


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 2022-0243</p>
<p>In the Matter of the Application of</p> <p>THOMAS KELLY AND MEGHAN KELLY 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 15, 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. Thomas Kelly2. Meghan Kelly

SUMMARY AND AUTHORIZATION

This permit authorizes construction of a single family dwelling and a garage with living space in an area classified Resource Management 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 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 142.39± acres of land located on NYS Route 9N in the Town of Jay, Essex County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 35.4, Block 3, Parcel 22.11, and is described in a deed from Adirondack MT Land, LLC to Thomas Kelly and Meghan Kelly, dated January 7, 2020, and recorded in the Essex County Clerk's Office under Book 1977, Page 327.

The project site is partially located within the designated East Branch AuSable River Recreational Area and is partially located within the NYS Route 9N and the Sentinel Range Wilderness critical environmental areas. The project site also contains wetlands associated with a stream. Additional wetlands not described herein or depicted on the Site Plans may be located on or adjacent to the project site.

The project site was created by a two-lot subdivision as authorized by Agency Permit 1996-0142B.

PROJECT DESCRIPTION

The project as conditionally approved herein involves construction of a single family dwelling and a garage with living space on the project site.

The project is shown on the following maps, plans, and reports: "Lands of Thomas Kelly" in two sheets prepared by Upstate Design Associates, LLC, dated December 15, 2022, and received by the Agency on December 16, 2022 (Site Plans). A reduced-scale copy of the Site Plans 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 the construction of any single family dwelling Resource Management lands 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 new land use or development on Resource Management lands within any designated recreational river area in the Adirondack Park.

This permit amends Condition 8 of Permit 1996-0142B.

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 permittees, 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 permittees 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. This permit amends and supersedes Permit 1996-0142B in relation to the project site. The terms and conditions of Permit 1996-0142B shall no longer apply to 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 2022-0243, issued February 15, 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 the construction of one single family dwelling and one garage with living space on the project site in the location and footprint as depicted on the Site Plans. The maximum height of the garage with living space shall be no greater than 34 feet above existing grade as depicted on the Site Plans; and the maximum height of the single family dwelling shall be no greater than 36 feet above existing grade as depicted on the Site Plans.

Any structure on the project site 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. 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 East Branch AuSable River; or within within 300 feet of the right of way of NYS Route 9N; or within one-eighth mile of the Sentinel Wilderness area 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 the project site outside the "Existing Cleared Limits" depicted on the Site Plans and the "New Cleared Area" described on the Site Plans shall require prior written Agency authorization.

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. Erosion and sediment control on the project site shall be installed as depicted and described on the Site Plans prior to any surface disturbance or vegetation removal.
11. Stormwater management measures shall be installed as described on the Site Plans.
12. 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.
13. 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 East Branch AuSable River, Sentinel Range Wilderness, NYS Route 9N or adjoining properties.
14. All exterior building materials, including roof, siding and trim, of any structure on the project site shall be a dark shade of green, grey, or brown.
15. Outside of the Existing Cleared Limits and west of the "edge of 100' right-of-way" 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. In addition, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed between NYS Route 9N and the "top of slope" as depicted on the Site Plans except for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
16. All trees and shrubs described on the Site Plans shall be planted no later than the first spring or fall planting season after final grading related to the construction of the single family dwelling and/or the garage with living space on the project site. Trees and shrubs that do not survive shall be replaced annually until established in a healthy growing condition.

17. There shall be no more than three principal building(s) located on the project site at any time. 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 single family dwelling and the garage with living space 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 Resource Management land use area;
- c. will be consistent with the overall intensity guidelines for the Resource Management 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 15th 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 15th 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

CONSTRUCTION NOTES:

1. CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES TO REMAIN UNDISTURBED.
2. ALL EXISTING UTILITIES SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.
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GENERAL NOTES:

1. THIS PLAN IS FOR THE PROPOSED DEVELOPMENT OF THE SITE.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
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MAINTENANCE NOTES:

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 JAY, NY 13780-0334
 518 546 7571 (PH/FAX)
 WWW.ADSURVYING.COM
 RALPH@ADIRONDACKSURVEYING.COM

THOMAS KELLY
 State of New York
 Ulster County
 License No. 15-122 BB
 APPLICANT'S SIGNATURE

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 Ryan M. Burns, P.E.
 PO Box 65
 Jay, NY 13780
 518-546-0986 (Phone)
 upstatedesign@charter.net
 upstatedesignassociates.com

APR 18 2022
 PROJECT NO. 2022-0243
 CLIENT: THOMAS KELLY
 LOCATION: 11668 RTE IN, JAY NY
 DRAWN BY: RMB
 SHEET NO. 01

DESIGN DATA:

APPROXIMATE DISTANCES:
 TO NEAREST EXISTING ROAD: 100'
 TO NEAREST EXISTING UTILITY: 100'
 TO NEAREST EXISTING STRUCTURE: 100'
 TO NEAREST EXISTING POWER LINE: 100'

PROPOSED CLEARING AREAS AND DWELLING CRITERIA:

New Cleared Area	Proposed Dwelling Size	Dwelling Criteria
10,000 sq ft	2,000 sq ft	1.5 story detached home w/ no more than 100 sq ft of finished area
15,000 sq ft	3,000 sq ft	2 story detached home w/ no more than 150 sq ft of finished area
20,000 sq ft	4,000 sq ft	2 story detached home w/ no more than 200 sq ft of finished area
25,000 sq ft	5,000 sq ft	2 story detached home w/ no more than 250 sq ft of finished area
30,000 sq ft	6,000 sq ft	2 story detached home w/ no more than 300 sq ft of finished area
35,000 sq ft	7,000 sq ft	2 story detached home w/ no more than 350 sq ft of finished area
40,000 sq ft	8,000 sq ft	2 story detached home w/ no more than 400 sq ft of finished area
45,000 sq ft	9,000 sq ft	2 story detached home w/ no more than 450 sq ft of finished area
50,000 sq ft	10,000 sq ft	2 story detached home w/ no more than 500 sq ft of finished area

PROPOSED CLEARING AREAS AND DWELLING CRITERIA:

NEW CLEARED AREA:

- 1. 10,000 SQ FT
- 2. 15,000 SQ FT
- 3. 20,000 SQ FT
- 4. 25,000 SQ FT
- 5. 30,000 SQ FT
- 6. 35,000 SQ FT
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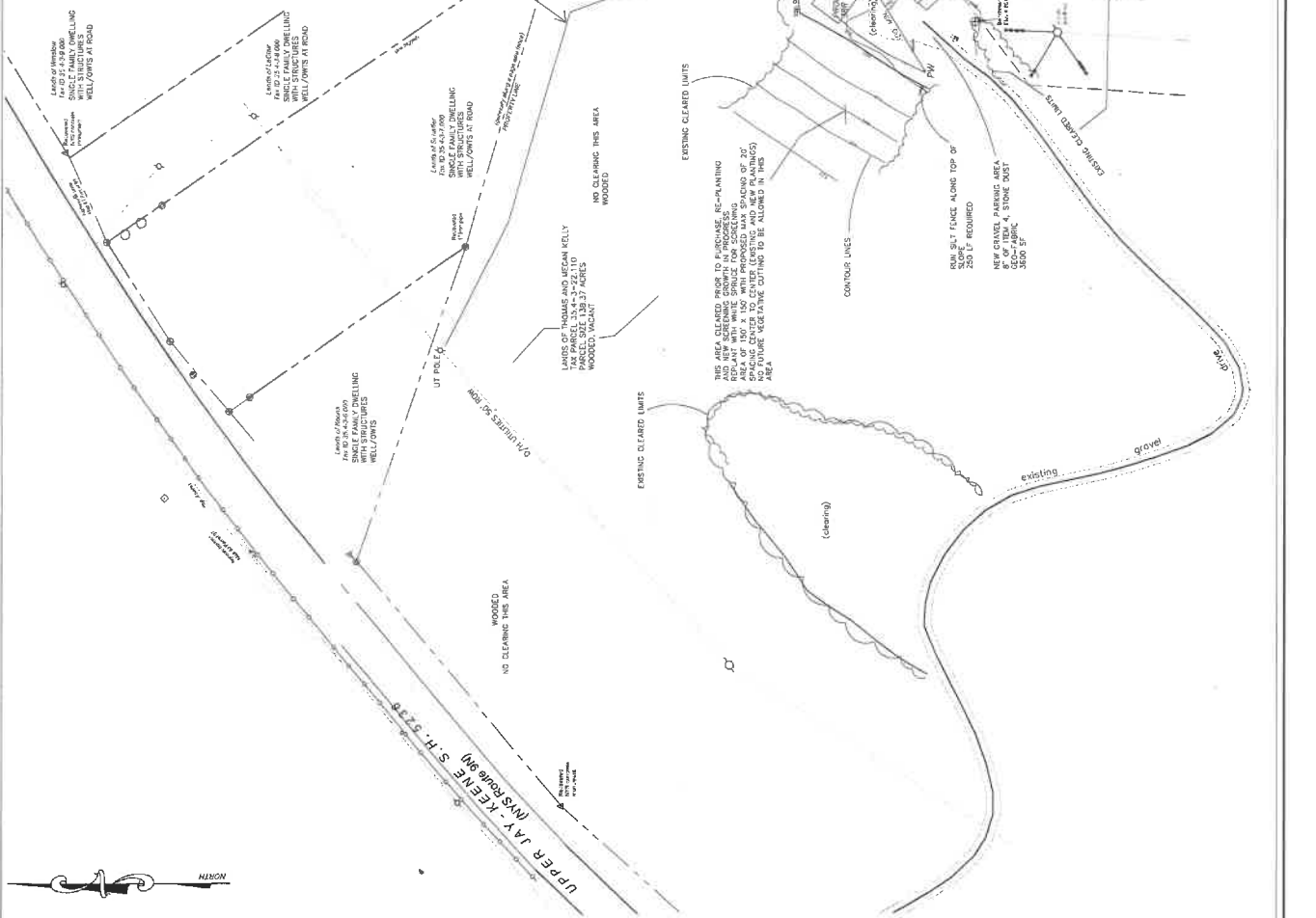
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ADIRONDACK PARK AGENCY
 FINAL
 P2022-0243
 RECEIVED
 Date: December 18, 2022

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IT IS THE POLICY OF THE FIRM TO PROVIDE THE BEST SERVICE TO OUR CLIENTS. THE ENGINEER HAS NOT BEEN RETAINED TO INSPECT OR PROVIDE INSPECTIONS OR CERTIFICATIONS ASSOCIATED WITH THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL WORK SHOWN ON THESE PLANS. THE CONTRACTOR SHALL STOP WORK AND NOTIFY THE ENGINEER IMMEDIATELY UPON DISCOVERY OF ANY DISCREPANCY OR OMISSIONS IN THE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND STRUCTURES.

CONSTRUCTION NOTES:
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING CODE (IPC).
 2. ALL MATERIALS SHALL BE APPROVED BY THE ENGINEER PRIOR TO INSTALLATION.
 3. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
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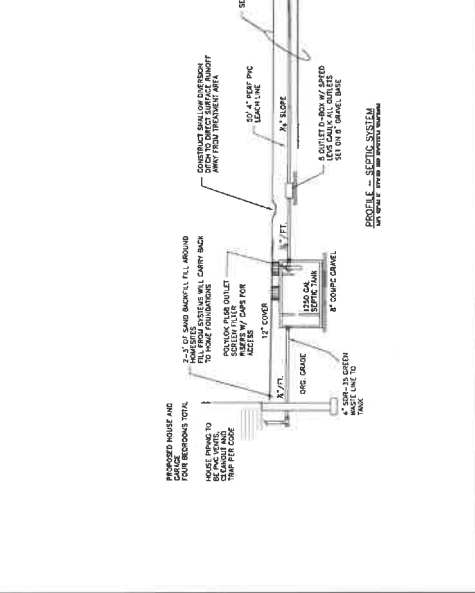
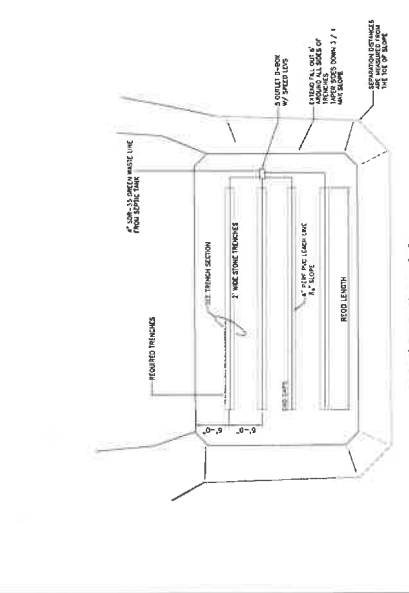
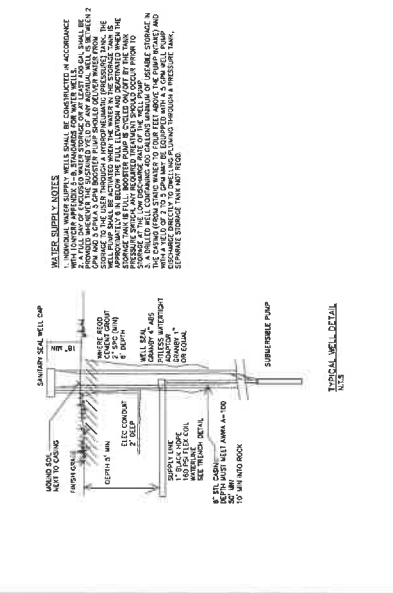
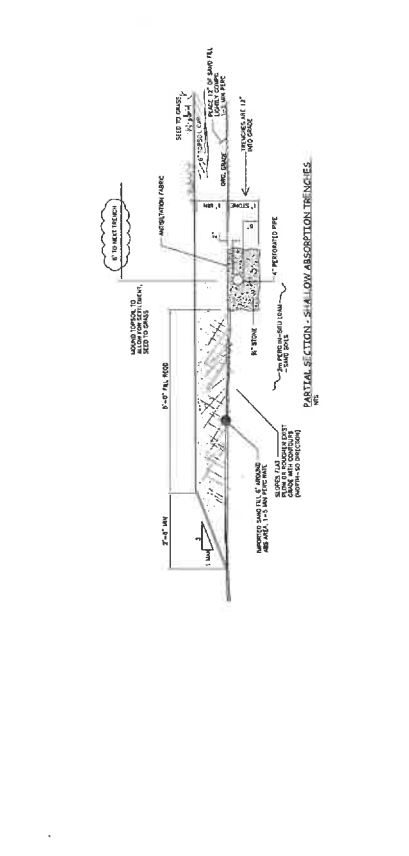
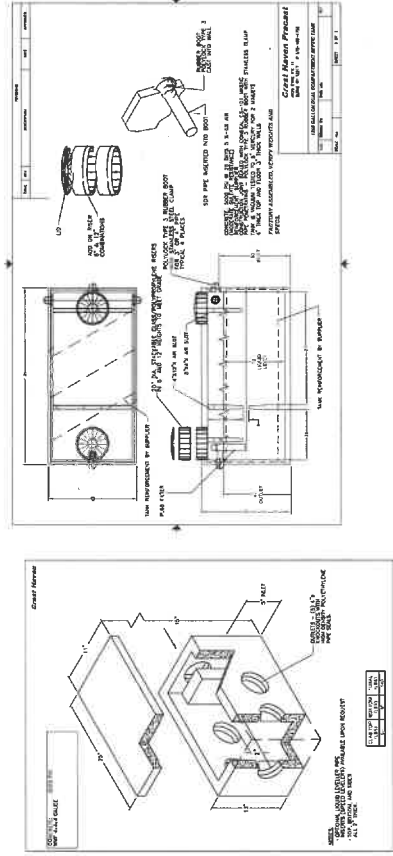
PROJECT SURVEYOR
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LANDS OF THOMAS KELLY
 Town of Jay
 Essex County
 State of New York

Upstate Design Associates, LLC
 Consulting Engineers
 Raymond A. Burns, P.E.
 Paul Kent, New York
 518-384-8888 (Phone)
 paul@upstatedesign.com
 upstatedesign.com

PROJECT: KELLY PROPERTY
 CLIENT: THOMAS KELLY
 PROJECT NO.: 2022-0243
 DATE: AUGUST 8, 2022
 DRN BY: RMB

SHEET NO. 02



PERMISSION HAS BEEN GRANTED FOR USE OF THIS DRAWING FOR THE PROJECT AND PREPARED BY ADIRONDACK SURVEYING. PERMISSION IS NOT TO BE USED FOR ANY OTHER PROJECTS.