


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 2024-0168</p>
<p>In the Matter of the Application of</p> <p>ROGER A. WESTERMAN and LORI A. WESTERMAN Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577 and 9 NYCRR Part 578</p>	<p>Date Issued: August 22, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Roger Westerman 2. Lori Westerman</p>

SUMMARY AND AUTHORIZATION

This permit authorizes the construction of a single family dwelling and accessory barn 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 single-family dwelling is complete.

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 Resource Management portion of a 201.8-acre parcel of land located on Moose River Road in the Town of Lyonsdale, Lewis County. The site is identified as Tax Map Section 341, Block 1, Parcel 8, and contains lands classified Resource Management and Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is described in a deed from Kevin O'Connor to Roger A. Westerman and Lori A. Westerman, dated December 6, 2023, and recorded December 28, 2023 in the Lewis County Clerk's Office under Instrument Number 2023-007723.

The project site is partially located within the designated Moose River Scenic River area. The project site also contains wetlands. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the construction of a single-family dwelling and an accessory barn on the project site.

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

- A 10-page set of plans and reports entitled "Roger Westerman", prepared by Walz Consulting, and dated February 1, 2024 (Building Plans).
- A eight-page set of plans and reports entitled "Westerman 9589 Moose River Road Port Leyden, NY", prepared by Rita Carlson, P.E., and dated June 2024 (Septic Plans).
- A one page map entitled "Westerman 9589 Moose River Road Port Leyden", and received by the Agency on June 24, 2024 (Site 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 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, Building Plans, Septic Plans and Site 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 2024-0168, issued August 22, 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 accessory barn on the project site in the location as shown on the Site Plan, and in the footprint and height as shown on the Building Plans.
6. The undertaking of any new land use or development on the project site within one-quarter mile of the Moose 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 additional dwelling or other principal building on the project site shall require a new or amended permit. The construction of any additional accessory structures on the project site 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 Moose River Road or adjoining property.
12. Within 75 feet of the centerline of Moose River Road, 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 the removal of 1) an area up to 25 feet in width for driveway construction and utility installations, and 2) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
13. There shall be no more than five principal buildings located on the Resource Management portion of the parcel. The single-family dwelling authorized herein constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

CONCLUSIONS OF LAW

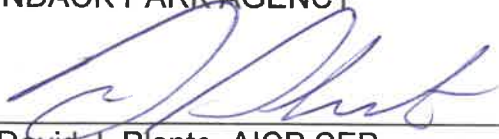
The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act, the Freshwater Wetlands Act and 9 NYCRR Part 578, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, and 9 NYCRR Part 574. The Agency hereby finds that the 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 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;
- g. 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;
- h. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- i. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- j. 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 22nd day
of August, 2024.

ADIRONDACK PARK AGENCY

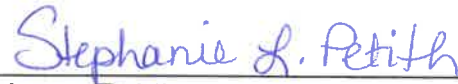
BY: _____


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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 22nd day of August 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

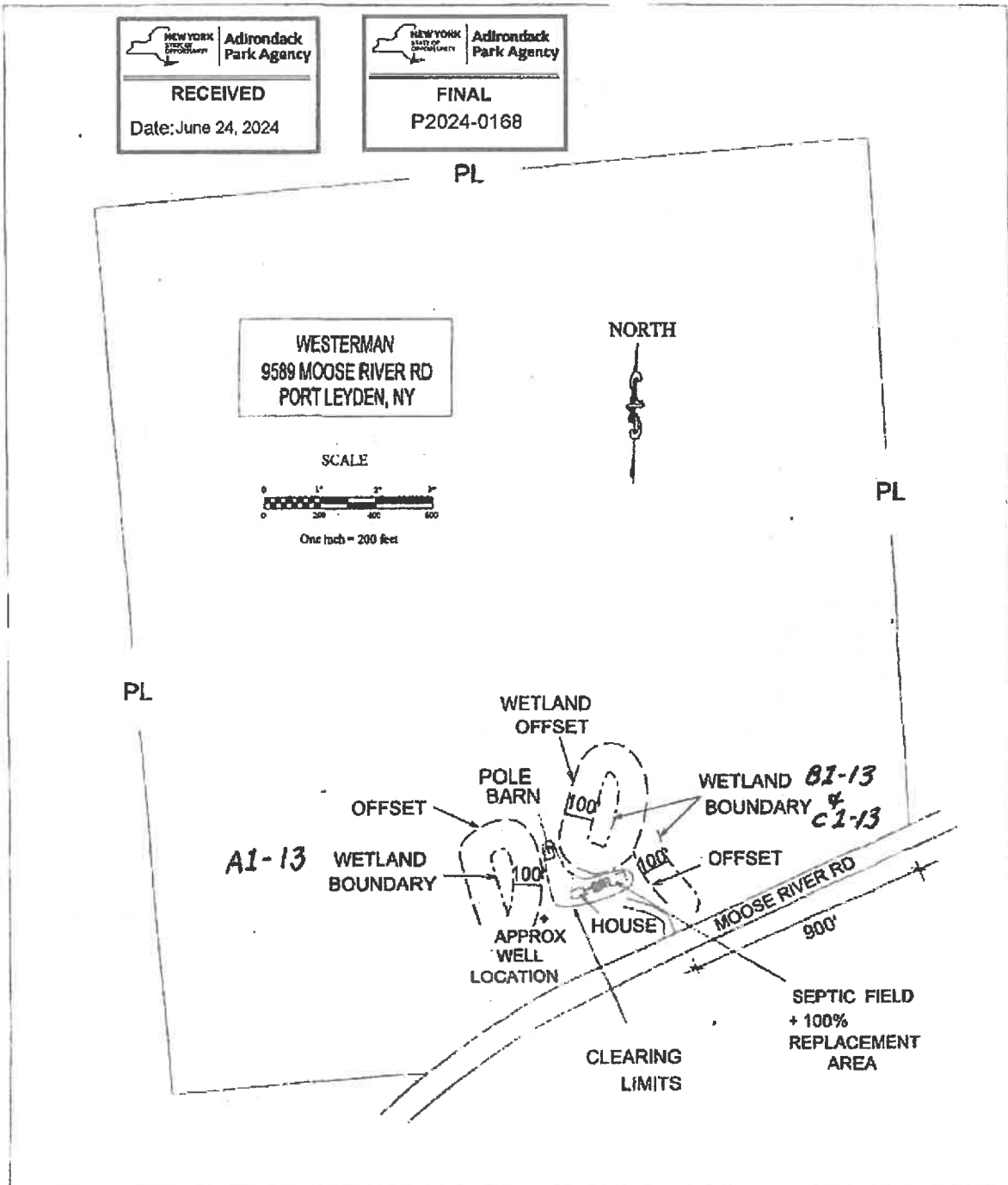


Notary Public

ATTACHMENT B Roger Westerman

NEW YORK STATE OFFICIAL
Adirondack
Park Agency
RECEIVED
Date: June 24, 2024

NEW YORK STATE OFFICIAL
Adirondack
Park Agency
FINAL
P2024-0168



* HOUSE SET BACK FROM ROAD = 300'