


THIS IS A TWO-SIDED DOCUMENT

 <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 2012-0124B</p>
<p>In the Matter of the Application of</p> <p>ROBERT W. DOW, JR. & KAREN J. DOW Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: October 3, 2023</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">1. Robert W. Dow, Jr.2. Karen J. Dow

SUMMARY AND AUTHORIZATION

This permit authorizes a construction of a single family dwelling in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Salisbury, Herkimer County.

This authorization shall expire unless recorded in the Herkimer 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 County Clerk's Office. The Agency will consider the project in existence when the garage 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 vacant 40±-acre parcel of land located on Perkins Mill Road in the Town of Salisbury, Herkimer County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 092.4, Block 2 as Parcel 1, and is described in a deed from Adam Brockett and Cassidy Brockett to Robert W. Dow Jr. and Karen J. Dow, dated March 23, 2022, and recorded June 2, 2022 in the Herkimer County Clerk's Office under Instrument Number RP2022-3041.

The project site contains wetlands northeast of the detached garage site. Additional wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

The project site was created as "Lot 1" in a four-lot subdivision, as authorized by Agency Permit 2012-0124.

PROJECT DESCRIPTION

The project as conditionally approved herein involves construction of a single family dwelling and a detached garage and the installation of an on-site wastewater treatment system and individual water supply well for each.

The project is shown on a three-sheet set of Project Plans, titled "Proposed Site Layout, Dow Property, 131 Perkins Mill Road, Stratford, New York", prepared by Zangrilli Engineering, P.E., dated September 19, 2023 and received by the Agency the same date.

A reduced-scale copy of the Sheet 1 of the Project Plans 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. Agency Permit 2012-0124 authorized a four-lot subdivision, and stated that a new or amended permit is required to construct a single family dwelling on the project site in a different location than as originally authorized by Agency Permit 2012-0124.

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 Herkimer 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. This permit amends and supersedes Permit 2012-0124 in relation to the project site. The terms and conditions of Permit 2012-0124 shall no longer apply to the project site.
5. 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 2012-0124B, issued October 3, 2023, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and one detached garage on the project site in the locations shown on the Project Plans. Any change to the location of the single family dwelling or detached garage shall require prior written Agency authorization.
7. The single family dwelling shall not exceed 2,500 square feet in footprint, including all attached covered and uncovered porches, decks, and stairs. The single family dwelling shall not exceed 35 feet in height. The detached garage shall not exceed 800 square feet in footprint, including all attached covered and uncovered porches, decks, and stairs. The detached garage shall not exceed 25 feet in height. Any change to the dimensions of the single family dwelling or detached garage shall require prior written Agency authorization.
8. Any on-site wastewater treatment systems on the project site installed within five years of the date of issuance of this permit shall be constructed in conformance with the locations and designs shown on the Project Plans. Construction of the systems shall be supervised by a New York State design professional (licensed engineer or registered architect). Within 30 days of a 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 systems 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.

9. 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.

10. 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 Perkins Mill Road or adjoining property.
11. All exterior building materials, including roof, siding and trim, of the single family dwelling, detached garage, and accessory structure(s) shall be a dark shade of green, grey, or brown.
12. Within 100 feet of the centerline of Perkins Mill 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 an area up to 25 feet in width for driveway construction and utility installations and dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
13. Within 25 feet of the southeast property line that adjoins New York State Forest Preserve land, 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.
14. There shall be no more than six principal buildings located on the project site at any time. The single family dwelling authorized herein constitutes one principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

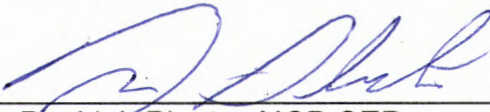
CONCLUSIONS OF LAW

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 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 Rural Use land use area;
- c. will be consistent with the overall intensity guidelines for the Rural 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 3rd day
of October, 2023.

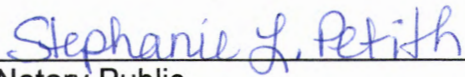
ADIRONDACK PARK AGENCY

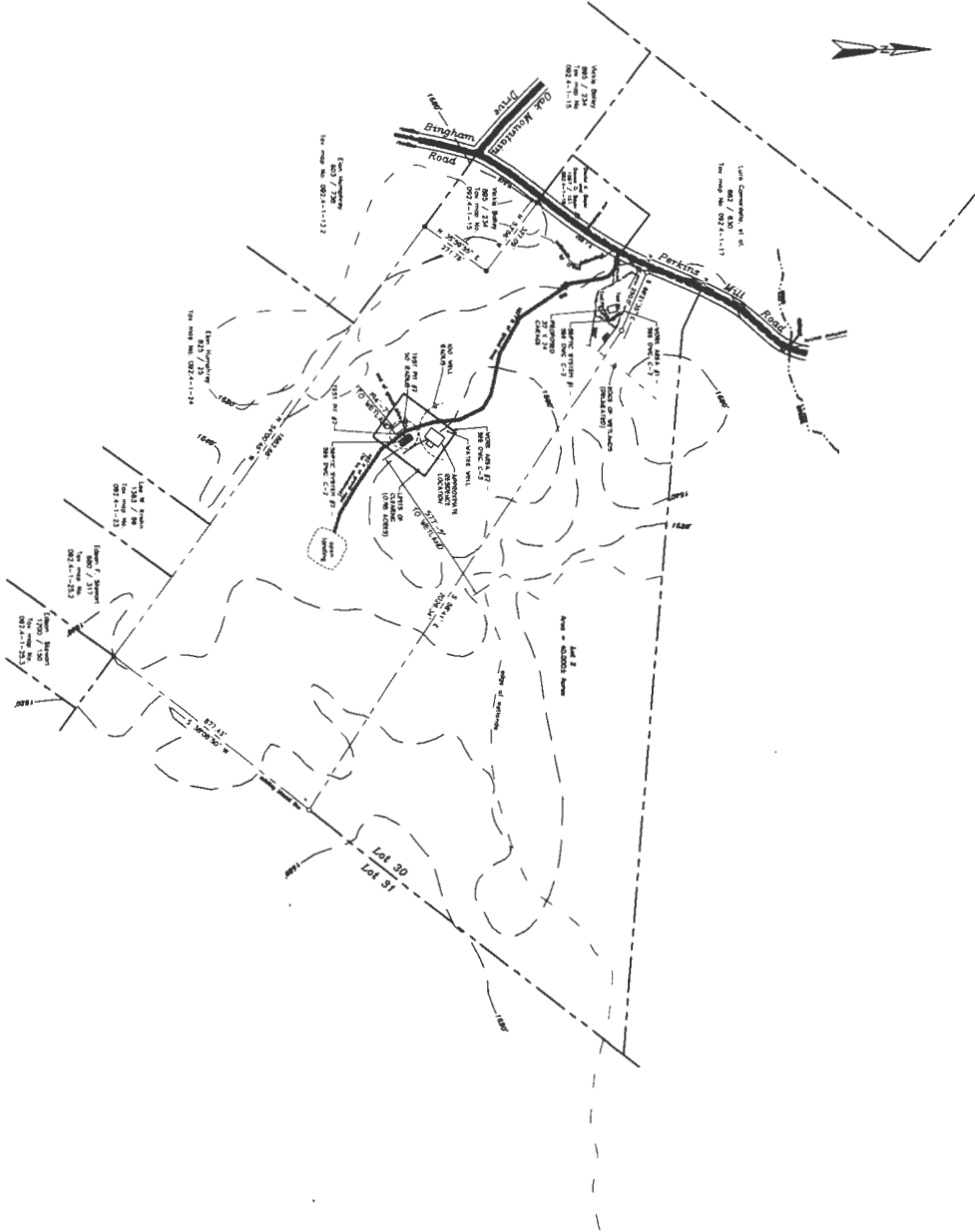
BY: 
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 3rd day of October in the year 2023, 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



OVERALL SITE PLAN

SCALE: 1" = 30'

FINAL	7/01/2016
REVISION	
DATE	7/01/2016

SCALE	AS NOTED
DRAWN	AZJ
CHECKED	AZJ
APPROVED	AZJ
DATE	8-18-23
PROJECT	33023
DRAWING NUMBER	

C-1

PROJECT TITLE:
 PROPOSED SITE LAYOUT
 ONE PROPERTY
 131 PERSONS MILLS ROAD
 STRATFORD, NEW YORK

DRAWING TITLE:
 OVERALL SITE PLAN

IT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW FOR ANY PERSON, UNLESS HE IS ACTING UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER OR ARCHITECT, TO ALTER ANY ITEM IN THESE DOCUMENTS IN ANY WAY.

Z ZAGRILLI ENGINEERING, P.C.
 322 ORISKANY BOULEVARD
 WHITESBORO, NEW YORK 13492
 (315) 736-7011