


THIS IS A TWO-SIDED DOCUMENT

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <p><b>Adirondack Park Agency</b></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 <b>2023-0132</b></p>
<p>In the Matter of the Application of</p> <p><b>WILLSBORO POINT, LLC</b> <b>Permittee</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: October 12, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following name: <b>1. Willsboro Point, LLC</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a four-lot subdivision and construction of three single family dwellings in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Willsboro, 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 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 17.1±-acre vacant parcel of land located off of Indian Bay Road in the Town of Willsboro, Essex County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as the Low Intensity Use portion of Tax Map Section 11.17, Block 1, Parcel 40.000, and is described in a deed from Rebacca Palmer and Melissa A. Maki to Willsboro Point, LLC, dated July 13, 2022, and recorded July 13, 2022 in the Essex County Clerk's Office at Book 2090, Page 86.

The project site also contains wetlands on the eastern edge of lots 2 and 4, and northwest of Lot 3. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

Access to the project site is via an existing deeded right-of-way over Tax Map Parcel No. 21.5-1-73.11.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a four-lot subdivision to create a 3.20±-acre lot (Lot 2), a 3.07±-acre lot (Lot 3), a 3.01±-acre lot (Lot 4), and a 7.82±-acre lot (Lot 1). The project as conditionally approved herein also involves construction of a single family dwelling and on-site wastewater treatment system on Lots 2, 3, and 4. The three authorized single family dwellings will be connected to the municipal water supply.

The project is shown on the following Project Plans:

- A map titled "Map of Survey Showing a Subdivision of Certain Lands of Willsboro Point, LLC," prepared by Daniel H. Elder, L.S., dated July 27, 2023 (Survey Map); and
- Seven sheets of plans titled "Willsboro Point, LLC," prepared by Mark J. Buckley, P.E., dated August 13, 2023 (Engineering Plans).

A reduced-scale copy of the Survey Map 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 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 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. 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 2023-0132, issued October 12, 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 four-lot subdivision as depicted on the Project Plans. Any subdivision not depicted on the Project Plans shall require prior written Agency authorization.
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on Lots 2, 3, and 4 in the locations and within the footprints shown on the Project Plans. The single family dwellings 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 of the three dwellings authorized herein shall require prior written Agency authorization.
7. The construction of any structure on the project site within 100 feet of the wetlands shown on the Project Plans shall require prior written Agency authorization.
8. Construction of any guest cottage on Lots 2, 3, or 4 shall require prior written Agency authorization.
9. Any on-site wastewater treatment systems on Lots 2, 3, or 4 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 Engineering 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.
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 adjoining property.
12. All exterior building materials, including roof, siding and trim, of the three authorized dwellings shall be a dark shade of green, grey, or brown.
13. Within 100 feet of wetlands as shown on the Project Plans, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on Lots 2, 3, or 4 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. The undertaking of any activity involving wetlands shall require a new or amended permit.

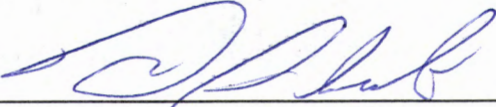
#### **CONCLUSIONS OF LAW**

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 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 Willsboro;
- 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; and
- 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.

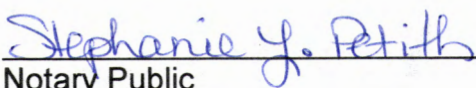
PERMIT issued this 12<sup>th</sup> day  
of October, 2023.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 12<sup>th</sup> day of October 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

