


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>2024-0088</b></p>
<p>In the Matter of the Application of</p> <p><b>JAMES W. WILLIAMS</b> Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: November 25, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. James W. Willaims</b></p>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Forestport, Oneida County.

This authorization shall expire unless recorded in the Oneida 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 Oneida County Clerk's Office. The Agency will consider the project in existence when an authorized lot has been conveyed.

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 41±-acre parcel of land located on Bear Creek Road in the Town of Forestport, Oneida 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 14, Block 1, Parcel 41 in addition to 0.83 acres described as portions 1 and 4 of a deed from Joseph Townsend to James W. Williams, dated August 4, 2024, and recorded in the Oneida County Clerk's Office as Instrument Number 2023-011101.

The project site contains wetlands associated with Bear Creek. Additional wetlands not described herein or depicted on the Site Plans may be located on or adjacent to the project site.

The project site is improved by an accessory structure that was associated with a pre-existing dwelling and accessory structure demolished in approximately 2018.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision of the project site to create:

- A 36±-acre lot comprised of the 0.83 acres described above and Lot 1; and
- Lot 2, a 5.115-acre lot.

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

- "Williams Subdivision Site Plan," dated September 5, 2024;
- "Williams Subdivision Septic System Details," dated September 30, 2024; and
- "Williams Subdivision Septic System Details," dated August 13, 2024; in three sheets received by the Agency on September 30, 2024, prepared by Boulder Consultants (Site Plans).

A reduced-scale copy of Sheet 1 of the Site Plans 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, a permit is required from the Adirondack Park Agency prior to any subdivision of Rural Use lands that results in the creation of a non-shoreline lot smaller than 7.35 acres in size 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 Oneida 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 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 2024-0088, issued November 25, 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 two-lot subdivision to create the 36±-acre lot and Lot 2 as described herein and as depicted on the Site Plans. Any subdivision of the 36±-acre lot shall require prior written Agency authorization. Any subdivision of Lot 2 shall require a new or amended permit.
6. Any deed of conveyance for the 36±-acre lot shall contain an easement providing access to Lot 2 over the "Existing 12' Wide Crush Stone Drive" depicted and described on the Site Plans.
7. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on Lot 2 in the location, footprint, and height depicted and as described on the Site Plans. Any change to the location or dimensions of the single family dwelling shall require prior written Agency authorization.
8. The construction of any accessory structure on Lot 2 outside of the "Existing Clearing Limits," and the "Proposed Clearing Limits," as depicted on the Site Plans shall require prior written Agency authorization.
9. Construction of any guest cottage on Lot 2 shall require prior written Agency approval.
10. Any on-site wastewater treatment system(s) on Lot 2 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 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.

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 or toward Bear Creek Road or adjoining properties.
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. Outside of the "Existing Clearing Limits" and the "Proposed Limits of Clearing" depicted on the Site Plans, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on Lot 2 without prior written Agency authorization, except for the removal of an area up to 15 feet in width for driveway construction and utility installations, and dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
15. The undertaking of any activity involving wetlands shall require a new or amended permit.
16. There shall be no more than three principal building(s) located on the 36±-acre lot, in addition to any replacement structure for the pre-existing dwelling removed in approximately 2018 as allowed by Agency regulations. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
17. There shall be no more than one principal building located on Lot 2 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 subdivision/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 Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural Use 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 25<sup>th</sup> day  
of November, 2024.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 25<sup>th</sup> day of November 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, State of New York  
Reg. No. 01PE6279890  
Qualified in Franklin County  
Commission Expires April 15, 2025

Stephanie L. Petith  
Notary Public

