


**THIS IS A TWO-SIDED DOCUMENT**

 <p><b>Adirondack Park Agency</b></p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p>APA Project Permit <b>2018-0073</b></p>
<p>In the Matter of the Application of</p> <p><b>CHRISTMAS AND ASSOCIATES, INC.</b> <b>Permittee</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577 and 9 NYCRR Part 578</p>	<p>Date Issued: <b>September 14, 2018</b></p> <p>To the County Clerk: This permit must be recorded on or before November 13, 2018. Please index this permit in the grantor index under the following names: <b>1. Christmas and Associates, Inc.</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a 15-lot subdivision in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Towns of Ohio and Russia, Herkimer County.

This permit shall expire unless recorded in the Herkimer County Clerk's Office on or before November 13, 2018, in the names of all persons listed above and in the names of all owners of record of any portion of the project site on the recordation date.

The project shall not be undertaken or continued unless the project authorized herein is in existence within four years from the date the permit is recorded. The Agency will consider the project in existence when an authorized lot has been conveyed to an outside party.

The project shall be undertaken in compliance with all conditions stated herein. Failure to comply with this permit is a violation and may subject the permittee, successors, and assigns to civil penalties and other legal proceedings.

This permit does not convey any right to trespass upon the lands or interfere with the riparian rights of others in order to undertake the authorized project, nor does it authorize the impairment of any easement, right, title or interest in real or personal property.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the permittee to comply with all applicable laws and regulations or to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

## **PROJECT SITE**

The project site is a 420.57±-acre parcel of land and water located on Reeds Mills Road (a/k/a Farr Road) and Enos Road in the Towns of Ohio and Russia, Herkimer County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The project site contains shoreline on Maple Lake and is partially located within the designated Black River Scenic River area. The project site is identified as Tax Map Section 068, Block 1, Parcels 2, 3 & 6 and Block 3, Parcels 19, 20, 21, 25, 26, 27 and 30.1. The project site is described in a deed from George J. Mandes to Christmas & Associates, Inc., dated August 14, 2018, and recorded August 22, 2018 in the Herkimer County Clerk's Office as Instrument No. 2018-3874.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves subdivision of 420.57± acres into 15 lots ranging in size from 10 acres to 75 acres. One lot contains an existing single-family dwelling. Fourteen lots will be building lots for construction of a new single-family dwelling, each with on-site wastewater treatment and on-site water supply. Maximum proposed dwelling dimensions are 60 feet in width and length and 30 feet in height. One accessory structure (e.g., garage, barn, etc.) is allowed, not to exceed 2500 square feet in footprint and 30 feet in height. Up to two additional accessory structures (e.g., wood shed, lean-to, canoe storage, etc.) are proposed, not to exceed 350 square feet in footprint and 20 feet in height. Seven lots will have shoreline on Maple Lake. No new subdivision roads will be constructed, and all lots will be accessed via private driveways from adjacent public roads, including two pairs of shared driveways. A 20-foot-wide right-of-way and dock will provide access to Maple Lake for owners of shoreline lots that would otherwise have to cross wetlands to access the shoreline. Watercraft use on Maple Lake will be restricted to canoes and "canoe-like" vessels (e.g., guide boats) and small row boats/fishing boats having motors with no more than 10 horsepower.

The project is shown on and detailed in the following maps, plans, and reports:

- One sheet titled "Survey Map of Maple Lake Subdivision," prepared by Renodin-Plumley Land Surveying, dated June 8, 2018, stamped by Weston R. Renodin, LS, and last revised August 27, 2018 (Subdivision Map);
- Five sheets titled "Maple Lake Subdivision," prepared by Fisher Civil Engineering, last dated July 1, 2018, and stamped by Ryan C. Fisher, PE. (Project Plans);
- "Stormwater Pollution Prevention Plan, Maple Lake Subdivision," prepared by Fisher Civil Engineering, PLLC, dated July 6, 2018, and stamped by Ryan C. Fisher, PE (Stormwater Plan).

A reduced-scale copy of the Subdivision Map is attached as a part of this permit for easy reference. The original, full-scale maps and plans described in this paragraph are the official plans for the project, with copies available upon request from Adirondack Park Agency headquarters in Ray Brook, New York.

### **AGENCY JURISDICTION**

The project requires an Agency permit pursuant to §§ 809(2)(a) and 810(1)(c)(1)(b) and § 810(2)(b)(1) of the Adirondack Park Agency Act [Executive Law, Article 27], because it is a subdivision of land involving wetlands and a subdivision of land involving ten or more lots on Low Intensity Use lands. The project is a regulated activity requiring a wetlands permit pursuant to § 578.2 and § 578.3(n)(3) of Agency regulations implementing the Freshwater Wetlands Act [Article 24 of the Environmental Conservation Law], because it is a subdivision of lands involving wetlands. The project is a rivers project requiring an Agency permit pursuant to § 577.4(a) and § 577.5(b)(1)(x) of Agency regulations implementing the Wild, Scenic and Recreational Rivers System Act [Article 15, Title 27 of the Environmental Conservation Law], because it is a subdivision of Low Intensity Use lands within the Black River Scenic River area.

### **CONDITIONS**

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

1. The project shall not be undertaken until this permit has been recorded in the Herkimer County Clerk's Office.
2. This permit is binding on the permittee, all present and future owners or lessees of the project site, and all persons undertaking all or a portion of the project. Copies of this permit and Subdivision Map, Project Plans, and Stormwater Plan shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, Wild, Scenic and Recreational Rivers System Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].

### **Deeds**

#### **Recordation**

4. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2018-0073, issued September 14, 2018, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

### **Subdivision**

5. Subject to the conditions stated herein, this permit authorizes a 15-lot subdivision as depicted on the Subdivision Map. Any further subdivision of any lot not depicted on the Subdivision Map shall require a new or amended permit.

### **Easement**

6. Prior to conveyance of Lot 2, 3, 4, or 7, a deed shall be filed for Lot 1 that grants to the owners of Lots 2, 3, 4, and 7 a 20-foot-wide right of way from Enos Road to the shoreline of Maple Lake and use of a dock for access to Maple Lake.

### **Development**

#### **Construction Location and Size**

7. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and three accessory structures on each of the 14 building lots (Lots 1 through 4 and Lots 6 through 15) provided the dwelling/structure is constructed within the area of disturbance shown on the Project Plans and does not exceed the following dimensions.
  - a. The single-family dwelling shall not exceed 60 feet in length, 60 feet in width, or 40 feet in height. The single-family dwelling shall not exceed 3,600 square feet in footprint, including all attached porches, decks, exterior stairs, garages, and other attached structures.
  - b. One accessory structure (the primary accessory structure described in the application) shall not exceed 30 feet in height or 2,500 square feet in footprint, including all attached porches, decks, exterior stairs, and other attached structures.
  - c. The remaining two accessory structures (the secondary accessory structures described in the application) shall not exceed 20 feet in height or 350 square feet in footprint, including all attached porches, decks, exterior stairs, and other attached structures.

Height shall be measured from the highest point on the structure, including the chimney, to the lower of either existing or finished grade. Any change to location or expansion beyond these dimensions shall require prior written Agency authorization.

A new or amended permit shall be required for the construction of more than the one new dwelling authorized for each lot by this condition. The construction of any additional accessory structure on the project site shall require prior written Agency authorization.

8. The undertaking of any new land use or development not authorized herein on Lots 13 or 14 within one-quarter mile of the Black River shall require a new or amended permit.

9. The undertaking of any activity on the project site involving wetlands shall require a new or amended permit.

#### **Guest Cottages**

10. Construction of any guest cottage on the project site shall require a new or amended permit.

#### **Shoreline Structure Setbacks**

11. On Lots 1 through 12, pursuant to the Adirondack Park Agency Act, new structures greater than 100 square feet in size are prohibited within 75 feet, measured horizontally, of the mean high water mark (MHW) of Maple Lake. Boathouses and docks, as defined under 9 NYCRR § 570.3, are excepted from this requirement.

#### **Docks and Boathouses**

12. This permit authorizes the construction of two docks on Lot 1 and one dock on Lot 6 in the location shown on the Subdivision Plan. Any change to dock location shall be located outside of wetlands as verified by the Agency and shall require prior written Agency authorization. Any dock must be a floating or fixed structure no more than 8 feet in width, including at its attachment to the shoreline, and must be used for securing and/or loading or unloading water craft and/or for swimming or water recreation. Any supporting structure established to hoist or suspend the dock above water level for storage must be no greater than 100 square feet in size, including all parts. A dock stored above water level must remain parallel with the water, unless the dock and supporting structure combined measure less than 100 square feet in size.
13. The existing docks on Lot 5 may remain or be replaced in the same location and of the same (or smaller) dimensions.
14. There shall be no docks or boathouses on Lots 2, 3, 4, and 7 through 15.
15. On Lots 1, 5, and 6, there shall be no boathouse without prior written Agency authorization. Any boathouse shall be located outside of wetlands as verified in writing by the Agency.

#### **Maple Lake Watercraft**

16. There shall be no motorized watercraft on Maple Lake, except for small out board motors not to exceed 10 horsepower. Motorized personal watercraft (e.g., jet skis) are prohibited.

### **Outdoor Lighting**

17. Any new free-standing or building-mounted outdoor lights shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Maple Lake, the Black River Wild Forest, the Black River, public roads, or adjoining property.

### **Building Color**

18. On Lots 2, 13, 14, and 15, all exterior building materials, including roof, siding and trim, of any dwelling and any accessory structure(s) on those lots shall be a dark shade of green, grey, or brown.

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

19. Outside the area of disturbance shown on the Subdivision Map and Project Plans and greater than 100 feet from the MHW of Maple Lake and greater than 35 feet from wetlands or streams, no trees greater than 6 inches in diameter at breast height may be cut, culled, or otherwise removed or disturbed except (a) with prior written Agency authorization, (b) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard, or (c) pursuant to a Forest Management Plan prepared by and under the supervision of a qualified Professional Forester or a New York State Department of Environmental Conservation (NYSDEC) Forester. All forest management plans shall incorporate the standards contained in the "New York State Forestry Best Management Practices for Water Quality" Field Guide.
20. Within 100 feet of the MHW of Maple Lake or within 35 feet of wetlands or streams, no vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on any lot except (a) pursuant to a Forest Management Plan prepared by and under the supervision of a qualified Professional Forester or a NYSDEC Forester that incorporates the standards contained in the "New York State Forestry Best Management Practices for Water Quality" Field Guide, (b) for maintenance of existing clearings, paths, or wood roads, (c) to establish one footpath on each shoreline lot no greater than 6 feet in width that provides access to the shoreline of Maple Lake, (d) for the removal of certain trees, limbs, or vegetation after receiving written Agency authorization, or (e) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
21. Within 75 feet of the centerline of Reeds Mills Road or Enos Road, no vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on any lot except for (a) within the area of disturbance shown on the Subdivision Map and Project Plans, (b) installation of driveways and utilities as shown on the Subdivision Map and Project Plans, (c) installation of the shared shoreline access on Lot 1, (d) maintenance of the existing driveway on Lot 5, and (e) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

### **Invasive Species Control/Sanitizing Equipment**

22. When brought from off-site, all equipment, including but not limited to trucks, excavators, tractors, etc., and hand excavation tools such as shovels, rakes, and picks, to be used on the project site shall be clean and free of soil, mud, or other similar material. If washed on the project site, equipment shall be washed in one location to prevent the distribution of propagules among different wash sites. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.
23. Christmas and Associates, Inc., its successors and assigns, shall install and maintain aquatic invasive species spread prevention signage at the common access point on Maple Lake. The sign language shall be consistent with current NYSDEC requirements, which currently include the requirement to “clean, drain, and dry all watercraft before launching and after exiting” a given water body.

### **Density**

24. There shall be no more than two principal buildings located on Lots 2, 3, 4, 8, 9, 11, or 12 at any time. There shall be no more than three principal buildings located on Lots 5, 6, or 10 at any time. There shall be no more than four principal buildings located on Lots 1, 7, 13, or 14 at any time. There shall be no more than six principal buildings located on Lot 15 at any time. The single-family dwelling constructed on Lot 5 in 1998 constitutes a principal building. The single-family dwellings authorized herein, one each on Lots 1 through 4 and Lots 6 through 15, each constitute a principal building. The Agency makes no assurances that the maximum number of principal buildings allowed under this condition can be approved.

### **Infrastructure**

#### **Dam**

25. Any repair, replacement or removal of the dam on Lot 1 shall require prior written Agency authorization.

#### **Driveways**

26. All driveways shall be constructed in the locations shown on the Subdivision Map and Project Plans and according to the specifications on the Project Plans. Any modifications from these plans shall require prior written Agency approval.

#### **Wastewater**

27. Any on-site wastewater treatment system(s) on the project site installed within five years of the date of issuance of this permit shall be constructed in conformance with the location and design shown on the Project Plans. Construction of the system shall be supervised by a New York State design professional (licensed

engineer or registered architect). Within 30 days of complete system installation and prior to its use, the design professional shall provide written certification to the Agency that the system was built in compliance with the approved plans.

No on-site wastewater treatment system shall be installed on the project site more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.

### **Stormwater Management/Erosion and Sediment Control**

28. Stormwater management, erosion and sediment control, and grading shall be undertaken in compliance with the Project Plans and Stormwater Plan. Any modification from these plans shall require prior written Agency approval.
29. Upon undertaking any land disturbance outlined in the Stormwater Plan on individual lots, lot owners shall be responsible for implementation of the Stormwater Plan on those individual lots.

### **Infrastructure Construction**

30. Prior to the conveyance of Lots 2, 3, 4, or 7, the shoreline access right of way and shared dock on Lot 1 shall be completed in the location shown on the Subdivision Map and as described herein.
31. Installation of utilities to individual lots shall be underground and along the side of each driveway.

### **Reports**

32. At the request of the Agency, the permittee or the permittee's successor shall report in writing the status of the project, including details of compliance with any terms and conditions of this permit.

### **FINDINGS OF FACT**

#### **Background/Prior History**

1. Since 1938, Maple Lake and the project site have been privately owned in one landholding under five successive landowners.
2. The project site constituted a portion of a larger property on the May 22, 1973, enactment date of the Adirondack Park Land Use and Development Plan. The landowner at that time owned the project site, in addition to tax map parcel 068.-3-30.2 (8± acres). No permit was required for this prior subdivision. The landowner(s) of Parcel 30.2 access their property via a right-of-way across the project site (Lot 10).
3. Lot 5 contains a one-and-a-half story single family dwelling and detached garage constructed in 1998.



## **Project Site**

### **Water Resources**

4. The project site includes the entirety of Maple Lake, a private impounded lake with a surface area of 19.06± acres. Maple Lake is an impoundment of Muskrat Brook, a stream classified by the NYSDEC as C(T), meaning it supports fisheries and may support a trout population. The watershed entering Maple Lake consists of 2,260± acres of forested areas. The waterbody itself is shallow and only a small portion is more than 2 meters deep. Floating-leaf and deep water marsh is extensive and consists of water shield, white water lily, pondweed, bladderwort, and bur-reed. Extensive wetlands exist along the shoreline of Lots 2, 3, 4, and 7.
5. Lot 1 includes the dam at the outlet of Maple Lake, regulated by NYSDEC as a Class A (Low Hazard) dam. The dam is constructed entirely of wood over stone-filled cribs, and contains a spillway and front weir. The spillway crest elevation is 1,323 feet above mean sea level (MSL). An Inspection and Maintenance Plan for the dam, prepared by Plumley Engineering, and dated October 3, 2014, concluded that “the dam, in general, is in good shape and serviceable.” The landowner(s) of Lot 1 will own and maintain the dam.
6. Christmas and Associates Inc. proposed that watercraft use on Maple Lake be restricted to canoes and “canoe-like” vessels (i.e., guide boats and/or small rowboats/fishing boats) which can be launched from shoreline without the need for a trailer or launch site. The permittee also proposed that motors on these vessels be restricted to no more than 10 horsepower (or equivalent).
7. Shoreline lot widths are greater than 125 feet for all building lots, ranging from 200± feet to 2,740± feet. The shoreline lot widths and development activities authorized within 100 feet of the MHWM of Maple Lake comply with the shoreline restrictions established in § 806 of the APA Act.
8. Water courses within 200 feet of development, including permanent and intermittent streams and drainages, were evaluated in the field and through the course of review and are depicted on the Project Plans. The project site may contain additional water courses not depicted on these plans.
9. Groundwater will serve as the water source for each individual well supply on all 15 lots.

### **Wetlands**

10. Wetlands within 200 feet of development on the project site are shown on the Subdivision Map and Project Plans. The site may contain additional wetlands not described herein or depicted on these maps and plans, especially greater than 200 feet from development activities where detailed mapping did not occur. The Subdivision Map and Project Plans do not show the limits of the emergent or deep water marshes associated with Maple Lake.

11. Wetland value ratings are assigned pursuant to 9 NYCRR Part 578. The wetlands on this project site are shrub swamp/emergent marsh/deep water marsh complexes with values of "2."
12. All authorized driveways, areas of disturbance, on-site wastewater treatment systems and replacement areas will be greater than 100 feet from wetlands. A 20-foot-wide right-of-way and dock will provide access across Lot 1 to Maple Lake for owners of shoreline lots that would otherwise have to cross wetlands to access the shoreline.

#### **Wildlife/Habitat**

13. There is no indication of any rare plants, rare animals, or natural communities currently being tracked by the New York Natural Heritage Program (NHP) on the project site. There is no indication of any endangered or threatened wildlife species on the project site.

#### **Scenic River Area**

14. The northern portion of the project site (a portion of Lots 13 and 14) is located within one quarter mile of the Black River. The area of disturbance (i.e., building envelope) on Lot 13 is proposed and authorized within this Scenic River Area, just inside the quarter mile distance. The project site does not contain any shoreline on the Black River or any land within 250 feet of the Black River.

#### **Visual/Aesthetics**

15. The single-family dwellings and accessory structures authorized for Lots 2, 13, 14, and 15 have the potential to be visible from public roads.

#### **Vegetation**

16. Assessment of the project site by a private forester revealed that 90% of the trees on the site are less than 40 years old. The forest, overall, has been repeatedly high graded leaving older, lower grade hemlock and soft maple.
17. Existing development on Lot 5 involves approximately 0.85 acres of disturbance, including the driveway and the clearing around the existing dwelling.

On the 14 building lots, vegetative cutting is allowed within the area of disturbance shown on the Project Plans, ranging in size from 0.45± acres (Lot 14) to 1.21± acres (Lot 7), including driveways. The clearing and grading associated with development of the 14 building lots – 10.7 acres if the entire "area of disturbance" is cleared on each lot – is a small portion (2.7%) of the project site.

While certain forest management and removal of trees is allowed on the 97.3% of the project site located outside the existing and new areas of disturbance, this area will remain open space.

18. As depicted on the Project Plans, all shoreline lots include a 100-foot vegetated shoreline buffer, with certain limited exceptions for existing development, common access improvements, shoreline access paths 6 feet in width, two existing and three new docks, and forest management undertaken pursuant to a Forest Management Plan and under the supervision of a Professional Forester or NYSDEC Forester that incorporates the standards contained in the "New York State Forestry Best Management Practices for Water Quality" Field Guide.

### **Soils**

19. In consultation with Agency staff, a licensed engineer conducted one or more soil percolation tests and evaluated one or more deep-hole soils test pits in the location of each authorized on-site wastewater treatment system. The location of each percolation test and each acceptable deep-hole test pit is shown on the Project Plans, and the Agency-approved data from each pit and test is provided on the Project Plans.

### **Slopes**

20. Project site elevations range from 1,318± feet above MSL to 1,410+ feet above MSL. Slopes on the project site range from 0 to 25%. Existing topography and driveway profiles are depicted on the Project Plans. The authorized areas of disturbance (i.e., building envelopes) have been located and configured to avoid slopes greater than 25%.
21. On-site wastewater treatment system absorption fields have been located on existing slopes of 15% or less.
22. Centerline profiles for all driveways are depicted on the Project Plans. The final slope grades do not exceed 15% over any length or 12% average grade over any 150-foot-length, with one exception. There is a 145-foot-long section of the driveway on Lot 6 that follows an existing woods road and has slopes of 13.3% and 14.3% in that section.

### **Historic Sites or Structures**

23. There are no structures greater than 50 years old on or visible from the project site, and the site is not within an archeologically sensitive area as mapped by the Office of Parks, Recreation, and Historic Preservation.

### **Nearby Land Uses**

24. The Adirondack Park boundary is the western boundary of the project site. The Black River Wild Forest is the eastern boundary of the project site. Additional lands designated Low Intensity Use are north and south of the project site, including both forested and residential uses. The project site is 7.2± miles east of the community of Forestport (by road) and 3.3± miles north of the Hinckley Reservoir (measured in a straight line). The project site is in the Remsen Central School District.

25. Within a mile of the project site, Reeds Mills Road and Enos Road have a rural and forested character, with predominant uses being residential and forested open space. In the Low Intensity Use land use area within the Park boundary and within one mile of the project site, there are approximately 40 existing residential structures on lots ranging in size from 0.5 acres to 55 acres.

### **Access**

26. Existing access to the project site is from Reeds Mills Road (a/k/a Farr Road) and Enos Road. Private driveways will connect these public roads to the building site on each lot. Driveways between Lots 8 and 9 and between Lots 11 and 12 will be shared. Driveways on Lots 1, 6, 7, 10, 13, 14, and 15 follow existing wood roads. Driveway lengths range from 110± feet (Lot 2) to 815± feet (Lot 7). Driveway slopes range from less than 5% (Lots 10 – 13) to 14.3% (Lot 6). Driveway slopes are all less than 12 percent, except for a 145-foot-long section of the driveway on Lot 6, which follows an existing woods road.
27. A letter dated July 14, 2018 from the Town of Ohio Codes Enforcement Official states that Farr Road is a town-owned and maintained gravel road, maintained year-round, and is adequate to support the proposed number of lots.
28. A letter dated July 10, 2018 from the Town of Russia Planning Board Chairman states that Enos Road and Reeds Mills Road/Farr Road are town-owned and maintained paved and gravel roads that are adequate to support the proposed number of lots.
29. Common access across Lot 1 to and use of a dock on Maple Lake will be provided for owners of Lots 2, 3, 4, and 7.

### **Density**

30. A mathematical calculation of the overall intensity guidelines, not considering resource-based site constraints, is for a maximum of 125 principal buildings on the project site (401.51± acres after subtraction of the area of Maple Lake), in addition to the one existing principal building (a single-family dwelling) on Lot 5. Fourteen new single-family dwellings (each a principal building) are authorized by this permit. The permittee proposed to retain and allocate 30 additional building rights among the 15 authorized lots and to extinguish the potential for the remaining 81 building rights.

### **Infrastructure**

#### **Wastewater**

31. An on-site wastewater treatment system constructed as located and depicted on the Project Plans will comply with all applicable New York State Department of Health and Agency standards.

32. Lot 5 contains an appropriate area for the construction of a replacement wastewater treatment system that will comply with all applicable New York State Department of Health and Agency standards.

### **Stormwater Management and Erosion and Sediment Control**

33. Clearing, grading, and new impervious areas can result in erosion and sedimentation and increased stormwater runoff. The impacts associated with untreated stormwater runoff and erosion and sedimentation include declining water quality, diminished groundwater recharge and quality, stream channel and wetland impacts, increased flooding, floodplain expansion and impacts to aquatic organisms.

### **Public Notice and Comment**

34. The Agency notified all adjoining landowners and other parties and published a Notice of Complete Permit Application in the Environmental Notice Bulletin, as required by the Adirondack Park Agency Act. One comment letter was received, suggesting that the Agency review the proposal more comprehensively, including future subdivision, and require permanent development restrictions to protect ecological resources.

### **Local, State, and Federal Review**

35. Any disturbance to the bed or bank of Muskrat Brook will require a permit from the NYSDEC.

## **PROJECT IMPACTS**

### **Visual**

36. Requiring all new single family dwellings and accessory structures to be located within the area of disturbance on each lot and restricting the height of each structure; restricting the exterior colors of new dwellings and accessory structures with the potential to be visible from Reeds Mills Road and Enos Road; restricting vegetation removal within 75 feet of the centerline of Reeds Mills Road and Enos Road, as conditioned herein with limited exceptions; and restricting development activities and vegetation removal within 100 feet of the MHWL of Maple Lake, as conditioned herein with limited exceptions, will help to screen development and maintain the rural, forested character of these travel corridors and Maple Lake.
37. Requiring new outdoor lights to employ full cut-off fixtures will reduce nighttime light pollution (glare, light trespass and sky glow) and minimize the light cast toward Maple Lake, the Black River Wild Forest, the Black River, public roads, or adjoining property.

**Wetlands/Vegetation/Habitat**

38. Provided the development authorized herein is undertaken in the location depicted on the Subdivision Map and Project Plans and in accordance with the conditions of the permit, the entire wetland will be preserved, without any loss of values.
39. Prohibiting docks and boathouses on Lots 2, 3, 4, and 7 and providing alternate access and use of the shoreline access right-of-way on Lot 1 will limit impacts to the shoreline wetlands on Lots 2, 3, 4, and 7.
40. Docks authorized herein are located in areas where deep water marsh vegetation is absent and with direct access to water that is sufficiently deep to allow for the use of a small motor boat in a manner that will not result in propeller dredging of sediments or impacts to the deep water marsh.
41. Requiring written authorization prior to any change in the authorized location of development, any further subdivision, and any additional dwellings, other principal buildings, or accessory structures on the project site will allow the Agency to ensure that the location and manner of construction will not adversely impact wetlands. A new or amended permit will be required for any future activity that involves wetlands pursuant to 9 NYCRR § 578.
42. Restricting development activities and vegetation removal within 100 feet of the MHWL of Maple Lake and within 35 feet of wetlands and streams, as conditioned herein with limited exceptions, will provide food, habitat and cover to wildlife that use riparian areas.
43. Requiring lot owners to either obtain prior written Agency authorization or prepare and follow a Forest Management Plan for any tree removal outside the authorized area of disturbance will ensure protection of riparian and upland habitats from harvesting impacts.
44. Requiring prior written Agency authorization of any repair, replacement or removal of the dam on Lot 1 will allow the Agency to ensure that wetland resources are protected.
45. The use of motorized personal watercraft or motorized watercraft with motors that exceed 10 horsepower could adversely impact wetlands in and adjacent to Maple Lake.

**Invasive Species**

46. Requiring inspection and cleaning of construction vehicles and tools prior to use on the project site or after use in an area with invasive plant species will reduce the likelihood of spreading invasive plants to the project site and adjoining properties, or within the project site. Furthermore, 6 NYCRR Part 575 of NYSDEC's Rules and Regulations prohibits the sale, import, purchase, transport, introduction, or propagation of any prohibited invasive species, as listed by 6 NYCRR 575.3.

**Soils/Surface Waters/Groundwater**

47. Requiring prior Agency review and written approval of any guest cottage will ensure appropriate treatment of wastewater and protection of groundwater and surface water resources.
48. Construction of new and replacement on-site wastewater treatment systems in accordance with the Project Plans will protect groundwater and surface water resources.
49. Requiring stormwater management, erosion and sediment control, and grading to be undertaken by the individual lot owners in compliance with the Stormwater Plan will serve to protect groundwater and surface water resources.
50. Restricting development activities and vegetation removal within 100 feet of the MHWM of Maple Lake and within 35 feet of wetlands and streams, as conditioned herein with limited exceptions, will serve to reduce stormwater runoff volumes, assist in treatment of runoff, and protect soil and water resources.
51. Installation of the driveways in the locations depicted and in accordance with Project Plans will serve to protect soil, groundwater, and surface water resources.
52. Restricting the footprint of new principal buildings (to 3,600 square feet) and of accessory structures (to 2,500 square feet and 350 square feet) on each lot will comport with the Stormwater Plan and will serve to protect soil, groundwater, and surface water resources.
53. Requiring prior written Agency authorization of any repair, replacement or removal of the dam on Lot 1 will serve to protect soil, groundwater, and surface water resources and ensure compliance with the Agency's Shoreline Restrictions.

**Historic Sites or Structures**

54. The project will not cause any change in the quality of "registered," "eligible," or "inventoried" property as those terms are defined in 9 NYCRR § 426.2 for the purposes of implementing § 14.09 of the New York State Historic Preservation Act of 1980.

### **CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, and 9 NYCRR Part 574. The Agency hereby finds that the subdivision authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Low Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity Use land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act;
- e. will not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Park or upon the ability of the public to provide supporting facilities and services made necessary by the project;
- f. will secure the natural benefits of wetlands associated with the project, consistent with the general welfare and beneficial economic, social, and agricultural development of the state;
- g. will result in minimal degradation or destruction of the wetland or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives;
- h. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- i. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- j. will not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.



PERMIT issued this       day  
of                      , 2018.

ADIRONDACK PARK AGENCY

BY: \_\_\_\_\_  
Richard E. Weber III  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the       day of                      in the year 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard E. Weber III, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

REW:ADL:slp