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|  <p>P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050</p> | <p>APA Project Permit 2005-54R2</p> |
| <p>In the Matter of the Application of ANNE Z. HARTSIG for a permit pursuant to §809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p> | <p>Date Issued:</p> <p>To the County Clerk: This permit must be recorded on or before _____. Please index this permit in the grantor index under the following names: 1. Anne Z. Hartsig</p> |

SUMMARY AND AUTHORIZATION

Anne Z. Hartsig is granted a renewed permit, on conditions, authorizing a two-lot subdivision involving wetlands and the construction of one single family dwelling in an area classified Moderate Intensity Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Webb, Herkimer County.

This project may not be undertaken until this renewed permit is recorded in the Herkimer County Clerk's Office. This permit shall expire unless so recorded on or before _____, 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 when an authorized lot has been conveyed to an outside party.

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 is a two-lot subdivision involving wetlands, and the construction of a single family dwelling in a Moderate Intensity Use land use area, a Class A regional project requiring an Agency permit pursuant to §809(2)(a) and 810(1)(b)(1)(b) of the Adirondack Park Agency Act, and a regulated activity requiring a wetlands permit pursuant to 9 NYCRR 578.2 and 578.3(n)(3).

PROJECT SITE

The project site is an 8.25±-acre parcel of land located on the northerly side of South Shore Road in the Town of Webb, Herkimer County, and is classified as Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. It is identified on Town of Webb Tax Map Section 39.53, Block 1 as Parcel 1. The project site is described in a deed, dated May 31, 1985, from F. Ross Zornow to Anne Z. Hartsig, and was recorded June 24, 1985 in Liber 700 of Deeds at Page 686 in the Herkimer County Clerk's Office.

PROJECT DESCRIPTION AS PROPOSED

The project as proposed and approved herein involves the subdivision of an 8.25±-acre parcel into two lots.

Lot 1 is a 4.13±-acre lot with 219± feet of shoreline on Fourth Lake and 646± feet of shoreline on Pine Creek. Lot 1 has an existing single family dwelling and accessory structures. This lot will be retained by Anne Z. Hartsig. No new land use or development is proposed.

Lot 2 is a 4.12±-acre vacant lot with 646± feet of shoreline on Pine Creek. A two-story single family dwelling is proposed for Lot 2, with a footprint of no more than 2,000 square feet, a height of no more than 30 feet, and an attached garage with a footprint of no more than 300 square feet. The exterior of the single family dwelling will have an earth tone color. Entrance to the project site will be along an existing driveway shared with the landowner to the south. A new driveway will be constructed from the existing driveway entrance to the proposed building site on Lot 2. The proposed dwelling will be served by a new on-site wastewater treatment system and on-site water supply.

The proposed subdivision, existing development on Lot 1, the proposed limits of clearing and site development on Lot 2, and design details for the wastewater treatment system on Lot 2 are shown on two sheets of plans. Sheet 1 is entitled "Hartsig 2 Lot Subdivision" (site plan) and Sheet 2 is entitled "Hartsig 2 Lot Subdivision, Design Details." These plans were prepared by David W. Bush, P.E., L.S., dated December

30, 2004, last revised on June 1, 2005, and received by the Agency on June 8, 2005. A reduced-scale copy of the site plan is attached as a part of this permit and has been stamped "Final Plans, Adirondack Park Agency, P2005-54, July 25, 2005."

CONDITIONS

BASED UPON THE FINDINGS BELOW, THE PROJECT IS APPROVED SUBJECT WITH THE FOLLOWING CONDITIONS:

1. The renewed project, including the subdivision and associated development, shall be undertaken as described in the completed application, the Project Description as Proposed and 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 renewed permit is binding on the applicant, 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 and wastewater plan referred to herein shall be furnished by the applicant to all contractors prior to undertaking the project, and to all subsequent owners or lessees of the project site prior to sale or lease. 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 2005-54R2, issued _____, 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. This permit authorizes the two-lot subdivision and the construction of one single family dwelling on Lot 2. After the construction of the dwelling on Lot 2, not more than two additional principal building shall be allowed on Lot 2 and not more than two additional principal buildings shall be allowed on Lot 1 unless the overall intensity guidelines of the Adirondack Park Agency Act or the Park Plan Map are amended or, pursuant to the adoption of an Agency-approved local land use program,

refined so as to permit additional principal building(s). Due to site limitations, the Agency makes no assurances the maximum development mathematically allowed can be approved.

Wetlands

5. Beyond that authorized herein (subdivision only), 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.

Wastewater Treatment

6. The on-site wastewater treatment system shall be installed on Lot 2 in the location and of the design shown on the project plans approved herein and shall comply with all applicable New York State Health Department and Agency standards, restrictions, and guidelines.

Visual/Open Space Protection

7. Within 50 feet of the centerline of South Shore Road, 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 construction 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.

Agency Review of Future Subdivision and Development

8. On Lot 1 and Lot 2, no further subdivision or new land use and development shall occur without first obtaining a jurisdictional determination and, if necessary, a new or amended Agency permit.
9. Accessory structures are permitted on Lot 2 without a permit amendment or a jurisdictional determination provided they are located more than 50 feet from the centerline of South Shore Road and within the limits of clearing as shown on the site plan.

10. Accessory structures shall be customarily incidental and subordinate to the principal land use or development and that customarily accompanies or is associated with such principal land use or development. In no case shall any accessory structure or the single family dwelling authorized herein exceed 30 feet in height without prior written Agency.
11. Boathouses or docks on Lot 2 will require further Agency review and approval in the form of an amended permit.

FINDINGS OF FACT

Background/Prior History

1. In a letter received at the Agency on September 15, 2014, Anne Z. Hartsig requested that permit P2005-54R be renewed. The Permit authorized a two-lot subdivision and one single family dwelling. The permit was issued on September 9, 2009 and recorded on October 29, 2009 in the Herkimer County Clerk's Office as Instrument Number 00155136. The renewal is necessary as neither lot has been separately conveyed; the subdivision has not been undertaken.
2. The site plan referenced herein was filed September 29, 2005 as a subdivision map (Map #224) in the Herkimer County Clerk's Office.
3. 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.
4. On the May 22, 1973 enactment date of the Adirondack Park Land Use and Development Plan, the landowner at the time did not own any additional adjoining property.
5. The project site currently contains a single family dwelling, boathouse and several accessory structures all constructed prior to May 22, 1973 and located on Lot 1. A jurisdictional inquiry form (J2014-591), received September 17, 2014, indicates the landowner plans to expand the pre-existing dwelling on Lot 1 (behind the 50-foot shoreline setback) and to replace the on-site wastewater treatment system (greater than 100 feet from the mean high water mark of Fourth Lake). Neither proposal requires an Agency permit.

Existing Environmental Setting

6. Soils in the vicinity of the proposed on-site wastewater treatment system are predominantly sandy and are of the Windsor series. These soils are very deep and well drained. No evidence of bedrock was found within 72 inches of existing grade and the seasonal high groundwater table was not found within 48 inches of existing grade. Soil percolation rates average five minutes per inch.
7. Slopes on the project site range from 3 to 25%. The single family dwelling and on-site wastewater treatment system on Lot 2 will be located on slopes which range from 3 to 8%.
8. The property is densely vegetated with mature coniferous and deciduous trees and shrubs. The area immediately surrounding the project site is developed by rural residences and has areas of undeveloped open space.
9. Pine Creek, which empties into Fourth Lake, bisects the project site running east to west. The middle of the Creek acts as the northerly boundary parcel line for Lot 2 and the southerly boundary parcel line for Lot 1. A 400+ foot portion of Pine Creek is considered to be navigable up to the "impassable barrier" as noted on the site plan map.
10. Wetlands located south of the gravel driveway that provides access to the single family dwelling on Lot 1 were flagged by Agency staff during a site visit on May 23, 2005 and are indicated on the site plan map. A subsequent visit on August 5, 2014 from an Agency wetland biologist (W2014-99) determined that these wetlands are isolated and less than 1 acre in size. Wetlands also exist on Lot 2 along Pine Creek. These wetlands are greater than 150 feet east of the proposed development on Lot 2. The wetlands are primarily coniferous swamp and deciduous swamp with a preliminary value rating of "4" and shrub swamp with a preliminary value rating of "3" pursuant to 9 NYCRR Part 578.3. The wetlands as described herein are intended to alert landowners and others that wetlands are present on and adjacent to the project site, and may not identify all wetlands on or adjacent to the project site.

Other Regulatory Permits and Approvals

11. A letter dated March 21, 2005 from the Herkimer County Planning Board states that the proposed two-lot subdivision and construction of one single family dwelling will not have a significant County wide or regional impact.

12. The Agency has been advised by the Town of Webb in a completed Local Government Notice Form that municipal approval is required for the project. The project received Town of Webb approval on October 16, 2005.

PROJECT IMPACTS

Water Resources

13. Installation and maintenance of on-site wastewater treatment systems in accordance with applicable New York State Health Department and Agency standards, restrictions and guidelines will adequately protect groundwater quality.

Open Space/Aesthetics

14. Provided the single family dwelling and garage are constructed as described herein and no further vegetative cutting occurs within 50 feet of South Shore Road, the open space character of the project site will not be adversely impacted.

Wetlands

15. The project will not adversely impact wetlands, because the new land use and development proposed and authorized herein is greater than 150 feet from wetlands.

Historic Sites or Structures

16. By letter dated June 3, 2005, the Office of Parks, Recreation and Historic Preservation advised the Agency that the project as proposed (OPRHP #05PR05695) will have no impact on the cultural resources of the site. Therefore, the project 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 Section 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 as set forth in §809(10) of the Adirondack Park Agency Act (Executive Law, Article 27) and 9 NYCRR Part 574; §24-0801(2) of the NYS Freshwater Wetlands Act (ECL, Article 24, Title 8) and 9 NYCRR 578.10. 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 , 2014.

ADIRONDACK PARK AGENCY

BY: _____
Richard E. Weber, III
Deputy Director (Regulatory Programs)

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

On the day of in the year 2014, 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

REW:ADL:SHR:mlr