


THIS IS A TWO-SIDED DOCUMENT

 <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>2024-0061</b></p>
<p>In the Matter of the Application of</p> <p><b>DANIEL M. CHRISTMAS &amp; MARC H. CHRISTMAS</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act, 9 NYCRR Part 577, and 9 NYCRR Part 578</p>	<p>Date Issued: December 16, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <ol style="list-style-type: none"><li><b>1. Daniel M. Christmas</b></li><li><b>2. Marc H. Christmas</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a five-lot subdivision 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 the 25±-acre Low Intensity Use portion of a 75±-acre parcel of land located on Cedar River Road/County Route 12 in the Town of Indian Lake, Hamilton County, in an area classified Low Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 55.015, Block 1, Parcel 2 (Parcel 55.015-1-2), and is described in a deed from Joseph D. Davies, Jr. and John Matthew Davies to Daniel H.[sic] Christmas and Marc H. Christmas, dated January 8, 2024, and recorded February 2, 2024 in the Hamilton County Clerk's Office under Instrument Number 2024-132.

The project site contains shoreline on the Cedar River and is located within the designated Cedar River Recreational River area. The northwest portion of the project site is within one-eighth mile of forest preserve lands designated Wilderness (i.e., the Blue Ridge Wilderness). The project site also contains forested linear wetlands and wetlands associated with the mean high water mark of the Cedar River. 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 an existing cabin, constructed circa 1929, located within 150 feet of the mean high water mark of the Cedar River.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a five-lot subdivision of the 25±-acre Low Intensity Use portion of Parcel 55.015-1-2 located on the north side of the Cedar River to create four vacant shoreline lots (lots 1, 2, 4 and 5) ranging in size from 3.4 acres to 5.02 acres for the construction of one single family dwelling, accessory out building, driveway, on-site wastewater treatment system, and individual well water supply on each as depicted on the Site Plan. The remaining 6.3-acre Low Intensity Use lot on the north side of the Cedar River (Lot 3) is improved by an existing cabin and constitutes the fifth lot, which will remain with the 50±-acre Rural Use portion of Parcel 55.015-1-2 on the south side of the Cedar River.

The project is shown on the following maps, plans, and reports (Project Plans):

- A survey map titled "Map Showing Proposed Subdivision, Lands of Daniel M. Christmas & Marc H. Christmas," prepared by Kovach Land Surveying PC, and dated September 6, 2024 (Subdivision Map);
- A four-page set of plans titled "Indian Lake/Cedar River Subdivision, Town of Indian Lake, Hamilton County, NY, Tax Parcel: 55.015-1-2," prepared by Fisher Civil Engineering, PLLC, and dated September 8, 2024 (Site Plan); and
- A 25-page report titled "Stormwater Pollution Prevention Plan, Cedar Subdivision, Indian Lake, New York," prepared by Fisher Civil Engineering, PLLC, and dated September 9, 2024 (Stormwater Plan).

A reduced-scale copy of Sheet 2 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.

Pursuant to Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to any subdivision of Low Intensity Use lands located within any designated recreational 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 any subdivision of Low Intensity Use lands located within one-eighth mile of forest preserve lands designated Wilderness 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 the 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, 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 2024-0061, issued December 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 a five-lot subdivision as depicted on the Subdivision Map and Site Plan. Any subdivision not depicted on the Site Plan shall require a new or amended permit.
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and accessory structure on each of lots 1, 2, 4, and 5 within the limits of clearing depicted on the Site Plan not to exceed the footprint

described on the Site Plan. The authorized structures 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 expansion beyond these dimensions shall require prior written Agency authorization.

7. The construction of any accessory structures on lots 1, 2, 4 and 5 outside of the limits of clearing depicted on the Site Plan shall require prior written Agency authorization.
8. The construction of any accessory structures on Lot 3 within 100 feet of wetlands or Cedar River Road shall require prior written Agency authorization.
9. The undertaking of any new land use or development not authorized herein on the project site shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
10. Construction of any guest cottage on the project site shall require prior written Agency authorization.
11. There shall be no boathouses on the project site.
12. 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.
13. Pursuant to the Adirondack Park Agency Act and Agency regulations implementing the Wild, Scenic and Recreational Rivers System Act, new structures are prohibited within 150 feet, measured horizontally, of the mean high water mark of the Cedar River.

Fences, poles, lean-tos, and bridges are excepted from this requirement, except that no fence, pole, lean-to, or bridge greater than 100 square feet in size may be located within 75 feet of the mean high water mark.

14. Any on-site wastewater treatment system(s) 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 Site 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.

15. The project shall be undertaken in compliance with the Stormwater Plan.

16. 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.
17. Any new free-standing or building-mounted outdoor lights on lots 1, 2, 4, or 5 shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward the Cedar River, Cedar River Road, or adjoining property.
18. All exterior building materials, including roof, siding and trim, of the authorized structures on lots 1, 2, 4, and 5 shall be a dark shade of green, grey, or brown.
19. Within 100 feet of the Cedar River, the centerline of Cedar River Road/County Route 12, or wetlands depicted on the Site Plan, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed on the project site without prior written Agency authorization, except for 1) within the limits of clearing depicted on the Site Plan, 2) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard, 3) maintenance of the existing electrical service drive on Lot 3, and 4) maintenance of the existing limits of clearing associated with the cabin on Lot 3 providing a viewshed of the Cedar River.

### **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, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, 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;
- e. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- f. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- g. 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 16<sup>th</sup> day  
of December, 2024.

ADIRONDACK PARK AGENCY

BY: Ariel Lynch  
Ariel Lynch  
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 16<sup>th</sup> day of December in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Ariel Lynch, 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

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



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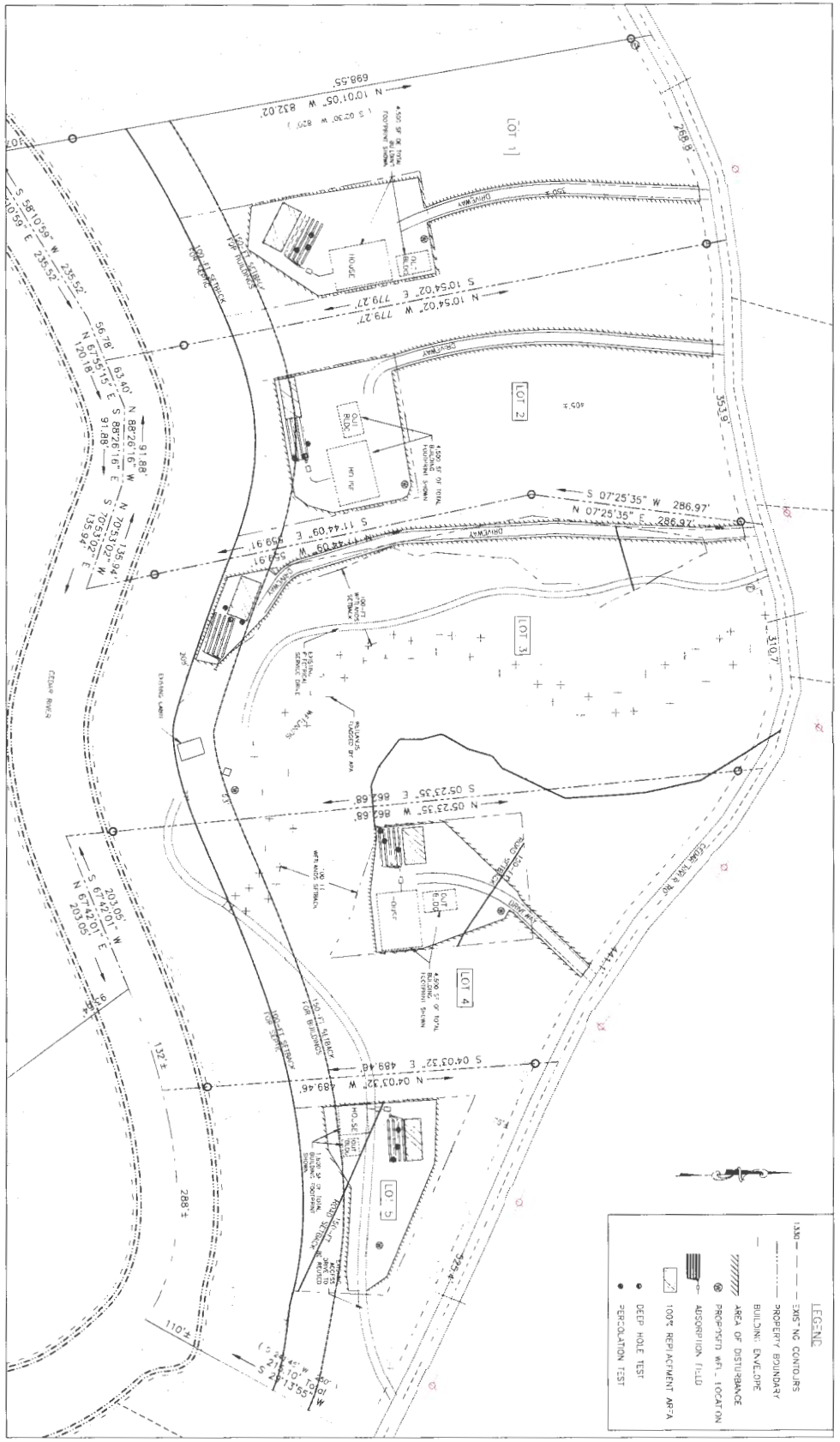
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DESIGNED BY: RZF  
 DATE: 8-10-2024  
 REV: 9/16/2024

INDIAN LAKE CEDAR RIVER SUBDIVISION  
 TOWN OF INDIAN LAKE, HAMILTON COUNTY, NY  
 TAX PARCEL: 55 0115.12

SITE PLAN  
 JOB NO: 48 27  
 SHEET 2 OF 4

**SITE PLAN**  
 SCALE: 1" = 60'



**LEGEND**

- 500' NG CONTOURS
- - - - - PROPERTY BOUNDARY
- BUILDING EVIDENCE
- /// AREA OF DISTURBANCE
- ⊗ PRESENT W/L LOCATION
- ⊠ ASSURPTION FIELD
- ⊠ 100' REPLACEMENT AREA
- DEEP HOLE TEST
- PERCOLATION TEST

**Adirondack Park Agency**  
 FINAL  
 P2024-0061

**Adirondack Park Agency**  
 RECEIVED  
 Date: September 16, 2024

**NOTES**

1. ASSURPTION AREAS ARE 5'-DOWN WITH A 10% SLOPE TO THE CEDAR RIVER. SEE SYSTEM DETAILS.
2. REFER TO SHEET 4 FOR DETAILS ON WETLANDS AND SHADY/NT COVER.