


THIS IS A TWO-SIDED DOCUMENT

 <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 2022-0298</p>
<p>In the Matter of the Application of</p> <p>WILDERNESSCAPES PROPERTIES, LLC, THOMAS HASKINS & DOREEN HEER, JUSTIN HART & MICHELLE TAYLOR Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: October 1, 2024</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. Wildernesscapes Properties, LLC2. Thomas Haskins3. Doreen Heer4. Justin Hart5. Michelle Taylor

SUMMARY AND AUTHORIZATION

This permit authorizes a six-lot subdivision and establishment of a tourist accommodation 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 Essex County Clerk's Office. The Agency will consider the project in existence when either 1) an authorized structure has been constructed, or 2) when an authorized lot has been conveyed.

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 168.66± acres consisting of three parcels of land as follows:

- A 129.76±-acre parcel of land located on Stickney Bridge Road in the Town of Jay, 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 27.2, Block 2, Parcel 16.100, and is described in a deed from Cheryl J. Esper to Wildernesscapes Properties, LLC, dated January 5, 2022, and recorded January 11, 2022 in the Essex County Clerk's Office at Book 2068, Page 61.
- A 11.05±-acre parcel of land located on Stickney Bridge Road in the Town of Jay, 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 27.2, Block 2, Parcel 16.700, and is described in a deed from Edward Higgins and Kelly Higgins to Justin Hart and Michelle Taylor, dated September 12, 2014, and recorded September 25, 2014 in the Essex County Clerk's Office at Book 1779, Page 10.
- A 27.85±-acre parcel of land located on Hazen Road in the Town of Jay, 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 27.2, Block 2, Parcel 20.00, and is described in a deed from Thomas Haskins and Doreen Heer to Thomas Haskins and Doreen Heer, dated December 2, 2021, and recorded December 3, 2021 in the Essex County Clerk's Office at Book 2062, Page 147.

The project site contains wetlands that are generally located in the southwest and northeast areas of the project site. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

The vacant 129.76±-acre parcel to be subdivided and developed contains an existing unimproved access driveway from Stickney Bridge Road. The 11.05±-acre parcel and the 27.85±-acre parcel are each improved by a single-family dwelling and associated residential development.

The project site was created as "Lot 1" in a two-lot subdivision as authorized by Agency Permit 2021-0109.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a six-lot subdivision of a 129.76±-acre parcel to result in:

- Three building lots, each to be developed by one single family dwelling, detached garage and installation of an on-site wastewater treatment system and individual water supply well;
- Two vacant lots to be merged by deed with adjacent lots containing existing development; and
- A remaining lot, to be developed by seven tourist accommodation structures and the installation of an on-site wastewater treatment system and individual water supply well for each.

The project is shown and described on the following plans and reports:

- A 22-sheet set of plans titled "Property Subdivision, APA Project # P2022-0298," prepared by East Branch Engineering, PLLC, dated last revised December 10, 2022 and received by the Agency on July 15, 2024 (Project Plans); and
- A 257-page Stormwater Pollution Prevention Plan, prepared by East Branch Engineering, PLLC, dated June 3, 2024 and received by the Agency on June 13, 2024 (SWPPP).

A reduced-scale copy of the overall project, shown on sheet C-100b of the Project 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 establishment of any tourist accommodation on Rural Use lands 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 four or more lots, parcels, or sites since May 22, 1973, in a Rural Use land use area in the Adirondack Park.

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 that involves wetlands in the Adirondack Park.

Condition 6 of Agency Permit 2021-0109 requires a new or amended permit for any additional subdivision of the project site.

Condition 8 of Agency Permit 2021-0109 requires a new or amended permit for the construction any principal building on the project site.

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 Project 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. This permit amends and supersedes Permit 2021-0109 in relation to the project site. The terms and conditions of Permit 2021-0109 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 2022-0298, issued October 1, 2024, 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 six-lot subdivision as depicted on the Project Plans. Any subdivision not depicted on the Project Plans shall require prior written Agency authorization.
7. Within 30 days of conveyance of the 5.59±-acre lot, a new deed shall be filed in the Essex County Clerk's office describing the 5.59±-acre lot and Tax Parcel No. 27.2-2-16.700 as a single, un-divided lot.
8. Within 30 days of conveyance of the 24.69±-acre lot, a new deed shall be filed in the Essex County Clerk's office describing the 24.69±-acre lot and Tax Parcel No. 27.2-2-20.00 as a single, un-divided lot.
9. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and detached garage on Lot 1, in the location shown and as described on the Project Plans. The single family dwelling shall have a maximum height of 33 feet and shall not exceed a footprint of 2,000 square feet, including all attached porches, decks, exterior stairs, and other attached structures. The detached garage shall have a maximum height of 20 feet and shall not exceed

- 720 square feet in footprint. Any change to the location or dimensions of the dwelling or garage shall require prior written Agency authorization.
10. There shall be no more than one principal building located on Lot 1 at any time. The single family dwelling authorized herein constitutes one principal building.
 11. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and detached garage on Lot 2, in the location shown and as described on the on the Project Plans. The single family dwelling shall have a maximum height of 36 feet and shall not exceed a footprint of 3,000 square feet, including all attached porches, decks, exterior stairs, and other attached structures. The detached garage shall have a maximum height of 20 feet and shall not exceed 720 square feet in footprint. Any change to the location or dimensions of the dwellings or garages shall require prior written Agency authorization.
 12. There shall be no more than three principal buildings located on Lot 2 at any time. The single family dwelling authorized herein constitutes one principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
 13. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and detached garage on Lot 3, in the location shown and as described on the Project Plans. The single family dwelling shall have a maximum height of 36 feet and shall not exceed a footprint of 3,500 square feet, including all attached porches, decks, exterior stairs, and other attached structures. The detached garage shall have a maximum height of 20 feet and shall not exceed 720 square feet in footprint. Any change to the location or dimensions of the dwellings or garages shall require prior written Agency authorization.
 14. There shall be no more than two principal buildings located on Lot 3 at any time. The single family dwelling authorized herein constitutes one principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
 15. Construction of any guest cottage on Lots 1, 2, or 3 shall require prior written Agency authorization.
 16. Any deed of conveyance for Lots 1, 2, and 3 shall contain an easement providing access across the shared driveway on the 49.71±-acre lot from Stickney Bridge Road, as depicted on the Project Plans.
 17. Subject to the conditions stated herein, this permit authorizes the construction of seven tourist accommodation structures and the establishment of a tourist accommodation use on the 49.71±-acre lot, in the locations shown and as described on the Project Plans. Any change to the location, dimensions, or use of the tourist accommodation structures shall require prior written Agency authorization.

18. There shall be no more than seven principal buildings located on the 49.71±-acre lot at any time. The seven tourist accommodation structures authorized herein constitute seven principal buildings.
19. Any commercial use(s) on the project site shall require a new Agency permit.
20. If installed within five years of the date of issuance of this permit, the on-site wastewater treatment systems shall be constructed in conformance with the location and design shown on the Project Plans. Construction of the systems shall be supervised by a design professional (licensed engineer or registered architect). Within 30 days of each 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.
21. The project shall be undertaken in compliance with the Stormwater Pollution Prevention Plan.
22. 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.
23. All exterior building materials, including roof, siding and trim, of all structures authorized herein shall be a dark shade of green, grey, or brown.
24. Any new free-standing or building-mounted outdoor lights associated with the tourist accommodation on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward or adjoining property.
25. Any signs associated with the tourist accommodation on the project site shall comply with the Agency's "Standards for Signs Associated with Projects" [9 NYCRR Part 570, Appendix Q-3].
26. Outside of the limits of clearing shown on the Project Plans on Lots 1, 2, 3 and the 49.71±-acre lot, 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.

27. The undertaking of any activity involving wetlands shall require a new or amended permit.

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 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.

PERMIT issued this 1st day of October, 2024.

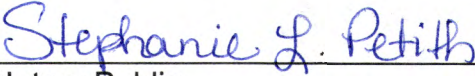
ADIRONDACK PARK AGENCY

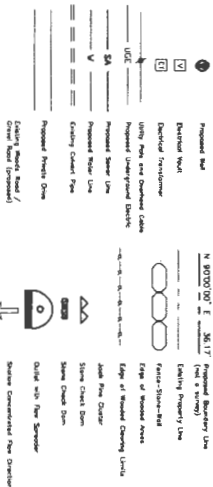
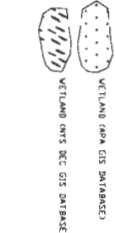
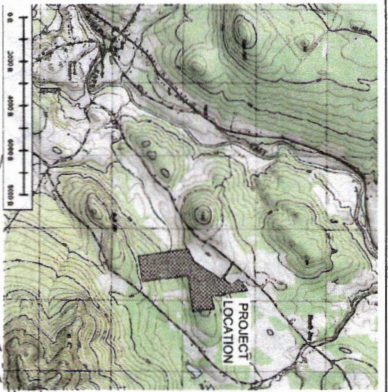
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 1st day of October in the year 2024, 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



- GENERAL CONSTRUCTION NOTES:**
1. CALL FOR DATA FROM THE ADIRONDACK PARK AGENCY TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING CONSTRUCTION.
 2. CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME. DELAYS DUE TO UNFORESEEN CIRCUMSTANCES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES. ANY OBSTRUCTIONS SHALL BE REMOVED IMMEDIATELY UPON NOTIFICATION.
 4. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MONITORING AND MAINTAINING THESE MEASURES.
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EROSION AND SEDIMENT CONTROL NOTES:

1. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME. DELAYS DUE TO UNFORESEEN CIRCUMSTANCES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES. ANY OBSTRUCTIONS SHALL BE REMOVED IMMEDIATELY UPON NOTIFICATION.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO COMMENCING CONSTRUCTION.
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RECEIVED
 NEW YORK
 STATE OF NEW YORK
 Adirondack Park Agency
 Date: July 15, 2024

FINAL
 NEW YORK
 STATE OF NEW YORK
 Adirondack Park Agency
 P2022-0298

PROJECT DATA
 PROJECT # P2022-0298
 DRAWING NO. C-100b

EAST BRANCH ENGINEERING, P.L.C.
 1201 NICHOLS ROAD
 ALBANY, NY 12204
 (518) 534-8888
 www.eastbrancheng.com

PROJECT ENGINEER
 JOHNATHAN ESPER
 LICENSE NO. 10884
 STATE OF NEW YORK

PROJECT LOCATION:
 TAX PARCEL # 27-2-16-100
 TOWN OF ALBANY
 STATE OF NEW YORK

PROPERTY SUBDIVISION
 APA PROJECT # P2022-0298

PROJECT TITLE
 EROSION AND SEDIMENT CONTROL PLAN - OVERALL SITE PLAN

DRAWING NO.
 C-100b