


THIS IS A TWO-SIDED DOCUMENT

|                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  <p><b>Adirondack<br/>Park Agency</b></p> <p>P.O. Box 99, 1133 NYS Route 86<br/>Ray Brook, New York 12977<br/>Tel: (518) 891-4050<br/>www.apa.ny.gov</p> | <p>APA Permit<br/><b>2024-0231</b></p>                                                                                                                                                                                                                     |
| <p>In the Matter of the Application of</p> <p><b>HOWARD G. SMITH AND KIM D. SMITH</b><br/><b>Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack<br/>Park Agency Act</p>                                               | <p>Date Issued: October 31, 2024</p> <p>To the County Clerk: Please<br/>index this permit in the grantor<br/>index under the following names:</p> <ol style="list-style-type: none"><li><b>1. Howard G. Smith</b></li><li><b>2. Kim D. Smith</b></li></ol> |

**SUMMARY AND AUTHORIZATION**

This permit authorizes installation of a mobile home in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Johnstown, Fulton County.

This authorization shall expire unless recorded in the Fulton 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 Fulton County Clerk's Office. The Agency will consider the project in existence when the permit has been recorded.

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 11.20± acre property located on NYS Route 309 in the Town of Johnstown, Fulton County, in an area classified as Rural Use and Resource Management on the Adirondack Park Land Use and Development Plan Map. The project site is identified as Tax Map Section 117, Block 1, Parcel 13.5 (Parcel 13.5), and described in a deed from Kim Larabee and Judy Larabee to Howard G. Smith & Kim D. Smith, recorded in the Fulton County Clerk's Office under Book 809, Page 243.

The Rural Use portion of the project site constituted a portion of a larger property on the May 22, 1973, enactment date of the Adirondack Park Land Use and Development Plan, and was created by subdivision from this larger property in 1999. As this subdivision resulted in the creation of a parcel containing less than 7.35 acres on Rural Use lands, it appears that an Agency permit was required for its undertaking. Agency records indicate that no permit was obtained. By issuance of this permit, the Rural Use portion of project site shall be recognized as lawful for Agency purposes.

The Resource Management portion of the project site is an existing lot of record and contains wetlands east and south of the proposed development. Additional wetlands not described herein or depicted on the Site Plans may be located on or adjacent to the project site.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves installation of a mobile home on project site.

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

- "Site & Septic Plans 832 State Highway 309," in six sheets received by the Agency on October 11, 2024, prepared by DMR Civil Engineering, PLLC (Site Plans), including sheets 1, 5 and 6, dated September 23, 2024; sheets 2 and 4, dated October 8, 2024; and sheet 3, dated October 11, 2024 (Planting Plan); and
- A photograph and email received by the Agency on October 25, 2024 (Mobile Home Plans).

A reduced-scale copy of the Planting 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 placement of any mobile home 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 Fulton 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 2024-0231, issued October 31, 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 installation of one mobile home on the project site in the location and footprint as depicted and as described on the Site Plans.

Any accessory structures shall be located inside the location of the silt fence as depicted on the Site Plans.

The mobile home and any accessory structures shall be no more than 15 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.

6. The undertaking of any new land use or development not authorized herein on the project site within 300 feet of the right of way of NYS Route 309 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 accessory structure on the project site outside the "Proposed Clearing Limits," the "Edge of Existing Wooded Area" and the "Limits of Existing Wooded Area" 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(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 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. Prior to soil disturbance on the project site, silt fence shall be installed as depicted and described on the Site Plans.
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 NYS Route 309 or adjoining properties.
13. All exterior building materials, including roof, siding and trim, of any structure on the project site shall in compliance with the Mobile Home Plans or be a dark shade of green, grey, or brown.
14. Outside of the Proposed Clearing Limits as 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 the project site without prior written Agency authorization, except for the removal of 1) trees for firewood and 2) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
15. All trees and plants depicted on the Planting Plan shall be planted no later than the first spring or fall planting season after final grading related to the installation of the mobile home on the project site. Trees and plants that do not survive shall be replaced annually until established in a healthy growing condition.
16. There shall be no more than one principal building located on the Resource Management portion of the project site at any time. The mobile home authorized herein constitutes a principal building.
17. There shall be no more than one principal building located on the Rural Use portion of the project site at any time. Any principal building on the Rural Use portion of the project site shall require a new or amended permit.

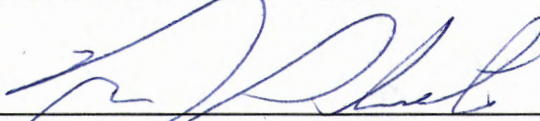
**CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act and 9 NYCRR Part 574. The Agency hereby finds that the mobile home 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 and Rural Use land use areas;
- c. will be consistent with the overall intensity guidelines for the Resource Management and Rural Use land use areas;
- 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.

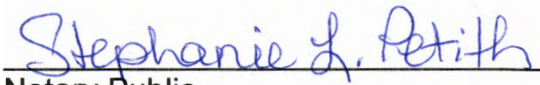
PERMIT issued this 31<sup>st</sup> day of October, 2024.

ADIRONDACK PARK AGENCY

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

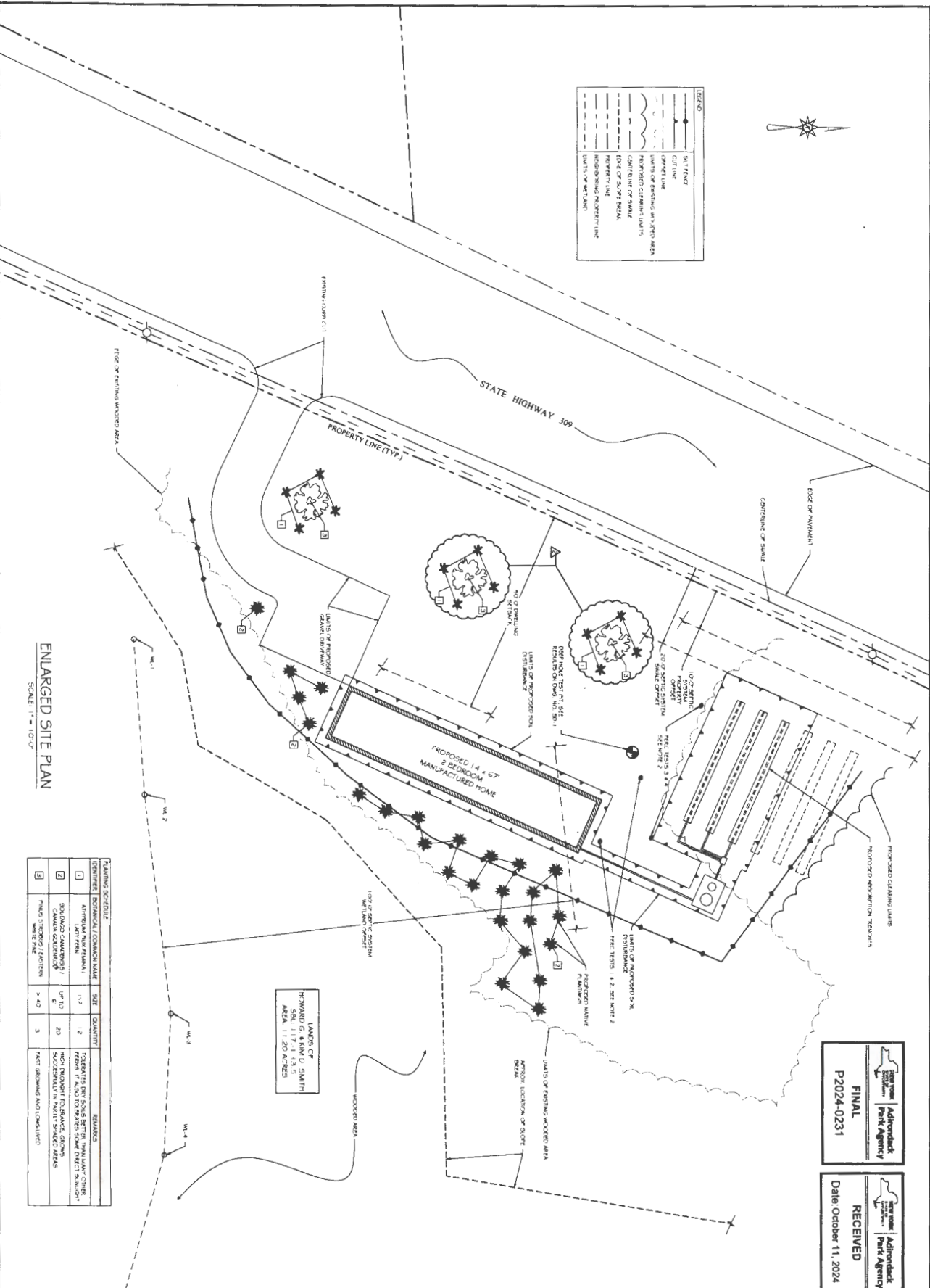
STATE OF NEW YORK  
COUNTY OF ESSEX

On the 31<sup>st</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.

  
Notary Public

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

| LEGEND   |                                      |
|----------|--------------------------------------|
| [Symbol] | LOT LINE                             |
| [Symbol] | PROPERTY LINE                        |
| [Symbol] | BOUNDARY OF EXISTING IMPROVED AREA   |
| [Symbol] | BOUNDARY OF EXISTING UNIMPROVED AREA |
| [Symbol] | BOUNDARY OF EXISTING LOT             |
| [Symbol] | BOUNDARY OF EXISTING TRACT           |
| [Symbol] | BOUNDARY OF EXISTING PLANTING        |
| [Symbol] | BOUNDARY OF EXISTING WETLAND         |



ENLARGED SITE PLAN  
SCALE: 1" = 10'-0"

| IDENTIFIER | SYMBOLICAL / COMMON NAME | SIZE    | QUANTITY | REMARKS                                   |
|------------|--------------------------|---------|----------|-------------------------------------------|
| 1          | ATRIUM / PLANTING        | 1'-2"   | 1-2      | TO BE PLANTED BY OWNER AFTER CONSTRUCTION |
| 2          | SCISSOR GRASS / PLANTING | 1'-10"  | 20       | TO BE PLANTED BY OWNER AFTER CONSTRUCTION |
| 3          | PLANTING / PLANTING      | > 4'-0" | 3        | TO BE PLANTED BY OWNER AFTER CONSTRUCTION |

FINAL  
P2024-0231

RECEIVED  
Date: October 11, 2024

DRAWING NO.  
**SP-2**  
SHEET 2



DRAWN BY: MAB  
CHECKED BY: DMR  
APPROVED BY: DMR  
SCALE: AS SHOWN  
DATE: SEPTEMBER 23, 2024  
JOB NUMBER: 20240231

**SITE # SEPTIC SYSTEM PLANS**  
PREPARED FOR:  
**HOWARD SMITH**  
832 STATE HIGHWAY 309  
TOWN OF JOHNSTOWN • FULTON COUNTY  
NEW YORK  
**ENLARGED SITE PLAN**

| NO. | REVISION                                                                                                                       | DATE       |
|-----|--------------------------------------------------------------------------------------------------------------------------------|------------|
| 1   | COMMENTS FROM AFA CONTACT, EMILY O MAHONY WERE ADDRESSED REGARDING THE LOCATION OF THE HOUSE AND ADDITION OF VEGETATIVE BUFFER | 10/09/2024 |
| 2   | ADDED NATIVE PLANTINGS BETWEEN THE ROAD AND PROPOSED MANUFACTURED HOME                                                         | 10/11/2024 |

**DMR**  
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(518) 752-5167

PERMIT REVIEW SET  
09/23/2024

