 <b>Adirondack Park Agency</b>  P.O. Box 99, 1133 NYS Route 86 Ray Brook, New York 12977 Tel: (518) 891-4050 www.apa.ny.gov	APA Permit <b>2024-0183</b>
	Date Issued: October 15, 2024
In the Matter of the Application of  <b>WILLIAM O. EATON and BARBARA LYN EATON</b> <b>Permittees</b>  for a permit pursuant to § 809 of the Adirondack Park Agency and 9 NYCRR Part 578	To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. William O. Eaton</b> <b>2. Barbara Lyn Eaton</b>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision and construction of a single family dwelling in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map in the Town of Wilmington, 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 an authorized lot has been conveyed to an outside party, or when this permit has been filed.

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 3.79±-acre parcel of land located on NYS Route 86 in the Town of Wilmington, Essex County, in an area classified Moderate Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 26.1, Block 1, Parcel 6.130 & 6.120, and is described in a deed from Barbara Lyn Eaton to William O. Eaton and Barbara Lyn Eaton, dated December 28, 2007, and recorded January 11, 2008 in the Essex County Clerk's Office at Book 1563, Page 133.

The project site contains wetlands associated with a seasonal brook running through the middle of the property. 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 one single family dwelling constructed in 1918.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision to create a 1.00±-acre lot improved by a pre-existing single family dwelling (Lot 1) and a 2.79±-acre lot to be improved by a single family dwelling and associated on-site wastewater treatment system (Lot 2).

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

- A one-sheet plan titled "Map Of Survey Showing a Two Lot Subdivision Of Certain Lands Of William O. Eaton & Barabara Lyn Eaton," prepared by Robert M. Marvin, Jr., and dated September 9, 2024 (Site Plan); and
- A two-sheet plan titled "Eaton Septic System," prepared by Mark J. Buckley, and dated August 28, 2024 (On-site Wastewater Treatment System 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 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.

### **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 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. 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 2024-0183, issued October 15, 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 as depicted on the Site Plan. Any subdivision of the project site not depicted on the Site Plan shall require prior written Agency authorization.
6. 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 shown and as described on the Site Plan. Any change to the location or dimensions of the authorized structure shall require prior written Agency authorization.
7. The construction of any additional dwelling or other principal building on Lot 2 shall require prior written Agency authorization.
8. Construction of any guest cottage on the project site shall require prior written Agency authorization.
9. 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 Project 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.

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 NYS Route 86 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, shrubs or other woody-stemmed vegetation/trees greater than 6 inches in diameter at breast height may be cut or otherwise removed on Lot 2 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. There shall be no principal buildings located on Lot 1 other than the pre-existing single family dwelling or any replacement structure for this dwelling as allowed by Agency regulations.
15. There shall be no more than two principal buildings located on Lot 2 at any time. The single family dwelling authorized herein constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

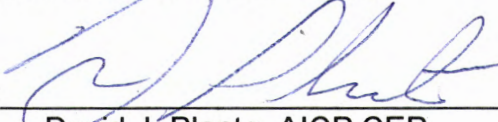
### **CONCLUSIONS OF LAW**

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 and 9 NYCRR Part 574. The Agency hereby finds that the subdivision and 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 Moderate Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Moderate Intensity Use 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; and
- 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.

PERMIT issued this 15<sup>th</sup> day  
of October, 2024.

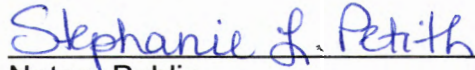
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 15<sup>th</sup> day of October 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

