


**THIS IS A TWO-SIDED DOCUMENT**

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <p><b>Adirondack Park Agency</b></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 <b>2021-0189</b></p>
<p>In the Matter of the Application of</p> <p><b>ANNIE MEAR</b> <b>Permittee</b></p> <p>for a permit pursuant to 9 NYCRR Part 577</p>	<p>Date Issued: December 1, 2022</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. Annie Mear</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes construction of two single family dwellings in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Jay, 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 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 6.5±-acre parcel of land located on Veith Way in the Town of Jay, Essex County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 27.3, Block 1, Parcel 49.120, and is described in a deed from Trevor Perter Gordon Poland to Annie Mear, dated May 2, 1990, and recorded August 24, 1990 in the Essex County Clerk's Office at Book 973, Page 279.

The project site contains shoreline on the East Branch AuSable River and is located within the designated East Branch AuSable River Recreational River area.

The project site was created as "Parcel 1" in a five-lot subdivision authorized by Agency Permit 1976-0196.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the construction of two single family dwellings with associated on-site wastewater treatment systems.

The single family dwellings and septic designs are shown on the following plan: "ANNIE MEAR PROPERTY 2022" (Site Plan), prepared by Adirondack Surveying, PLLC and Upstate Design Associates, LLC, received by the Agency October 3, 2022. A reduced-scale copy of the Site Plan for the project is attached as a part of this permit for reference.

### **AGENCY JURISDICTION**

Pursuant to Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to any new land use and development on Low Intensity Use lands located within any designated Recreational river area 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 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, Wild, Scenic and Recreational Rivers System Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit amends and supersedes Permit 1976-0196 in relation to the project site. The terms and conditions of Permit 1976-0196 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 2021-0189, issued December 1, 2022, 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 two single family dwellings on the project site in the location shown on the Site Plan. The footprint of each single family dwelling shall not exceed 2,800 square feet and the height shall not exceed 40 feet. Any change to the location or dimensions or other aspects of any authorized structure shall require prior written Agency authorization.
7. The undertaking of any new land use or development not authorized herein on the project site shall require a new or amended permit.
8. Construction of any guest cottage on the project site shall require prior written Agency approval.
9. Prior to undertaking construction of any boathouse on the project site, written authorization of plans for the boathouse, including all attached docks or walkways, shall be obtained from the Agency.
10. Prior to undertaking construction of any dock on the project site, written authorization of plans for the dock, including all attached upland structures, shall be obtained from the Agency.
11. Pursuant to the Adirondack Park Agency Act and Agency regulations implementing the Wild, Scenic and Recreational Rivers System Act, new structures are prohibited within 150 feet, measured horizontally, of the mean high water mark of the East Branch AuSable River.

Docks and boathouses as defined under 9 NYCRR § 570.3 are excepted from this requirement. Fences, poles, lean-tos, and bridges are also excepted from this requirement, except that no fence, pole, lean-to, or bridge greater than 100 square feet in size may be located within 75 feet of the mean high water mark.

12. Any on-site wastewater treatment system(s) 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 Site 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.

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. 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 the East Branch AuSable River or adjoining property.
15. Within 100 feet of the East Branch AuSable River, there shall be no removal of trees, shrubs or other woody stemmed vegetation outside of the two areas identified for a filtered view as shown on the site plan. Within those two areas, no trees greater than 6 inches in diameter at breast height may be cut or removed, however, limbs lower than 8 feet above the ground may be pruned.
16. There shall be no more than six principal buildings located on the project site at any time. The two single family dwellings authorized herein constitute two principal buildings. The Agency makes no assurances that the maximum development mathematically allowed can be approved.


**CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577 and 9 NYCRR Part 574. The Agency hereby finds that the subdivision 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 Low Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Low Intensity Use land use area;
- d. will comply with the shoreline restrictions of § 806 of the Adirondack Park Agency Act;
- 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;
- f. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- g. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- h. will not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.

PERMIT issued this 1<sup>st</sup> day of December, 2022.

ADIRONDACK PARK AGENCY

BY:   
John M. Burth  
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 1<sup>st</sup> day of December in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, 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.

STEPHANIE L. PETITH  
Notary Public - State of New York  
Qualified in Franklin County  
No. 01PE6279890  
Commission Expires Apr. 15, 2025

  
Notary Public

IT IS A VIOLATION OF THE LAW FOR ANY PERSON UNLESS EXPRESSLY UNDER THE DIRECTION OF THE LICENSED ENGINEER, TO PREPARE OR SIGN ANY DRAWING OR SPECIFICATION FOR WHICH HE IS NOT LICENSED OR REGISTERED IN THIS STATE.

IF IN THE COURSE OF THIS PROJECT A CONFLICT OF INTEREST SHOULD DEVELOP BETWEEN THE ENGINEER AND ANY OTHER PARTY, THE ENGINEER SHALL IMMEDIATELY ADVISE THE CLIENT AND THE BOARD OF PROFESSIONAL ENGINEERS.

THE ENGINEER SHALL NOT BE RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT OR FOR ANY VIOLATION OF ANY LAW, RULE, OR REGULATION BY ANY PARTY.

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DESIGN FLOW = 440 GPD FOUR BEDROOM HOUSE W/ NEW CONVENTIONAL ABSORPTION TRENCHES SHALL BE USED FOR THE PROPOSED SYSTEM.

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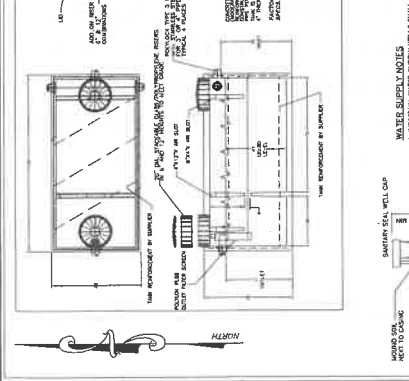
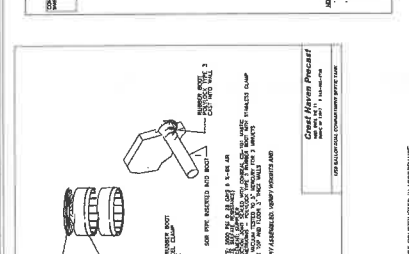
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**Project Surveyor**

ADIRONACK SURVEYING, PLLC  
RALPH C. SCHISLER III, L.S.  
131 W. WASHINGTON ST.  
PO BOX 334  
518 846 7371 (PH/FX)  
RALPH@ADIRONSURVING.COM

**ANNIE MEAR PROPERTY 2022**

1875 HWY  
Town of Jay  
Essex County State of New York

RYAN M. BURNS, NYS P.E. LICENSE NO. 064902  
DESIGNER PREVIOUSLY DATED DRAWINGS

NO. Date By Description

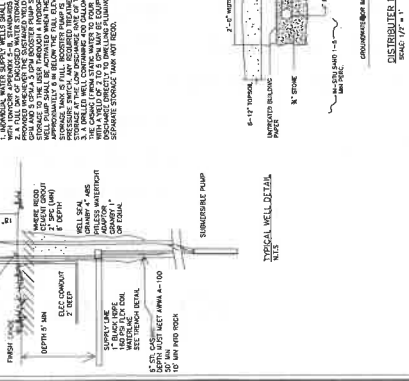
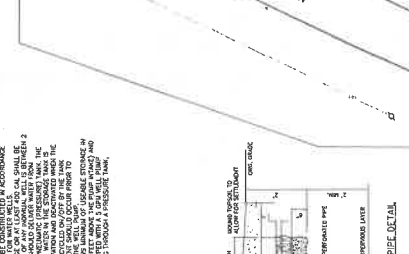
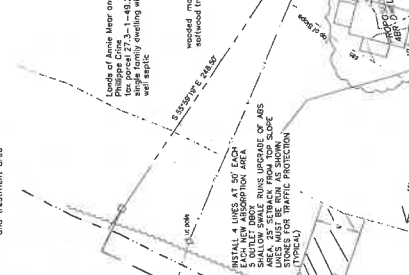
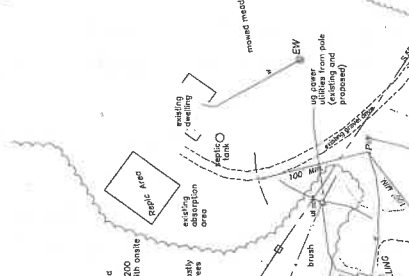
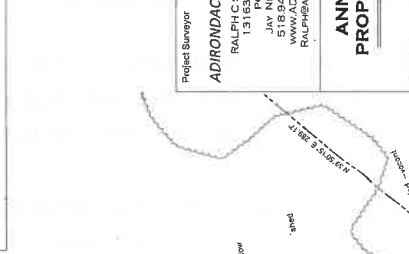
REVISIONS

RYAN M. BURNS, NYS P.E. LICENSE NO. 064902  
DESIGNER PREVIOUSLY DATED DRAWINGS

UPSTATE DESIGN ASSOCIATES, LLC  
Consulting Engineers  
upstatedesignassociates.com  
Ryan M. Burns, P.E.  
PO Box 85  
Port Kent, New York  
portkent@upstatead.com

PROJECT: ANNIE MEAR PROPERTY  
CLIENT: ANNIE MEAR  
LOCATION: 1875 HWY, JAY NY  
DATE: 11.2022  
DRAWN BY: RMB

SHEET NO. 01



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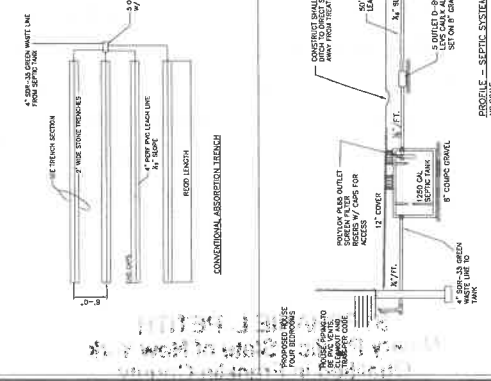
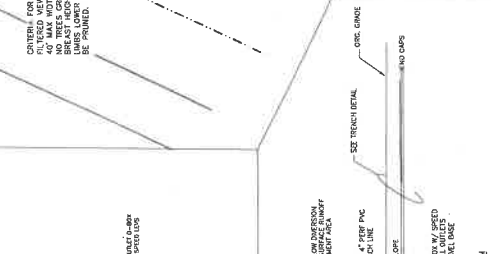
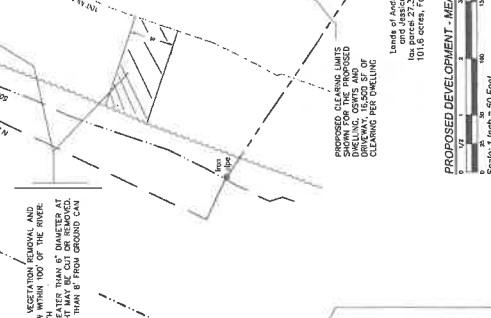
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**PROPOSED DEVELOPMENT - MEAR**

Scale 1 inch = 50 Feet