THIS IS A TWO-SIDED DOCUMENT

NEW YORK STATE OF OPPORTUNITY. Park Agency	APA Permit 2023-0100
P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov	Date Issued: December 14, 2023
In the Matter of the Application of JAMES P. CAHILL and KEVIN C. CAHILL Permittees	To the County Clerk: Please index this permit in the grantor index under the following names: 1. James P. Cahill 2. Kevin C. Cahill
for a permit pursuant to §809 of the Adirondack Park Agency Act	

SUMMARY AND AUTHORIZATION

This permit authorizes the construction of two single family dwellings in an area classified Resource Managament 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 the foundation for one of the authorized single family dwellings has been completed.

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 permittees, 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 permittees 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 consists of two separate parcels of land located on Nugent Lane in the Town of Jay, Essex County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map:

- a 25.58±-acre parcel of land identified as Tax Map Section 27.4, Block 1, Parcel 31.1, and described in a deed from Edward G. Boynton to James P. Cahill and Kevin C. Cahill, dated May 9, 1987, and recorded June 16, 1987 in the Essex County Clerk's Office at Book 884, Page 238 (Lot 31.1); and
- a 0.40±-acre parcel of land identified as Tax Map Section 27.4, Block 1, Parcel 35, and described in a deed from John Aikler Jr. a/k/a John Anthony Aikler to James P. Cahill and Kevin C. Cahill, dated December 26, 2020, and recorded January 20, 2021 in the Essex County Clerk's Office under Instrument Number 2021-295 (Lot 35).

The project site contains freshwater forested and scrub shrub wetlands located around Rocky Brook. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

Lot 31.1 adjoins a parcel of land owned by the Town of Jay, tax parcel 27.4-1-38.002, which contains the Jay Water Reservoir. Only a 0.27±-acre portion of Lot 31.1 is available for development due to restrictions referenced and more fully described in the deed from Edward G. Boynton to James P. Cahill and Kevin C. Cahill, referenced above.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the construction of two single family dwellings, one on each vacant lot of record: Lot 31.1 and Lot 35.

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

- "Map Showing Proposed Plot Plan Prepared for James P. Cahill and Kevin C. Cahill," prepared by Robert M. Sutherland, P.C., and last dated March 21, 2011 (Lot 31.1 Site Plan); and
- "Residential Onsite Treatment System New System, J&K Cahill," prepared by Ryan M. Burns, P.E. of Upstate Design Associates, LLC, and last dated November 1, 2023 (Lot 35 Site Plan).

A reduced-scale copy of the of the Lot 31.1 Site Plan and the Lot 35 Site Plan is attached as 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 on Resource Management lands 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 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 Lot 31.1 Site Plan and Lot 35 Site Plan shall be furnished by the permittees to all subsequent owners or lessees of the project site prior to sale or lease, and by the permittees 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 2023-0100, issued December 14, 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 on Lot 31.1 in the location and footprint shown and as described on the Lot 31.1 Site Plan. The single family dwelling shall be no more than 24 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 a new or amended permit.
- 6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on Lot 35 in the location and footprint shown and as described on the Lot 35 Site Plan. The single family dwelling shall be no more than 30 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 a new or amended permit.
- 7. One accessory structure shall be allowed without further Agency review on each lot, provided it is constructed within 50 feet of the authorized single family dwelling. No portion of the accessory structure shall be constructed within 50 feet of the edge of the wetland on the project site or within 10 feet of any component of the on-site wastewater treatment system (including reserved replacement area), and the accessory structure shall not exceed 400 square feet in footprint or 20 feet in height.
- 8. There shall be no guest cottages on the project site.

9. Any on-site wastewater treatment systems 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 Lot 31.1 Site Plan and the Lot 35 Site Plan. Construction of each 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. Prior to undertaking any earthwork on the project site within 50 feet of wetlands or surface water bodies (e.g., ponds and streams) on the site, silt fence shall be properly installed parallel to the existing contours between the construction site and these water resources. The silt fence shall be embedded into the earth a minimum of six inches and shall be a minimum of 25 feet from the wetland or surface water bodies. The silt fence shall be maintained throughout construction and shall not be removed until after all disturbed soils are stabilized with growing vegetation to prevent siltation of the water resources. The permittees, their agents, or their successors in interest shall inspect the fabric at least once a week and after every major storm event to ensure the fabric and supports are intact and to remove accumulated sediments so as to maintain the fence in a functional manner.
- 11. 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.
- 12. 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, toward Nugent Lane, or adjoining property.
- 13. 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.
- 14. On Lot 31.1, within 10 feet of wetlands depicted on the Lot 31.1 Site Plan, or within the property line buffer depicted on the Lot 31.1 Site Plan, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed without prior written Agency authorization, except for a) within an area up to 20 feet in width for driveway construction and utility installations, or b) the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
- 15. On Lot 35, within 10 feet of the property lines on the Lot 35 Site Plan, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned

or otherwise removed or disturbed without prior written Agency authorization, except for a) within an area up to 20 feet in width for driveway construction and utility installations, or b) removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.

- 16. There shall be no more than one principal building located on Lot 31.1 at any time. The single family dwelling authorized herein constitutes a principal building.
- 17. There shall be no more than one principal building located on Lot 35 at any time. The 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, and 9 NYCRR Part 574. The Agency hereby finds that the single family dwellings 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; and
- 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.

PERMIT issued this 14 day of December, 2023.

ADIRONDACK PARK AGENCY

BY:

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

STATE OF NEW YORK COUNTY OF ESSEX

On the 14 day of December in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared December 14, 2023, 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. 20 25



