


THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <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 2023-0250</p>
<p>In the Matter of the Application of</p> <p>GRANT L. KOTZ and ANN L. KOTZ Permittees</p> <p>for a permit pursuant to 9 NYCRR Part 577</p>	<p>Date Issued: July 23, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Grant L. Kotz 2. Ann L. Kotz</p>

SUMMARY AND AUTHORIZATION

This permit authorizes construction of a single family dwelling in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Elizabethtown, 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 and roof of the single-family dwelling is 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 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 28.5±-acre parcel of land located on Loeffler Way in the Town of Elizabethtown, 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 64.4, Block 1, Parcel 31, and is described in a deed from George C. Loeffler and Barbara B. Loeffler to Grant L. Kotz and Ann L. Kotz, dated August 20, 2012, and recorded August 24, 2012 in the Essex County Clerk's Office under Instrument Number 2012-3646 at Book 1706 at Page 301.

The project site is partially located within the designated Boquet River Recreational River area. Wetlands are located along the western property boundary on the western side of Loeffler Way, and are greater than 200 feet from the development area. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site is improved by a pre-existing single family dwelling with an on-site water supply and an on-site wastewater treatment system, and also contains an existing detached garage, well house, and playhouse/tree tower.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the construction of one new single-family dwelling with an on-site water supply and an on-site wastewater treatment system. Access to the dwelling will be along the existing gravel access drive.

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

- a site plan map (Sheet 1A) titled "Kotz Septic System, TM# 64.4-1-31, 29 Loeffler Way, Elizabethtown, New York, Site Plan," prepared by Mark J. Buckley, P.E., dated March 18, 2024, and received by the Agency on April 4, 2024 (Site Plan); and
- a 5-sheet set of plans (Sheets 1, 2, 3, 4, and 5) titled "Kotz Septic System, TM# 64.4-1-31, 29 Loeffler Way, Elizabethtown, New York," prepared by Mark J. Buckley, P.E., dated March 18, 2024, and received by the Agency on March 20, 2024 (Septic Plans).

A reduced-scale copy of the Site Plan 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 construction of any single-family dwelling within any designated recreational river area 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, the Site Plan, and Septic 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, 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 2023-0250, issued July 23, 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 new single family dwelling on the project site in the location and footprint, shown and as described on the Site Plan. The single family dwelling shall be no more than 16 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 be less than 1200 square feet in footprint, including all attached porches, decks, exterior stairs, garages, and other attached structures. Any expansion beyond these dimensions shall require prior written Agency authorization.
6. The undertaking of any new land use or development not authorized herein on the project site and within one-quarter mile of the Boquet River shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
7. The construction of any accessory structure outside of the limits of clearing associated with the authorized dwelling shall require prior written Agency authorization.
8. Construction of any guest cottage on the project site shall require prior written Agency approval.

9. 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 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. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.
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 Loeffler Road or adjoining property.
12. All exterior building materials, including roof, siding and trim, of the dwelling shall be a dark shade of green, grey, or brown.
13. Outside of the limits of clearing shown on the Site Plan, no trees greater than 8 inches in diameter at breast height may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site and within one quarter mile of the Boquet River 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. Between April 1 and October 31, no trees shall be removed or disturbed on the project site without prior written Agency authorization.
16. There shall be no more than four principal buildings located on the project site at any time. The pre-existing single family dwelling, or any replacement structure for this dwelling as allowed by Agency regulations, and the single family dwelling authorized herein each constitutes one principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

CONCLUSIONS OF LAW


The Agency has considered all statutory and regulatory criteria for project approval set forth in the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577.

The Agency hereby finds that the single family dwelling authorized as conditioned herein:

- a. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- b. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- c. 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 23rd day
of July, 2024.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 23rd day of July 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.

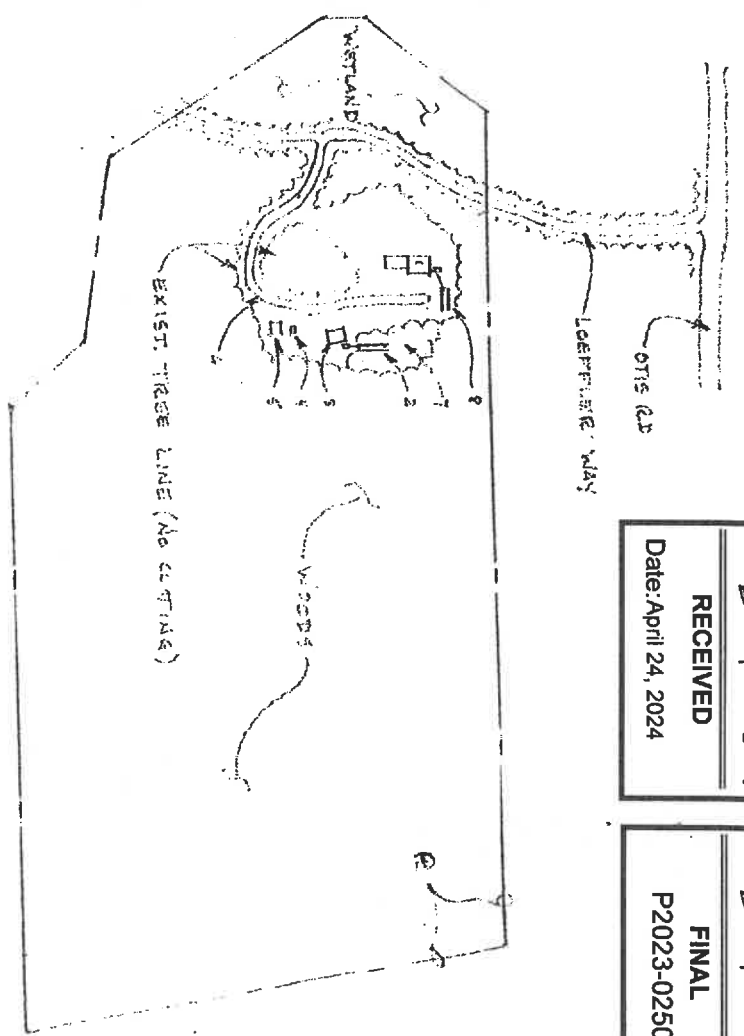
Stephanie L. Petith
Notary Public, State of New York
Reg. No. 01PE6279890
Qualified in Franklin County
Commission Expires April 15, 2025


Notary Public

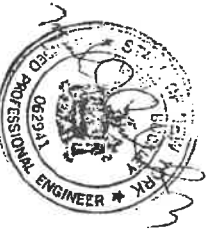


LEGEND

- 1. EXIST CABIN
- 2. NEW ASSORTION FIB.
- 3. NEW HOUSE
- 4. EXIST WELL HOUSE
- 5. EXIST GARAGE
- 6. EXIST DRIVEWAY
- 7. AREA THE TREE CUTTING (FOR ASSORTION FIB ONLY)
- 8. EXISTING SEPTIC SYSTEM



SCALE: 1" = 20'



- NOTES:**
- 1. The existing water supply (well) will supply both the new and existing buildings.
 - 2. The only proposed vegetative cutting will be in the area of the new septic system.

NEW YORK STATE OF NEW YORK
Adirondack Park Agency
RECEIVED
 Date: April 24, 2024

NEW YORK STATE OF NEW YORK
Adirondack Park Agency
FINAL
 P2023-0250

KOTZ SEPTIC SYSTEM TIN 644-1-31000 29 LOEFFLER WAY ELIZABETHTOWN, NEW YORK SITE PLAN		DATE: 3-18-24	MARK J. BUCKLEY P.E. BOX 401 VILLSBORO, NY
SCALE: AS NOTED		1A	