


THIS IS A TWO-SIDED DOCUMENT

 <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>2021-0193</b></p>
<p>In the Matter of the Application of</p> <p><b>JAMES L. REYNOLDS, JR</b> <b>BETTY LOU REYNOLDS</b> <b>Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act, 9 NYCRR Part 577, and 9 NYCRR Part 578</p>	<p>Date Issued: September 19, 2023</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"><li><b>1. James L. Reynolds, Jr.</b></li><li><b>2. Betty Lou Reynolds</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a five-lot subdivision and construction of five single family dwellings in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Thurman, 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 Warren 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 107.44-acre parcel of land located on Glen Athol Road in the Town of Thurman, Warren County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 152.3, Block 1, Parcel 8.1 and Tax Map Section 167.1, Block 1, Parcel 10 and is described in a deed from Daniel L. Stiles to James L. Reynolds, Jr. and Betty Lou Reynolds, dated January 29, 2020, and recorded January 29, 2020 in the Warren County Clerk's Office under Instrument Number 2020-0640.

The project site contains shoreline on the Hudson River and wetlands. The project site is partially located within the designated Hudson River Recreational River area.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a five-lot subdivision and construction of five new single family dwellings with related development.

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

- A seven-sheet plan set titled "Reynolds Subdivision," prepared by SRA Engineers, dated November 3, 2022 (Project Plans);

A reduced-scale copy of Drawing No. C-100 of the Project Plans (Subdivision Plan) for the project 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.

Pursuant to Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to any subdivision of Rural Use lands located within any designated recreational river area in the Adirondack Park.

Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to any subdivision that results in the creation of five or more lots, parcels, or sites since May 22, 1973, in a Rural Use land use 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 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 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. 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 2021-0193, issued September 19, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
5. Subject to the conditions stated herein, this permit authorizes a five-lot subdivision as depicted on the Subdivision Plan. Any subdivision not depicted on the Subdivision Plan shall require prior written Agency authorization.
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on each of Lots 1 – 5 in the location, footprint, and height shown and as described on the Project Plans. Any change to the location or dimensions 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 within one-quarter mile of the Hudson River shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
8. The construction of any additional dwelling or other principal building on the project site shall require a new or amended permit. The construction of any accessory structure on any of the lots authorized herein shall require prior written Agency authorization.
9. Construction of any guest cottage on the project site shall require prior written Agency approval.
10. Prior to undertaking construction of any boathouse on lots 3, 4 or 5, written authorization of plans for the boathouse, including all attached docks or walkways, shall be obtained from the Agency.
11. Prior to undertaking construction of any dock on lots 3, 4 or 5, written authorization of plans for the dock, including all attached upland structures, shall be obtained from the Agency.

12. 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 Hudson 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.

13. Any on-site wastewater treatment systems 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 Project Plans. 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.

14. The project shall be undertaken in compliance with the stormwater pollution prevention and erosion and sediment controls depicted on the Project Plans.
15. 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.
16. 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 Hudson River, Glen Athol Road or adjoining property.
17. Within 100 feet of the centerline of Pinnacle Road and within 100 feet of the area depicted as limit of disturbance on the Project Plans, no trees greater than 6 inches in diameter at breast height 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) an area up to 20 feet in width for driveway construction and utility installations and 2) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
18. Between the existing inactive railroad tracks and the Hudson River as depicted on the Project Plans, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on Lots 3, 4 or 5 without prior written Agency authorization, except for the removal of dead or

diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

19. There shall be no more than four principal buildings located on Lot 1 at any time. The single family dwelling authorized herein constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

There shall be no more than four principal buildings located on Lot 2 at any time. The single family dwelling authorized herein constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

There shall be no more than three principal buildings located on Lot 3 at any time. The single family dwelling authorized herein constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

There shall be no principal buildings located on Lot 4 other than the dwelling authorized herein.

There shall be no principal buildings located on Lot 5 other than the dwelling authorized herein.

### **CONCLUSIONS OF LAW**

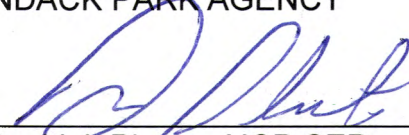
The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, and 9 NYCRR Part 574. The Agency hereby finds that 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 Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural 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 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;
- g. 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;
- h. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- i. will comply with the restrictions and standards of 9 NYCRR § 577.6; and

- j. 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.

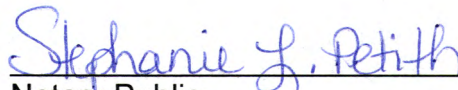
PERMIT issued this 19<sup>th</sup> day  
of September, 2023.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 19<sup>th</sup> day of September in the year 2023, 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

Adirondack Park Agency  
RECEIVED  
Date August 10, 2023

Adirondack Park Agency  
FINAL  
P2021-0193

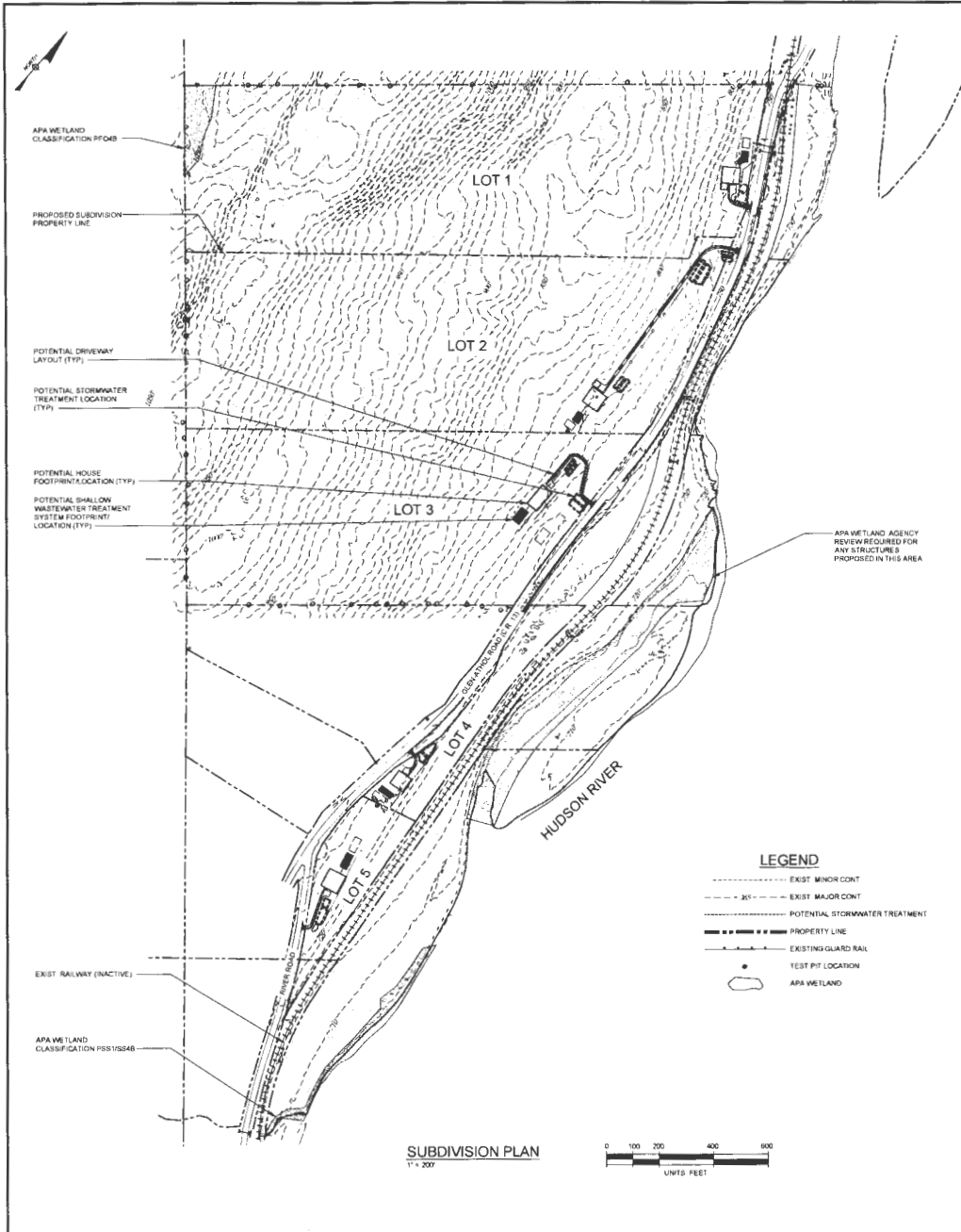
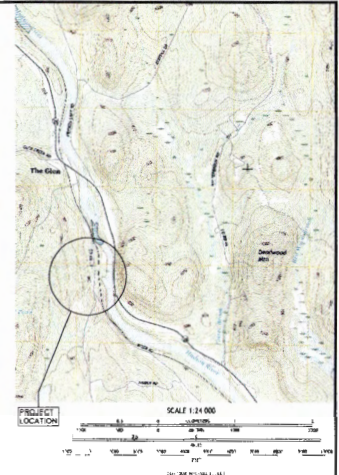
**ZONING/SITE INFORMATION**

ZONING CLASSIFICATION: TOWN OF THURMAN  
APA LAND CLASSIFICATION: RURAL USE  
EXISTING AND PROPOSED USE: DWELLING, SINGLE-FAMILY - PERMITTED BY RIGHT IN ZONE  
MINIMUM REQUIRED LOT SIZE: 8.5 ACRES  
TAX MAP NO: 105-3-4.1 & 107-1-1-10  
EXISTING LOT SIZES: 86 ACRES & 20 ACRES  
PROPOSED LOT SIZES:  
EAST PARCEL: 152.3-1-8.1  
LOT 1) 32.4 ACRES  
LOT 2) 28.6 ACRES  
LOT 3) 26.3 ACRES  
EAST PARCEL: 105-1-1-10  
LOT 4) 11.3 ACRES  
LOT 5) 8.9 ACRES

DIMENSION	BUILDING SETBACK REQUIREMENTS		
	REQUIRED	EXISTING	PROPOSED
SHORELINE	75 FT	N/A	FT
HEIGHT (MAX)	40 FT	N/A	FT
OCCUPANCY (MAX)	30%	0	%

**GENERAL AND SURVEY NOTES**

1. THE PURPOSE OF THIS PLAN IS FOR THE SUBDIVISION OF TWO EXISTING LOTS TO RESULT IN FIVE TOTAL PROPOSED LOTS.
2. BASE MAPPING IS FROM "MAP OF A PROPOSED SUBDIVISION LANDS NOW OR FORMERLY OF JAMES E. & BETTY LOU REYNOLDS, JR. BY CARRAN LAND SURVEYING, PLLC, DATED 4/5/2021. SEE ORIGINAL MAP FOR ADDITIONAL SURVEY NOTES.
3. THE RESIDENTIAL SITE PLANS DEVELOPED FOR EACH LOT REPRESENT A CONCEPTUAL PLAN THAT CAN MEET APPLICABLE ADIRONDACK PARK AGENCY (APA) AND LOCAL DESIGN STANDARDS AND HAVE BEEN DEVELOPED FOR THE PURPOSE OF SUBDIVIDING THE PROPERTY. A FINAL SITE PLAN DESIGN AND GRADING PLAN SHALL BE DEVELOPED FOR EACH LOT PRIOR TO CONSTRUCTION. ADDITIONAL PERMITS MAY BE NEEDED PRIOR TO CONSTRUCTION (SEE NOTE 4).
4. PRIOR TO CONSTRUCTION OF ANY OF THE LOTS, OWNER SHALL SEEK COVERAGE UNDER THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYSDEC) SIDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITY (SP-0-0001).



**LEGEND**

- - - - - EXIST MINOR CONT
- - - - - EXIST MAJOR CONT
- - - - - POTENTIAL STORMWATER TREATMENT
- - - - - PROPERTY LINE
- - - - - EXISTING GUARD RAIL
- TEST PIT LOCATION
- ◻ APA WETLAND

SUBDIVISION PLAN  
1" = 200'  
0 100 200 400 600  
UNITS FEET

REVISIONS		
REV	DATE	DESCRIPTION
A	8/6/2022	DRAFT FOR CLIENT REVIEW
B	11/2/2022	FOR PERMITS

PRELIMINARY  
NOT FOR  
CONSTRUCTION

UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7208 SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

**SRA ENGINEERS**

Evergreen Professional Park  
453 Dixon Road, Suite 7, Bldg. 3  
Queensbury, New York 12804  
(518) 761-0417, FAX: (518) 761-0513

SCALE AS SHOWN DRAWN BY RAS  
DATE 11/2/22 ENG BY RAS  
PROJ NO 21-873 CHECKED BY ESR

CLIENT NAME  
JAMES, BETTY LOU REYNOLDS  
64 REYNOLDS MOUNTAIN RD  
CORINTH, N.Y. 12822

DRAWING TITLE  
REYNOLDS SUBDIVISION  
GLEN-ATHOL RD & RIVER RD  
THURMAN, NY, 12885  
SUBDIVISION OVERALL  
SITE PLAN

DRAWING NO C-100 SHEET 1 OF 2 REV 0