


THIS IS A TWO-SIDED DOCUMENT

 <p><b>NEW YORK</b> STATE OF OPPORTUNITY.</p> <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>2023-0006</b></p>
<p>In the Matter of the Application of</p> <p><b>GILBERT E. DYKE, LINDA S. JOSS-DYKE, DONALD D. DISLEVY, &amp; MARGARET R. JOHNSON-DISLEVY</b> Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577 and 9 NYCRR Part 578</p>	<p>Date Issued: March 30, 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"><li><b>1. Donald D. Dislevy</b></li><li><b>2. Margaret R. Johnson-Dislevy</b></li></ol>

**SUMMARY AND AUTHORIZATION**

This permit authorizes a two-lot subdivision and construction of a single family dwelling in an area classified Low 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 County Clerk's Office. The Agency will consider the project in existence when an authorized lot has been conveyed to an outside party.

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 10.16-acre parcel of land located on Rocky River Way in the Town of Wilmington, Essex County, in an area classified Low Intensity Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 16.3, Block 2, Parcel 4.000, and is described in a deed from Geraldine R. Babcock, a/k/a Geraldine Rossier Babcock to Donald Dean Dislevy and Margaret R. Johnson, dated November 21, 2005, and recorded December 19, 2005 in the Essex County Clerk's Office at Book 1472, Page 273.

The project site contains shoreline on the West Branch AuSable River and is located within the designated West Branch AuSable River Recreational River area. The project site also contains deciduous swamp wetlands with a value rating of "2". Additional wetlands not described herein or depicted on the Subdivision Plan may be located on or adjacent to the project site.

The project site is served by municipal water and improved by a single family dwelling and on-site wastewater treatment system constructed in 2009, as authorized under Agency Permit 2008-0213.

### **PROJECT DESCRIPTION**

The project as conditionally approved herein involves a two-lot subdivision of 10.16± acres of land designated Low Intensity Use, creating a 7.16±-acre lot containing an existing single family dwelling and on-site wastewater treatment system (Lot 1), and a 3.0±-acre lot for the construction of a single family dwelling and on-site wastewater treatment system (Lot 2).

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

- A two-page set of plans titled "Gilbert Dyke Subdivision, Lakeview Terrace," prepared by Thomas J. Labombard, final revision received by the Agency on March 9, 2023 (Site Plan); and
- A survey map titled "Map of Survey Prepared for Gilbert E. Dyke and Linda S. Joss-Dyke Showing Dyke Subdivision 2022," prepared by Adirondack Surveying PLLC, and last dated February 23, 2023 (Subdivision Plan).

A reduced-scale copy of Sheet C1 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.

Pursuant to Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to any subdivision of Low Intensity Use lands located within any designated recreational river area in the Adirondack Park.

Condition 16 of Permit 2008-0213 required a new or amended permit for further new land use and development or subdivision of the project site.

**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, Wild, Scenic and Recreational Rivers System Act, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit amends and supersedes Agency permits 2008-0213 and 2008-0213A. The terms and conditions of permits 2008-0213 and 2008-0213A shall no longer apply.
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 2023-0006, issued March 30, 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 a two-lot subdivision as depicted on the Project Plans. Any subdivision not depicted on the Project Plans shall require a new or amended permit.
7. Any deed of conveyance for Lot 1 as depicted on the Project Plans shall contain an easement providing access to Lot 2 over the existing and proposed driveways shown and described on the Site Plan.
8. 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 single family dwelling shall require prior written Agency authorization. The construction of any additional dwelling on Lot 1 shall require a new or amended permit.
9. The undertaking of any new land use or development not authorized herein on the project site shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.

10. Construction of any guest cottage on the project site shall require prior written Agency authorization.
11. There shall be no dock, boathouse or other shoreline access structure on the project site.
12. Pursuant to the Adirondack Park Agency Act and Agency regulations implementing the Wild, Scenic and Recreational Rivers System Act, new structures are prohibited within 150 feet, measured horizontally, of the mean high water mark of the West Branch AuSable River.

Fences, poles, lean-tos, and bridges are also excepted from this requirement, except that no fence, pole, lean-to, or bridge greater than 100 square feet in size may be located within 75 feet of the mean high water mark.

13. Any on-site wastewater treatment system 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 Site Plan. 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 Lot 2 more than five years after the date of issuance of this permit except pursuant to written authorization from the Agency.

14. Any expansion of the existing on-site wastewater treatment system on Lot 1, or replacement of the existing system in a location other than as depicted on the Subdivision Plan shall require prior written Agency authorization.
15. 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.
16. Any new free-standing or building-mounted outdoor lights on the project site shall employ full cut-off fixtures that are fully shielded to direct light downward and not into the sky or toward the West Branch AuSable River or adjoining property.
17. All exterior building materials, including roof, siding and trim, of any structure on the project site shall be a dark shade of green, grey, or brown.
18. The removal of any trees, shrubs or other woody-stemmed vegetation on Lot 1 greater than 50 feet from the existing single family dwelling shall require 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.

19. Outside of the limits of clearing shown on the Site Plan, no trees, shrubs or other woody-stemmed vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed 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.
20. There shall be no more than two principal buildings located on Lot 1 at any time. The single family dwelling constructed on the property in 2009 constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.
21. There shall be no more than one principal building located on Lot 2 at any time. The single family dwelling authorized herein constitutes a principal building.

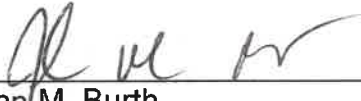
### **CONCLUSIONS OF LAW**

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, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, 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 Low Intensity Use land use area;
- c. will be consistent with the overall intensity guidelines for the Low 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;
- 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;
- h. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- i. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- j. will not cause an undue adverse impact upon the natural, scenic, aesthetic, ecological, botanical, fish and wildlife, historic, cultural, archeological, scientific, recreational or open space resources of the river area, taking into account the commercial, industrial, residential, recreational or other benefits that might be derived therefrom.

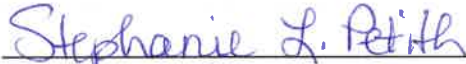
PERMIT issued this 30<sup>th</sup> day  
of March, 2023.

ADIRONDACK PARK AGENCY

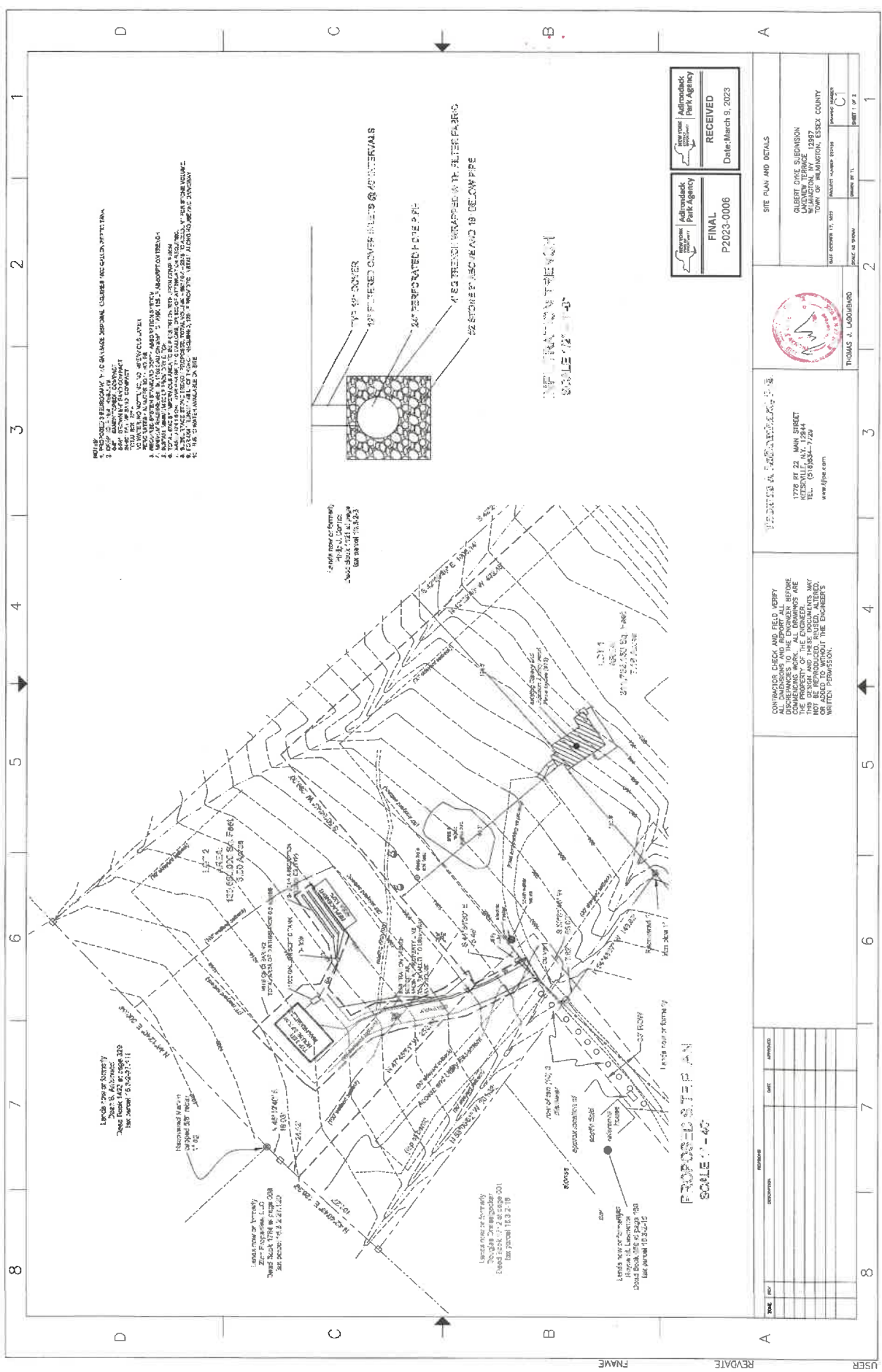
BY:   
John M. Burth  
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK  
COUNTY OF ESSEX

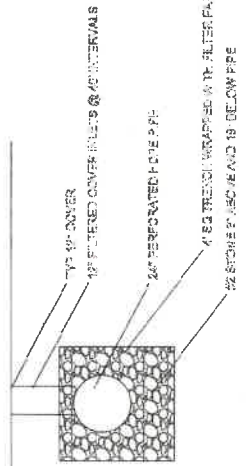
On the 30<sup>th</sup> day of March in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Burth, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument 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.

  
Notary Public

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



- NOTES:
1. PROPOSED PERFORATED BUILT UP INTERVALS SHALL BE CONSTRUCTED WITH THE FOLLOWING:
  2. 4" PERFORATED COVER BUILT UP INTERVALS
  3. 4" PERFORATED COVER BUILT UP INTERVALS
  4. 4" PERFORATED COVER BUILT UP INTERVALS
  5. 4" PERFORATED COVER BUILT UP INTERVALS
  6. 4" PERFORATED COVER BUILT UP INTERVALS
  7. 4" PERFORATED COVER BUILT UP INTERVALS
  8. 4" PERFORATED COVER BUILT UP INTERVALS
  9. 4" PERFORATED COVER BUILT UP INTERVALS
  10. 4" PERFORATED COVER BUILT UP INTERVALS
  11. 4" PERFORATED COVER BUILT UP INTERVALS
  12. 4" PERFORATED COVER BUILT UP INTERVALS



Adirondack Park Agency	Adirondack Park Agency
FINAL	RECEIVED
P2023-0006	Date: March 9, 2023

	<b>SITE PLAN AND DETAILS</b> CLERET COVE SUBDIVISION LAKEMAN TERRACE TOWN OF HAMILTON, FULTON COUNTY	
	THOMAS J. LA GUARDIA 1776 RT 22, MAIN STREET KEESVILLE, NY 12844 TEL: (518) 534-7129 www.tjla.com	PROJECT NUMBER: 12844 SHEET NO.: 1 SHEET OF: 1

PROPOSED SITE PLAN  
SCALE 1" = 40'

NO.	DATE	APPROVED