


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 2022-0065</p>
<p>In the Matter of the Application of</p> <p>ROBERT T. POLITI Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: June 22, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <p>1. Robert T. Politi</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a ten-lot subdivision in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Wilmington, 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 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 vacant 27±-acre portion of a 37±-acre parcel of land located off Outlook Way, in the Town of Wilmington, Essex County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as a portion of Tax Map Section 26.2, Block 3, Parcel 30.110 (Parcel 30.110), described in a deed from Jack L. Levitt and Noreen Doyle Levitt to Robert T. Politi, dated October 6, 2020, and recorded in the Essex County Clerk's Office under Book 2006, Page 218. Parcel 30.110 also contains lands designated Hamlet on the Adirondack Park Land Use and Development Plan Map that are not subject to this permit.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a ten-lot subdivision of the project site to create a vacant "Drive R-O-W" lot, the vacant 0.71-acre Low Intensity Use portion of Bicknell Woods Way, and eight lots as follows for construction of a new single family dwelling on each lot:

- Lot 7, a 2.77 acre lot;
- Lot 8, a 2.75 acre lot;
- Lot 9, a 3.25 acre lot;
- Lot 10, a 5.09 acre lot;
- Lot 11, a 3.45 acre lot;
- Lot 12, a 3.22 acre lot;
- Lot 13, a 2.98 acre lot; and
- Lot 14, a 3.24 acre lot.

The Drive R-O-W lot and Lot 14 will provide access to the Hamlet portions of Parcel 30.110.

The 0.71-acre portion of Bicknell Woods Way will provide access from Outlook Lane to the project site.

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

- "Bicknell Woods" in 15 sheets, received by the Agency on February 21, 2023; sheets one through 15 (Site Plans) and sheet three (Development Plan) completed by Robert M. Marvin, Jr., LS; and Mark J. Buckley, PE; and
- "Stormwater Pollution Prevention Plan," in 18 pages and Attachments A-I, completed by Mark J. Buckley, dated September 15, 2022, and received by the Agency on May 15, 2023 (SWPPP); and
- "Sponsor Affidavit In Support of Homeowners Association Cooperative Policy Statement #7 Application," received by the Agency on February 21, 2023, and describing access easements and the release of Bicknell Woods Way to the Town of Wilmington (Draft HOA Affidavit).

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

AGENCY JURISDICTION

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 of Low Intensity Use lands that results in the creation of a non-shoreline lot smaller than 2.75 acres in size 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 10 or more lots, parcels, or sites since May 22, 1973, in a Low Intensity 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 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 the Site Plans 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 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 2022-0065, issued June 22, 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 ten-lot subdivision of the project site as depicted on the Subdivision Plan to create the Drive R-O-W lot, Lot 7, 8, 9, 10, 11, 12, 13, and 14; and the Low Intensity Use portion of Bicknell Woods Way. Any subdivision of the Low Intensity Use portion of the project site not depicted on the Subdivision Plan shall require prior written Agency authorization.
6. Any deed of conveyance for the Drive R-O-W lot shall contain a covenant restricting the Drive R-O-W lot against the construction of any single family dwelling, mobile home, or other principal building as that term is defined under the Adirondack Park Agency Act. The deed shall state that the covenant shall run with, touch and concern the land, and that the covenant shall be enforceable by the Adirondack Park Agency, and the State of New York.

7. Any deed of conveyance for the Drive R-O-W lot shall contain an easement providing for access and utilities to the Hamlet portion of Parcel 30.110 across Lot 14.
8. Any deed of conveyance for Lot 14 shall include an easement providing for access and utilities to the Drive R-O-W Lot and the Hamlet portion of Parcel 30.110 inside the 30' Drive R-O-W as shown on the Site Plans.
9. Any deed of conveyance for Lot 12 shall include an easement providing for access and utilities to Lots 8, 9, 10, 11 and 13 inside the 30 foot Drive R-O-W as shown on the Site Plans.
10. Any change to the Draft HOA Affidavit in relation to access or utility easements or access to the project site shall require prior written Agency authorization.
11. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling each on Lots 7, 8, 9, 10, 11, 12, 13, and 14 depicted on the Subdivision Plan.

The single-family dwellings shall be no more than 40 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. The single family dwellings shall be less than 3,000 square feet in footprint, including all attached porches, decks, exterior stairs, garages, and other attached structures. Any expansion beyond these dimensions shall require prior written Agency authorization.

12. The construction of any additional dwelling on Lot 10 shall require a new or amended permit.
13. Construction of any guest cottage on Lots 7, 8, 9, 10, 11, 12, 13, and 14 shall require prior written Agency authorization. The construction of any accessory structure greater than 1,000 square feet in footprint shall require prior written Agency authorization.
14. Any on-site wastewater treatment system(s) on Lots 7, 8, 9, 10, 11, 12, 13, and 14 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 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.

15. There shall be no on-site wastewater treatment system(s) located on the Drive R-O-W lot and no on-site wastewater treatment system(s) located on Bicknell Woods Way.
16. Construction of roads, driveways, and stormwater controls on the project site shall be undertaken in compliance with the Site Plans.
17. Prior to undertaking any ground disturbance activities on any lot authorized herein, silt fence shall be installed in the locations depicted on the Development Plan.
18. The project shall be undertaken in compliance with the SWPPP.
19. 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.
20. Prior to the conveyance of lots 7, 8, 9, 10, 11, 12, 13, and 14 authorized herein, all water supply infrastructure, road and stormwater management construction on the Bicknell Woods Way lot and the Drive R-O-W lot shall be constructed and installed in compliance with the Site Plans.
21. 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 Bicknell Woods Way or adjoining properties.
22. Total vegetation clearing on each lot authorized herein shall be no greater than 0.5 acres. In addition, within 20 feet of lot boundaries, 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:
 - 18 feet of vegetation clearing for driveway construction;
 - 80 feet of vegetation clearing for road construction and utility installation on the 30' Drive R-O-W on Lot 12 and Lot 14 shown on the Site Plans; and
 - the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
23. The undertaking of any activity involving wetlands shall require a new or amended permit.
24. There shall be no more than one principal building located on each of Lots 7, 8, 9, 11, 12, 13, and 14 at any time. The single-family dwellings authorized herein each constitute a principal building.

25. There shall be no more than three principal building(s) located on Lot 10. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
26. There shall be no principal buildings located on the Drive R-O-W lot and there shall be no no principal buildings located on the Bicknell Woods Way lot.

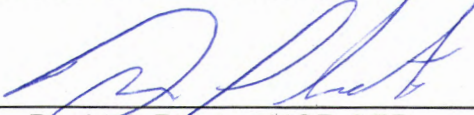
CONCLUSIONS OF LAW

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 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; 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 22nd day
of June, 2023.

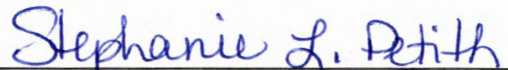
ADIRONDACK PARK AGENCY

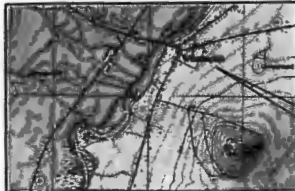
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 22nd day of June 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.

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


Notary Public

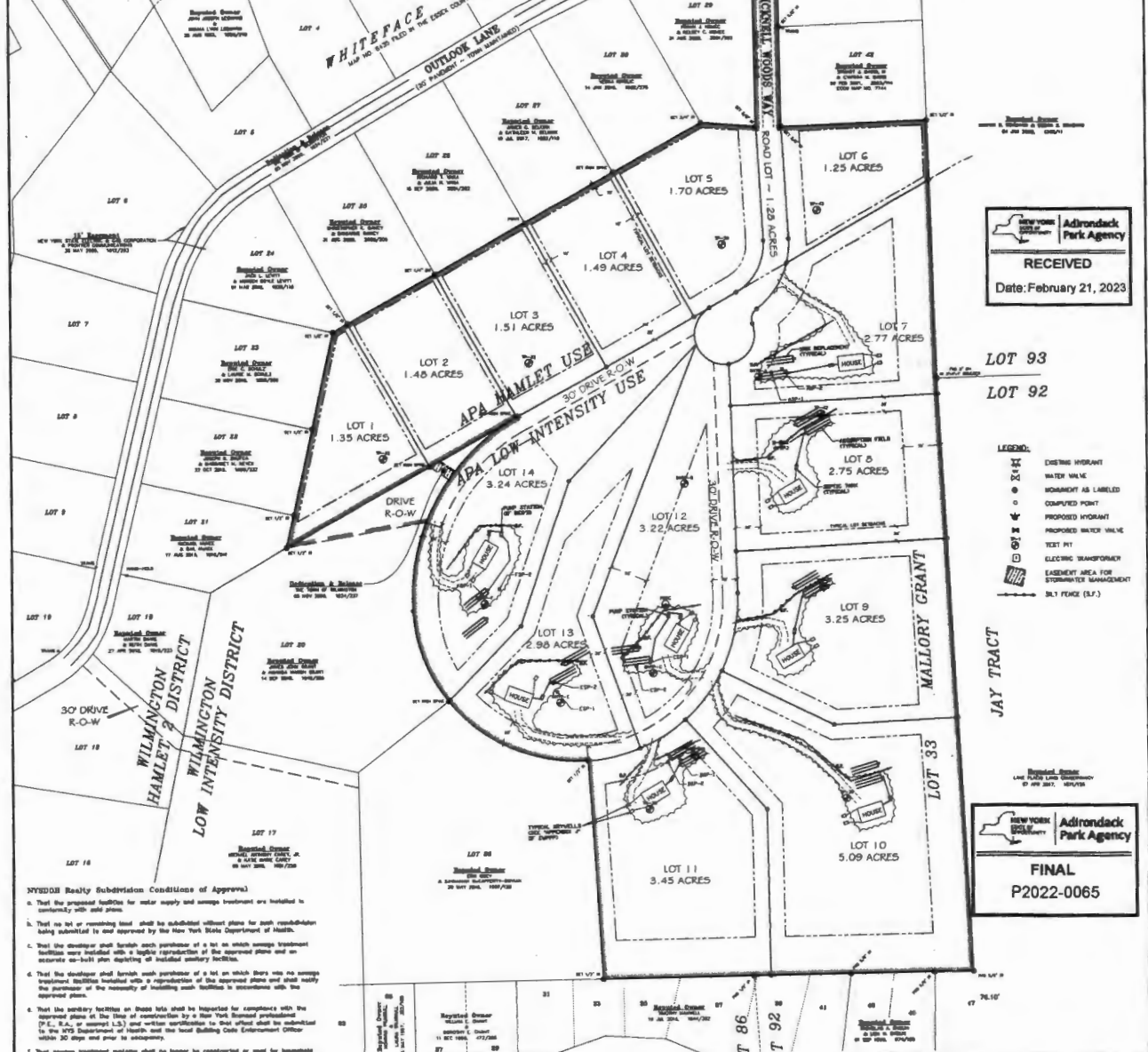


NOTES:
 All dimensions and bearings shall be taken from the original plat or plan.
 All bearings shall be taken from the same point and in the same direction.
 All distances shall be taken from the same point and in the same direction.
 All bearings shall be taken from the same point and in the same direction.
 All distances shall be taken from the same point and in the same direction.

Town of Wilmington Land Use Code 2013
 Zoning Regulations:
 District: Hamlet 2 - 35,000 SF
 Minimum Lot Area: 35,000 Sq. Ft.
 Minimum Lot Width: 60'
 Minimum 1/2 Lot Coverage: 40%
 Minimum Yard Setbacks:
 Front: 30'
 Side: 10'
 Rear: 10'
 Minimum Building Height: 40'

Adirondack Park Agency Intensity Guidelines
 Hamlet Use:
 Low Intensity Use:
 average lot area 3.5 acres, minimum lot area 2.75 acres

Adirondack Park Agency Intensity Guidelines
 Hamlet Use:
 Low Intensity Use:
 average lot area 3.5 acres, minimum lot area 2.75 acres



Adirondack Park Agency
RECEIVED
 Date: February 21, 2023

LEGEND:
 - Dashed line: EXISTING HYDROENT
 - Solid line: WATER VALVE
 - Circle with dot: HYDROENT AS LABELED
 - Square with dot: COMPUTED POINT
 - Circle with cross: PROPOSED HYDROENT
 - Circle with horizontal line: PROPOSED WATER VALVE
 - Circle with vertical line: TEST PIT
 - Circle with diagonal line: ELECTRIC TRANSFORMER
 - Circle with horizontal and vertical lines: EASEMENT AREA FOR STORMWATER MANAGEMENT
 - Dotted line: SET FENCE (S.F.)

Adirondack Park Agency
FINAL
P2022-0065

NYSDOH Best Management Practices (BMP) Conditions of Approval

1. That the proposed facilities for water supply and sewage treatment are installed in accordance with said plans.
2. That no lot or remaining land shall be subdivided without plans for such reinstallation being submitted to and approved by the New York State Department of Health.
3. That the applicant shall provide each portion of a lot an on-site sewage treatment facility more installed with a liquid application of the approved plans and an appropriate soil type suitable for installed sanitary facilities.
4. That the applicant shall furnish each portion of a lot an on-site sewage treatment facility installed with a reproduction of the approved plans and shall notify the Department of Health of the necessity of installing such facilities in accordance with the approved plans.
5. That the sanitary facilities on these lots shall be inspected for compliance with the approved plans at the time of construction by a New York State professional (P.E., E.A., or licensed L.S.) and written certification to that effect shall be submitted to the NYSDOH Department of Health and the local Building Code Enforcement Officer within 30 days and prior to occupancy.
6. That sewage treatment systems shall no longer be constructed or used for household domestic purposes when such facilities become obsolete. Conversion to the public sewerage system is required within one year of the system becoming obsolete.
7. That plans approved are limited to 3 years from the date of approval, and shall expire on that date unless the plans are renewed or extended by the NYSDOH Department of Health based on environmental facts and the timely submission of requests to effect at that time. A new plan submission may be required to obtain a three extension.
8. That the approved plans must be filed with the Essex County Clerk prior to starting lots for sale and within 90 days of the date of plan approval.
9. That all local and other state agency rules and regulations shall be complied with.



TOWN OF WILMINGTON COUNTY OF ESSEX STATE OF NEW YORK
 Being part of
 LOT 33, MALLORY GRANT
 being the same premises as conveyed by
 JOHN L. LEVITT & ROBERT DOYLE LEVITT to ROBERT T. POLTE by deed dated 08 OCT 2020
 and recorded in the Essex County Clerk's Office on 19 OCT 2020 in Deed Book 2008 of
 Page 218.
 TOWN OF WILMINGTON TAX MAP NO. 26.2-3-30.110

PROJECT BICKNELL WOODS TOWN OF WILMINGTON WILMINGTON, NEW YORK	Robert M. Marvin, Jr. Land Surveyor 21 Colton Avenue P.O. Box 990 Lake Placid, New York 12946 Phone: (518) 523-3210 Cell Prot. Fax: (518) 523-3290	PROJECT MANAGER RM 26 JAN 2022	DATE 26 JAN 2022	Unauthorised alteration of this document is a violation of section 7206 of the New York State Education Law														
		DEPT./OFFICE/MANAGER RM 26 JAN 2022	DATE 26 JAN 2022															
TITLE OF DRAWING LAND USE STANDARDS	DRAWN BY RM 26 JAN 2022	DATE DRAWN 26 JAN 2022	DATE ISSUED 26 JAN 2022	<table border="1"> <thead> <tr> <th>REVISIONS</th> <th>DATE BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>ISSUED PER NEW YORK STATE DEPT. OF ENVIRONMENTAL CONSERVATION</td> </tr> <tr> <td>2</td> <td>REVISED PER NY SPA COMMENTS</td> </tr> <tr> <td>3</td> <td></td> </tr> <tr> <td>4</td> <td></td> </tr> <tr> <td>5</td> <td></td> </tr> <tr> <td>6</td> <td></td> </tr> </tbody> </table>	REVISIONS	DATE BY	1	ISSUED PER NEW YORK STATE DEPT. OF ENVIRONMENTAL CONSERVATION	2	REVISED PER NY SPA COMMENTS	3		4		5		6	
REVISIONS	DATE BY																	
1	ISSUED PER NEW YORK STATE DEPT. OF ENVIRONMENTAL CONSERVATION																	
2	REVISED PER NY SPA COMMENTS																	
3																		
4																		
5																		
6																		