


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <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>APA Permit 2011-0136B</p>
<p>In the Matter of the Application of</p> <p>JAMES H. McGRAW IV JANE L. McGRAW Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: March 12, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none">1. James H. McGraw IV2. Jane L. McGraw

SUMMARY AND AUTHORIZATION

This amended permit authorizes the construction of two patios in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map in the Town of North Elba, Essex County.

This authorization shall expire unless recorded in the Essex 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 Essex County Clerk's Office. The Agency will consider the project in existence when the permit has been recorded.

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 2.2±-acre parcel of land located on Yacht Club Way and Victor Herbert Road in the Town of North Elba, Essex County, in an area classified Hamlet on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 42.111, Block 1, Parcel 4.000, and is described in a deed from B. William Randall and Yvonne E. Randall as Trustees of the B. William Randall and Yvonne E. Randall Trust to James H. McGraw IV and Jane L. McGraw dated January 25, 2008 which was recorded January 30, 2008 in the Essex County Clerk's Office in Liber 1564 of Deeds at Page 314.

The project site contains shoreline on Lake Placid.

The project site is improved by a single family dwelling constructed pursuant to Agency Permit 2011-0136 and a pavilion constructed pursuant to Agency Permit 2011-0136A.

PROJECT DESCRIPTION

Permit 2011-0136 authorized the construction of a single family dwelling greater than 40 feet in height. Permit 2011-0136A authorized the construction of a pavilion.

This permit amends Conditions 7 and 15 of Permit 2011-0136A to allow for the removal of one tree, 6 inches in diameter, and the construction of two stone patios.

The project is shown on the following plan:

- "A New Pavilion for Mr. & Mrs. James H. McGraw" (Site Plan), prepared by Schafer Buccellato Architects, DPC and dated January 31, 2024.
- "Erosion and Sediment Control Plan - Drawing Number ESC-1" (ESC-1), prepared by David W. McGurk, P.E., dated September 6, 2011.

A reduced-scale copy of the Site Plan for the project, is attached as a part of this permit for reference.

AGENCY JURISDICTION

The project authorized by Permit 2011-0136 requires an Agency permit pursuant to §§ 809(2)(a) and 810(1)(a)(4).

This permit amends Conditions 7 and 15 of Permit 2011-0136A.

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 Essex 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 and Site 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. This permit amends and supersedes Permit 2011-0136A in relation to the project site. The terms and conditions of Permit 2011-0136A shall no longer apply to the project site.
5. 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 2011-0136B, issued March 12, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. This permit authorizes the construction of two patios in the locations shown and as depicted on the Site Plan.
7. Any expansion or change in color of the single family dwelling located on the project site shall require prior written Agency authorization.
8. Accessory structures are permitted on the project site without prior Agency approval, provided they are located greater than 50 feet from the mean high water mark of Lake Placid and do not exceed 40 feet in height.
9. All exterior building materials, including roof, siding and trim, of all accessory use structures on the project site shall be dark shade of green, grey, or brown.
10. The construction of any additional dwelling or other principal building on the project site shall require prior Agency review and approval.
11. No additional boathouse or dock shall be constructed on the project site without a new or amended Agency permit.
12. No individual on-site wastewater treatment system shall be installed on the project site without prior written Agency authorization.
13. 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.

14. All free-standing and building-mounted outdoor lights on the project site shall employ full cut-off fixtures; 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 Lake Placid (lake) or neighboring properties. Building-mounted light fixtures shall be installed at a height no greater than 25 feet above finished elevation. Free-standing light fixtures shall be installed at a height no greater than 10 feet from finished grade.
15. Except for the 6-inch cherry tree identified on the Site Plan, no trees, shrubs or other woody-stemmed vegetation beyond the limits of soil disturbance as shown on drawing ESC-1 of the Stormwater Plan may be cut, culled, trimmed, pruned or otherwise removed or disturbed without prior written Agency 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.
16. No vegetation may be cut, removed, or otherwise disturbed within 10 feet of the mean high water mark of Lake Placid. Existing lawn may be maintained and/or landscaped more than 10 feet from the mean high water mark.

CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act and 9 NYCRR Part 574. The Agency hereby finds that the project authorized as conditioned herein:

- a. will be consistent with the land use and development plan;
- b. will be compatible with the character description and purposes, policies, and objectives of the Hamlet land use area;
- c. will be consistent with the overall intensity guidelines for the Hamlet land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act; and
- e. 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.

PERMIT issued this 12th day
of MARCH, 2024.

ADIRONDACK PARK AGENCY

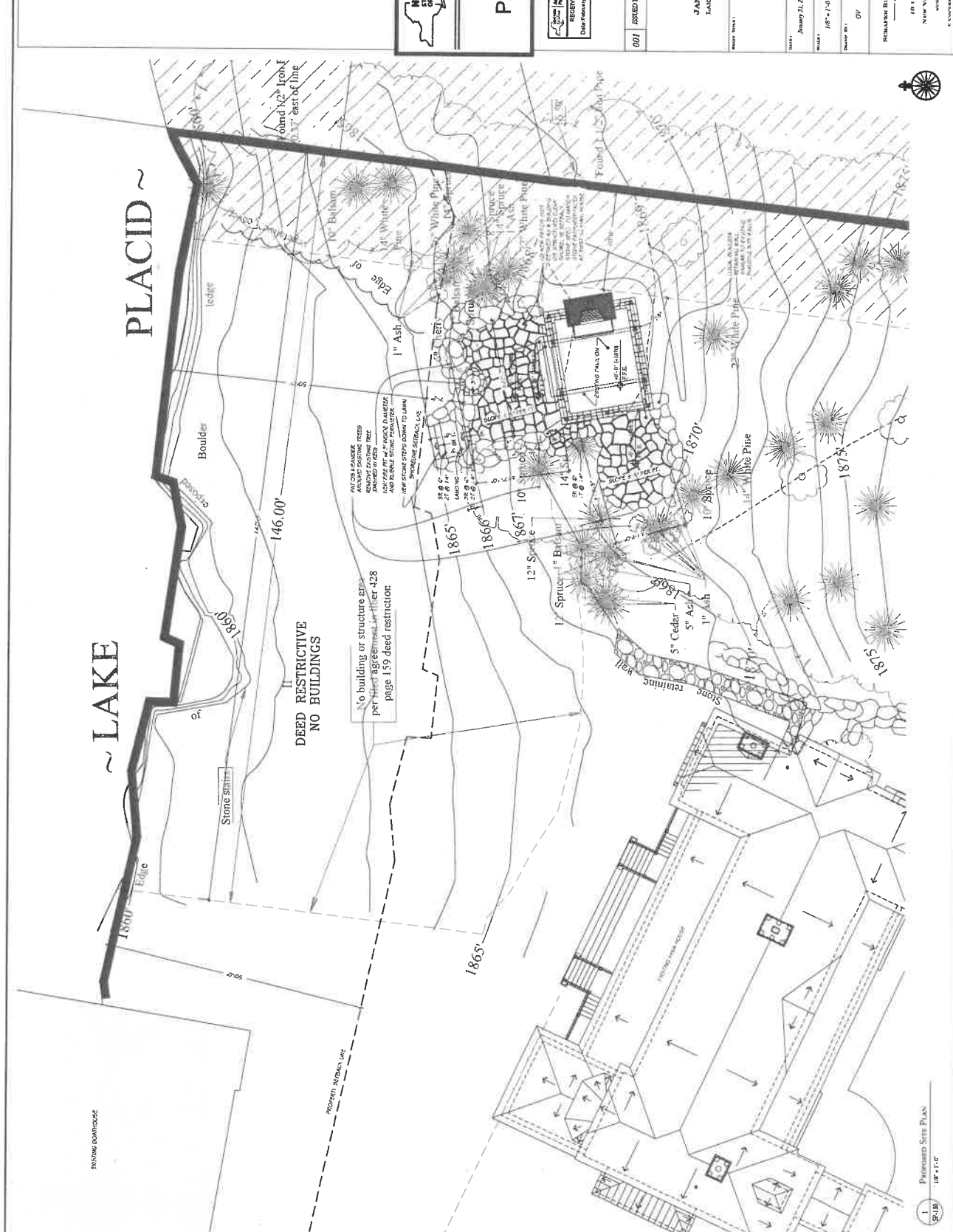
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 12th day of MARCH in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, 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

Craig A. Michaels
Notary Public, State of New York
Reg. No. 02MI6413384
Qualified in Essex County
Commission Expires January 25, 2025



PLACID

LAKE

NEW YORK
Adirondack
Park Agency

FINAL
P2011-0136B

RECEIVED
 Date: February 28, 2024

001	ISSUED TO: <i>AR/JSB</i>	02/28/2024
A NEW PAVILION for MR. & MRS. JAMES H. MCCRAW LAKE PLACID, NEW YORK		
Site Plan		
DATE: January 31, 2024	SCALE: 1/8" = 1'-0"	SP-1.01
DATE: 07/11/2024	SCALE: 0/1"	
PREPARED BY: ADIRONDACK PARK AGENCY, INC. 100 STATE STREET, LAKE PLACID, NY 12946 TEL: 518-537-2200 FAX: 518-537-2201 WWW.ADIRONDACKPARKAGENCY.COM		



PROPOSED SITE PLAN
 1/8" = 1'-0"

DEED RESTRICTIVE
 NO BUILDINGS

No building or structure shall be erected on this property in violation of the deed restriction on page 159 of deed restriction.

PLACED RANGE
 1" ASPEN
 1" WHITE PINE
 1" SPRUCE
 1" CEDAR
 1" BIRCH

1" Ash
 1" White Pine
 1" Spruce
 1" Cedar
 1" Birch

1" Spruce
 1" Birch
 1" Cedar
 1" Ash

1" White Pine
 1" Spruce
 1" Cedar
 1" Birch

1" White Pine
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1" White Pine
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