


THIS PERMIT RENEWS PERMIT 2000-156 ISSUED AUGUST 31, 2001,
PERMIT 2000-156R ISSUED JULY 5, 2005, and
PERMIT 2000-156R2 ISSUED JULY 13, 2009
THIS IS A TWO SIDED DOCUMENT

 <p>P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050</p>	<p>APA Project Permit 2000-156R3</p>
<p>In the Matter of the Application of JOHN CAUFIELD and LINDA CAUFIELD for a permit pursuant to §809 of the Adirondack Park Agency Act and 9 NYCRR Part 577</p>	<p>Date Issued: September 17, 2013</p> <p>To the County Clerk: This permit must be recorded on or before November 18, 2013. Please index this permit in the grantor index under the following names: 1. John Caufield 2. Linda Caufield</p>

SUMMARY AND AUTHORIZATION

John and Linda Caufield are granted a third renewal of an Agency permit, on conditions, authorizing a temporary subdivision into sites for construction of a single family dwelling and guest cottage both with municipal water supply and shared on-site wastewater treatment system within 1/4 mile of the North Branch of the Moose River, a designated Recreational River. The proposed project is located within the Resource Management land use area in the Town of Webb, Herkimer County.

This project may not be undertaken, and no transfer deed shall be recorded, until this renewed permit is recorded in the Herkimer County Clerk's Office. This renewed permit shall expire unless so recorded on or before November 18, 2013 in the names of all persons listed on the first page hereof and in the names of all owners of record of any portion of the project site on the recordation date.

This 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 upon installation of the shared on-site wastewater treatment system.

Nothing contained in this permit shall be construed to satisfy any legal obligations of the applicant to obtain any governmental approval or permit from any entity other than the Agency, whether federal, State, regional or local.

AGENCY JURISDICTION

The project consists of a temporary subdivision into sites and the construction of a single family dwelling, both a Class A and Class B regional project requiring an Agency permit pursuant to Section 810(1)(e)(3) and Section 810(2)(d)(1) of the Adirondack Park Agency Act. In addition, the project is a rivers project requiring an Agency permit pursuant to 9 NYCRR 577.4(a) and 577.5(c)(1).

PROJECT SITE

The project site is a 5.9±-acre parcel of land located at the terminus of Pine Street, and contains 750± feet of shoreline on the North Branch of the Moose River in the Town of Webb, Herkimer County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is also within 1/4 mile of the North Branch of the Moose River, a statutorily designated Recreational River area. It is identified on Town of Webb Tax Map as Section 41, Block 1 Parcel 33.1. The project site is described in two deeds, the first is from DNRJR Trust (Douglas N. Rice, Jr. as Trustee) to John and Linda Caufield dated July 18, 2001 which was recorded July 31, 2001 in Liber 896 of Deeds at page 141 in the Herkimer County Clerk's Office. The second deed is from F. Eugene Romano, Sarah Cohen (a/k/a Comstock) and Linda Cohen Scalem to John and Linda Caufield dated July 18, 2001 which was recorded July 31, 2001 in Liber 896 of Deeds at page 136 in the Herkimer County Clerk's Office.

PROJECT DESCRIPTION AS PROPOSED

The renewed project is summarized as follows: The applicants seek approval for a temporary subdivision into sites for construction of a one-story 20 ft. x 12 ft. guest cottage to be temporarily used as a single family dwelling and a new two-story, 4 bedroom 66 ft. x 57 ft. single family dwelling, both connected to a municipal water supply and a shared on-site wastewater treatment system located greater than 100 ft. from the mean high water mark (MHWM) of the North Branch of the Moose River. Both of the dwellings are greater than 150 feet from the mean high water mark of the North Branch of the Moose River. The 20 ft. x 12 ft. dwelling will be converted into a guest cottage upon completion of the 66 ft. x 57 ft. single-family dwelling. The dwelling will not exceed 35 feet in height. Utilities will be extended over head from Pine Street. Also proposed is an 8 ft. x 8 ft. dock along the shoreline of the North Branch of the Moose River.

This information is contained within the application materials and is shown on a non-scaled site/sketch plan entitled "Proposal III" drawn by Linda Caufield, and received by the Agency on September 21, 2000. A reduced-scale copy of the Site Plan Map/Sketch Plan referenced above is attached as a part of this permit.

The project as originally proposed and authorized has been partially undertaken. The applicants have constructed the 20 ft. x 12 ft. guest cottage, but have not connected to the municipal water supply or installed the shared on-site wastewater treatment system. The guest cottage is not being used as a single family dwelling at this time. The foundation for the 66 ft x 57 ft. single family dwelling has not been installed. The applicant has requested the Agency issue a renewed permit to allow the project to continue, and to be completed as originally proposed and authorized. No changes to the project are proposed.

CONDITIONS

BASED UPON THE FINDINGS BELOW AND INFORMATION CONTAINED IN THE PROJECT FILE, THE AMENDED PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The renewed project shall be undertaken as described in the request for an amended permit and the Project Description as Proposed herein, and in compliance with the Conditions herein. In the case of conflict, the Conditions control. Failure to comply with the permit is a violation and may subject the applicant, successors and assigns to civil penalties and other legal proceedings, including modification, suspension, or revocation of the permit.
2. This permit is binding on the applicant(s), all present and future owners of the project site and all contractors undertaking all, or a portion of the project. Copies of this permit and the site plan map(s) referred to herein shall be furnished by the applicant to all subsequent owners or lessees of the project site prior to sale or lease; and by the applicant and/or any subsequent owner; or lessee to all contractor(s) undertaking any construction activities pursuant to the permitted project. 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 2000-156 issued July 3, 2001, Permit 2000-156R issued July 5, 2005, Permit 2000-156R2 issued July 13, 2009, and Permit 2000-156R3 issued September 17, 2013 the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

3. The Agency may conduct such on-site investigations, examinations, tests and evaluations as it deems necessary to ensure compliance with the terms and conditions hereof. Such activities shall take place at reasonable times and upon advance notice where possible.

Projected Remaining Building Density

4. After completion of construction of the 20 ft. x 12 ft. single-family dwelling, construction of the 66 ft. x 57 ft. dwelling, and conversion of the 20 ft. x 12 ft. dwelling into a guest cottage, no additional principal building shall be allowed on Town of Webb Tax Map Parcel 41-1-33.1. The guest cottage shall be converted within 60 days of completion of the second single-family dwelling and will conform to all stipulations of the regulatory definition of guest cottage that is in existence at the time of its conversion. In no case shall the 20 ft. x 12 ft. dwelling (and its subsequent conversion to a guest cottage) be enlarged or relocated without prior Agency review and approval in the form of a new or amended permit.
5. Any change in the size of the footprint or in the design of the 66 ft. x 57 ft. single-family dwelling as described and authorized herein will require prior Agency review and approval in the form of a new or amended permit.

Building Location and Size

6. This permit authorizes the completion of construction of the one-story 240± square foot temporary single-family dwelling/guest cottage in the location shown on the project plans. This permit also authorizes the construction of one-story single-family dwelling in the location shown on the project plans, and the dwelling shall not exceed a footprint of 3,800 square feet, including all covered and uncovered attached porches, decks, exterior stairs and attached garage. The dwelling shall not exceed 35 feet in height as measured from the highest point on the structure, including the chimney, to the lowest point of existing grade or finished grade, whichever is lower.

Building Color

7. All exterior building materials, including roof, siding, and trim, used to surface the exterior of the dwelling and guest cottage authorized herein shall be of a color which blends with the existing vegetation. The Agency will, upon request, advise whether any particular proposal complies with this condition.

Outdoor Lighting

8. Any new freestanding and building-mounted outdoor lights shall use motion detector switches to temporarily light areas, and shall employ full cut-off fixtures; that is, they shall be fully shielded to direct light downward and not into the sky. The fixtures shall be oriented so as to not cast light toward the North Branch of the Moose River, Pine Street, or nearby and adjoining properties. The intent is to reduce nighttime light pollution (glare, light trespass, and sky glow).

Wetlands

9. Beyond that authorized herein, no "regulated activity" as defined in the Agency's Freshwater Wetland Regulations (9 NYCRR Part 578) shall occur on the project site without prior Agency approval. Such activities include, but are not limited to, new land use or development in, subdivision of, clearcutting more than three acres within, or dredging or filling of a wetland, or any other activity, whether or not occurring within the wetland, which pollutes it or substantially impairs its functions, benefits, or values.
10. New land use or development within 50 feet of wetlands will require prior Agency review and approval in the form of a new or amended permit.

Wastewater Treatment

11. The shared on-site wastewater treatment system shall be adequately sized to serve both dwellings prior to occupancy of the 20 ft. x 12 ft. single-family dwelling.
12. The wastewater treatment system for the project site shall be a conventional absorption trench system with a minimum of two vertical feet from seasonal high ground water and shall be installed on the project site in the location shown on the site plan referenced herein. The system shall comply with New York State Department of Health's "Wastewater Treatment Standards for Individual Household Systems", the Agency's "Guidelines for On-site Sewage Disposal Systems (10 NYCRR Appendix 75-A)", and with Agency standards in 9 NYCRR Appendix Q-4.
13. The on-site wastewater treatment system shall consist of an appropriately sized septic tank, pump station (if necessary), distribution box, and conventional trench absorption field. Prior to installing the new on-site wastewater treatment system, Agency approval in the form of a letter of permit compliance

shall be obtained for plans prepared by a New York State Licensed Professional Engineer submitted to the Agency for its review. Installation of the system shall be under the supervision of a licensed design professional (licensed Professional Engineer, Registered Architect, or exempt Licensed Surveyor).

Within 30 days of complete system installation and prior to utilization, the design professional must provide the Agency with written certification that the system was built in compliance with the approved plans.

14. If the applicant chooses to construct a separate on-site wastewater treatment system for each dwelling, prior Agency review and approval in the form of a new or amended permit will be required prior to any ground disturbance for installation of any on-site wastewater treatment system on the project site.

Visual/Open Space Protection

15. Within 100 feet of the centerline of Pine Street, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed except for an area not to exceed 25 feet in width for driveway maintenance and utility installations. This condition shall not be deemed to prevent the removal of dead or diseased vegetation or of rotten or damaged trees or of other vegetation that presents a safety or health hazard.
16. Other than vegetative cutting which is necessary for the construction of the single-family dwelling, guest cottage, driveway, shared on-site wastewater treatment system, and installation of the municipal water supply, no additional vegetation on the project site may be removed without prior Agency review and approval in the form of a new or amended permit.

Shoreline Cutting

17. With regard to the shoreline of the North Branch of the Moose River, from the top of the slope of the development area to the shoreline along the river, no vegetation shall be cut, culled, trimmed, or pruned without prior Agency review and approval. This condition shall not be deemed to prevent the removal of dead or diseased vegetation or of rotten or damaged trees or of other vegetation that presents a safety or health hazard.

18. Vegetative cutting for a footpath to the river or for filtered views of the river as seen from the dwellings will require prior Agency review and approval in the form of a new or amended permit from the Agency.

Wild, Scenic and Recreational Rivers Special Provisions

19. Inside and within 100 feet of the mean high water mark of the North Branch of the Moose River, no trees or other vegetation shall be harvested, cut, culled, removed, thinned, or otherwise disturbed without prior Agency review and approval in the form of a new or amended permit. Forest management activities between 100 feet from the mean high water mark of the river and one-quarter mile shall meet the standards and conditions of the Agency's river regulations (9 NYCRR 577.6).

Shoreline Setbacks

20. All new buildings, decks and other structures (except for fences, poles, lean-tos, docks, boathouses, bridges, and stream improvement structures for fishery management purposes) shall be set back a minimum of 150 feet from the mean high water mark of the North Branch of the Moose River.

Boathouses

21. No boathouse shall be constructed on the project site without prior Agency review and approval in the form of a new or amended permit.

Docks

22. The proposed 8 ft. x 8 ft. dock shall be located as shown on the site plan map/sketch plan beyond any wetlands. No change in its size or location shall occur without prior Agency review and approval in the form of a new or amended permit.
23. The dock may extend into or over the river from only that portion of the immediate shoreline necessary to attach the floating structure to the shoreline. The dock shall be no wider than eight feet in width. The dock shall only be used for the purposes of securing and loading or unloading watercraft and for swimming or water recreation and shall be installed and removed seasonally. No permanent structural attachment of the dock to the shoreline of the North Branch of the Moose River shall be permitted.

Legal Interests of Others

24. 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 undertake the authorized project or subdivision, nor does it authorize the impairment of any easement, right, title or interest in real or personal property held or vested in any person.

Review of Future Development

25. There shall be no further land use and development on the project site without an additional or amended permit from the Agency.

FINDINGS OF FACT

Renewal Request

1. Agency Permit 2000-156 authorized a subdivision into sites and the construction of one new single-family and guest cottage with municipal water supply and a shared on-site wastewater treatment system; also authorized was installation of an 8 ft. x 8 ft. dock. The permit was issued on July 3, 2001 and recorded on September 4, 2001 in the Herkimer County Clerk's Office in Book 4 of APA Permits at page 377.
2. The first renewal of Agency Permit 2000-156R was issued on July 5, 2005 and recorded on August 4, 2005 in the Herkimer County Clerk's Office in Book 1112 of APA Permits at page 649.
3. The second renewal of Agency Permit 2000-156R2 was issued on July 13, 2009 and recorded on August 5, 2009 in the Herkimer County Clerk's Office as Instrument #00153445.
4. In an inquiry from the applicant on August 1, 2013, and a subsequent letter dated August 8, 2013, a request was made for a third renewal of Permit 2000-156. To date, the project has been partially undertaken with the construction of the 20 ft. x 12 ft. single-family dwelling having occurred. Municipal water supply and installation of the on-site wastewater treatment system have not yet been installed, nor has the dock been installed. The applicant states the reason for not undertaking the project was due to sale of their locally owned existing commercial business, retirement, and potentially selling the project once the economy rebounds.

Background/Prior History

5. Town of Webb Tax Map Parcel 41-1-33.1 was not part of a larger parcel on May 22, 1973, the enactment date of the Adirondack Park Agency Act because Town of Webb Tax Map Parcel 41-1-33.2 was created prior to the Adirondack Park Agency Act. Town of Webb Tax Map Parcel 41-1-33.2 (2.0" acres) was created and is described in a deed from Old Forge Realty Corporation to Irene H. Clark dated December 1, 1971, and was recorded on June 12, 1973 in the Herkimer County Clerk's Office in Liber 628 of Deeds at Page 268.
6. The project site has been the subject of previous Agency action. Jurisdictional determinations J2000-151 dated April 6, 2000 and J2000-292 dated June 8, 2000 issued by the Agency determined a permit would be required for the construction of a single family dwelling within a Resource Management land use area and as a rivers project.

Existing Environmental Setting

7. Wetlands are present on the project site, and are associated along portions of the shoreline, the floodplain, and within the mean high water mark of the North Branch of the Moose River. Pursuant to 9 NYCRR Part 578.5, the floodplain and wetlands are within the mean high water mark of the river, are greater than 20 acres in size, and has a value rating of "1".
8. Soils on the project site in the vicinity of the proposed on-site wastewater treatment system consist of soils in the Colton/Adams soil series. Adams soils consist of a deep, well drained to excessively drained soils on sand plains. Colton soils consist of deep excessively drained soils on outwash terraces, kames, and eskers. The depth to seasonal high groundwater in the area of the proposed on-site wastewater treatment system is greater than 48 inches.
9. Slopes on the proposed building envelope range from 5 percent to 11 percent. Slopes leading up to the plateau range from 10 percent to greater than 30 percent on the shoreline side of the parcel. The proposed dwellings will be screened from the river due to intervening vegetation and the 150-foot structure setback from the mean high water mark of the river. The proposed driveway to the building envelope will utilize a large portion of an existing woods road, after which a new driveway will be constructed that will traverse a 10 percent side slope.

10. An approximate 25 to 50 foot-wide swath of open water and floodplain area with scrub shrub wetland vegetation intervenes between the toe of slope associated with the development area and the river proper. Small bays and eddies allow access to the river, and provide an area for placement of the 8 ft. x 8 ft. dock such that it will not be visible while traveling on the river corridor and will not be located within the wetlands.
11. The North Branch of the Moose River is a designated Recreational River, and is extensively used by paddlers using canoes and kayaks. The proposed development is elevated from the river by approximately 30 feet, with intervening vegetation on both the slope to the river and on the development area. Filtered views of the river may be possible with selective pruning and limited vegetative cutting provided it receive prior Agency review and approval.
12. Vegetation on the project site contains a mix of mature coniferous and deciduous vegetation consisting of hemlock, balsam fir, white pine, yellow birch, sugar maple, and red maple.
13. The area surrounding the project site can be characterized as containing a residential neighborhood containing year-round homes that borders on the hamlet of Webb. Municipal water is available to service the neighborhood, with the homes in the area utilizing individual on-site wastewater treatment systems.

Other Regulatory Permits and Approvals

14. Pursuant to a Conditional Use Permit dated June 28, 2000, the Town of Webb Planning board granted approval for construction of one new single family dwelling and accessory building.
15. In order to assure compliance with the overall intensity guidelines and the regulatory definition of a guest cottage, any change in size to either dwelling will require prior Agency review and approval.

PROJECT IMPACTS

Wetlands

16. Adverse impacts to wetlands will be avoided provided the on-site wastewater treatment system is installed in the location shown on the site/sketch plan, and is adequately sized to serve both the guest cottage and single-family dwelling.

17. Placement of the proposed 8 ft. x 8 ft. floating dock along the shoreline of the river beyond the limits of wetlands will not adversely impact the wetlands provided the dock is anchored so it can rise and fall with the fluctuating water level of the river, is not permanently anchored to the shoreline, and is removed seasonally.

Water Resources

18. Adverse impacts to the North Branch of the Moose River, surface waters, wetlands, and groundwater will be avoided provided installation of the proposed wastewater treatment system is installed in strict compliance with all applicable New York State Department of Health and Agency standards.

Navigable Shorelines

19. Adverse impacts to the integrity of the shoreline of the North Branch of the Moose River will be avoided provided a "no-cut" vegetative buffer zone is maintained from the mean high water mark of the river up beyond the top of the slope to the development area. This will ensure that the increased potential for slope failure, erosion, and sedimentation into the river is avoided.
20. Selective vegetative cutting for views of the river from the proposed dwelling should require prior Agency review and approval to evaluate the potential for impacts to the shoreline and wetlands on the project site.

Open Space/Aesthetics

21. Use of earth-toned colors to blend with the existing surrounding vegetation, use of exterior lights with full cut off fixtures on motion detector switches and vegetative cutting restrictions will help to ensure that potential adverse open space impacts to the river corridor, and nearby and adjoining properties will be avoided.

Designated River Area

22. The project site is located within a statutorily designated Recreational River Area. The proposed dwelling and guest cottage will be located greater than 150 feet from the mean high water mark of the North Branch of the Moose River. New land use and development on the project site, other than that authorized

herein, should receive prior Agency review and approval to evaluate the potential for adverse impacts to the river corridor, water quality, the shoreline, and adjoining land uses.

Historic Sites or Structures

23. The project site contains no structures or sites as shown on the New York State Archeological Sensitivity Map. Therefore, the project as proposed and authorized herein 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 Section 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 as set forth in Section 809(10) of the Adirondack Park Agency Act (Executive Law, Article 27) and 9 NYCRR Part 574; §15-2709 of the NYS Wild, Scenic and Recreational Rivers System Act (ECL, Article 15, Title 27) and 9 NYCRR Section 577.8. The Agency hereby finds that the project is approvable and complies with the above criteria, provided it is undertaken in compliance with the conditions herein.

PERMIT issued this day
of , 2013.

ADIRONDACK PARK AGENCY

BY: _____
Terry Martino, Executive Director

STATE OF NEW YORK)
) ss.:
COUNTY OF ESSEX)

On the day of in the year 2013, before me, the undersigned, a Notary Public in and for said State, personally appeared Terry Martino, 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

TM:REW:PVC:VY:mlr