


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 2023-0224</p>
<p>In the Matter of the Application of</p> <p>DAVID J. PARNELL Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577</p>	<p>Date Issued: May 16, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. David J. Parnell</p>

SUMMARY AND AUTHORIZATION

This permit authorizes a construction of a single family dwelling in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Lyonsdale, Lewis County.

This authorization shall expire unless recorded in the Lewis 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 Lewis County Clerk's Office. The Agency will consider the project in existence when the foundation of the authorized dwelling has been constructed.

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 29.4±-acre parcel of land located on both sides of Fowlerville Road in the Town of Lyonsdale, Lewis 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 324, Block 1, Parcel 26, and is described in a deed from Ronald Angle and Russell Horn to David J. Parnell, dated January 15, 2019, and recorded February 8, 2019 in the Lewis County Clerk's Office under Instrument Number 2019-000622.

The project site contains shoreline on both sides of the Moose River and is located within the designated Moose River Scenic River area.

The project site is improved by a driveway that runs from Fowlerville Road through the property adjacent to the Moose River.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the construction of a single family dwelling, on-site wastewater treatment system, solar panels, battery storage, and pole barn on the north side of the Moose River and west side of Fowlerville Road.

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

- An un-titled and un-attributed site plan received January 19, 2024 (Site Plan); and
- "Septic System & Soils Assessment," prepared by Terrence J. Thisse, P.E., and received November 20, 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 Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to the construction of a single family dwelling located within any designated scenic river area 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 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 Lewis 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 Site Plan and Septic 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, Wild, Scenic and Recreational Rivers System 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 2023-0224, issued May 16, 2024, 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 and pole barn on the project site in the location shown on the Site Plan. The single family dwelling (labeled "loft" on the Site Plan) shall be no more than 35 feet in height and the pole barn 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. The single family dwelling shall not exceed 1700 square feet in footprint, including all attached porches, decks, exterior stairs, garages, and other attached structures, and the pole barn shall not exceed 1000 square feet in footprint, including all attachments. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.
6. Construction of any guest cottage on the project site shall require prior written Agency approval.
7. There shall be no boathouses on the project site.
8. 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.
9. Pursuant to the Adirondack Park Agency Act and Agency regulations implementing the Wild, Scenic and Recreational Rivers System Act, new structures are prohibited within 250 feet, measured horizontally, of the mean high water mark of the Moose River.

Docks as defined under 9 NYCRR §570.3 are excepted from this requirement. Fences, poles, lean-tos, and bridges are also excepted from this requirement, except that no fence, pole, lean-to, or bridge greater than 100 square feet in size may be located within 250 feet of the mean high water mark.
10. Any on-site wastewater treatment system 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 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.

11. Prior to undertaking any earthwork on the project site, silt fence shall be properly installed between the construction site and the Moose River in the locations shown on the Site Plan. The silt fence shall be embedded into the earth a minimum of six inches. The silt fence shall be maintained throughout construction and shall not be removed until after all disturbed soils are stabilized to prevent siltation of the water resources. The permittee 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.
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 Moose River, Fowlersville Road, or adjoining property.
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 limits of clearing shown 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 a) the removal of trees for firewood greater than 250 feet from the mean high water mark of the Moose River, b) within an area up to 30 feet in width for driveway construction and maintenance, c) within an area up to 10 feet in width to allow for the establishment of a footpath between the single family dwelling and the Moose River, d) within an area up to 10 feet in width for utility installation between the solar panels, battery storage area, and the single family dwelling, and e) 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 the project site at any time. The single family dwelling authorized herein constitutes a principal building.

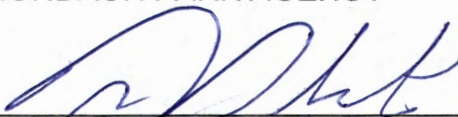
CONCLUSIONS OF LAW

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, and 9 NYCRR Part 574. The Agency hereby finds that the single family dwelling 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 16th day of May, 2024.

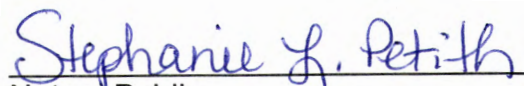
ADIRONDACK PARK AGENCY

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

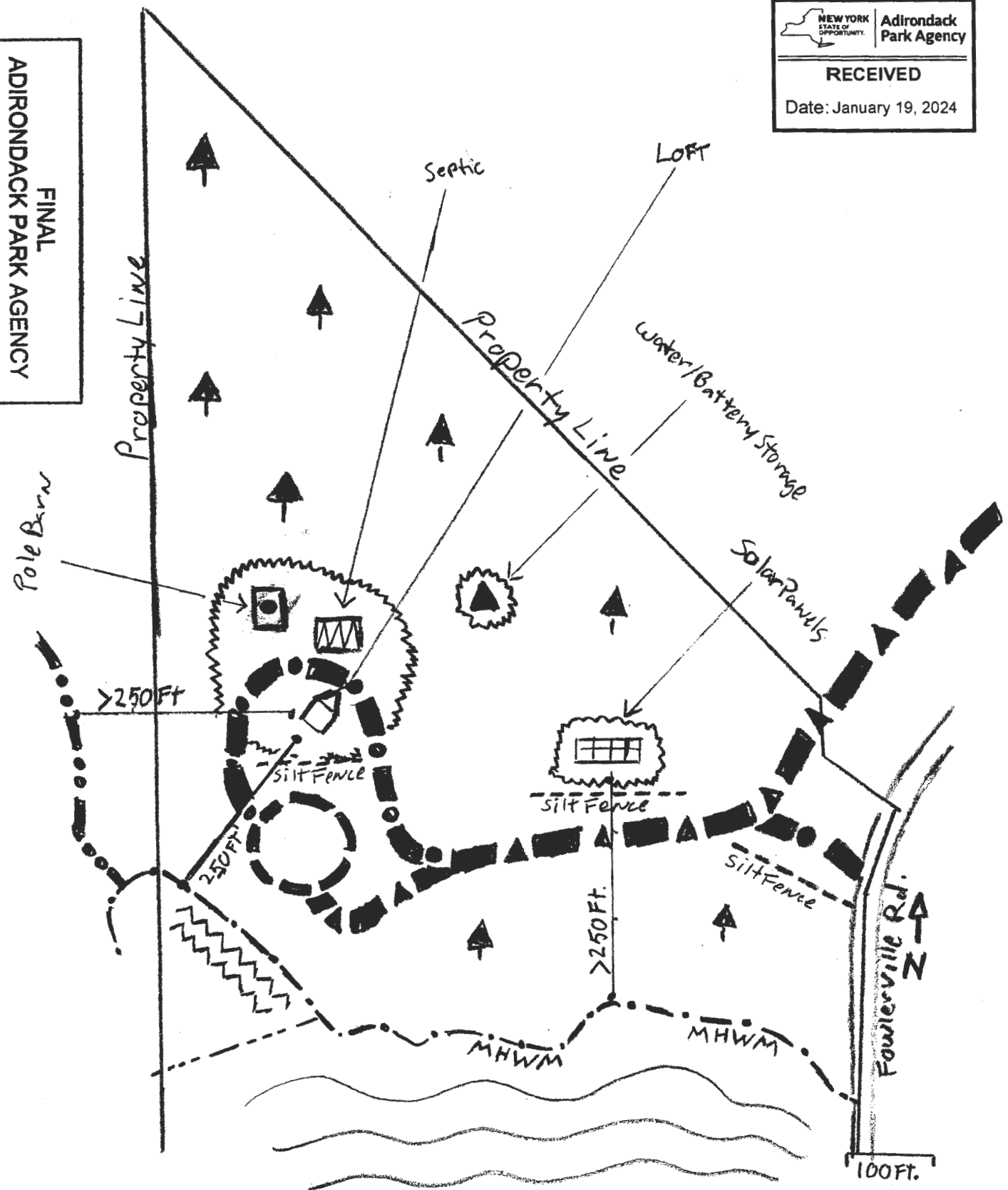
STATE OF NEW YORK
COUNTY OF ESSEX

On the 16th day of May 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

FINAL
 ADIRONDACK PARK AGENCY
 FILE # 2023-0224



- Stream
- Proposed Driveway
- Existing Driveway
- Shoreline
- Clearing Line
- Rapids
- Dam
- River Silt Fence
- Loft
- Pole Barn
- Septic
- Solar Panels