


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 2022-0029</p>
<p>In the Matter of the Application of</p> <p>HEATHER CONNOR Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: January 10, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Heather Connor</p>

SUMMARY AND AUTHORIZATION

This permit authorizes the construction of boardwalks and a dock involving wetlands in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Webb, Herkimer County.

This authorization shall expire unless recorded in the Herkimer 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 any one boardwalk or dock 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 5.2±-acre parcel of land located on Pine Acres Road North in the Town of Webb, Herkimer 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 42.33, Block 1, Parcel 2.1, and is described in a deed from Timothy J. Noonan to Heather Connor, dated December 18, 2017, and recorded December 27, 2017 in the Herkimer County Clerk's Office under Instrument Number RP2017-6783.

The project site contains shoreline on Second Lake. The project site also contains coniferous swamp, shrub swamp, deepwater marsh, and emergent marsh wetlands with a value rating of "2". Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site is improved by a single family dwelling and associated on-site wastewater treatment system.

The project site was created as "Lot 10" in a nine-lot subdivision and is improved by a single family dwelling as authorized by Agency Permit 1989-0210.

PROJECT DESCRIPTION

The project as conditionally approved herein involves construction of boardwalks and a dock partially through wetlands to provide access to Second Lake. The boardwalks will consist of two 4-foot by 20-foot sections and one 4-foot by 15-foot section. The boardwalk footers will primarily be placed on high spots outside of wetlands with the boardwalk being over the wetland areas. The smallest boardwalk will connect to an L-shaped dock. The dock will extend 80 feet into Second Lake and be 6 feet wide, and then connect to a 14-foot by 8-foot dock parallel to the shore. The boardwalks and dock will be a minimum of 18 inches above the wetlands and water.

The project will involve the loss of less than 5 square feet of wetlands and the partial shading of less than 200 square feet. The dock involves less than 450 square feet of structure over patchy deepwater marsh.

The project is shown on the following maps and plans:

- "Map of Proposed Improvements on Lot 10 – Pine Acres Estates," prepared by William D. Hollister, PLS, dated May 24, 2018, and last amended November 1, 2022 (Site Plan); and
- Two sheets titled "Typical "Bog" Walk" and "Propose Dock @ Connor's Residence," prepared by Austin Down of TA Down Const Co, Inc., and dated November 21, 2022 (Schematic Plan).

A reduced-scale copy of the Site Plan for the project is attached as 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 depositing any fill or erecting any structures 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 Herkimer 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, for as long as the boardwalks and dock remains on the site. Copies of this permit, Site Plan, and Schematic 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 conditions in Permit 1989-0210 remain in full force and effect except as amended herein.
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 1989-0210, issued December 21, 1989, and Adirondack Park Agency Permit 2022-0029, issued January 10, 2023, 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 boardwalks and a dock in the location shown and as depicted on the Site Plan and Schematic Plan. Any change to the location, dimensions, or other aspect of the boardwalks and dock shall require a new or amended permit.
7. There shall be no boathouses on the project site.
8. 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.

9. Within 50 feet of the mean high water mark of Second Lake, no vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for a) within an area up to 6 feet in width, to allow for the boardwalks shown on the Site Plan and access from the single family dwelling to Second Lake, and b) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

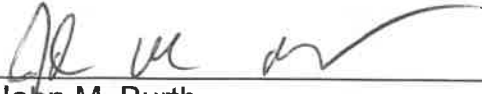
CONCLUSIONS OF LAW

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 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 Moderate Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Moderate 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 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
- g. 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 10th day
of January, 2023.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 10th day of January in the year 2023, 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.


Notary Public

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

