


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 2023-0032</p>
<p>In the Matter of the Application of</p> <p>KATHY BIRD Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: August 15, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Kathy Bird</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision and construction of a single family dwelling in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Indian Lake, Hamilton County.

This authorization shall expire unless recorded in the Hamilton 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 Hamilton 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 43.6-acre parcel of land located on Big Brook Road in the Town of Indian Lake, Hamilton County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 65.012, Block 1, Parcel 24.111, and is described in a deed from Rodney J. Moulton and Marion M. Moulton to Kathy Bird and James Bird, dated March 7, 2005, and recorded March 21, 2005 in the Hamilton County Clerk's Office at Book 233, Page 466.

The project site contains shoreline on an un-named, private pond and wetlands. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision to create:

- A 39.5-acre vacant lot (Lot 1); and
- A 4.113-acre lot to be improved by a new single family dwelling with related development (Lot 2).

The project is shown on the following map and plans:

- A single page map titled, "Subdivision Plan Lands of Kathy Bird," prepared by William A. Seymour, LLS, last revised June 5, 2023 (Site Plan); and
- An eight-sheet plan set titled "Wastewater Treatment System for Bird Property Town of Indian Lake," prepared by Rita Carlson, PE, engineer-stamped July 7, 2023 with sheet 5 engineer-stamped August 8, 2023 (Septic Plan).

A reduced-scale copy of the Site Plan for the project is 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.

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 Hamilton 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 Site 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 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 2023-0032, issued August 15, 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 two-lot subdivision as depicted on the Site Plan. Any subdivision not depicted on the Site Plan shall require prior written Agency authorization.
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on Lot 2 in the location and footprint shown on the Site Plan. The single family dwelling 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. Construction of any guest cottage on Lot 2 shall require prior written Agency approval.
8. Prior to undertaking construction of any boathouse on the project site, written authorization of plans for the boathouse, including all attached docks or walkways, shall be obtained from the Agency.
9. Prior to undertaking construction of any dock on the project site, written authorization of plans for the dock, including all attached upland structures, shall be obtained from the Agency.
10. No structures greater than 100 square feet in size shall be constructed within 75 feet, measured horizontally, of the mean high water mark of the unnamed private pond. Boathouses and docks, as defined under the Town of Indian Lake land use code, are excepted from this requirement.
11. Any on-site wastewater treatment system on Lot 2 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. 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 the un-named private pond, Big Brook Road or adjoining property.
14. Within 100 feet of the wetlands 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 Lot 1 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 centerline of Big Brook Road, no trees greater than 6 inches in diameter at breast height may be cut or otherwise removed on Lot 1 without prior written Agency authorization, except for the removal of 1) an area up to 25 feet in width for driveway construction and utility installations and 2) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

15. Between April 1 and October 31, no trees shall be removed or disturbed on the project site without prior written Agency authorization.

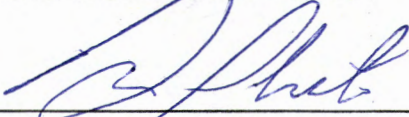
CONCLUSIONS OF LAW

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 meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Indian Lake;
- b. 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;
- c. 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;
- d. 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.

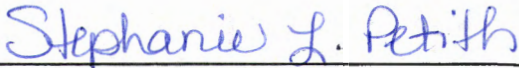
PERMIT issued this 15th day
of August, 2023.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 15th day of August 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



SITE DATE
 OWNER: KATHY & JAMES BIRD
 ZONING: LOW INTENSITY, MIN. 3.2 ACRES
 MINIMUM SETBACKS: 50' FRONT 25' SIDE 25' REAR
REFERENCE
 1.) LIBER 233 OF DEEDS, PAGE 466
 2.) T.A.#65.012-1-24.111
 3.) FILED MAP #2476

NEW YORK STATE OF OPPORTUNITY. **Adirondack Park Agency**

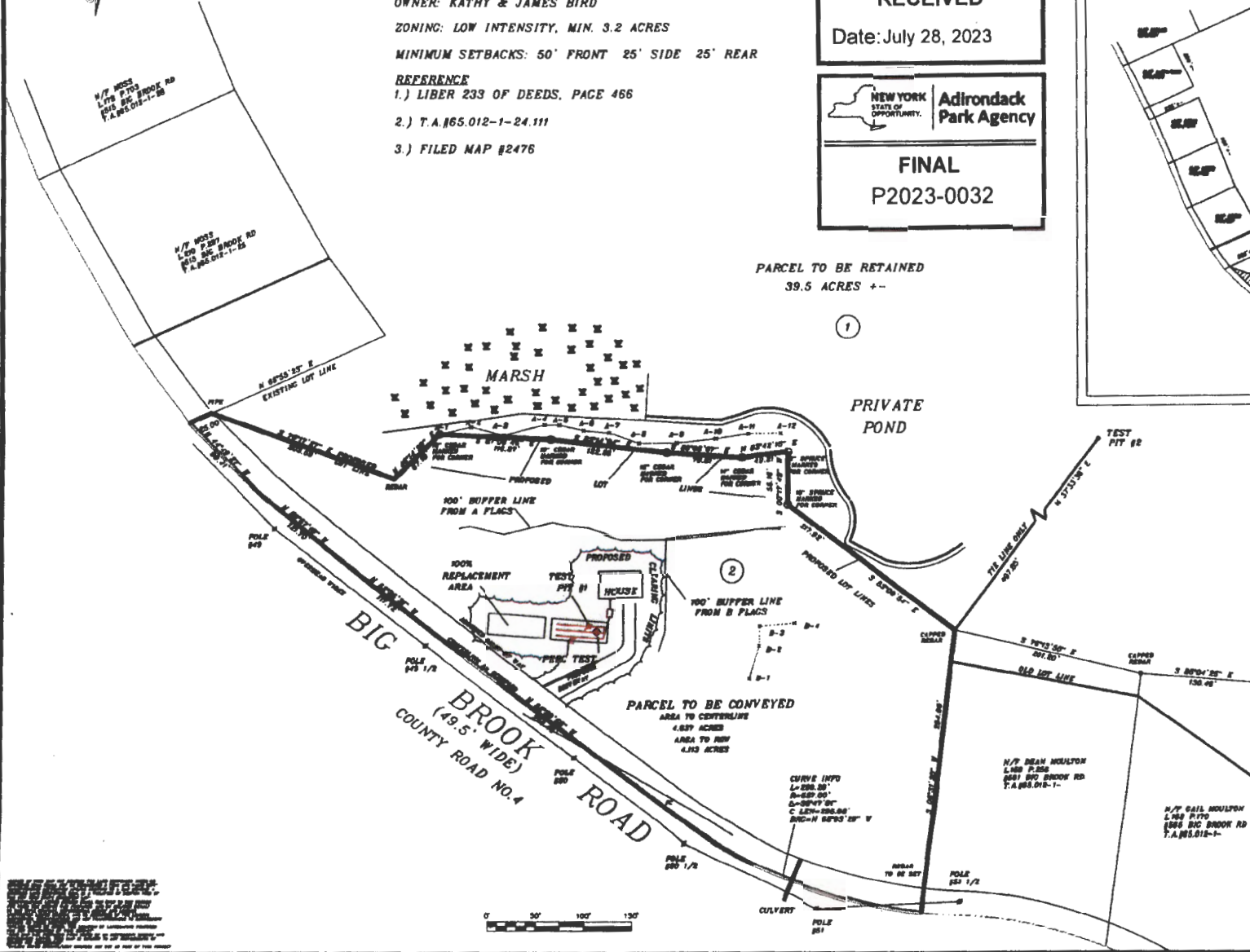
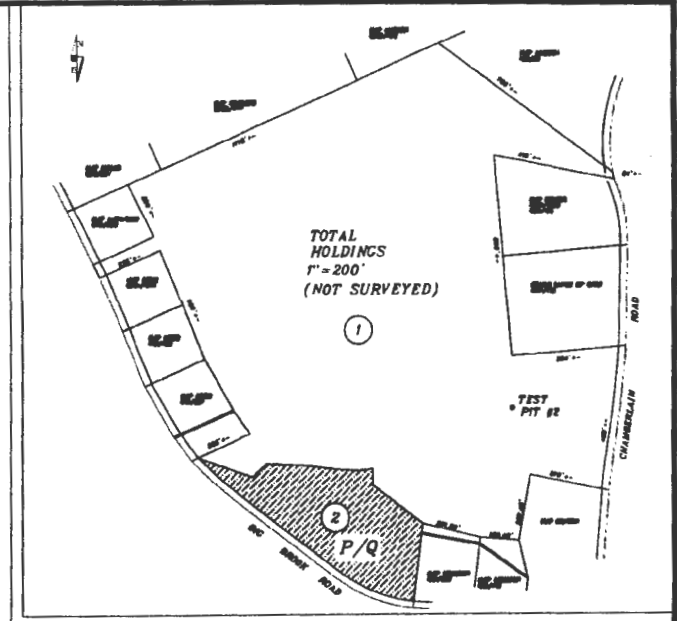
RECEIVED

Date: July 28, 2023

NEW YORK STATE OF OPPORTUNITY. **Adirondack Park Agency**

FINAL

P2023-0032



SUBDIVISION PLAN
LANDS OF KATHY BIRD
 BEING PART OF LOT 43, TOWNSHIP 10, NORTH & CHAMBERLAIN PURCHASE
 TOWN OF INDIAN LAKE
 HAMILTON COUNTY, NEW YORK STATE

FILED 08-10-2023 WILLIAM A. SEYMOUR, SURVEYOR
 2024 KATHY ROAD OUTLOOK, NEW YORK HIGHWAY
 SCALE 1"=80'

MAP REVISED 8-8-2023 FOR ADD'L WETLAND & TEST PIT LOCATIONS
 I, WILLIAM A. SEYMOUR, SURVEYOR CERTIFY THIS MAP WAS MADE BY A DEED FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED BY JOHN E.L. BIRD

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