


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 2023-0141</p>
<p>In the Matter of the Application of WILLIAM K. LaCOUNT Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: October 26, 2023</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. William K. LaCount</p>

SUMMARY AND AUTHORIZATION

This permit authorizes construction of one new single family dwelling in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Saranac, Clinton County.

This authorization shall expire unless recorded in the Clinton 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 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 46±-acre parcel of land located on Dann Road in the Town of Saranac, Clinton 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 214, Block 1, Parcel 18.1, and is described in a deed dated February 13, 2017 from Gail Smart to William K. LaCount, and recorded April 3, 2017 in the Clinton County Clerk's Office under Instrument Number 2017-00285896.

PROJECT DESCRIPTION

The project as conditionally approved herein involves construction of one new single family dwelling and detached garage. The dwelling is to be served by an existing gravel access drive, on-site water supply and an on-site wastewater treatment system.

The 46±-acre 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 2014. As this subdivision occurred on Resource Management 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 46±-acre project site (Town of Saranac Tax Map Parcel 214-1-18.1) shall be recognized as lawful for Agency purposes.

The project is shown on the following (collectively the Project Plans):

- One plan sheet titled "P2023-141," prepared by Bill LaCount, dated August 31, 2023 and received by the Agency on September 7, 2023 (Site Plan);
- A two-sheet set of plans titled "LaCount Residence, Sewage Treatment System," prepared by James Moser, P.E., and dated September 23, 2020 (Septic Plans); and
- A six-sheet set of plans titled "LaCount Residence," stamped by Lize Kilcoyne, R.A., and dated April 8th, 2022 (House Plans).

A reduced-scale copy of the Site Plan 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 any subdivision and construction of any single family dwelling in a Resource Management land use area 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 Clinton 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 Plan, Septic Plans, and House 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 2023-0141, issued October 26, 2023, 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 46±-acre Town of Saranac Tax Map Parcel 214-1-18.1 as a lawful lot. Any subdivision of the project site shall require a new or amended permit.
6. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling and detached garage in the location, footprint, and height shown on the Project Plans. Any change to the location or dimensions of any authorized structure shall require prior written Agency authorization.
7. The construction of any accessory structure outside the limits of clearing or on slopes greater than 15 percent shall require a new or amended permit.
8. Construction of any guest cottage on the project site shall require prior written Agency approval.
9. Prior to any ground disturbance related to expansion of the existing driveway or construction of the single family dwelling, silt fence shall be properly installed parallel to the existing contours between the proposed development area and the stream in a location that maximizes the distance to the stream. The silt fence shall be embedded into the earth a minimum of 6 inches, shall be maintained throughout construction, and shall not be removed until after all disturbed soils are stabilized with vegetation to prevent erosion and sedimentation of water resources. The permittees or their successors in interest shall inspect the fabric at least once a week and after every major storm event to ensure the fabric and supports are intact and to remove accumulated sediments so as to maintain the fence in a functional manner.
10. 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 Septic 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.

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. All construction equipment and vehicles operating in areas that may contain existing invasive species shall be thoroughly cleaned prior to moving to other areas.

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 Dann Road or adjoining property.
13. All exterior building materials, including roof, siding and trim, of the dwelling and any structure on the project site shall be a dark shade of green, grey, or brown.
14. Outside of the limits of clearing shown on the Site Plan and within 300 feet of the edge of the right-of-way of Dann Road and within 100 feet of the permanent stream, 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 (a) the removal of trees for firewood and (b) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
15. The undertaking of any activity involving wetlands shall require a new or amended permit.

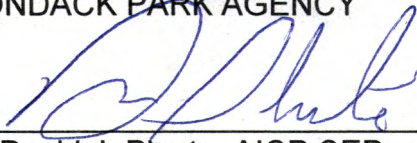
CONCLUSIONS OF LAW

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 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 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 20th day
of October, 2023.

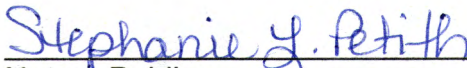
ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

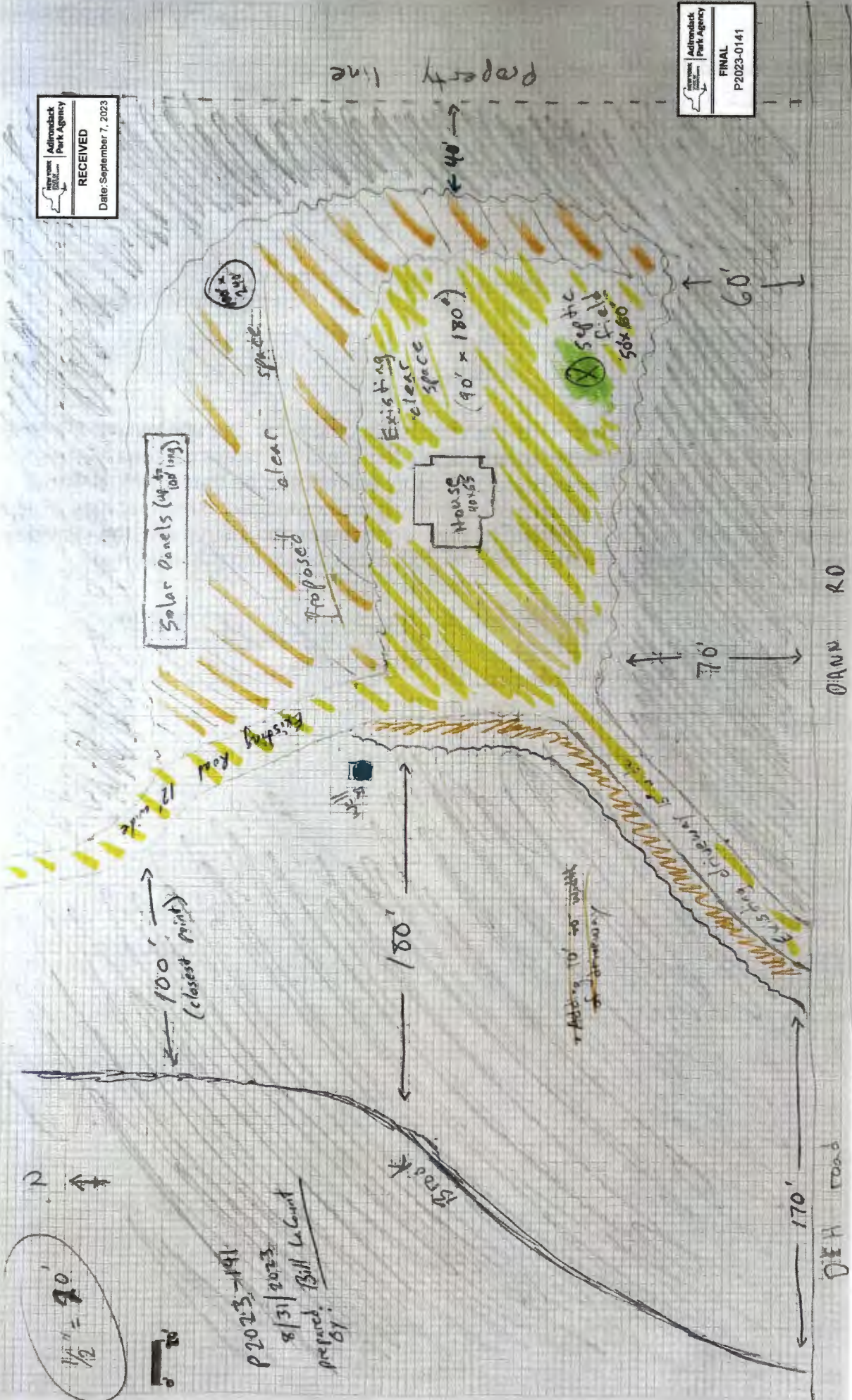
On the 20th day of October in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared David J. Plante, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and 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

Adriambuck Park Agency
RECEIVED
Date: September 7, 2023

Adriambuck Park Agency
FINAL
P2023-0141



$1\frac{1}{2} = 90'$

0 30'

P2023-141
8/31/2023
prepared: Bill LaCant
BY:

Adding to to street driveway

DRAIN RD

DIEH ROAD