


THIS IS A TWO-SIDED DOCUMENT

 <p><b>Adirondack Park Agency</b></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 <b>2013-0051E</b></p>
<p>In the Matter of the Application of</p> <p><b>MICHELE C. RYAN AND WILLIAM J. RYAN, AS CO-TRUSTEES OF THE MICHELE C. RYAN TRUST</b> <b>Permittees</b></p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: May 11, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: <b>1. Michele C. Ryan and William J. Ryan, as Co-Trustees of the Michele C. Ryan Trust</b></p>

**SUMMARY AND AUTHORIZATION**

This permit amends Permit 2013-0051B to authorize an accessory structure in an area classified Moderate Intensity Use by the Official Adirondack Park Land Use and Development Plan Map in the Town of Horicon, Warren County.

This authorization shall expire unless recorded in the Warren 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 Warren 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 2.8-acre parcel of land located on Palisades Road in the Town of Horicon, Warren 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 38.16, Block 1, Parcel 16.2, and is described in a deed from Michele Ryan, Michael Clemente and Melanie D. Dibari to Michele C. Ryan and William J. Ryan, as Co-Trustees of the Michele C. Ryan Trust, dated January 23, 2014, and recorded February 25, 2014 in the Warren County Clerk's Office in Liber 4946 of Deeds at Page 20 as Instrument 2014-1116.

The project site contains shoreline on Brant Lake. The project site also contains mixed coniferous and deciduous forested wetland with a value rating of "2".

The project site is improved by a single family dwelling and garage constructed in 2015.

The project site was created as "Lot 1" in a two-lot subdivision as authorized by Agency Permit 2013-0051.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves the construction of an accessory use shed.

The project is shown on the following plan:

- A hand annotated copy of the "Site Plan prepared for Michel Clement Ryan" (Site Plan), received by the Agency April 28, 2023.

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.

This permit amends Condition 7 of Permit 2013-0051B.

### **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 Warren 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 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, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit amends and supersedes Permit 2013-0051B in relation to the project site. The terms and conditions of Permit 2013-0051B 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 2013-0051B, issued May 11, 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 accessory structure on the project site in the location shown on the Site Plan.

The structure shall be no more than 300 square feet in footprint and 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 expansion beyond these dimensions shall require prior written Agency authorization.

7. Except for the seasonal dock on the project site which is located in the beach area, there shall be no additional docks and no boathouses on Lot 1 without prior Agency review and approval. Approval, if granted, will be in the form of a new or amended permit or a letter of permit compliance.
8. There shall be no further land use and development or subdivision of the project site without prior Agency review and approval.
9. Construction of any guest cottage on the project site shall require prior written Agency approval.
10. The undertaking of any activity involving wetlands shall require a new or amended permit.
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 Brant Lake, Palisades Road or adjoining property.
13. No vegetation shall be cut, culled, trimmed or pruned on the project site outside of the limits of clearing shown on the Site Plan without prior written Agency authorization, except for the removal of dead or diseased vegetation or of rotten or damaged trees or of other vegetation that presents a safety or health hazard.

### **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 meet all of the pertinent requirements and conditions of the approved local land use program of the Town of Horicon;
- b. 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;
- c. 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
- d. 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 and will result in minimal degradation or destruction of the wetland or its associated values, and is the only alternative which reasonably can accomplish the applicant's objectives .

PERMIT issued this 11<sup>th</sup> day  
of May, 2023.

ADIRONDACK PARK AGENCY

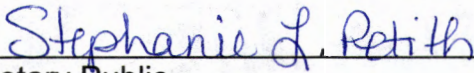
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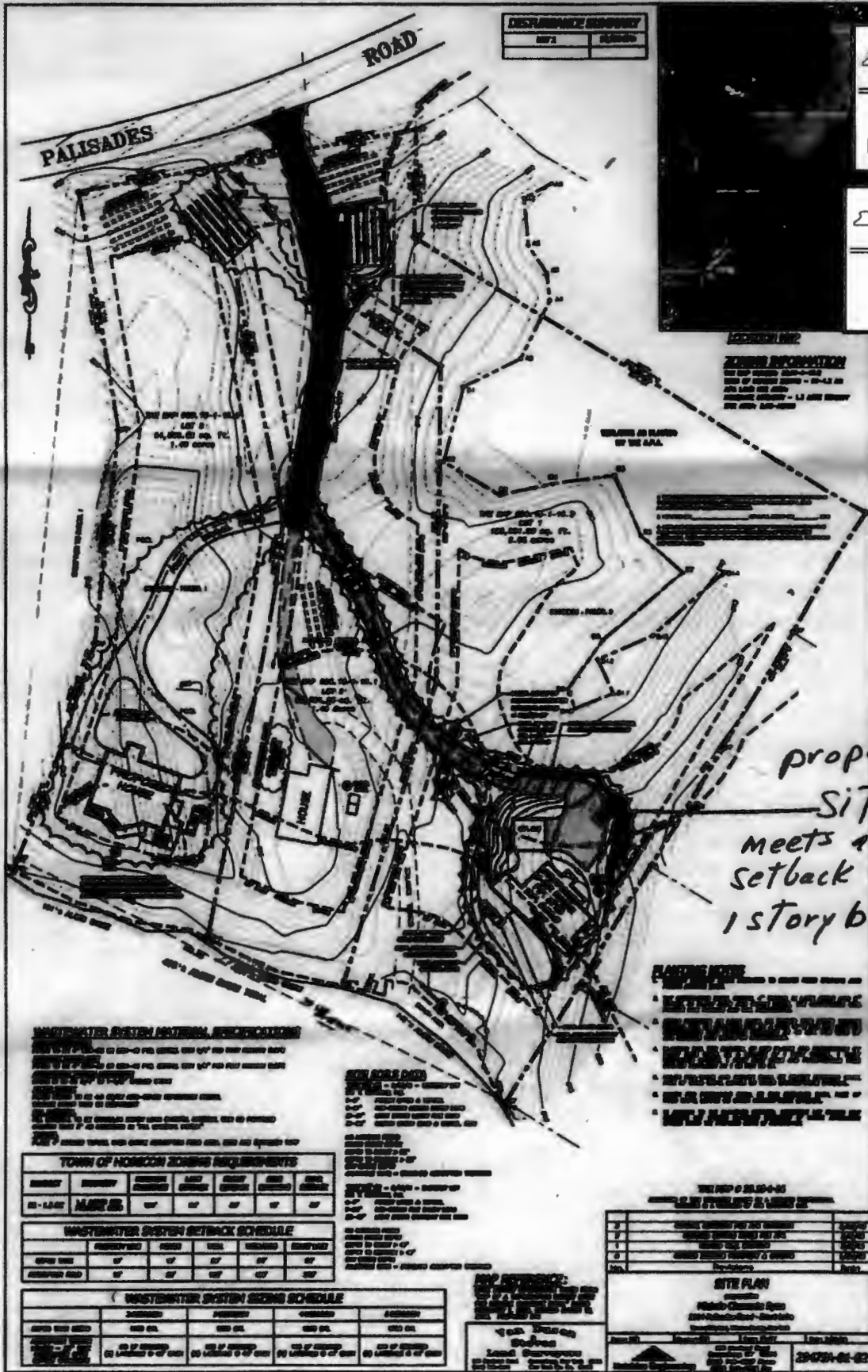
David J. Plante, AICP CEP  
Deputy Director, Regulatory Programs

STATE OF NEW YORK  
COUNTY OF ESSEX

On the 11<sup>th</sup> day of May 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.

  
Notary Public

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



DECEMBER 2003  
2013

NEW YORK STATE OF OPPORTUNITY  
Adirondack Park Agency

RECEIVED

Date: April 28, 2023

NEW YORK STATE OF OPPORTUNITY  
Adirondack Park Agency

FINAL  
P2013-0051E

LOCATION MAP  
ZONING INFORMATION  
SEE THE ZONING MAP FOR THE  
TOWN OF HORSICON - SHALL BE  
IN FULL COMPLIANCE WITH THE  
ZONING MAP - 13 AND 14  
SEE THE ZONING MAP

proposed  
site  
meets all  
setback requirements  
1 story bldg 12x22  
Built by  
Garden Time  
Queensbury  
NY office

**WASTEWATER SYSTEM DESIGN REQUIREMENTS**

SEE THE ZONING MAP FOR THE TOWN OF HORSICON - SHALL BE IN FULL COMPLIANCE WITH THE ZONING MAP - 13 AND 14  
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**TOWN OF HORSICON ZONING REQUIREMENTS**

SETBACK	REQUIREMENT	MINIMUM SETBACK	MAXIMUM SETBACK	MINIMUM SETBACK	MAXIMUM SETBACK
FRONT	MINIMUM SETBACK	10'	15'	10'	15'
REAR	MINIMUM SETBACK	10'	15'	10'	15'
SIDE	MINIMUM SETBACK	10'	15'	10'	15'

**WASTEWATER SYSTEM SETBACK SCHEDULE**

SETBACK TYPE	MINIMUM SETBACK	MAXIMUM SETBACK
FRONT SETBACK	10'	15'
REAR SETBACK	10'	15'
SIDE SETBACK	10'	15'

**WASTEWATER SYSTEM DESIGN SCHEDULE**

DESIGN TYPE	MINIMUM DESIGN	MAXIMUM DESIGN
FRONT DESIGN	10'	15'
REAR DESIGN	10'	15'
SIDE DESIGN	10'	15'

THE TOWN OF HORSICON  
ZONING MAP - 13 AND 14

NO.	DESCRIPTION	DATE
1	...	...
2	...	...
3	...	...
4	...	...
5	...	...

**SITE PLAN**  
Project: ...  
Prepared by: ...  
Date: ...