

THIS IS A TWO-SIDED DOCUMENT

 <p>NEW YORK STATE OF OPPORTUNITY.</p> <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 1985-0302F</p>
<p>In the Matter of the Application of</p> <p>CHARLES K. MELUCCI AND THERESA C. MELUCCI Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 577</p>	<p>Date Issued: November 5, 2024</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. Charles K. Melucci2. Theresa C. Melucci

SUMMARY AND AUTHORIZATION

This permit authorizes 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 Piercefield, St. Lawrence County.

This authorization shall expire unless recorded in the St. Lawrence 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 St. Lawrence County Clerk's Office. The Agency will consider the project in existence when the permit is 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 14.43±-acre parcel of land located on Racquette Flow Drive in the Town of Piercefield, St. Lawrence 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 208., Block 2, Parcel 9.1 (Parcel 9.1), and is described in a deed from Brendan S. Mascarenhas and Kristy G. Mascarenhas to Charles K. Melucci and Theresa C. Melucci, dated March 15, 2021, and recorded in the St. Lawrence County Clerk's Office as Instrument Number R-2021-4612.

The project site contains shoreline on Raquette River and is located within the designated Raquette River Recreational River area. The project site also contains wetlands associated with Raquette River. Additional wetlands not described herein or depicted on the Septic Plans may be located on or adjacent to the project site.

The project site is comprised of "Lot 9" and "Lot 10" in a 28-lot subdivision as authorized by Agency Permit 1985-0302. The existing access to the project site is authorized by Agency Permit 1985-0302E.

PROJECT DESCRIPTION

The project as conditionally approved herein involves construction of a single family dwelling on the Lot 9 portion of the project site.

The project is shown on the following maps, plans, and reports:

- "Melucci Driveway Lot 9 & 10 Racquette River Flow," Sheet one of three sheets prepared by North Woods Engineering, PLLC, dated and received by the Agency on September 17, 2021 (Access Plan);
- "Melucci Septic Lot 9 & 10 Raquette River Flow," prepared by North Woods Engineering, PLLC, in one sheet "Site Plan," dated November 4, 2024; one sheet "Well & ESC Details," dated October 11, 2024; and "Septic Details" in two sheets dated June 19, 2023; and received by the Agency on November 5, 2024 (Septic Plans); and
- "Mr.&Mrs.Melucci Raquette Flow Road Melucci Camp With Two Car Garage"" in 20 sheets (Dwelling Plans); and "Mr.&Mrs.Melucci Raquette Flow Road Melucci Camp 24'-0"x24'0 Garage," in 10 sheets (Accessory Structure Plans); Sheet 2 of the Dwelling Plans (Accessory Structure Site Plan) dated May 10, 2024; and received by the Agency on August 9, 2024.

A reduced-scale copy of the Site Plan for the project is attached as a part of this permit for reference.

AGENCY JURISDICTION

Permit 1985-0302 required a permit pursuant to Adirondack Park Agency regulations at 9 NYCRR Part 577, as a permit is required from the Adirondack Park Agency prior to any subdivision or new land use and development on Low Intensity Use lands within any designated recreational river area in the Adirondack Park.

This permit amends Condition 7 of Agency Permit 1985-0302E.

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 St. Lawrence 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, the Access Plans and the Septic 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 Permit 1985-0302E in relation to the project site. The terms and conditions of Permit 1985-0302E 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 1985-0302F, issued November 5, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. Any subdivision of Lot 9 or Lot 10 shall require a new or amended permit. No Agency approval is required for the conveyance of Lot 9 or Lot 10 separately from one another.
7. Any deed of conveyance for Lot 10 shall contain an easement providing access to Lot 9 over Lot 10 as depicted and described on the Access Plan.
8. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling in the location, footprint, and height depicted and described on the Septic Plans and the Dwelling Plans. Any change to the location or dimensions of single family dwelling shall require prior written Agency authorization.
9. Subject to the conditions stated herein, this permit authorizes the construction of one accessory structure on the project site in the location depicted and described as "576.00 sq ft," on the Accessory Structure Site Plan; and in the footprint, and height as depicted and described on the Accessory Structure Plans. Any change to the location or dimensions of the 576.00-square-foot accessory structure shall require prior written Agency authorization.

10. Construction of any guest cottage on the project site shall require prior written Agency approval.
11. Outside of the Limits of Clearing depicted on the Lot 9 portion of the Site Plan; 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 the removal of 1) an area within 10 feet of the 576.00-square-foot accessory structure on the Accessory Structure Site Plan, 2) an area up to 20 feet in width for driveway construction and utility installations to the 576.00-square-foot accessory structure from the access depicted and described on the Access Plan; 3) an area up to 5 feet in width, to maintain the existing footpath from the Limits of Clearing to the shoreline of Raquette River; and 4) dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard.
12. 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.
13. There shall be no boathouses on the project site.
14. Prior to undertaking construction of any dock on the project site, written authorization of plans for the dock, including all attached upland structures, shall be obtained from the Agency.
15. 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 Raquette River.

Docks as defined under 9 NYCRR § 570.3 are excepted from this requirement. 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.

16. Any on-site wastewater treatment system on the Lot 9 portion of 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.

17. Prior to soil disturbance, "Silt Fence or Compost Filter Sock," shall be installed as depicted and described on the Septic Plans.

18. 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.
19. 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 Raquette River, Raquette Flow Drive, NYS Route 3 or adjoining properties.
20. All exterior building materials, including roof, siding and trim of any structure on the project site shall be in compliance with the color and materials depicted on the Dwelling Plans and the Garage Plans.
21. There shall be no more than one principal building located on the Lot 10 portion of the project site.
22. There shall be no more than one principal building located on the Lot 9 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 Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, and 9 NYCRR Part 574. The Agency hereby finds that the 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 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 be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act; and
- g. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- h. 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.

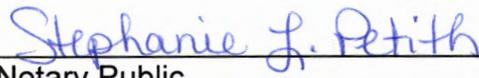
PERMIT issued this 5th day
of November, 2024.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 5th day of November in the year 2024, 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

