


**THIS PERMIT RENEWS PERMIT2007-187R ISSUED AUGUST 26, 2011**  
**THIS IS A TWO-SIDED DOCUMENT –STAFF DRAFT NOT APPROVED BY AGENCY**

 <p><b>Adirondack Park Agency</b></p> <p>P.O. Box 99 • Ray Brook, New York 12977 • (518) 891-4050 • Fax: (518)891-3938 • www.apa.ny.gov</p>	<p>APA Project Permit <b>2007-187R2</b></p>
<p>In the Matter of the Application of</p> <p><b>FERDINAND POON &amp; ANGELA AI</b></p> <p>for a permit pursuant to §809 of the Adirondack Park Agency Act</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:</p> <ol style="list-style-type: none"><li><b>1. Ferdinand Poon</b></li><li><b>2. Angela Ai</b></li></ol>

**SUMMARY AND AUTHORIZATION**

Ferdinand Poon and Angela Ai are granted a renewed permit, on conditions, authorizing construction of a single-family dwelling in an area classified Low Intensity Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Johnsbury, Warren County.

This project may not be undertaken, and no transfer deed shall be recorded, until this renewed permit is recorded in the Warren County Clerk's Office. This renewed 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 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 when the foundation of the single-family dwelling has been completed.

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 the construction of a single-family dwelling and related improvements on a lot requiring separate Agency review and authorization pursuant to the terms of prior Agency determinations (Condition 33 of Agency Permit 91-110 and Condition 29 of Agency Permit 91-110AT).

## **PROJECT SITE AND PROJECT DESCRIPTION**

The project site is a 4.56±-acre parcel of vacant land located on the west side of Back to Sodom Road in the Town of Johnsbury, Warren County in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. It is identified on Town of Johnsbury Tax Map Section 100, Block 2 as Parcel 60. The project site is described in a deed dated December 17, 2007 from The Preserve Development Co., LLC. to Angela Ai and Ferdinand Poon, which was recorded December 20, 2007 in the Warren County Clerk's office as instrument number 2007-00012655, in Liber 3448 of Deeds at Page 98.

The project as proposed and conditionally approved herein is summarized as follows:

- Construction of a single-family dwelling having a maximum footprint of 2,000 square feet and a maximum height of 35 feet.
- Construction of a 12 foot wide driveway from Back to Sodom Road to the dwelling.
- Installation of onsite wastewater treatment and water supply systems.
- Installation of silt fencing, stone rip-rap lined driveway ditches, check dams and paving of any driveway grades exceeding 12% are proposed to prevent soil erosion.

The project is shown on a set of plans (two sheets) titled "Site Plan prepared for: Ferdinand Poon, Back to Sodom Road," (the "Site Plan"), and "Detail Sheet prepared for: Ferdinand Poon, Back to Sodom Road," (the "Detail Sheet"), both of which were prepared by Hutchins Engineering, dated June 28, 2007 and last revised September 4, 2007. A reduced-scale copy of the Site Plan is attached as a part of this permit for reference. The original, full-scale 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 2007-187 and 187R remain in full force and effect except as updated herein.
2. This renewed permit is binding on the applicants, 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 plan maps 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 2007-187 issued September 26, 2007, Permit 2007-187R issued August 26, 2011, and Permit 2007-187R2 issued November XX, 2015, the terms and conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

3. Prior to construction of any on-site wastewater treatment system on the project site, written authorization shall be obtained from the Agency for plans prepared by a design professional (licensed Professional Engineer, Registered Architect, or exempt Licensed Surveyor). The on-site wastewater treatment system plans shall be for a system in the location shown on the Site Plan and 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.
4. The onsite wastewater treatment system shall be constructed in complete conformity with the revised plan approved by the Agency. Installation of the system shall be under the supervision of a licensed design professional (licensed Profession Engineer, Registered Architect, or exempt Licensed Surveyor). Within 30 days of complete system installation and prior to utilization, the design professional shall provide the Agency with written certification that the system was built in compliance with the approved plans.
5. Outside of the "Proposed Limits of Clearing" shown on the Site Plan, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for the removal of 1) trees for firewood, and 2) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

### **FINDINGS OF FACT**

Findings of Fact 1 through 13, contained in Permit 2007-187 which was issued on September 26, 2007 and recorded on November 7, 2007 as instrument number 2007-00011194, and Findings of Fact 14 through 15, contained in Permit 2007-187R which was issued on August 26, 2011 and recorded on October 20, 2011 as instrument number 2011-00007665, both in the Warren County Clerk's Office, are incorporated herein by reference and remain in effect.

16. By letter dated October 5, 2015, Ferdinand Poon and Angela Ai requested a renewal of Adirondack Park Agency Permit 2007-187R, which authorizes construction of a single family dwelling. By phone the applicants confirmed that they have not undertaken the project in any way, have no immediate plans to undertake the project, and they want to preserve their opportunity to develop the project site as proposed at a future date. No changes are currently proposed to the project as originally authorized.

17. Agency staff review of the Site Plan and Detail Sheet indicates that depth to bedrock has not been confirmed beyond 58 inches in the vicinity of the proposed leaching facility. At least 72 inches to bedrock is required (four feet from the bottom of the trench) pursuant to Agency standards. As such, the system does not meet Agency standards for the conventional absorption trench system depicted on the Site Plan and Detail Sheet.
18. Adherence to the vegetation clearing limits on the Site Plan is necessary to mitigate potential adverse visual impacts of the project as viewed from surrounding areas, when considering the development location and topography of the site.

**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. 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                   , 2015.

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 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 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:SHP:slp:mlr