


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>2024-0134</b></p>
<p>In the Matter of the Application of</p> <p><b>CHRIS LEVINS, JAMES LEVINS and LAKEVIEW LUXURIES, LLC</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: November 8, 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. Chris Levins</b></li><li><b>2. James Levins</b></li><li><b>3. Lakeview Luxuries, LLC</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes activities involving wetlands in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Bolton, Warren County.

This authorization shall expire unless recorded in the Warren 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 Warren County Clerk's Office. The Agency will consider the project in existence when the activities authorized herein have been undertaken.

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 portion of a parcel of land located on North Bolton Road in the Town of Bolton, Warren County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map and identified on Town of Bolton Tax Map 140, Section 1, Parcel 53.

The project site contains forested and scrub-shrub wetlands adjacent to North Bolton Road. There is an existing access to the interior of the property that crosses this wetland complex. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves construction of a 26-foot-wide cul-de-sac road within a 50-foot-wide right-of-way, extending from North Bolton Road to improve the existing access to the interior of the property and an area of proposed residential development under the review of the Town of Bolton.

The project will involve the loss of 0.0849 acres of wetlands. One-tenth of an acre of new wetlands will be created as mitigation for this loss, as depicted on the Wetland Mitigation Plan described below.

The project is shown on the following Project Plans prepared by Environmental Design Partnership, LLP:

- Nine sheets of development plans titled "Levins Townhomes," last revised August 19, 2024 (Development Plans);
- A "Wetland Disturbance Plan," dated August 19, 2024; and
- A three-page supplemental document titled "Notice of Incomplete Permit Application Response – Levins Property," dated September 3, 2024 (Response Narrative).

A reduced-scale copy of the Wetland Disturbance Plan 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 activities 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 Warren 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, for as long as the authorized wetland fill remains within the wetland boundaries. 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. This permit authorizes the construction of a 26-foot-wide roadway supported by the installation of geogrid reinforced retaining walls within and adjacent to wetland boundaries in the location shown and as depicted on the Project Plans. Any change to the location, dimensions, or other aspect of the authorized activities shall require prior written Agency authorization.
5. The project shall be undertaken in compliance with the Erosion and Sediment Control Plan shown on Sheet 7 of the Development Plans.
6. 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.
7. No trees, shrubs, or other woody stemmed vegetation may be cut or otherwise removed or disturbed on the property within 100 feet of wetland boundaries without prior written Agency authorization, except for as shown on the Project Plans or for the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
8. All trees, shrubs and other vegetation depicted on the Project Plans shall be planted and maintained as described in the Response Narrative.
9. Within one year of undertaking the activities involving wetlands authorized herein, the wetland mitigation plan will be implemented as depicted on the Wetland Disturbance Plan and post-restoration site monitoring and annual reporting shall occur and commence as described in the Response Narrative.
10. Except as specifically authorized herein, 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 project 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 Bolton;
- 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 result in minimal degradation or destruction of the wetland or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives.

PERMIT issued this 8<sup>th</sup> day of November, 2024.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 8<sup>th</sup> day of November 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

