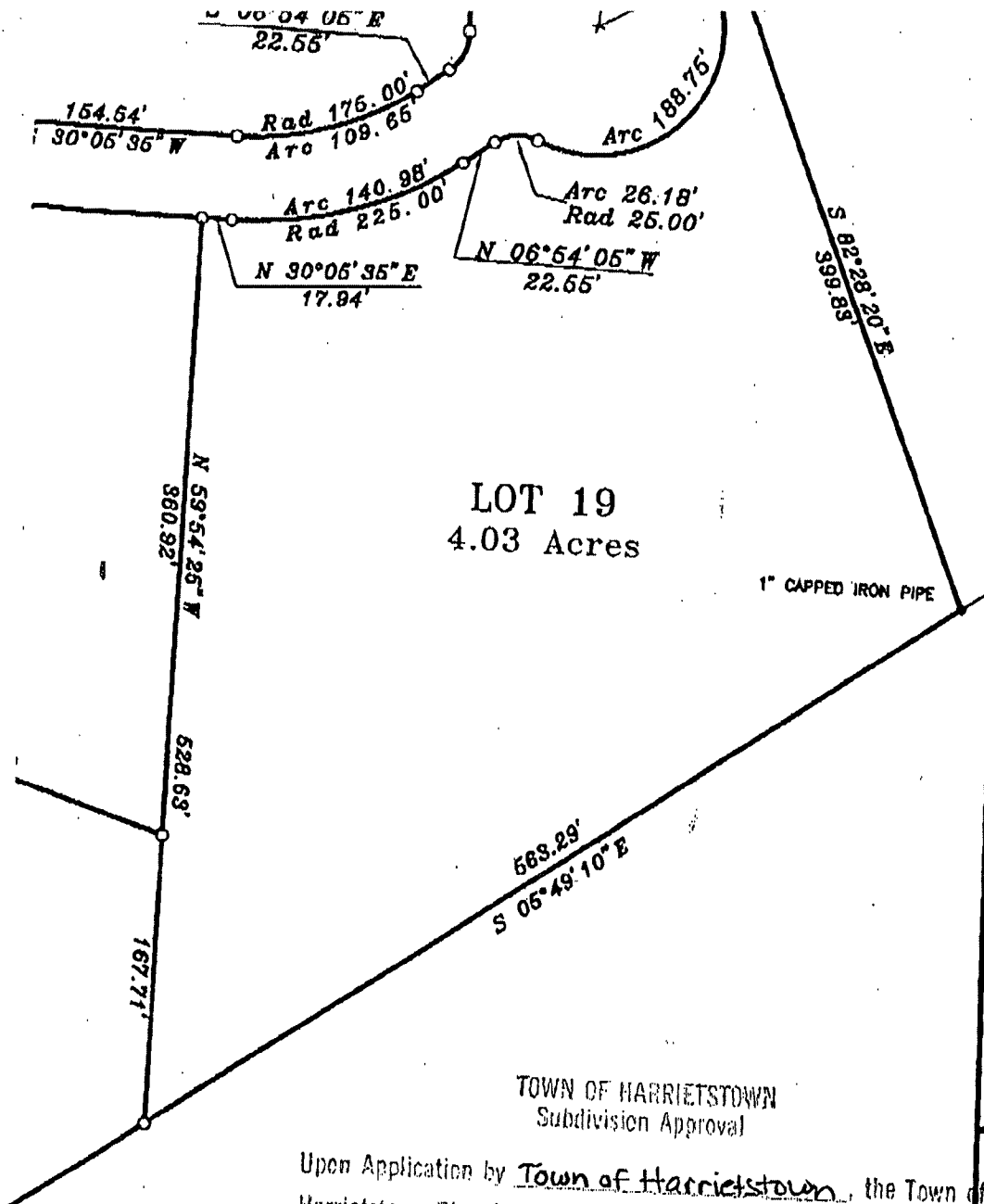

Zoning & Code Enforcement Officer

9-14-07
Date


Franklin County Clerk

11/9/07
Date Recorded

5001981
Map Number



SUBDIVISION
ADIRONDACK REGIONAL
BUSINESS PARK

SITUATION
 GREAT TRACT ONE, MAP
 TOWN OF HARRIETSTOWN, COUNTY OF FULTON

LOT 19
 4.03 Acres

1" CAPPED IRON PIPE

TOWN OF HARRIETSTOWN
 Subdivision Approval

Upon Application by Town of Harrietstown, the Town of Harrietstown Planning Board determined and classified this project as a Subdivision 07-002 in compliance with the Subdivision Regulations adopted by the Town of Harrietstown on April 23, 1987. Therefore this map is officially approved on 9-14-07

[Signature]
PAUL SMITH'S COLLEGE OF ARTS & SCIENCES
 Reputed Owner

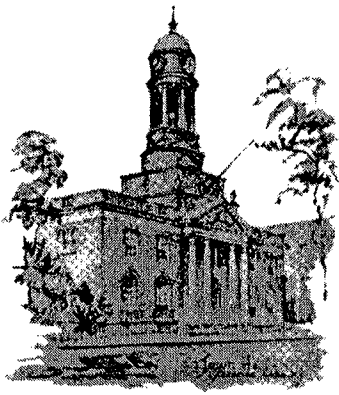
N.Y.S. D.E.C. Conservation Easement
 L. 597 pg. 268

| | | | | |
|-------------|---------------|----------|---|----|
| REVISIONS | / | DATE | / | BY |
| COPYRIGHT | | 2007 | | |
| CHECKED BY | | SLA | | |
| DRAWN BY | | DRW | | |
| DATE | SURVEY | 10/25/06 | | |
| | MAP | 10/30/07 | | |
| SCALE | IN./FT. RATIO | 1"=100' | | |
| | | 1:1200 | | |
| TAX MAP NO. | | | | |

MAP NO.

Appendix 3

Town of Harrietstown Aquifer Protection Policy
effective date 18 June 1998



TOWN OF HARRIETSTOWN

FRANKLIN COUNTY, NEW YORK
39 MAIN STREET
SARANAC LAKE, NEW YORK 12983

(518) 891-1470

(518) 891-4500

FAX (518) 891-6265

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JAMES L. MURNANE III

TOWN CLERK AND RECEIVER OF TAXES
PATRICIA A. GILLMETT

SUPERINTENDENT OF HIGHWAYS
CRAIG DONALDSON

CODE ENFORCEMENT OFFICER
EDWIN K. RANDIG

SOLE ASSESSOR
DOUG TICHENOR

AIRPORT MANAGER
ROSS DUBARRY

TOWN OF HARRIETSTOWN

INDUSTRIAL BUSINESS PARK

AQUIFER PROTECTION POLICY

LAKE CLEAR, NEW YORK

FRANKLIN COUNTY

Effective Date: June 18, 1998

The Town of Harrietstown recognizes the need to ensure protection of the aquifer underlying the Business Park property. To that end the following policy was developed to analyze each tenant's potential impact to the aquifer and provide adequate measures to ensure its protection.

Prior to or in conjunction with a specific site application a waste stream analysis report for non-sanitary waste if applicable, will be prepared and submitted to the Adirondack Park Agency, and any other governmental agencies for review. The following information will be included in the report:

- Description of the proposed building use
- Projected daily sanitary flows
- Description of non-sanitary (process) flows including components, concentrations, and daily discharge quantities
- Proposed design approach for the sewage disposal system, including detailed discussion on pre-treatment systems if required. If certain components are to be separated from the waste stream, identify the method of collection storage and disposal
- Upon submission of the waste stream analysis report the agency will, in consultation with NYSDEC determines if a SPEDES permit will be required

All sewage disposal systems will be designed in accordance with Town of Harrietstown Building & Planning Department, Adirondack Park Agency, Department of Health, Department of Environmental Conservation Standards, and based on consultation with all authorities having jurisdiction.

If pre-treatment is not feasible the non-sanitary flows will be separated in the building and discharged to a holding tank for disposal off site.

Appendix 4

Declaration of Covenants and Restrictions by Town of Harrietstown
second draft dated 22 March 2011

DECLARATION OF COVENANTS AND RESTRICTIONS
BY TOWN OF HARRIETSTOWN

This Declaration of Covenants and Restrictions (hereinafter referred to as the "Declaration") dated _____, 2011 is made by the TOWN OF HARRIETSTOWN, a municipal corporation of the State of New York with its offices located at 39 Main Street, Saranac Lake, New York 12953 (hereinafter referred to as the "Town").

WITNESSETH:

WHEREAS, the Town wishes to impose certain restrictions, covenants and conditions with respect to the Town of Harrietstown Business Park, Phase I, consisting of Lots 1 through 7 [and shown on a map entitled "Subdivision Plan Prepared for Adirondack Regional Airport Business Park Extension" dated 2007 prepared by Geomatics Land Surveying, PC] (hereinafter referred to as the "Business Park"), located in the Town of Harrietstown, County of Franklin and State of New York, and being a part of tax map parcel numbers [423.-1-41.4 and 41]; and

WHEREAS, the lands constituting the Business Park were conveyed to the Town by the following two deeds: from Paul Smith's Hotel Company dated October 3, 1941 and recorded in the Franklin County Clerk's Office on October 10, 1941 in Liber 233 of Deeds at Page 474 and from The Adirondack Economic Development Corporation dated February 17, 2005 and recorded in the Franklin County Clerk's Office on February 24, 2005 in Liber 876 of Deeds at Page 151; and

WHEREAS, any grantee of Business Park Lots 1, 2, 3, 4, 5, 6 or 7 must sign the deed of conveyance, with the grantee's signature being properly acknowledged, so as to indicate the acceptance by the grantee, and the enforceability by the grantor, of the restrictions, covenants and conditions contained herein as though they were contained in a written contract, with valid consideration, between the grantee and grantor.

NOW THEREFORE, the Town declares that all those certain tracts or parcels of land described as Lots 1, 2, 3, 4, 5, 6 and 7, being accessed by Fay Brook Road, a public road of the Town of Harrietstown, and constituting Phase I of the Town of Harrietstown Business Park, as shown on the said survey map shall be conveyed, encumbered, leased, occupied, built upon or otherwise used, improved or transferred, in whole or in part, subject to these declarations.

1. General Purpose: All of the covenants, conditions and restrictions set forth herein are declared to be in furtherance of a specific plan for the subdivision, improvement and sale of the Business Park, and are established for the purpose of enhancing and protecting the value, desirability and attractiveness of the Business Park and every part thereof. All of the covenants, conditions and restrictions herein shall be permanent, shall run with all of the Business Park property for all purposes, and shall be binding upon and inure to the benefit of the Town, its successors and assigns and all owners and occupants of the Business Park and their successors in interest, as set forth in this Declaration.

2. Permanent Covenants and Restrictions: All covenants and restrictions herein are made for the direct, mutual and reciprocal benefit of each and every lot of property within the Business Park; shall create mutual equitable servitudes upon each lot in favor of every other lot; shall create reciprocal rights and obligations between respective owners and occupants of all lots and privity of contract and estate between all grantees of said lots, their heirs, successors and assigns; and shall, as to the owner and occupant of each lot, its heirs, successors and assigns, operate as permanent covenants and restrictions running with the land and shall be binding upon and inure to the benefit of all properties and property owners within the Business Park, and their heirs, successors and assigns.

3. Permitted Uses and Standards: All development, construction and modification of property within the Business Park shall be carried out in conformance with the covenants and restrictions set forth in this Declaration.

4. Responsibility for Development, Operation and Enforcement: The Town shall be responsible for the enforcement of the provisions of this Declaration, as well as the development and operation of the Business Park and the ongoing maintenance of on-site infrastructure, until such time as the Town transfers those responsibilities to a local development corporation or industrial development agency by conveyance or lease of the real property constituting the Business Park and the assignment of this Declaration, and of all of the restrictions, covenants and conditions it contains, to said local development corporation or industrial development agency.

5. Enforcement: In the event of any breach, violation or failure to perform or satisfy any covenant or restriction that has not been cured within 30 days after written notice by the Town or its successors or assigns to do so, the Town, its successors or assigns, at its sole option and discretion may enforce any one or more of the following remedies or any other rights or remedies to which the Town, its successors or assigns, may be entitled in equity or otherwise, whether or not set forth herein.

a.) Damages - The Town may bring suit for damages for any compensable breach or non-compliance with any of the restrictions, covenants or conditions of this Declaration or for declaratory relief to determine the enforceability of any of these restrictions, covenants or conditions.

b.) Equity - It is recognized that a violation by an owner of one or more of the restrictions, covenants and/or conditions contained in this Declaration may cause the Town, its successors or assigns to suffer material injury or damage not compensable in money, and that the Town, its successors or assigns shall be entitled to bring an action in equity or otherwise for specific performance to enforce compliance with the restrictions, covenants and conditions of this Declaration or for an injunction to enjoin the continuance of any such breach or violation thereof.

c.) Abatement and Lien Rights - Any such breach or violation of these restrictions, covenants and/or conditions, or any provision of this Declaration, is hereby declared to be a nuisance and the Town, its successors or assigns shall be entitled to enter the site or portion of the subject property as to which the breach or violation exists and summarily abate and remove,

without further legal process, any structure, thing or condition that may exist in violation of any of these restrictions. Any costs or expenses paid or incurred by the Town, its successors or assigns in abating such nuisance or prosecuting any such remedy (including all reasonable attorneys' fees and costs of collection) shall be charged against the property upon which the breach or violation occurred.

6. Waiver: Neither the Town nor its successors or assigns shall be liable to any owner or occupant of the subject property by reason of any mistake in judgment, negligence, nonfeasance, action or inaction or for the enforcement or failure to enforce any provision of this Declaration. No waiver by the Town, its successors or assigns of the breach of any of these restrictions and no delay or failure to enforce any of these restrictions shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other of these restrictions, covenants and conditions. No waiver by the Town, its successors or assigns of any breach or default hereunder shall be implied from any omission by the Town, its successors or assigns to take any action on account of such breach or default if such breach or default persists or is repeated, and no express waiver shall effect a breach or default other than as specified in said waiver.

7. Non-Exclusive Right of Enforcement: The rights of enforcement granted to the Town, its successors or assigns are non-exclusive and shall be exercisable by the Town, its successors or assigns for so long as it owns any interest in the subject property. Concurrently, each property owner within the Business Park and the Town, its successors and assigns are hereby granted all of the rights of enforcement and the remedies provided by Paragraph 5 above. The Town, its successors or assigns, or any such owner, may independently seek enforcement of all remedies in accordance with the relevant provisions of this Declaration.

8. Rights of Mortgagees: No breach or violation of these restrictions, covenants and/or conditions shall defeat or render invalid the lien of any mortgage, deed of trust or similar instrument securing a loan made in good faith and for value with respect to the development or permanent financing of any lot or portion thereof, provided that all of these restrictions shall be binding upon and effective against any subsequent owner of the property or any portion thereof whose title is acquired by foreclosure, trustee's sale, deed in lieu of foreclosure or otherwise pursuant to such lien rights.

9. Government Regulation: Any valid governmental enactment, law or ordinance, including the Land Use Code of the Town of Harrietstown, to the extent that it conflicts with any restriction, covenant or condition of this Declaration, shall control over such restriction, covenant or condition, except to the extent that such restriction, covenant or condition is more restrictive (e.g., a greater minimum set-back requirement or a lower maximum building height) than such governmental enactment.

10. Modification and Variances: This Declaration or any provision hereof, or any restriction, covenant or condition contained herein, may be terminated, extended, modified or otherwise amended, as to the whole of the Business Park or any portion thereof by the Town, its successors or assigns.

11. Constructive Notice and Acceptance: Every person or entity who now or hereafter owns, occupies or acquires any right, title or interest in or to any portion of the Business Park is and shall be conclusively deemed to have consented, and agreed, to every restriction, covenant or condition contained herein, whether or not any reference to this Declaration is contained in the instrument by which such person or entity acquired an interest in a portion of the Business Park.

12. Condition, Maintenance and Repair of Property: The owner or occupant of any subdivided lot within the Business Park shall at all times keep it and the buildings, improvements and appurtenances thereon in a safe, clean and wholesome condition and comply, at its own expense, with all applicable governmental, health, fire, and safety ordinances, regulations and requirements, as well as with the provisions of this Declaration. All repairs, alterations, replacements or additions to improvements shall be at least equal to the original work in class and quality.

13. Effect of Invalidation: If any provision of this Declaration is held to be invalid by any court the validity of such provision shall not effect the validity of the remaining provisions hereof.

14. Restrictions, Covenants and Conditions: The restrictions, covenants and conditions contained in this Declaration have been established to implement the intent, purpose and provisions of the Business Park and establish specific criteria for site planning, architectural design, landscape design, signage and lighting. They are intended to provide uniform criteria for individual development proposals. All lots of the Business Park shall be sold or leased subject to the restrictive covenants contained in this Declaration, and all purchasers of sites in the Business Park, for themselves, their successors, heirs and assigns, by the purchase of said sites agree to be bound by the covenants and restrictions herein contained, by reference in their respective deeds to the Liber and Page of Deeds in the office of the Franklin County Clerk, where this Declaration will be recorded.

15. Easements: All existing easements, agreements, rights, rights-of-way, conditions and/or restrictive covenants of record affecting the Business Park may be amended from time to time, provided that any such future easements, agreements, rights, rights-of-way, conditions and/or restrictive covenants do not materially interfere with the owners' or occupants' possession, use and enjoyment of the property and do not conflict with the provisions of this Declaration.

NOW THEREFORE, the Purchaser or Lessee of any site in the Business Park, with the intent to bind its successors, assigns and all other persons with whom the title of said site may hereafter vest, agrees to the following restrictive covenants:

STATEMENT OF PURPOSE

These covenants and restrictions are promulgated for the orderly and attractive development and maintenance of the Business Park. They shall apply to all land and development thereon within the Business Park, whether sold or leased by the Town, its successors or assigns to others or held by the Town or its successors or assigns. All occupants of the Business Park shall comply with all applicable regulations of the Town, the Adirondack Park

Agency (APA), the New York State Department of Environmental Conservation (DEC), and the New York State Department of Health (DOH) and shall obtain, prior to construction, use or occupation of any of its components structures, all requisite permits, licenses, variances or other approvals from the aforesaid State agencies and the Town or any other applicable governmental agencies.

OPERATIONAL STANDARDS

1. These Standards are intended to insure the continued maintenance of Architectural and Site Planning Standards of the Business Park.

2. Except for Lots 1 through 7, also known as the “shovel ready” lots, new construction and proposed alterations or additions to the subject site shall be reviewed and approved by the Town, its successors or assigns and by the Adirondack Park Agency.

3. No parking, standing, loading, or delivery will be allowed on Fay Brook Road.

4. Refuse, trash and solid waste shall be kept in appropriate containers in a neat and safe manner and shall not be allowed to accumulate or to discharge contaminants onto the premises. If stored outside, these materials shall be enclosed or screened from general view.

5. No refuse, garbage or hazardous materials shall be burned, buried, or dumped in any portion of the Business Park. Such materials shall be transported and disposed of in compliance with applicable State and Federal requirements.

6. No areas shall be used for outside storage or disposal of hazardous materials as defined by the DEC and EPA. All storage of hazardous wastes will be within the limits of proposed buildings and in compliance with applicable State and Federal requirements.

7. All solid and fluid wastes generated by each proposed facility will be ultimately properly disposed of in accordance with all local, State, and Federal mandates.

8. There shall be no soil or mineral extraction on the subject site.

9. Exterior and parking lot lighting shall be designed with external glare shields or cutoff light fixtures and shall be turned off following site operations except as needed for security purposes.

10. Use of exterior, mobile and unenclosed noise surfaces during the hours of 6:00 p.m. through 6:00 a.m. weekdays and all weekend hours shall be in accordance with limits imposed by site-specific permits by State and local authorities.

11. If trucks or service vehicles are stored outside, they must be parked in a designated area.

12. No inoperable, unusable vehicles or equipment or parts therefrom shall be stored on the subject site.

13. Exterior surfaces shall be maintained so as to present a neat and clean appearance.

14. Lawns and plantings shall be kept neat and trim along and up to the edge of the roadway on which the subject site is located.

15. Use of herbicides, pesticides or soil conditioners utilized at the subject site shall be subject to applicable regulatory requirements, and if used within 100 feet of any wetland shall be subject to APA review and approval.

16. Fertilizers shall be applied only during routine maintenance of landscaped areas, only in areas where the natural vegetation will be removed to accommodate the proposed construction and only in accordance with suppliers' recommendations.

17. All septic systems shall be designed and installed in accordance with all applicable regulatory agency requirements and with the Town's Aquifer Protection Policy hereinafter referred to in this Declaration in Paragraph 4 (h), "Site Planning Standards" and shall be kept in proper working order.

18. Private gutters, storm drains, ditches, drywells, catch basins and culverts are to be kept operational and free of obstructions.

19. Applicable State and Federal noise level standards shall be observed during construction and operation of facilities. Current DEC noise level standards shall not be exceeded.

20. There shall be strict adherence to applicable State and Federal air quality standards during construction and operation of facilities.

21. Prompt removal of snow from private walks, drives, drainage structures, entrances, and parking and loading areas shall be the responsibility of the individual site occupant. Excess snow shall be piled on a portion of the subject site in such a manner that melting snow will not drain onto paved surfaces (i.e. parking areas, streets, driveways) or adjoining property.

22. In general, good appearance, neatness and tidiness of land, buildings, and appurtenances shall be maintained at all times.

23. In the event any site occupant fails to comply with any of the above requirements, then the Town, its successors or assigns, after providing notice in writing and allowing a reasonable period of time for compliance to be achieved, shall have the right, privilege, and license to enter upon such premises and make any and all corrections or improvements that may be necessary to meet such standards and to charge such occupant the expenses incurred in doing so, including any penalties and interest assessed by any governmental agency for violation of its laws or regulations. All legal fees resulting from such action will be paid by the site occupant.

ARCHITECTURAL STANDARDS

Buildings and structures, including alterations, additions, and exterior remodeling, are to be designed and constructed in accordance with the following standards, to insure attractive and dignified appearance, practical design and sound construction throughout the Business Park to the mutual benefit of all occupants.

1. Construction shall be in accordance with all local, State and Federal laws, ordinances, and codes and the property owner shall indemnify and hold harmless the Town, its successors or assigns against any claim or liability arising from, or based on, the violation of any such laws, ordinances and codes.
2. The exteriors of all structures are to be pleasing and harmonious in appearance.
3. Business facilities shall be permitted signs according to Paragraph 8, "Site Planning Standards" of this Declaration.
4. Exterior fences, canopies, awnings, screens, roofscapes, and other exterior appurtenances and enclosures are to be consistent with the design and quality of material used in the principal building.
5. Site planning, site improvements, plantings, and screenings must be in compliance with these standards and all State and local permit requirements.
6. Each of the above Architectural Standards is subject to the prior review and final approval of the Town, its successors or assigns according to procedures established by the Town, its successors or assigns and provided to applicants desiring occupancy in the Business Park.

SITE PLANNING STANDARDS

Buildings, structures, site improvements, and landscaping, including additions and alterations, are to be designed and constructed in accordance with these standards. Such elements as future expansion, adequate parking, safe traffic flow, adequate drainage and storm water control, landscaping, prevention of soil erosion, air and noise pollution and disposal of hazardous wastes must be given thorough consideration not only initially but with a view to continuing and efficient operations in the years following.

1. Building Set Backs:

- a.) Front yards: 75-foot minimum from any street right-of-way.
- b.) Side yards: 40-foot minimum from the adjoining lot.
- c.) Rear yards: 40-foot minimum from the adjoining lot.
- d.) Set back limitations apply to all parts of all buildings, including loading docks,

porches, overhangs, etc.

- e.) Building height: 35-foot maximum for all structures.
- f.) No structural improvements shall be made within 50 feet of the right-of-way for Fay Brook Road.

2. Ground Coverage:

- a.) Ground coverage will be reviewed on an individual basis in accordance with the local Town of Harriestown Land Use Code and/or Subdivision Regulations.
- b.) No disturbance shall occur within 50 feet of any wetlands.
- c.) No vegetation shall be removed within 40 feet of Fay Brook Road, except at driveway access points.

3. Lot Size:

- a.) Three-acre minimum.
- b.) Roadway Frontage – as shown on the filed subdivision map hereinbefore referred to.
- c.) Reasonably rectangular in shape, except where site boundaries are formed by the Business Park roadway or the outer boundary of the Business Park.

4. Site Improvements:

- a.) Each property shall include paved or gravel/crusher-run, drained drives and parking areas for employees, visitors and trucking to be evaluated on an individual basis. Appropriate mitigation measures will be taken to reduce dust as much as possible.
- b.) Parking:
 - 1. Provide 2 parking spaces for each 3 employees during the largest daily work shift period, plus reasonable visitor spaces.
 - 2. Parking spaces shall be located no less than 8 feet from the wall of any building.
 - 3. Parking areas, drive lanes and driveways must be set back a minimum of 20 feet from property lines.

4. Parking areas shall be moderately sloped (not less than 1% nor in excess of 5%).

5. Parking spaces shall be a minimum of 9 feet wide by 18 feet long.

6. Drive lanes shall be a minimum of 24 feet wide.

c.) Off-Street Loading: Docks, when required by the proposed use, shall be a minimum of 15 feet in width, 14 feet in vertical clearance and 40 feet in length.

d.) Lighting:

1. Each property, including where operations are not anticipated to commence prior to sunrise, or extend beyond sunset, shall provide yard lighting in the form of full cutoff lighting to avoid hazard on-site and glare off-site. (Definition: Full Cutoff Lighting: full cutoff lighting fixtures, as installed, are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted). Fixture type, bulb wattage and/or pole spacing would be evaluated on an individual basis.

2. Mounting height of lighting fixtures/luminaries shall be not more than 24 feet. Mounting height is the distance from luminary to surface and includes base height, pole length and arm sweep (if any).

3. Security lighting shall be provided wherever pedestrian traffic is anticipated.

4. Automatic timers or motion detectors shall be provided.

5. Parking lot lighting shall be turned off following site operations.

6. All outdoor luminaries/lighting fixtures are to be installed and function pursuant to the full cutoff lighting restrictions set forth above.

e.) Outdoor storage and stationary equipment, as approved, shall be screened from general view.

f.) Utilities, including storm drainage, telephone and electricity will be made available at the Business Park roadway by the appropriate public utility or by the Town, its successors or assigns.

h.) Domestic Wastes- Aquifer Protection:

1. The Town recognizes the need to ensure protection of the aquifer underlying the Business Park property. Prior to or in conjunction with a specific site application a waste stream analysis report for any non-sanitary

waste will be prepared and submitted to the Adirondack Park Agency, and any other governmental agencies, for review. The following information shall be included in the report: description of the proposed use; projected daily sanitary flows; description of non-sanitary (process) flows including components, concentrations and daily discharge quantities; proposed design approach for the sewage disposal system, including detailed discussion of pre-treatment systems if required. If certain components are to be separated from the waste stream, the method of collection storage and disposal must be identified.

2. Upon submission of the waste stream analysis report the APA will, in consultation with the DEC, determine if a SPEDES permit will be required.

3. All sewage disposal systems shall be designed in accordance with the Town's Building & Planning Department, APA, DOH and DEC standards, and shall be based on consultation with all authorities having jurisdiction.

4. If pre-treatment is not feasible the non-sanitary flows will be separated in the building and discharged to a holding tank for disposal off site.

i) Storm Water Management: Each site within the Business Park shall implement a Storm Water Management Plan that:

1. Maintains existing drainage patterns as much as possible and continues the conveyance of upland watershed runoff.
2. Maintains the intent and the integrity of the approved storm water management plan prepared for the Business Park, a copy of which is available from the Town.
3. Utilizes drainage systems (gutters, ditches, catch-basins, dry wells, porous pipe and driveway culverts) designed to convey storm water generated during a 25-year, 24-hour storm event and allows for the safe conveyance of storm water generated during the 100-year storm event. In the event that the land within the Business Park that is situated upstream of the proposed project has not been developed, the proposed storm water facilities shall be designed assuming the upstream properties will be developed to the maximum extent permissible under this Declaration.
4. Mitigates potential storm water impacts and prevents soil erosion and sedimentation resulting from storm water run-off. The guidelines presented in the latest version of the Empire State Chapter, Soil and Water Conservation Society "Guidelines for Urban Erosion and Sediment Control" shall be considered in the development of proper site erosion and sediment control measures for the subject site. At a minimum, the soil

erosion and sediment control measures outlined herein shall be incorporated into individual site development plans. General measures include the following:

a. Damage to surface waters resulting from erosion and sedimentation shall be avoided by stabilizing disturbed areas and by removing sediment from construction site discharges and maintaining undisturbed buffers.

b. Insofar as practicable, existing vegetation shall be preserved. Following the completion of construction activities in any portion of the site, permanent vegetation shall be established on all exposed soils.

c. Site preparation activities shall be planned to minimize the area and duration of soil disruption.

d. Permanent traffic corridors shall be established and "routes of convenience" shall be avoided. Stabilized construction entrances shall be installed at all points of entry onto the project site.

5. More particularly, storm drainage measures shall include:

a. Storm Drain Sediment Filter: Prior to the commencement of construction, either storm drain inlet filters or straw bale weirs wrapped in approved filter fabric shall be constructed at existing storm drains as required. They shall be maintained in good condition until final vegetative cover is well established on all disturbed areas upstream of the inlet.

b. Immediately following completion of any and all proposed storm drain inlets, storm drain inlet filters or straw bale weirs wrapped in approved filter fabric shall be constructed. These shall function to prevent sediment entrance into the storm drains. They shall be maintained in good condition until final vegetative cover is well established on all disturbed areas upstream of the inlet.

c. Drainage Ditch Sediment Filters: Until such time as final site stabilization is completed, ditches shall receive treatment with stone check dams so as to effectively trap sediment and minimize its release off-site. Straw bale filters shall be constructed within each ditch beginning at its downstream terminus and should not be placed at intervals exceeding 100 feet.

d. In no case shall erodible materials be stockpiled within 25 feet of any ditch, stream or other surface water body or within 50 feet of designated wetland buffers.

e. Permanent Vegetative Cover: Immediately following the completion of construction activity in any portion of the site, permanent vegetation shall be established on all exposed soils.

f. All unnecessary removal of healthy trees shall be avoided. Materials shall not be stored nor machinery operated within the drip-line of trees to remain.

g. All slopes 2:1 or steeper are to be stabilized with stone riprap and soil stabilization fabric when applicable.

h. The developer/contractor or its builder shall inspect and maintain the integrity and function of all temporary erosion control measures throughout the duration of the development process. To assure proper function, siltation barriers shall be maintained in good condition and be reinforced, extended, repaired or replaced as necessary. Washouts shall be immediately repaired, re-seeded and protected from further erosion. All accumulated sediment shall be removed and contained in appropriate spoil areas. Water shall be applied to newly seeded areas as needed until grass cover is well established. To effectively control wind erosion, water shall be applied to all exposed soils as necessary until ground cover is permanently established.

6. All storm drainage facilities must comply with the requirements of the DEC SPDES General Permit for Storm Water Discharge Associated with Industrial Activity.

7. Dry Swales: Dry swales will be used to convey and treat storm water in the lots of the Business Park. The lot owner/lessor shall be responsible for the following dry swale maintenance items:

a. Sediment buildup in the bottom of the dry swale channel shall be removed when 25% of its volume has been exceeded; and

b. The vegetation in the dry swales must be mowed as required during the growing season to maintain grass heights in the 4 to 6 inch range.

5. Landscaping:

a) The lot occupant shall prepare and submit for approval by the Town, its successors or assigns a landscape plan indicating existing vegetation to remain, and the layout of new trees, shrubs and ground cover to be planted as a part of the project. The following information shall be provided:

1. A nature plant list indicating common name, botanical name, size and quantity of all plant materials.

2. Details of tree and shrub planting, staking and mulching.

b) The following minimum standards shall be followed:

1. That portion of the site not covered by buildings or paving shall be maintained as landscape areas, as approved, including those areas between street line and pavement.
2. Landscaping shall be designed, installed and maintained so as to provide substantial year-round screening of all approved leading areas, exterior storage, parking and service areas and to provide adequate screening from adjoining lands and Fay Brook Road.

3. Minimum plant material requirements shall be as follows:

| | |
|-------------------|---------------------------|
| Evergreen trees: | 6 - 8 feet planted height |
| Deciduous trees: | 1 ½ - 2-inch caliper |
| Evergreen shrubs: | 18-24 feet planted height |
| Deciduous shrubs: | 24-36-inch planted height |

5. Plant material species shall be native to the region, maintaining the general character of the adjoining area.

6. Plantings shall be designed to avoid hazards to pedestrians or vehicular traffic.

6. Noise Control: The following noise control measures should be taken when appropriate. Selection and use of any measure should be based on the type and degree of noise control required, and its practical cost effectiveness:

- a) Locate noise sources on areas of the project site where they will have the least impact on nearby off-site sensitive receptors such as residences.
- b) Locate noisy equipment within the site boundary to minimize noise propagation to sensitive receptors.
- c) Surround stationary noisy equipment with soundproof or sound-controlling housings or enclosures.
- d) Place natural or artificial sound barriers (e.g. berms, walls, fences, vegetation) close to mobile sound sources.
- e) Utilize pneumatic drill silencers, improved mufflers to reduce exhaust noise, backup light alarms, silencers to reduce air intake noise, and locate exhaust outlets away from off-site sensitive receptors.
- f) Special consideration should be given to mitigating nighttime and weekend noise sources.

7. Building Usages:

a) Permissible uses: The Town, its successors or assigns seeks through this Declaration to encourage the development of facilities in the Business Park which will provide new employment opportunities and improve the standard of living. Therefore, most appropriate business uses will be permitted, especially buildings and accessory structures used for light manufacturing/assembly/fabrication; warehouse/distribution; product processing, research & development; storage and shipping of parts and completed products. Offices and other operations normally associated with such uses will be permitted. Appropriate mitigation measures should be taken to reduce dust and noise as much as possible, given the mixed uses allowed in the Business Park.

b) Examples of Prohibited Uses:

Manufacture of fertilizer or glue
Manufacture or storage of fireworks, explosives, munitions
Manufacture of hazardous and/or toxic chemicals
Crematory
Rendering or reduction of fats, tallow, grease, lard or organic materials
Tanning, storage or curing of rawhides or skins
Slaughtering of animals or birds
Smelting of metals
Auto wrecking yards or scrap metal storage
Stone or gravel crushing
Any use which violates existing standards for noise, dust, vibration, noxious fumes, smoke or odors.
Retail sales
Residential; housing developments
Tourist attractions
No commercial or industrial uses are permitted within the APA Resource Management area

8. Design of Signs:

- a) Signs shall comply in all respects with the applicable sections of the APA sign standards set forth in 9NYCRR Appendix Q-3 as well as all applicable Town standards.
- b) Signs shall only be erected on the site with which they are principally associated.

9. Access and Traffic Circulation:

- a) Driveway intersections should be at right angles to the Business Park roadway; be aligned (whenever practical) with driveways located on the opposite side of the roadway; and be separated by at least 20 feet but in no case by less than the stopping sight distance corresponding to the legal speed limit.
- b) Curve radii and changes in grade respectively, and the corresponding minimum stopping sight distance, should be based upon design speeds of not less than 15 m.p.h.

- c) All warning and traffic control signs on private premises shall be in conformance with the size, shape, color and use provisions as specified in the latest revision of the NYS Department of Transportation's Manual of Uniform Traffic Control Devices.

10. Prospective occupants of the Business Park are encouraged to consider the advantages of solar orientation for reducing reliance on other energy sources in site planning and building design, consistent with other design standards contained herein.

11. Each of the above Site Planning Standards is subject to the prior review and final approval of the Town, its successors or assigns, according to procedures established by the Town, its successors or assigns and provided to applicants desiring occupancy in the Business Park.

IN WITNESS WHEREOF, the Town Supervisor of the Town of Harrietstown, pursuant to authorization granted by the Town Board, has duly executed this Declaration on the day and year first above written.

TOWN OF HARRIETSTOWN, by:

Larry L. Miller, Town Supervisor

STATE OF NEW YORK)
COUNTY OF FRANKLIN) SS:

On this _____ day of _____, 2011, before me, the undersigned, a notary public in and for said state, personally appeared LARRY L. MILLER, 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed this instrument.

Notary Public