


THIS PERMIT RENEWS PERMIT 2002-123R2 ISSUED JULY 20, 2011  
THIS IS A TWO-SIDED DOCUMENT

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|  <p><b>Adirondack<br/>Park Agency</b></p> <p>P.O. Box 99 · Ray Brook, New York 12977<br/>· (518) 891-4050 · Fax: (518)891-3938 ·</p> | <p>APA Project Permit<br/><b>2002-123R3</b></p>   |
| <p>In the Matter of the Application of</p> <p><b>CAROL STE. CLAIRE, DANA STE. CLAIRE,<br/>MICHELLE AUDETTE, and GEORGE AUDETTE</b><br/>for a permit pursuant to §809 of the Adirondack Park<br/>Act</p>               | <p>Date Issued: September 11, 2015</p>  |
|   | <p>To the County Clerk: This permit<br/>must be recorded on or before<br/><b>November 10, 2015</b>. Please<br/>index this permit in the grantor<br/>index under the following names:</p> <ol style="list-style-type: none"><li><b>1. Carol Ste. Claire</b></li><li><b>2. Dana Ste. Claire</b></li><li><b>3. Michelle Audette</b></li><li><b>4. George Audette</b></li></ol> |

**SUMMARY AND AUTHORIZATION**

Carol Ste. Claire, Dana Ste. Claire, Michelle Audette, and George Audette are granted a third renewed permit, on conditions, for a two-lot subdivision into sites involving wetlands and the construction of two single family dwellings in an area classified Rural Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Thurman, Warren County.

This project may not be undertaken until this renewed permit is recorded in the Warren County Clerk's Office. This renewed permit shall expire unless so recorded on or before November 10, 2015 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 renewed permit is void if the project authorized herein is not in existence within four years from the date the permit is recorded. The Agency will consider the project authorized herein in existence upon installation of the foundations for either of the single family dwellings authorized herein.

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 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 two-lot subdivision into sites involving wetlands, a Class A regional project requiring an Agency permit pursuant to §810(1)(d)(1)(b) of the Adirondack Park Agency Act, and a Class B regional project also requiring an Agency permit pursuant to §810(2)(c)(2)(b) of the Adirondack Park Agency Act.

### **PROJECT SITE AND PROJECT DESCRIPTION**

The project site is a vacant 62±-acre non-shoreline parcel of land located off Maxam Road in the Town of Thurman, Warren County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. It is identified on Town of Thurman Tax Map Section 192, Block 1 as Parcel 13. The project site is described in a deed from Steven and Leslie Raabe to Carol Ste. Claire, Dana Ste. Claire, Michelle Audette, and George Audette dated May 13, 2005 which was recorded June 7, 2005 in the Warren County Clerk's Office in Liber 1450 of Deeds at Page 64.

The applicants are seeking approval for a third renewal of a two-lot subdivision into sites involving wetlands for the prospective construction of two single-family dwellings with on-site water supply and on-site wastewater treatment systems. Also proposed is construction of an accessory structure (gazebo) in an upland area approximately 1350 feet west of the two proposed dwellings. The location of the proposed dwellings are shown on a site plan map entitled "Raabe P2002-123" prepared by Steven and Leslie Raabe, and was received by the Agency on July 10, 2002. A reduced-scale copy of the site plan is attached as a part of this permit. The original, full-scale maps and plans referenced in this permit are the official plans for the project.

The project as originally proposed and authorized has not been undertaken to date. The applicant has requested that the Agency issue a renewed permit to allow the project to be undertaken and 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 RENEWED PROJECT IS APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. All conditions in Permit 2002-123, 2002-123R and 2002-123R2 remain in full force and effect unless specifically amended herein.
2. The project shall be undertaken as described in the completed application, the Project Description 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.
3. This renewed 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 2002-123 issued July 16, 2003, Permit 2002-123R issued June 14, 2007, Permit 2002-123R2 issued July 20, 2011, and Permit 2002-123R3 issued September 11, 2015 the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
4. The existing deed dated May 13, 2005 (Liber 1450, Page 64) does not contain a reference to APA Permit 2002-123 as required by Condition 2 of P2002-123. A corrective deed containing the above language shall be recorded within 60 days of the issuance of this permit, and a copy and proof of recording shall be submitted to the Agency.
5. 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

6. Pursuant to Condition #5 in Agency Permit P78-98 and Condition #4 in Agency Permit P2003-27, after the construction of the two single family dwellings authorized herein, not more than two additional principal building(s) shall be allowed on Town of Thurman Tax Map Parcel 192-1-13. This restriction shall apply 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 the potential for site resource limitations, the Agency makes no assurances the maximum development mathematically allowed can be approved.

### **Wetlands**

7. Beyond the construction of the two single family dwellings and gazebo 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.
8. Any construction activities involving construction or installation of the gazebo in the northwest corner of the project site shall maintain a minimum 50-foot upland buffer beyond the limits of wetlands on the project site. In addition, no construction debris (sawdust, scrap lumber) shall be deposited in the wetland. Any wastes generated by construction of the gazebo involving the use of pressure treated lumber should be disposed of in accordance with New York State Department of Environmental Conservation solid waste disposal regulations.
9. Any change in the locations of the two dwellings authorized herein as depicted on the site plan map shall require prior Agency review and approval in the form of a new or amended permit, or a letter of permit compliance.
10. Any infrastructure improvements to the pre-existing woods road which bisects the project site within the limits of wetlands on the project site will require prior Agency review and approval in the form of a new or amended permit.

### **Wastewater Treatment**

11. The two proposed on-site wastewater treatment systems shall be located and installed as shown on the project plans. Each on-site wastewater treatment system installed on the project site shall comply with New York State Department of Health's "Wastewater Treatment Standards for Individual Household Systems" (10 NYCRR Appendix 75-A) and with Agency standards in 9 NYCRR Appendix Q-4. Additionally, no conventional on-site wastewater treatment system shall be installed on existing slopes in excess of 15%. No on-site wastewater treatment system shall be located within 100 feet of any water supplies, bodies of water, wetlands and permanent or intermittent streams. No change in the location of the systems authorized herein shall occur without prior Agency review and approval in the form of a new or amended permit, or a letter of permit compliance. The septic tanks shall be periodically pumped out by a New York State Department of Environmental Conservation permitted waste transporter.

**Visual/Open Space Protection**

12. Other than the vegetative clearing associated with the two single family dwellings and gazebo authorized herein, no vegetative cutting shall be permitted within the limits of the wetland, or within 50 feet of the wetland boundaries, or on slopes greater than 15 percent. 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**

13. No further subdivision or land use and development shall occur on the property without first obtaining a jurisdictional determination and, if necessary, a permit from the Agency.

**FINDINGS OF FACT**

Findings of Fact 1 through 16 (and included herein) are contained in Permit 2002-123R (issued June 14, 2007 and recorded on July 31, 2007 in the Warren County Clerk's Office in Book 3337 of APA Permits at Page 1) and Permit 2002-123R2 (issued July 20, 2011 and recorded on September 19, 2011 in the Warren County Clerk's Office as Instrument #2011-00006792), and remain in effect.

By letter dated August 10, 2015, Carol Ste. Claire requested a third renewal of Adirondack Park Agency Permit 2002-0123 which previously authorized a two-lot subdivision into sites, construction of two single family dwellings, and construction of an accessory structure.

**Background/Prior History**

1. The subject property was part of a larger parcel as of the May 22, 1973 enactment date of the Adirondack Park Land use and Development Plan. Agency project files, involving the original larger parcel include: 76-382 (permit P76-385); 78-39 (permit P78-98 & 98A); P80-97; Agency Permit P2003-027; Agency Enforcement File E2002-242.
2. Pursuant to Agency Permit P2003-027, the applicants, Steven and Leslie Raabe transferred a principal building right to a nearby landowner on Town of Thurman Tax Map Parcel 193-1-5 whose property lacked the overall intensity guidelines for conversion of a barn structure into a second single family dwelling. In exchange for the transferred building right, the recipients (Richard and Demita Warner) of that principal building right (for Tax Map Parcel 193-1-5) will grant the applicants named herein a 30± foot shoreline access easement over the westerly portion of the 226 feet of shoreline contained on the Richard and Demita Warner Lot.
3. Ownership of the project site has changed since issuance of Agency Permit 2002-123.

The project site is now described in a deed from Steven and Leslie Raabe to Carol Ste. Claire, Dana Ste. Claire, Michelle Audette, and George Audette dated May 13, 2005 which was recorded June 7, 2005 in the Warren County Clerk's Office in Liber 1450 of Deeds at Page 64.

4. By letter dated May 29, 2007, a request was made to renew Adirondack Park Agency Permit 2002-123 authorizing a two-lot subdivision into sites and the construction of two single-family dwellings.
5. By letter dated June 17, 2011, Carol Ste. Claire requested a second renewal of Adirondack Park Agency Permit 2002-0123.

### Existing Environmental Setting

6. As depicted on the site plan map, wetlands are present on the project site and are located throughout the central portion of the property. These wetlands are associated with Garnet Lake, and are greater than 100 feet from the proposed dwellings and accessory structure (gazebo). The presence of wetlands is based upon actual field verification by Agency staff and the Official Warren County wetland maps. Within and adjacent to the wetlands on the project site is a pre-existing woods road that bisects the project site and wetlands. Portions of that pre-existing woods road contain at-grade corduroy logs for wetland crossings to the southerly portion of the project site. This woods road is approximately 1800 feet long and also provides access to the adjoining State Lands.
7. Soils in the vicinity of the proposed on-site wastewater treatment system for Site A consist of medium sands with a depth to seasonal high groundwater at greater than 48 inches. Slopes in the vicinity of that proposed system are approximately 3 percent. Soils in the location of the proposed on-site wastewater treatment system for Site B consist of medium to coarse sands with small cobbles, with a depth to seasonal high groundwater at greater than 48 inches. Slopes in the vicinity of that proposed system range between 3 to 5 percent. No evidence of bedrock was encountered.

On Site A, the proposed driveway contains slopes that range between 12 and 14 percent for approximately 100 feet. The remainder of the proposed development area contains slopes that range from 5 to 8 percent. Slopes on the remainder of Site A vary, but are generally not greater than 10 percent.

On Site B, which encompasses the remainder of the project site, slopes vary widely. In the vicinity of the secondary access drive, slopes are greater than 20 percent for approximately 150 feet. In front of the proposed development area, slopes are greater than 15 percent.

Steeper slopes exist on other areas of the project site; however, those slopes are currently vegetated and stabilized.

The applicants have indicated that access to both dwellings will be along the proposed driveway on Site A.

8. Vegetation on the project site in the vicinity of the proposed development areas consists of a mix of coniferous and deciduous vegetation comprised of white birch, spruce, beech, poplar, maple, and white pine trees. This vegetation is mature forested vegetation with a second growth understory.
9. Overhead utilities are present along Maxam Road. Presently, this overhead line does not extend southerly to the project site and the proposed development areas.
10. The area surrounding the project site can be characterized as containing year-round and seasonal single family dwellings in a rural forested setting. Additionally, lands of the State of New York classified Wild Forest pursuant to the Adirondack Park Land Use and Development Plan Map surrounds the project site to the east, south, and west.

#### **Other Regulatory Permits and Approvals**

11. Pursuant to the Local Government Notice Form received with the application materials, the project as proposed does not require municipal approval.

### **PROJECT IMPACTS**

#### **Wetlands**

12. Adverse impacts to wetlands will be avoided provided construction of the two proposed dwellings and on-site wastewater treatment systems authorized herein maintain a minimum 100-foot buffer from the wetlands in the northerly portion of the project site. Any change in the location of the proposed dwellings should require prior Agency review to ensure wetlands impacts are avoided.
13. Adverse impacts to wetlands will be avoided provided the gazebo is constructed a minimum of 50 feet beyond the limits of the wetlands on the project site, no construction debris (sawdust, scrap lumber) is deposited in the wetland and any wastes generated by construction of the gazebo involving the use of pressure treated lumber are disposed of in accordance with New York State Department of Environmental Conservation solid waste disposal regulations.
14. Wetlands shown on the site plan and described herein are intended to alert landowners and others wetlands are present on the project site. However, this may not identify all wetlands on or adjacent to the project site.
15. Adverse impacts to groundwater and wetlands will be avoided if the proposed on-site wastewater treatment systems are installed in the locations depicted on the site plan map to ensure the minimum 100-foot separation distances between the leaching portions of the proposed systems, and the existing wetlands.

**Open Space/Aesthetics**

16. Open space resources will be protected provided that the vegetative clearing is limited to that associated with the proposed development areas for the two single family dwellings and gazebo authorized herein. This will also maintain a vegetative buffer between the wetland and upland areas on the project site, and will avoid erosion and sedimentation on slopes greater than 15 percent.

**Historic Sites or Structures**

17. Since the project site is vacant and does not contain any structures or sites as shown on the New York State Archeological Sensitivity Map, 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 Part 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 Section 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 11 day  
of ~~September~~ 2015.


ADIRONDACK PARK AGENCY

BY: 

Richard E. Weber, III  
Deputy Director, Regulatory Programs

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

On the 11 day of ~~September~~ in the year 2015, 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:VY:WMR:mlr

MARY L. REARDON  
Notary Public - State of New York  
Qualified in Franklin County  
No. 01RE6114798  
Commission Expires, August 23, 20 16





