


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 2022-0239</p>
<p>In the Matter of the Application of</p> <p>GEORGE MCCABE AND RACHEL NEILD Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577</p>	<p>Date Issued: February 7, 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. George McCabe2. Rachel Neild

SUMMARY AND AUTHORIZATION

This permit authorizes construction of a new single family dwelling in an area classified Rural 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 the Rural Use portion (133± acres) of a 135± acre parcel of land located on Clark Lane in the Town of Jay, Essex County, in an area classified Rural Use and Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 17.4 Block 1, Parcel 6.007, and is described in a deed from Dean A. Estes to George McCabe and Rachel Neild, dated September 28, 2021, in the Essex County Clerk's Office as Instrument Number 2021-5069.

The project site contains shoreline on East Branch AuSable River, is partially located within the designated East Branch Ausable River Recreational Area, and is partially located within 150 feet of the edge of the right of way of NYS Route 9N. The project site also contains wetlands associated with a drainage feature and the East Branch AuSable River. Additional wetlands not described herein or depicted on the Site Plans may be located on or adjacent to the project site.

The project site is improved by a pre-existing single family dwelling.

PROJECT DESCRIPTION

The project as conditionally approved herein involves construction of a new single family dwelling.

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

- "Map of Limited Survey," and "Site Plan" in two sheets prepared by Kevin A. Hall, LS, dated May 2, 2022, and received by the Agency on October 25, 2022 (Survey Maps);
- "McCabe/Neild Site" in five sheets prepared by North Woods Engineering, PLLC dated November 29, 2022, and received by the Agency on December 9, 2022 (Site Plans);
- "Neild McCabe Residence" in two sheets prepared by TruexCullins Architecture & Interior Design, dated September 19, 2022, and received by the Agency on September 30, 2022 (Dwelling Plans); and
- "Neild/McCabe Residence" prepared by Wagner Hodgson Landscape Architecture, dated October 25, 2022, and received by the Agency on October 25, 2022 (Planting Plan).

A reduced-scale copy of Sheet 1 of the Site Plans 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 or development on Rural Use lands 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. Pursuant to § 570.3(a) of Agency regulations, subdivision includes the construction of a single family dwelling on a lot already containing an existing single family dwelling.

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, the Site Plans and the Planting 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 2022-0239, issued February 7, 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 the construction of one single family dwelling and the "Proposed Drive" on the project site in the location, footprint, and height depicted and as described on the Site Plans, the Planting Plan and the Dwelling Plans.

Any accessory structure constructed on the project site shall be no greater than 1,000 square feet in footprint, no taller than 18 feet above existing grade and shall be located between the three red maple trees and the three swamp oaks in the "Meadow" as depicted on the Planting Plan.

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

6. The undertaking of any new land use or development not authorized herein on the project site within one-quarter mile of the East Branch AuSable River or within 150 feet of the right of way of NYS Route 9N shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.

7. Construction of any guest cottage on the project site shall require prior written Agency approval.
8. 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.

9. 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 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.

10. 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. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.
11. 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 Clark Lane, NYS Route 9N, East Branch AuSable River or adjoining properties.
12. All exterior building materials, including roof, siding and trim, of any new structure on the project site shall be a dark shade of green, grey, or brown.
13. Between East Branch AuSable River and the new single family dwelling depicted on the Site Plans, 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.

Within 100 feet of the "Edge of Existing Clearing" located south and east of the single family dwelling authorized herein as depicted on the Site Plans, 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.

14. Between April 1 and October 31, no trees shall be removed or disturbed on the project site without prior written Agency authorization.
15. All trees and shrubs depicted on the Planting Plan shall be planted no later than the first spring or fall planting season after final grading related to the construction of the new single family dwelling depicted on the Site Plans and the Dwelling Plans. Trees and shrubs that do not survive shall be replaced annually until established in a healthy growing condition.
16. There shall be no more than 16 principal buildings located on the project site at any time in addition to the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations. The new single family dwelling authorized herein constitutes a principal building. 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 Adirondack Park Agency Act, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, and 9 NYCRR Part 574. The Agency hereby finds that the construction of the new single family dwelling 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 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 ^{7th} day
of February, 2023.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the ^{7th} day of February 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

McCABE / NEILD SITE

AUSABLE FORKS, NY

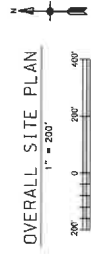


PROJECT LOCATION




Adirondack Park Agency
FINAL
P2022-0239


Adirondack Park Agency
RECEIVED
 Date: December 9, 2022



OVERALL SITE PLAN

North Woods Engineering P/E
 219 CLARK LANE, AUSABLE FORKS, NY 12912
 518-535-1234
 www.northwoodsengineering.com



I HEREBY CERTIFY THAT I AM THE REGISTERED PROFESSIONAL ENGINEER IN CHARGE OF THE PREPARATION OF THIS PLAN AND THAT I AM A MEMBER IN GOOD STANDING OF THE PROFESSIONAL ENGINEERING SOCIETY OF THE STATE OF NEW YORK.

PROJECT NAME: McCABE/NEILD SITE
 LOCATION: AUSABLE FORKS, NY
 DATE ISSUED FOR PERMIT: 11/27/22
 DATE LAST REVISED: 11/27/22
 DRAWN BY: ERM
 CHECKED BY: JAC
 DESIGNED BY: JAC
 TITLE: SITE PLAN