

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Environmental Permits, Region 5  
232 Golf Course Road, Warrensburg, NY 12885  
P: (518) 623-1282 | F: (518) 623-3603  
www.dec.ny.gov

January 20, 2022

PTR Properties, LLC  
PO Box 562  
Ballston Spa, NY 12020

**Re: Freshwater Wetlands Permit  
DEC Permit # 5-4120-00057/00003  
Mangino Pontiac Buick  
Construct Building Addition / Second Access Road  
Ballston (T), Saratoga (Co)**

Dear PTR Properties, LLC:

Enclosed is the New York State Department of Environmental Conservation (“DEC”) permit authorization for the above referenced project, issued in accordance with the applicable provisions of the Environmental Conservation Law (“ECL”). This permit is valid only for the activity expressly authorized. Work beyond the scope of the permit will be considered as work without a permit. Failure to comply with these terms may be treated as a violation of the ECL. Work done under this permit is subject to inspection by DEC staff.

Please review all conditions of the permit, including the natural resources permit conditions, which are intended to minimize the environmental disturbance associated with your project. It is the responsibility of the permittee and their agent to read and comply with all permit conditions and referenced plans. If you have any questions regarding the terms and conditions of the permit, please contact the office at 518-623-1282.

This permit does not eliminate the need to obtain approvals required from other agencies including the U.S. Army Corps of Engineers (“USACE”). The general number for the USACE is 518-266-6350.

Sincerely,



Beth A. Magee  
Deputy Regional Permit Administrator

Enclosures  
ec w/enc.: J. Hayden  
Lt. M. Clemens  
M. Musarra, EDP



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**

PTR Properties LLC  
PO Box 562  
Ballston Spa, NY 12020-0562  
(518) 857-1338

**Facility:**

MANGINO PONTIAC BUICK  
1484 SARATOGA RD  
BALLSTON SPA, NY 12020

**Facility Location:** in BALLSTON in SARATOGA COUNTY

**Facility Principal Reference Point:** NYTM-E: 593.374 NYTM-N: 4759.667  
Latitude: 42°59'02.2" Longitude: 73°51'17.0"

**Authorized Activity:** Construction of an access road for access to Mangino Buick GMC from NYS Route 67 and construction of a 6,000 +/- SF addition to an existing service area as per plans provided by the applicant.

**Permit Authorizations**

**Freshwater Wetlands - Under Article 24**

Permit ID 5-4120-00057/00003

New Permit

Effective Date: 1/20/2022

Expiration Date: 1/20/2027

**NYSDEC Approval**

**By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.**

Permit Administrator: BETH A MAGEE, Deputy Permit Administrator

Address: NYSDEC Region 5 Warrensburg Sub-Office  
232 Golf Course Rd  
Warrensburg, NY 12885

Authorized Signature: \_\_\_\_\_

*Beth A. Magee*

Date 1 / 20 / 22



## Permit Components

### NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: FRESHWATER WETLANDS

**1. Permit Authorization** This permit authorizes only those regulated activities/structures identified under the section Description of Authorized Activity. NYSDEC does not issue after-the-fact or as-built permits. This permit does not authorize activities, or legitimize the existence of structures, which would have required a permit but for which no permit or other authorization has been granted by NYSDEC.

**2. Human or Archaeological Remains** If any human remains or archaeological remains are encountered during excavation, the permittee must immediately cease, or cause to cease, all work in the area of the remains and notify

Regional Permit Administrator  
NYSDEC Region 5 Warrensburg Sub-Office  
232 Golf Course Rd  
Warrensburg, NY12885

Work shall not resume until written permission to do so has been received from the Department.

**3. Permittee Responsible for Other Approvals** Granting this permit does not relieve the applicant of the responsibility of obtaining permission, consent or approval from the Adirondack Park Agency, Lake George Park Commission, Hudson River Black River Regulating District, NYS Canal Corps, U.S. Army Corps of Engineers, U.S. Coast Guard, New York State Office of General Services, or any other federal, state or local government.

**4. Conditions Prevail Over Plans** If any condition of this permit conflicts with the approved plans, the permit condition shall prevail over the plans.

**5. Materials Disposed at Upland Site** Any demolition debris, excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of in an authorized solid waste management facility. These materials shall be suitably stabilized as not to re-enter any water body, wetland or wetland adjacent area.



## PRE-CONSTRUCTION REQUIREMENTS

**6. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by the Environmental Design Partnership, LLP, dated December 8, 2021, and made a part of this permit.

**7. Leave Delineation Markers in Place** Markers used by this Department to delineate/define the boundary of the wetland or the extent of the permitted structures shall be left in place and remain undisturbed for one year following completion of the project.

**8. Equipment Storage 100' from Wetland, Water Body** All equipment and machinery shall be stored and safely contained greater than 100 feet landward of the regulated wetland or water body at the end of each work day. This will serve to avoid the inadvertent leakage of deleterious substances into the regulated area.

**9. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

**10. Notice of Intent to Commence Work** The permittee shall submit a Notice of Intent to Commence Work to 48 at least Bureau of Ecosystem Health hours in advance of the time of commencement and shall also notify them promptly in writing of the completion of work.

**11. Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

**12. Maintain Undisturbed Wetland Buffer** A 50 foot buffer of undisturbed natural vegetation shall be maintained landward of the wetland boundary at all times.

**13. No Construction Debris in Wetland or Adjacent Area** Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in wetlands and/or protected buffer areas.

**14. No Brush or Debris Disposal in Wetland** The placement of fill, trees, brush and construction debris within any portion of the wetland (outside the project area identified in the plans) is strictly prohibited.

## CONSTRUCTION REQUIREMENTS

**15. Wetland Work Limited to Area Shown on Work Plan** Disturbance to the wetland and its regulated adjacent area shall be strictly limited to the work area identified in the work plan.

**16. Work Within Project Site or Upland Areas** The storage of construction equipment and materials shall be confined to within the project work site and/or upland areas greater than 50 linear feet distant from the wetland boundary.



**17. Concrete Leachate** During construction, no wet or fresh concrete or leachate shall be allowed to escape into any wetlands or waters of New York State, nor shall washings from ready-mixed concrete trucks, mixers, or other devices be allowed to enter any wetland or waters. Only watertight or waterproof forms shall be used. Wet concrete shall not be poured to displace water within the forms.

**18. Wetland Road Crossing** Upon removal of the existing vegetation (cut at surface and small stumps removed) layer of filter fabric shall be placed across the wetland (road bed) before any backfilling occurs to create the road. A culvert or culverts must be installed at Department-specific locations to insure hydrologic flow between impacted sections of wetland. The final road surface shall be covered with a minimum 1 inch depth of crushed stone through the wetland crossing and extending a minimum of 50 feet beyond the wetland boundaries as delineated by the NYS Department of Conservation.

**19. No Rock From Stream or Wetland** No rock for use in construction is to come from the stream bed or Freshwater Wetland.

**20. Allowable Fill Material** Fill shall consist of clean soil, sand and/or gravel that is free of the following substances: asphalt, slag, flyash, broken concrete, demolition debris, garbage, household refuse, tires, woody materials including tree or landscape debris, and metal objects. The introduction of materials toxic to aquatic life is expressly prohibited.

#### POST-CONSTRUCTION REQUIREMENTS

**21. Complete Site Stabilization Before End of Season** All erosion control measures intended to stabilize the work site shall be completed by October 1 of any calendar year. If work authorized by this permit cannot be completed with the date specified above, or if seeding is impracticable due to the time of year, interim stabilization measures consisting of erosion control matting or mulching shall be installed by October 1 and maintained in an effective condition until such time as authorized work resumes in the spring or final seeding is performed (when weather conditions favor germination and growth).

**22. Seed, Mulch Disturbed Areas** All areas of soil disturbance resulting from this project shall be seeded with an appropriate perennial grass, and mulched with straw immediately upon completion of the project, within two days of final grading, or by the expiration of the permit, whichever is first. Mulch shall be maintained until suitable vegetative cover is established to the department's satisfaction.

**23. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

**24. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without



expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

**25. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

**GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

**1. Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**2. Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator  
NYSDEC Region 5 Warrensburg Sub-Office  
232 Golf Course Rd  
Warrensburg, NY12885

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands.



**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### **Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

### **Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

### **Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.



**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.





## NOTICE OF INTENT TO INITIATE PROJECT CONSTRUCTION

**NOTE: This notice must be mailed or faxed to the appropriate Department of Environmental Conservation Office listed below. Notice must be received by the Department at least 48 hours prior to initiation of construction activities.**

**DEC Permit #** 5-4120-00057/00003 (FW)

**Permittee Name:** PTR Properties, LLC

**Mailing Address:** PO Box 562, Ballston Spa, N 12020

**Site Location:** 148 Saratoga Road, Box 500B, Ballston Spa, NY 12020

**Contact and Telephone Number:** (518) 857-1338 mcoffeysr@mangino.com

The following information must be completed by the Permittee:

I plan on initiating work on my project on \_\_\_\_\_  
month/day/year

My contractor is: \_\_\_\_\_

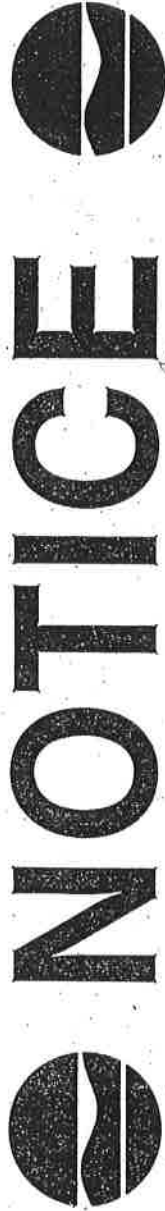
Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Please email or fax this form prior to initiating project to:

Jed Hayden  
Jed.Hayden@dec.ny.gov  
NYS DEC  
Bureau of Ecosystem Health  
232 Golf Course Road  
Warrensburg, NY 12885  
(518) 623-1264  
FAX (518) 623-3603

New York State  
Department of Environmental Conservation



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Departmental conditions on it, contact the Regional Permit Administrator listed below. Please refer to the permit number shown when contacting the DEC.

Regional Permit Administrator

Permit Number S-4120-0057/00003 *Bar A. Mays*  
Expiration Date January 20, 2027

NOTE: This notice is NOT a permit