


THIS IS A TWO-SIDED DOCUMENT

 <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>2024-0318</b>
In the Matter of the Application of  <b>JOHN MCGUIRE</b> <b>Permittee</b>  for a permit pursuant to § 809 of the Adirondack Park Agency Act	Date Issued: January 21, 2025  To the County Clerk: Please index this permit in the grantor index under the following name(s): <b>1. John McGuire</b>

**SUMMARY AND AUTHORIZATION**

This permit authorizes the construction of a single family dwelling in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Fort Ann, Washington County.

This authorization shall expire unless recorded in the Washington 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 Washington County Clerk's Office. The Agency will consider the project in existence when the authorized structure has been constructed.

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 0.76±-acre parcel of land located on Pilot Knob Road in the Town of Fort Ann, Washington County, in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 73.5, Block 1, Parcel 28, and is described in a deed from John J. Gallogly to John McGuire, dated December 13, 2013, and recorded December 19, 2013 in the Washington County Clerk's Office at Book 3358, Page 31.

## **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the construction of one single family dwelling.

The project is shown on nine-sheets of plans titled "John McGuire Residential Site Development," prepared by RU Homes Engineers, PLLC, dated August 5, 2024, and last revised December 23, 2024 (Engineered Plans).

A reduced-scale copy of Page 3 of the Engineered 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 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 Washington 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 Engineered 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 2024-0318, issued January 21, 2025, 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 attached garage on the project site in the location shown on the Site Plan.

The single family dwelling and attached garage shall be no more than 40 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade. Any expansion beyond these dimensions shall require prior written Agency authorization.

6. Construction of any guest cottage on the project site shall require prior written Agency approval.
7. 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 Engineered 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.

8. The project shall be undertaken in compliance with the Stormwater Pollution Prevention measures depicted on sheets C2 and SD1 of the Engineered Plans.
9. Prior to any ground disturbance on the project associated with the authorized development, silt fence shall be installed in the locations depicted on the Site Plan Map and maintained until all disturbed soils are stabilized with native, non-invasive vegetation.
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 Pilot Knob Road 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 may be cut or otherwise removed or disturbed on Lot the project site 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. All trees depicted on the Engineered Plans shall be planted no later than the first spring or fall planting season after final grading related to the construction of the single family dwelling on the project site. Trees that do not survive shall be replaced annually until established in a healthy growing condition.
15. There shall be no principal buildings located on the project site other than the dwelling authorized herein.

### **CONCLUSIONS OF LAW**

The Agency has considered all statutory and regulatory criteria for project approval set forth in the Adirondack Park Agency Act 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 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; 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 21<sup>st</sup> day  
of January, 2025.

ADIRONDACK PARK AGENCY

BY: John M. Burth

John M. Burth  
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 21<sup>st</sup> day of January in the year 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, 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

