


THIS IS A TWO-SIDED DOCUMENT

 Adirondack Park Agency P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov	APA Permit 2012-0102RB
	Date Issued: October 23, 2024
In the Matter of the Application of JASON KELLY and WHITNEY KELLY Permittees for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578	To the County Clerk: Please index this permit in the grantor index under the following names: 1. Jason Kelly 2. Whitney Kelly

SUMMARY AND AUTHORIZATION

This permit authorizes construction of a single family dwelling in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Indian Lake, Hamilton County.

This authorization shall expire unless recorded in the Hamilton 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 Hamilton County Clerk's Office. The Agency will consider the project in existence when the foundation of the authorized single family dwelling has been constructed.

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 1.5±-acre parcel of land located on Adirondack Lake Road and Mallard Point Lane in the Town of Indian Lake, Hamilton County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 56.015, Block 1, Parcel 51.111, and is described in a deed from the Evangelism Baptist Church to Jason Kelly and Whitney Kelly, dated May 18, 2024, and recorded June 14, 2024 in the Hamilton County Clerk's Office under Instrument Number 2024-600.

The project site contains shoreline on Adirondack Lake. The project site also contains wetlands, including wetlands alongside Adirondack Lake Road, along the shoreline of Adirondack Lake, and an extensive deep water marsh in the “cove” of Adirondack Lake adjacent to the project site. Additional wetlands not described herein or depicted on the Site Plan or Septic Plan may be located on or adjacent to the project site.

The project site was created as “Lot 1” in a two-lot subdivision as authorized by Agency Permit 2012-0102R. There is a storage shed and existing driveway on the site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves construction of a single family dwelling located 65 feet from the mean high water mark of Adirondack Lake at its closest point (the corner of the porch), installation of an on-site wastewater treatment system, and connection to municipal water.

The project is shown on the following maps, plans, and reports:

- two sheets depicting a hand-annotated portion of a survey map that was submitted to the Town of Indian Lake in support of Zoning Board of Appeals Appeal # 08-2024 and was received by the Agency on August 12, 20234 (Site Plan);
- seven sheets of drawings (A1 – A7) titled “Kelly Residence, New Single Family Home,” drawn by T. Manoleff for Manco, and dated “progress set” September 11, 2024 (Dwelling Plan); and
- nine sheets of plans titled “Waste Water Treatment System for Davis Property, 109 Mallard Point Lane, Indian Lake, NY,” prepared by Rita Carlson, PE, stamped and dated September 28, 2020 (Septic Plan).

A reduced-scale copy of the Site Plan and Sheet A1 of the Dwelling Plans (showing four elevation drawings) is attached as a part of this permit for reference.

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.

Condition 8 of Permit 2012-0102, renewed by Permit 2012-0102R, states that “[t]here shall be no further land use and development or subdivision beyond that authorized [by those permits] without a new or amended Agency permit.”

Condition 1 of Permit 2012-0102RA states that “[a]ny change to the location, dimensions, or other aspects of the single-family dwelling development shall require prior written Agency authorization.” This permit amends Condition 1 of Permit 2012-0102RA.

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 Hamilton 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, Dwelling Plan, and Septic 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 Permits 2012-0102R and 2012-0102RA in relation to the project site. The terms and conditions of Permits 2012-0102R and 2012-0102RA 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 2012-0102RB, issued October 24, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees.”
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on the project site in the location shown on the Site Plan and in the footprint and height shown on the Dwelling Plan. Any change to the location or dimensions of the single family dwelling shall require prior written Agency authorization.
7. Vehicular access from Adirondack Lake Road to the project site shall be across the existing shared gravel access drive which crosses tax parcel 56.015-1-50.100 from the road and serves adjoining parcels by deeded easement.

8. This permit authorizes the establishment of a footpath between the dwelling and Adirondack Lake. This footpath shall be no greater than 6 feet in width and shall have a surface comprised of natural vegetation, grass, natural or synthetic mulch, pea stone, or permeable pavers.
9. Construction of any guest cottage on the project site shall require prior written Agency authorization.
10. Construction of any dock on the project site shall require prior written Agency authorization.
11. There shall be no boathouses on the project site.
12. The construction of any accessory structure on the project site that is within 100 feet of wetlands and/or the mean high water mark of Adirondack Lake shall require a new or amended Agency permit.
13. No structures greater than 100 square feet in size shall be constructed within 75 feet, measured horizontally, of the mean high water mark of Adirondack Lake. Boathouses and docks, as defined under the Town of Indian Lake land use code, are excepted from this requirement.
14. Prior to undertaking any earthwork on the site within 75 feet of Adirondack Lake, for either the driveway or dwelling, silt fence shall be properly installed parallel to the existing contours between the ground disturbance and the lake. The silt fence shall be embedded into the earth a minimum of six inches and shall be a minimum of 50 feet from the lake. The silt fence shall be maintained throughout disturbance and shall not be removed until after all disturbed soils are stabilized with growing vegetation to prevent siltation of the water resources. The permittees, their agents, or their successors in interest shall inspect the fabric at least once a week and after every major storm event to ensure the fabric and supports are intact and to remove accumulated sediments to maintain the fence in a functional manner.
15. Any on-site wastewater treatment system on the project site installed within five years of the date of issuance of this permit shall be constructed in conformance with the location and design shown on the Septic Plan. Construction of the system shall be supervised by a New York State design professional (licensed engineer or registered architect). Within 30 days of complete system installation and prior to its utilization, the design professional shall provide written certification to the Agency that the system was built in compliance with the approved plans.

No on-site wastewater treatment system shall be installed on the project site more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.
16. 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. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.

17. Any new free-standing or building-mounted outdoor lights shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward Adirondack Lake, Adirondack Lake Road, or adjoining property. Light fixtures shall be installed at a height no greater than 12 feet above finished grade.
18. Within 50 feet of the mean high water mark of Adirondack Lake and within 50 feet of the wetlands along Adirondack Lake Road, 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 a) maintenance of a footpath to access the shoreline not to exceed 6 feet in width and b) the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
19. Within six months of completing construction of the single family dwelling, a minimum of six trees and six shrubs shall be planted between the dwelling and Adirondack Lake, distributed evenly across the shorefront within 50 feet of the lake. The trees and shrubs shall be native species and shall be maintained in a healthy growing condition. Any trees and shrubs that do not survive shall be replaced annually until established in a healthy growing condition.

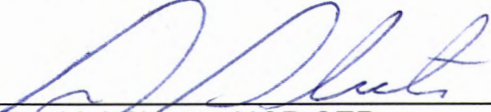
CONCLUSIONS OF LAW

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/single family dwelling 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 Indian Lake; and
- 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 be compatible with preservation of the entire wetland and will not result in degradation or loss of any part of the wetland or its associated values.

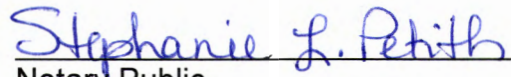
PERMIT issued this 24th day
of October, 2024.

ADIRONDACK PARK AGENCY

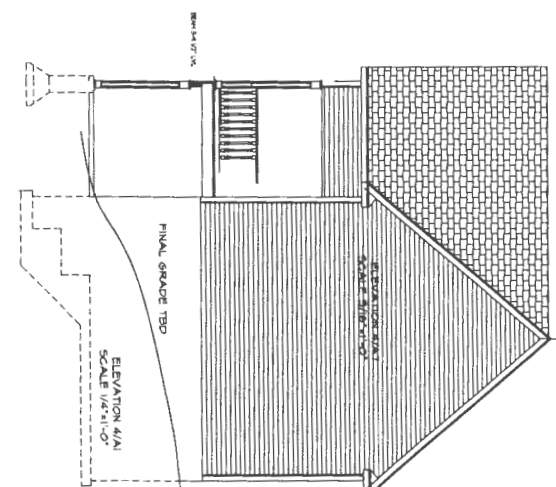
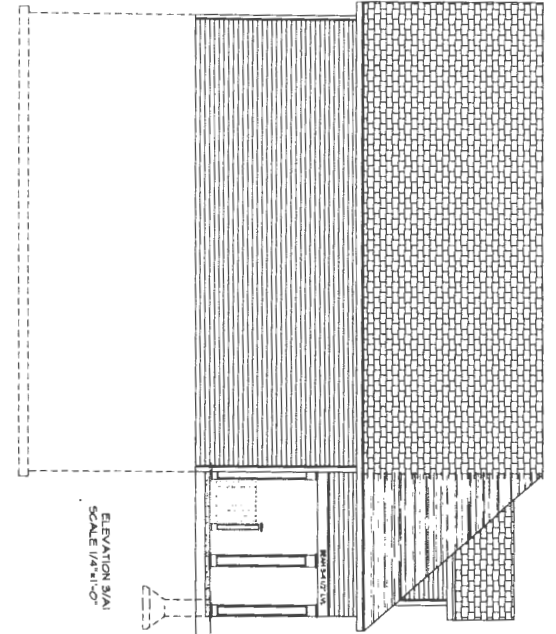
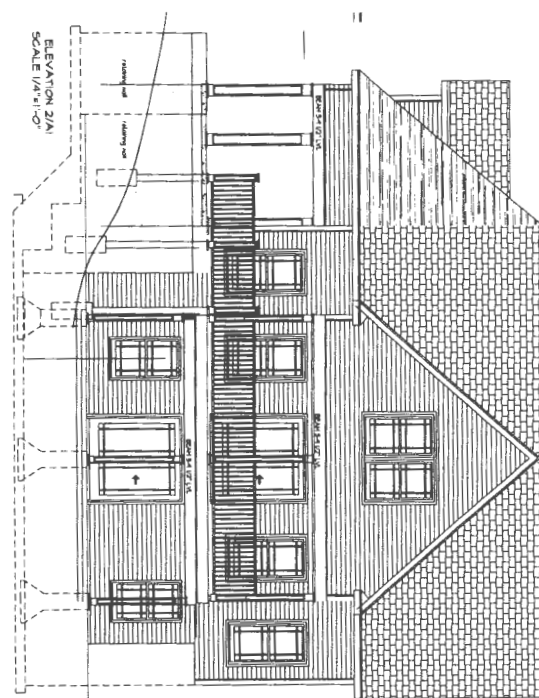
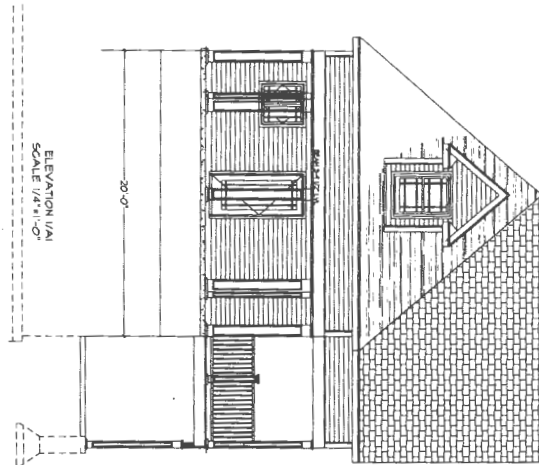
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 24th day of October 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

Stephanie L. Petith
Notary Public, State of New York
Reg. No 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025



CODE REQUIREMENTS

TYPE OF CONSTRUCTION: V-B

OCCUPANCY: W - RESIDENTIAL

HHS BUILDING CODE: 2000

FIRST FLOOR HABITABLE AREA: 644 SQ. FT.

SECOND FLOOR HABITABLE AREA: 630 SQ. FT.

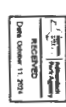
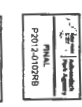
BASEMENT: 644 SQ. FT.

TOTAL HABITABLE FLOOR AREA: 1918 SQ. FT.

MIN.

CONSTRUCTION NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL BUILDING CODE (IRC) AND THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC).
2. ALL FOUNDATION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FOUNDATION AND BASEMENT CODE (IFBC).
3. ALL ROOFING SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ROOFING AND CEILING CODE (IRCC).
4. ALL WINDOW AND DOOR INSTALLATIONS SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL WINDOW AND DOOR INSTALLATION CODE (IWDC).
5. ALL ELECTRICAL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL ELECTRICAL CODE (NEC).
6. ALL PLUMBING WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPMC).
7. ALL MECHANICAL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND REFRIGERATION CODE (IMRC).
8. ALL FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FINISHES CODE (IFC).
9. ALL EXTERIOR WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL EXTERIOR WORK CODE (IEWC).
10. ALL INTERIOR WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL INTERIOR WORK CODE (IIWC).



MANUFACTURERS
 APPROVED FOR ENERGY CODE COMPLIANCE

ENERGY CODE COMPLIANCE NOTE:
 THIS HOUSE COMPLIES WITH THE NEW YORK STATE ENERGY CODE BY PRESCRIBED METHOD.

CLIMATE AND GEOGRAPHICAL CODES

CLIMATE	ZONE	WIND	TEMP.	WIND	TEMP.	WIND	TEMP.	WIND	TEMP.	WIND	TEMP.	WIND	TEMP.
1	1	1	1	1	1	1	1	1	1	1	1	1	1
2	2	2	2	2	2	2	2	2	2	2	2	2	2
3	3	3	3	3	3	3	3	3	3	3	3	3	3
4	4	4	4	4	4	4	4	4	4	4	4	4	4
5	5	5	5	5	5	5	5	5	5	5	5	5	5
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7	7	7	7	7	7	7	7	7	7	7	7	7	7
8	8	8	8	8	8	8	8	8	8	8	8	8	8
9	9	9	9	9	9	9	9	9	9	9	9	9	9
10	10	10	10	10	10	10	10	10	10	10	10	10	10

REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		

PROJECT: J KELLY RESIDENCE

INDIAN LAKE NY 12533

Sheet Description

Project

Engineering Seal



Scale: As Shown

Date: 12/15/2023

Drawn by: T. MANOLEFF

NOT FOR CONSTRUCTION