


THIS PERMIT RENEWS AND SUPERCEDES PERMIT 2007-0320 ISSUED JULY 15, 2009, PERMIT 2007-0320R ISSUED SEPTEMBER 10, 2013, AND PERMIT 2007-0320R2 ISSUED SEPTEMBER 17, 2017. THIS IS A TWO-SIDED DOCUMENT.

 <p>Adirondack Park Agency</p> <p>P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov</p>	<p>DRAFT APA Permit 2007-0320R3</p>
<p>In the Matter of the Application of</p> <p>SAVERIO D. RUFFOLO Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: XXXX</p>
	<p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Saverio D. Ruffolo</p>

SUMMARY AND AUTHORIZATION

This renewed permit authorizes the creation of two lots containing wetlands within an eight-lot subdivision, and the filling of 130 square feet of wetlands, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Bolton, Warren County.

This authorization shall expire unless recorded in the Warren County Clerk's Office within 60 days of issuance of a signed and notarized permit. The signed and notarized permit shall be recorded 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 five years of the date the permit is recorded in the County Clerk's Office. 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 9.15±-acre portion of an 80.28±-acre parcel of land in the Town of Bolton, Warren County, on or near South Trout Lake Road in an area designated as Rural Use on the Adirondack Park Land Use and Development Plan Map. The 9.15±-acre project site is identified as tax map Section 185 Block 1 Parcels 2.1 and 2.8. It is described in a deed from John G. Dier, Jr. executor of the Estate of John G. Dier to Saverio D. Ruffolo dated December 28, 2000 which was recorded February 26, 2001 in the Warren County Clerk's Office in Liber 1205 of Deeds at Page 18.

The project site also contains a hardwood swamp and wet meadow wetlands with a preliminary value rating of "2" in the location shown on the Project Plans, referenced below.

The project site is improved by a pre-existing single-family dwelling located on Parcel 2.1.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the conveyance and development of two lots (i.e., Lot 1 and the Subdivision Road Lot) as part of an eight-lot residential subdivision encompassing the entire parcel. Lot 1 (Parcel 2.1, 7.06± acres) includes an area currently developed by a pre-existing single-family dwelling which is accessed by a driveway off "Kathy's Crossing", a private graveled road forming the southerly boundary of the subdivision site. This dwelling is served by an individual on-site well and a wastewater treatment system of uncertain age which, to date, shows no sign of failure. The location of a future replacement system is depicted on the project plans. The Subdivision Road Lot (Parcel 2.8, 2.09± acres) will include the subdivision road, 1,300± feet in length, end in a cul-de-sac, and will provide access to the other seven residential lots. This road will be two lanes wide except for a one-lane portion in the area of a proposed wetland fill, approximately 130 square feet in size.

The overall project is illustrated by ten sheets of plans prepared by Dennis L. Dickinson, L.S., P.E., as listed below (Project Plans):

- Sheet 1 is entitled, "Map of a Proposed Subdivision for Saverio D. Ruffolo" and is dated March 28, 2007, last revised May 1, 2009.
- Sheet 2 is entitled, "Map of a Proposed Subdivision Road for Saverio D. Ruffolo" and is dated September 24, 2007, last revised May 1, 2009.
- Sheet 3 is entitled, "Map of Proposed Development for lots 2 & 7, Saverio D. Ruffolo" and is dated March 14, 2008.
- Sheet 4 is entitled, "Pond Details of a Proposed Subdivision for Saverio D. Ruffolo" and is dated October 2, 2007, last revised May 5, 2009.
- Sheet 5 is entitled, "Profile of a Proposed Subdivision Road for Saverio D. Ruffolo" and is dated March 30, 2007, last revised September 25, 2007.
- Sheets 6, 7 and 8 are entitled, "Sections of a Proposed Road for Saverio D. Ruffolo" and is dated April 2, 2007, last revised March 13, 2008.
- Sheet 9 is entitled, "Engineering Details of a Subdivision for Saverio D. Ruffolo" and is dated April 2, 2007, last revised March 13, 2008.
- Sheet 10 is entitled, "Details of a Shallow Trench Septic for Saverio D. Ruffolo" and is dated June 12, 2006, last revised March 14, 2008.

Stormwater and erosion control plans are described in a report prepared by D.L. Dickinson Associates entitled, "Stormwater Management & Erosion Control plan" dated April 3, 2006, last revised April 16, 2008 (Stormwater Management and Erosion Control Plan).

A reduced-scale copy of Sheet 1 of the Project Plans is attached as a part of this permit for reference. 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.

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 and Adirondack Park Agency regulations at 9 NYCRR Part 578, a permit is required from the Adirondack Park Agency prior to any deposit of fill in a wetland in the Adirondack Park.

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 Warren 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, the Project Plans, and the Stormwater Management and Erosion Control Plan 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. 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 2007-0320 issued July 15, 2009, and renewed Permit 2007-0320R issued September 10, 2013, and renewed Permit 2007-0320R2 issued November 17, 2017, and renewed Permit 2007-0320R3 issued **XXXX**, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."

Subdivision

5. Subject to the conditions stated herein, this permit authorizes the creation of Lot 1 and the Subdivision Road Lot as depicted on the Project Plans. Any subdivision of Lot 1 or the Subdivision Road Lot not depicted on the Project Plans shall require a new or amended permit.

Building Location and Size

6. This permit authorizes the continued use of the pre-existing single-family dwelling on Lot 1 in the location shown on the Project Plans referenced herein. The single-family dwelling shall not exceed a footprint of 1,800 square feet including all covered and uncovered attached porches, decks, exterior stairs, and accessory structures (such as an attached garage), or be replaced in a new location closer to the wetlands without a new or amended Agency permit. The dwelling shall not exceed 35 feet in height. The height shall be measured from the highest point on the structure, including the chimney, to the lowest point of existing grade or finished grade, whichever is lower.

Accessory Uses and Structures

7. Accessory structures, are permitted on Lot 1 without a permit amendment, provided they are located within 50 feet of the single-family dwelling, and at least 30 feet from wetlands, and in no case shall an accessory structure exceed 600 square feet in footprint or 24 feet in height.
8. Construction of any guest cottage on Lot 1 shall require prior written Agency approval.
9. No expansion or relocation of the driveway serving Lot 1 shall be undertaken without a new or amended permit.

Wastewater Treatment

10. Any replacement of the existing on-site wastewater treatment system on Lot 1 shall be installed in complete conformity with the location and design shown on the Project Plans referenced herein and at least 100 feet from wetlands. Installation of the system shall be under the supervision of a licensed design professional (licensed Professional Engineer, Registered Architect). 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.

Stormwater Management and Erosion Control

11. The project shall be undertaken in compliance with the Stormwater Management and Erosion Control Plan. The proposed stormwater management and erosion control devices shall be installed on Lot 1 and the Subdivision Road Lot prior to development of the road up-slope of each device, as shown on the Stormwater Management and Erosion Control Plans.

12. A copy of the approval by the NYS Department of Environmental Conservation (NYSDEC) of the Stormwater Management and Erosion Control plan shall be provided to the Agency within 30 days of issuance and prior to any construction. In the event the NYSDEC requires changes to the plan, the landowner shall request and obtain a concurring permit amendment from the Agency prior to construction.

Visual/Open Space Protection

13. Within 100 feet of the centerline of South Trout Lake Road, no trees, shrubs, or other woody-stemmed vegetation may be cut, culled, trimmed, pruned, or otherwise removed or disturbed without prior written Agency authorization except for an area not to exceed 25 feet in width for driveway construction and utility installations as depicted on the Project Plans referenced herein. 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.

Invasive Species Spread Prevention

14. 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.

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 meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Bolton;
- b. 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;
- c. 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
- d. will result in minimal degradation or destruction of the wetland or its associated values and is the only alternative which reasonably can accomplish the applicant's objectives.

PERMIT issued this day
of , 2021.

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 2021, 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.

Notary Public

DRAFT