


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 2022-0133</p>
<p>In the Matter of the Application of</p> <p>CORNELIA R. BALLEEN IRA BALLEEN Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: April 4, 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">1. Cornelia R. Ballen2. Ira Ballen

SUMMARY AND AUTHORIZATION

This permit authorizes an eight-lot subdivision and the construction of seven single family dwellings in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Towns of Jay and 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 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 233±-acre parcel of land located on Bartlett Road and Crowningshield Road in the Towns of Jay and Wilmington, Essex 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 35.2, Block 1, Parcels 15, 16 and 20, Tax Map Section 35.4, Block 2, Parcel 4, and Tax Map Section 35.2, Block 4, Parcel 26.1 and is described in a deed from Cornelia R. Ballen to Cornelia R. Ballen, Trustee of the Cornelia R. Ballen Revocable Trust, dated December 22, 2020, and recorded January 5, 2021 in the Essex County Clerk's Office at Book 2018, Page 109.

The project site contains coniferous and deciduous swamp, shrub swamp and emergent marsh wetlands with a value rating of "2" in multiple locations on the project site. 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 an existing single family dwelling constructed in 2010.

The project site is subject to Agency Permits 1977-0313, 1999-0100, 2001-0064 and 2021-0203.

PROJECT DESCRIPTION

The project as conditionally approved herein involves an eight-lot subdivision to create a 157±-acre parcel improved by an existing single dwelling (Lot 1) and seven vacant lots (Lots 3, 4, 5, 6, 7, 8 and 9). A new single family dwelling is proposed for each vacant lot.

The project is shown on the following maps and plans:

- Map of Limited Survey titled "Ballen Subdivision II, Sheet 1 of 6" (Subdivision Plan), prepared by Kevin A. Hall, L.S. and dated March 29, 2023, depicting the overall subdivision.
- The building envelope for each vacant lot is depicted on a plan titled "Ballen Subdivision II, Sheet 2 of 6" (Site Plan), prepared by Kevin A. Hall, L.S. and dated March 29, 2023.
- Building and septic locations are depicted on a plan titled "Ballen Subdivision II, Sheet 3 of 6" (Development Plan), prepared by Mark Buckley, P.E. and dated March 29, 2023.
- Details and design of the on-site wastewater treatment systems are depicted on a two-page set of plans titled "Ballen Subdivision II, Sheet 4 of 6, Site Data and X-Sections" and "Ballen Subdivision II, Sheet 5 of 6, X-Sections & Specifications" (Septic Plan), prepared by Mark J. Buckley, P.E. with a final revision date of March 29, 2023.
- Driveway installation and culvert specifications are depicted on a plan titled "Ballen Subdivision II, Sheet 6 of 6, Road/Driveway Specifications" (Driveway Plan), prepared by Mark J. Buckley, P.E. with a date of March 29, 2023.

Reduced-scale copies of the Development Plan and Driveway Plan are 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 Section 809(2)(a) of the Adirondack Park Agency Act, a permit is required from the Adirondack Park Agency prior to any subdivision of Rural Use lands that results in the creation of a non-shoreline lot smaller than 7.35 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 5 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 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 Plan, Septic Plan, Clearing Plan and Driveway 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 Permits 1999-0100 and 2001-0064 remain in full force and effect. Permits 1977-0313 and 2021-0203 are superseded for 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 2022-0133, issued April 4, 2023, 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 a eight-lot subdivision as depicted on the Site Plan. Any subdivision of the project site not depicted on the Site Plan shall require a new or amended permit.

7. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and one garage each on Lots 3 and 4 within the building envelope shown on the Site Plan. Each single family dwelling shall be no larger than 2500 square feet in footprint and no more than 40 feet in height, as measured from the highest point of the structure to the lower of either existing or finished grade.

Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.

8. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and one garage each on Lots 5, 6, 7, 8 and 9 in the building envelope shown on the Site Plan. Each single family dwelling shall be no larger than 4500 square feet in footprint and no more than 40 feet in height, as measured from the highest point of the structure to the lower of either existing or finished grade.

Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.

9. The undertaking of any new land use or development not authorized herein within one-eighth mile of the Sentinel Range Wilderness Area shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.

10. Construction of any guest cottage or other accessory structure on Lots 3, 4, 5, 6, 7, 8 or 9 shall require prior written Agency approval.

11. 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 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.

12. Driveway and culvert installation shall be undertaken in compliance with the Driveway Plan.

13. Prior to undertaking any ground disturbance activities on any lot authorized herein, silt fence shall be installed in the locations depicted on the Clearing Plan.

14. 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.
15. 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 any adjoining property.
16. Within 100 feet of the edge of wetland depicted on the Site Plan, 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 the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
17. Limits of clearing for the construction of each single family dwelling, garage and onsite wastewater treatment system shall not exceed one acre and will be located within the building envelopes depicted on the Development Plan.

Outside of the building envelope depicted on the Development Plan, no trees greater than 6 inches in diameter at breast height may be cut or otherwise removed on Lots 5, 6, 7, 8, or 9 without prior written Agency authorization, except for the removal of an area up to 20 feet in width for driveway construction and utility installations and removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

18. The undertaking of any activity involving wetlands shall require a new or amended permit.
19. There shall be no more than 24-four principal buildings located on Lot 1 at any time. The single family dwelling constructed on the property in 2010 constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
20. There shall be no more than one principal building located on each of Lots 3, 4, 5, 6, 7, 8 and 9 at any time. Each single family dwelling authorized herein constitutes a principal building.

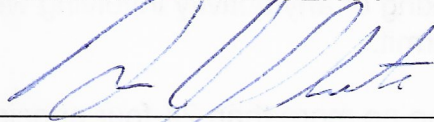
CONCLUSIONS OF LAW

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 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; and
- 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 and 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.

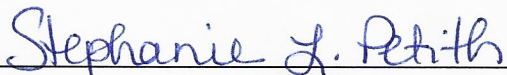
PERMIT issued this 4th day of April, 2023.

ADIRONDACK PARK AGENCY

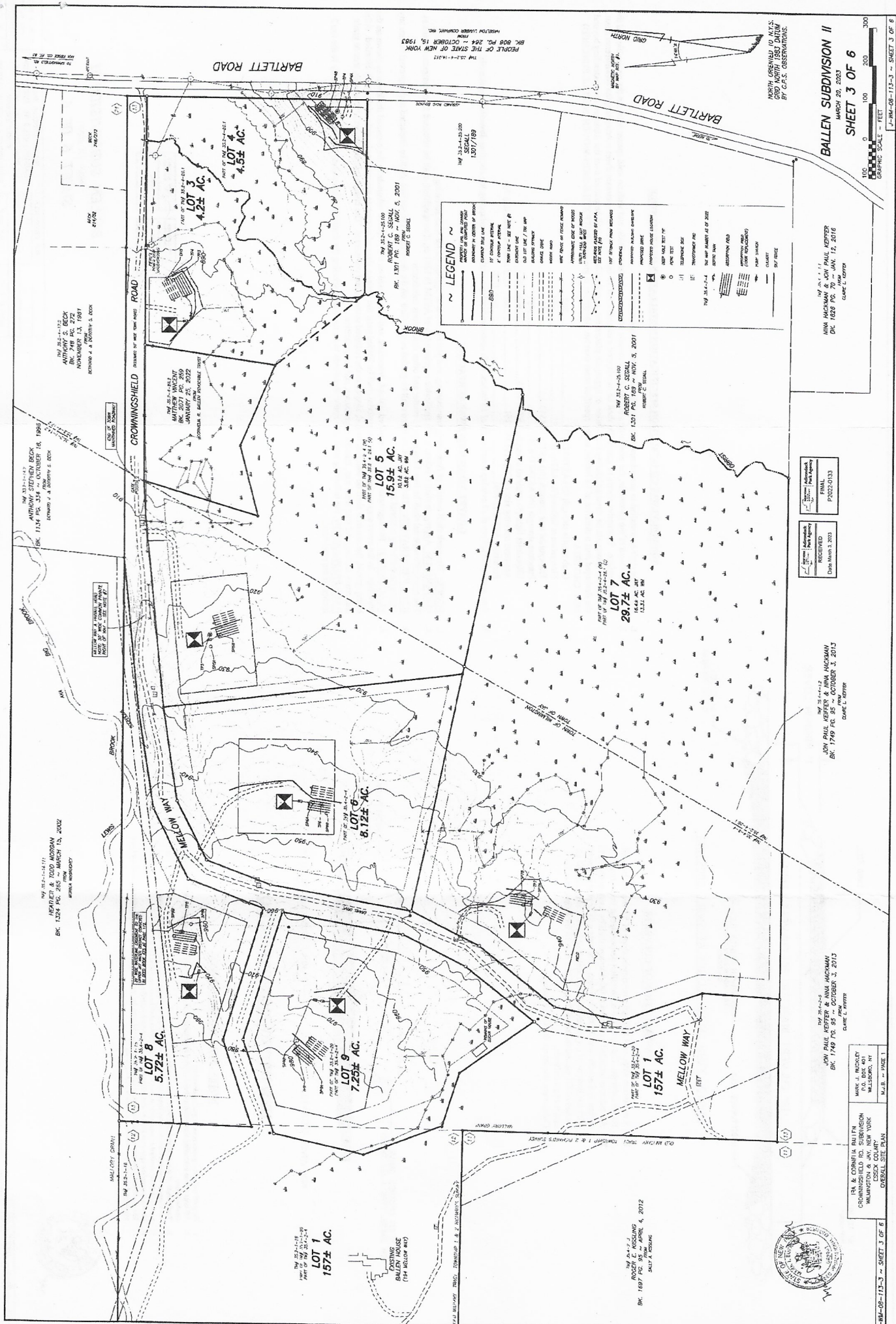
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 4th day of April 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



BALLEN SUBDIVISION II
 MARCH 20, 2023
SHEET 3 OF 6

LEGEND
 ~~~~~ EASEMENT  
 - - - - - SETBACK  
 --- PROPERTY LINE  
 --- ADJACENT PROPERTY  
 --- EXISTING ROAD  
 --- PROPOSED ROAD  
 --- EXISTING UTILITY  
 --- PROPOSED UTILITY  
 --- EXISTING STRUCTURE  
 --- PROPOSED STRUCTURE  
 --- EXISTING LOT  
 --- PROPOSED LOT

PEOPLE OF THE STATE OF NEW YORK  
 BK. 808 PG. 244 OCTOBER 15, 1983  
 ROBERT C. SECALL  
 1391/189

NEW YORK STATE  
 BK. 1374 PG. 354 OCTOBER 18, 1985  
 ANTHONY S. BECK  
 NOVEMBER 13, 1987  
 ROBERT J. & ROSEMARY S. COOK

NEW YORK STATE  
 BK. 1254 PG. 285 MARCH 13, 2002  
 HELEN M. LACROIX  
 MARCH 13, 2002

NEW YORK STATE  
 BK. 1748 PG. 25 OCTOBER 21, 2013  
 ROBERT C. SECALL  
 OCTOBER 21, 2013

NEW YORK STATE  
 BK. 1749 PG. 25 OCTOBER 21, 2013  
 ROBERT C. SECALL  
 OCTOBER 21, 2013

NEW YORK STATE  
 BK. 1749 PG. 25 OCTOBER 21, 2013  
 ROBERT C. SECALL  
 OCTOBER 21, 2013

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 OCTOBER 21, 2013

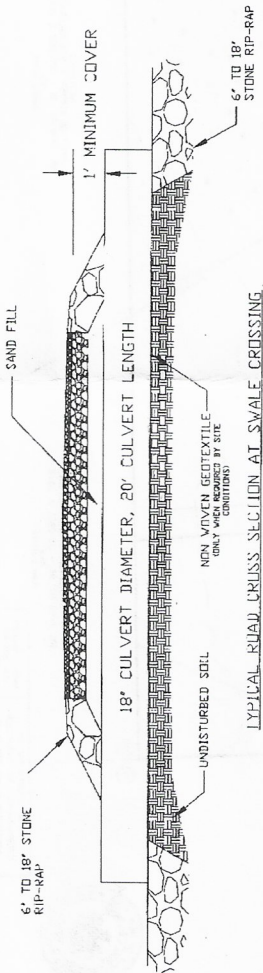
NEW YORK STATE  
 BK. 1749 PG. 25 OCTOBER 21, 2013  
 ROBERT C. SECALL  
 OCTOBER 21, 2013

NEW YORK STATE  
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 ROBERT C. SECALL  
 OCTOBER 21, 2013



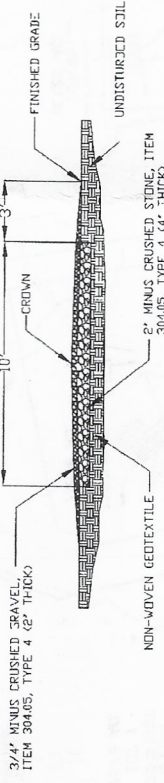
EA & CORNELIA BALLEN  
 CROWNSHIELD RD. SUBDIVISION  
 WASHINGTON & JAY, NEW YORK  
 OVERALL SITE PLAN

J-11M-08-112-3 - SHEET 3 OF 6



**INSTALLATION OF CULVERTS**

1. A minimum slope of 1.0% and a maximum slope of 5.0% shall be used for all culverts. Culverts will be installed perpendicular to the road.
2. All culverts installed under roads for drainage shall be a minimum of 18 inches in diameter and 20 feet in length. Culverts will be placed level with the bottom of the roadside trench and shall have a minimum of 12 inches of fill placed on top of them. Place 6 to 18 inch rip-rap at the outlet of all culverts.
3. Culvert are shown on the site drawing.



**NEW DRIVEWAY CROSS SECTION**

**NOTES (FOR ROAD/DRIVEWAY):**

1. Strip off soil and organics prior to grading driveway.
2. All large stones protruding above undisturbed soil prior to installation of geotextile shall be removed and the holes filled with 2" total length of driveway shall be 5/8 feet plus or minus.
3. All material removed from proposed road will be disposed of off site by the contractor unless otherwise directed.
4. Stones shall be installed on both sides of road if required. Ditches shall be no more than 12" deep.
5. Crown the surface aggregate 3" to 6" above finished grade to prevent water from ponding on the surface.
6. Use the same type and size of equipment used for construction over the entire surface and shall not leave any large depressions or irregularities that would catch dirt.

**ROAD/DRIVEWAY CONSTRUCTION SPECIFICATION INSTALLATION OF GEOTEXTILE**

1. Geotextile shall be installed in accordance with manufacturers recommendations.
2. In the placement of the geotextile, the geotextile shall be placed loosely with no wrinkles or folds, and with no void spaces between the geotextile and the ground surface. Successive sheets of geotextile shall be overlapped a minimum of 18 inches, with the upstream sheet overlapping the downstream sheet. Should the geotextile be damaged during installation or aggregate placement, a geotextile patch shall be placed over the damaged area extending beyond the damaged area a distance of 18 inches, or the specified seam overlap, whichever is greater. **GEOTEXTILE (NON-WOVEN, NEEDLE PUNCHED)**  
 MIN. CRITERIA:  
 Grab tensile strength (lb) ASTM D4632.....202  
 Elongation at failure (%) ASTM D 4632.....>50  
 Trapezoidal tear strength (lb) ASTM D 4533.....79  
 Puncture strength (lb) ASTM D 6241.....433  
 Ultraviolet light (% retained strength) ASTM 4355.....min. 50  
 Apparent opening size (AOS) ASTM 4751.....max. 0.22 mm (us sieve size 70)  
 Perfority ASTM D 4491.....min. 0.70
3. Any geotextile splices shall overlap a minimum of 18 inches, with upstream/upstroke geotextile overlapping the abutting downstroke geotextile.

**GRAVEL ROAD/DRIVEWAY SURFACING**

1. **SCOPE:** The work shall consist of furnishing, transporting, and placing mineral aggregates for road surfacing.
2. **MATERIALS:** Aggregate shall conform to the applicable requirements of ASTM D 1241 or, if so specified, shall be obtained from designated sources. The aggregate material shall be free from organic matter and other deleterious substances.
3. **BASE PREPARATION:** The area to be surfaced shall be graded as specified on the drawings. The surface shall be inspected and approved before any aggregate surfacing material is placed.
4. **PLACEMENT:** The aggregate shall be deposited, spread, processed, and compacted on the prepared subgrade to the required thickness as shown on the drawings. In the event segregation occurs, the material shall be blended until the various sizes of aggregate are uniformly and satisfactorily blended. After being spread, the material shall be watered, mixed, shaped to the required section, and compacted. The completed course shall be smooth, true to grade and cross-section, and free from ruts, humps, depressions, and irregularities.
5. **BASE PREPARATION:** The following shall also apply: Roadbeds to be surfaced including the drainage ditches shall be scarified minimally to the top 2 inches of the road-base.

|                     |                  |
|---------------------|------------------|
| RECEIVED            | FINAL            |
| Date March 31, 2023 | P2022-0133-Final |

|             |                               |                |
|-------------|-------------------------------|----------------|
| APR 04 2023 | IRA & CORNELIA BALLEN         | MARK J. BUCKLE |
| APR 04 2023 | CROWNINGSHIELD RD SUBDIVISION | M.L. BUCK 400  |
| APR 04 2023 | WILMINGTON E. JAY, NEW YORK   | W.L. BUCK 400  |
| APR 04 2023 | ROSSA COUNTY                  | W.L. BUCK 400  |
| APR 04 2023 | ROAD/DRIVEWAY SPECIFICATIONS  | M.L.B. - PAGE  |