


**THIS IS A TWO-SIDED DOCUMENT**

 <p><b>Adirondack Park Agency</b></p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 Fax: (518) 891-3938 www.apa.ny.gov</p>	<p>APA Permit <b>2019-0023</b></p>
<p>In the Matter of the Application of</p> <p><b>JOHN R. LOOES</b> <b>Permittee</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: October 17, 2019</p> <p>To the County Clerk: This permit must be recorded on or before December 16, 2019. Please index this permit in the grantor index under the following names: <b>1. John R. Looes</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a seven-lot subdivision and the construction of six single-family dwellings in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Black Brook, Clinton County.

This permit shall expire unless recorded in the Clinton County Clerk's Office on or before December 16, 2019, 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 183±-acre parcel of land located on Bonnie View Road and Silver Lake Road (C.R. 1) in the Town of Black Brook, Clinton County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 330, Block 1, Parcel 5, and is described in a deed from Jean Looes to John R. Looes, dated March 30, 2005, and recorded April 6, 2005 in the Clinton County Clerk's Office under Instrument Number 2005-00181137.

The project site contains shoreline on Newberry Pond, an approximately 45-acre impoundment of the Little Black Brook controlled by a concrete dam located at the pond's southern end. Wetlands located on the project site include a conifer swamp with a value rating of "4" located northwest of an existing woods road and a mixed conifer swamp/shrub swamp complex located near Silver Lake Road with a value rating of "3." The project site also contains wet meadow covertype wetlands along most of the shoreline of Newberry Pond which adjoin areas of deepwater marsh within the pond and have a value of "3." Additional wetlands not described herein or depicted on the project plans may be located on or adjacent to the project site.

The project site is improved by a single-family dwelling with an attached garage apartment and several detached accessory structures, including a dock on Newberry Pond.

The project site was created as "Lot 4" and "Lot 8" an eight-lot subdivision as authorized by Agency Permit 89-464A.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a seven-lot subdivision to create six residential building lots ranging in area from 3.05-acres to 4.65-acres, and one 162±-acre lot containing existing residential development (Lot 7). A location for the construction of one single-family dwelling and an individual on-site wastewater treatment system and well water supply has been identified for each of the six building lots. An existing woods road will provide access to lots 1 through 6 from Silver Lake Road. This access road, the trail to the shoreline, and the common area along the shoreline of Newberry Pond will be retained as a part of Lot 7, and an easement will be provided to the individual lot owners for use of the road and common area.

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

- A survey map titled, "Map Showing a Subdivision Called Mountain View Estate, MVLE," prepared by John Martino, with a final revision date of July 26, 2019 (Survey);
- A set of plans titled, "Mountain View Estate MVLE," prepared by Thomas J. Lombard, P.E., with a final revision date of June 4, 2019 (Site Plans); and
- A stormwater pollution prevention plan for erosion and sediment control titled, "Mountain View Estate MVLE," prepared by Thomas J. Lombard, P.E., dated November 20, 2018 (Stormwater Pollution Prevention Plan).

Reduced-scale copies of the Survey and the Site Plan and Details sheet shown on Sheet C1 of the Site Plans for the project are 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**

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any subdivision involving wetlands in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to any subdivision involving 10 or more lots, parcels, or sites in a Low Intensity Use land use area in the Adirondack Park.

This permit amends Condition 2 of Project and Permit 89-464A.

### **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 Clinton 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 the Site Plans shall be furnished by the permittee to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittee and/or any subsequent owner or lessee to all persons undertaking any development activities authorized herein.
3. In addition to complying with all terms and conditions of this permit, all future activities on the project site shall be undertaken in compliance with the requirements of New York State's Adirondack Park Agency Act, Freshwater Wetlands Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This Permit amends and supersedes Permit 89-464A in relation to the project site. The terms and conditions of Permit 89-464A shall no longer apply to the project site.

### **Deeds**

#### **Recordation**

5. All deeds conveying all or a portion of the lands subject to this permit shall contain references to this permit as follows: "The lands conveyed are subject to Adirondack Park Agency Permit 2019-0023, issued October 17, 2019, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

### **Subdivision**

6. Subject to the conditions stated herein, this permit authorizes a seven-lot subdivision as depicted on the Survey. Any subdivision of the project site not depicted on the Survey, including any separate conveyance of the portion of Lot 7 that is reserved for access easements, shall require a new or amended permit.
7. Any deed of conveyance for lots 1 through 6 as depicted on the Survey shall contain an easement providing access and utility rights to lots 1 through 6 over the access road located on Lot 7 as shown and described in the Project Plans. Any deed of conveyance for lots 1 through 6 shall also contain an easement allowing for the use by foot traffic only of the trail to the shoreline and common area on Lot 7 as depicted on the Survey.

### **Development**

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

8. Subject to the conditions stated herein, this permit authorizes the construction of one single-family dwelling on lots 1 through 6 in the locations shown on the Site Plans. The single-family dwellings shall be no more than 30 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. The single-family dwellings shall be no more than 4,000 square feet in footprint, including all attached porches, decks, exterior stairs, garages, and other attached structures. Any expansion beyond these dimensions shall require prior written Agency authorization.
9. Subject to the conditions stated herein, this permit authorizes the construction of one accessory structure on each of lots 1 through 3, provided they are located within 100 feet of the authorized single-family dwelling and do not exceed a footprint of 600 square feet or a height of 30 feet.
10. Two accessory structures may be constructed on each of lots 4 through 6 without further Agency review, provided they are located at least 100 feet from the wetland boundary and do not exceed a footprint of 600 square feet or a height of 30 feet.
11. The construction of any new dwelling or other principal building on Lot 7 shall require a new or amended permit. Accessory structures may be constructed on Lot 7 within 500 feet of the existing dwelling or any existing accessory structure without further Agency review, provided they are not located within 150 feet of Newberry Pond or other adjoining property, and do not exceed a footprint of 1,250 square feet of floor space or a height of 30 feet.

#### **Guest Cottages**

12. Construction of any guest cottage on the project site shall require prior written Agency approval.

### **Boathouses**

13. No boathouse shall be constructed on the project site without prior written Agency approval.

### **Docks**

14. This permit authorizes the construction of one dock in the location shown and as depicted on the Site Plans, in addition to the existing dock associated with the single family dwelling located on Lot 7. No other dock shall be constructed on the project site without prior written Agency approval.

### **Outdoor Lighting**

15. 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 Newberry Pond or adjoining property. There shall be no new lighting installed on the trail to the shoreline or the common area along the shoreline of Newberry Pond without prior written Agency approval.

### **Building Color**

16. All exterior building materials, including roof, siding and trim, of any structure on lots 1 through 3 and Lot 6 shall be a dark shade of green, grey, or brown.

### **Tree Cutting and Vegetation Removal**

17. Between Newberry Pond and the Area of Disturbance/Limits of Clearing shown on the Site Plans, no trees, shrubs or other woody-stemmed vegetation may be cut, trimmed, pruned, or otherwise removed on lots 1 through 3 without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
18. Within 100 feet of the wetland boundary shown on the Site Plans, no vegetation may be cut, trimmed, pruned or otherwise removed on lots 4 or 5 without prior written Agency authorization, except for within the Area of Disturbance/Limit of Clearing shown on Lot 4 on the Site Plans and for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
19. Between the northwest boundary of Lot 6 and the Area of Disturbance/Limit of Clearing shown on the Site Plans for Lot 6, no trees, shrubs or other woody-stemmed vegetation may be cut, trimmed, pruned or otherwise removed without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

20. Within 150 feet of the mean high water mark of Newberry Pond or within 100 feet of any wetland boundary, no trees, shrubs or other woody-stemmed vegetation may be cut, trimmed, pruned or otherwise removed on Lot 7 without prior written Agency authorization, except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
21. Between April 1 and October 31, no tree cutting shall occur on Lots 1 through 6, except for the removal of any tree that presents a safety or health hazard.
22. Between April 1 and October 31, no snag or cavity tree on Lot 7 shall be removed or disturbed without prior written Agency authorization, except for the removal of any snag or cavity tree that presents a safety or health hazard.

#### **Wetlands**

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

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

24. 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.

#### **Density**

25. There shall be no more than one principal building located on each of lots 1 through 6.

#### **Infrastructure**

##### **Wastewater**

26. Any on-site wastewater treatment system(s) on lots 1 through 6 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 Site Plans and described in 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 utilization, 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**

27. The project shall be undertaken in compliance with Site Plans and the Stormwater Pollution Prevention Plan for erosion and sediment control.

### **CONCLUSIONS OF LAW**

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

- a. will 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; and
- g. will be compatible with preservation of the entire wetland and will not result in degradation or loss of any part of the wetland or its associated values.

PERMIT issued this       day  
of                               , 2019.

ADIRONDACK PARK AGENCY

BY: \_\_\_\_\_  
Robert J. Lore  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the       day of                               in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert J. Lore, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity, and that by their signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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Notary Public

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