


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 2005-0279C</p>
<p>In the Matter of the Application of</p> <p>EDWARD FINE Permittee</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act and 9 NYCRR Part 578</p>	<p>Date Issued: December 2, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names:</p> <p>1. Edward Fine</p>

SUMMARY AND AUTHORIZATION

This permit authorizes modifications and re-location of a previously authorized single family dwelling in an area classified Rural Use on the 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 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 vacant 5.09±-acre parcel of land located on Harris Road in the Town of Horicon, Warren County, in an area classified as both Rural Use and Resource Management on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 89, Block 1, Parcel 80, and is described in a deed from Sean M. Wilson and Stephanie F. Wilson to Edward Fine, dated October 2, 2024, and recorded November 22, 2024 in the Warren County Clerk's Office under Instrument Number 2024-6106 at Book 7007, Page 197.

The project site contains wetlands in the southernmost portion of the lot that are comprised of a deciduous scrub/shrub and emergent cover type with a value rating of "3" pursuant to 9 NYCRR Part 578.5. Additional wetlands not described herein may be located on or adjacent to the project site.

The project site was created as "Lot 4" in a 10-lot subdivision as authorized by Agency Permit 2005-0279.

PROJECT DESCRIPTION

The project as conditionally approved herein involves re-location and consolidation of the structure footprints for the single family dwelling and an accessory structure (garage) into one footprint, as well as related modifications to the erosion and sediment control and stormwater management plans, and additional vegetative clearing. The dwelling will be served by an on-site wastewater treatment system and an on-site water supply.

Access to the development area will be from a gravel driveway originating from Harris Road.

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

- Two sheets of plans prepared by Winchip Engineering:
 - Sheet ST-001 (Site Plan) titled "Fine Residence - Site Plan; Town of Horicon, Warren County, NY," dated October 7, 2024, last revised October 28, 2024, and received by the Agency on October 29, 2024;
 - Sheet ST-002 (Details) titled "Fine Residence - Details; Town of Horicon, Warren County, NY," dated October 24, 2024, last revised October 28, 2024, and received by the Agency on October 29, 2024; and
- Four sheets of plans (Floor Plan and Elevation Views) titled "Fine Residence," prepared by Miller Designs, and received by the Agency on October 29, 2024:
 - Sheet SD2 - First Floor Plan
 - Sheet SD3 - Second Floor Plan
 - Sheets SD5 and SD6 – Elevation Views.

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.

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 in a Resource Management land use area in the Adirondack Park.

This permit amends Condition 7, 8, and 11 of Permit 2005-0279.

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, for as long as the dwelling remains on the site. Copies of this permit and all 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 2005-0279 in relation to the project site. The terms and conditions of Permit 2005-0279 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 2005-0279C, issued December 2, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. Any subdivision of the project site shall require a new or amended Agency permit. The Resource Management portion of the project site shall not be conveyed separately from the Rural Use portion of the project site.
7. This permit authorizes the construction of one single family dwelling with attached garage on the project site in the location, footprint, and height shown and as depicted on the Project Plans. Any change to the location, dimensions, or other aspect of the single-family dwelling shall require prior written Agency authorization.

8. The construction of any additional dwelling or other principal building on the project site shall require a new or amended Agency permit.
9. The construction of any accessory structure on the project site that is outside the limits of disturbance shown on the Site Plan or greater than 1,500 square feet in footprint or 35 feet in height shall require a new or amended permit.
10. Construction of any guest cottage on the project site shall require prior written Agency approval.
11. All exterior building materials, including roof, siding and trim, of the single-family dwelling and attached garage shall be a dark shade of green, grey, or brown.
12. Outside of the limits of disturbance 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 the project site 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.
13. All utility installations on the project site shall be buried underground.
14. 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 Harris Road or adjoining property.
15. 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 Site Plan and Details sheets of the Project 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.

16. The project shall be undertaken in compliance with the erosion and sediment control measures depicted on the Site Plan and Details sheets of the Project Plans.
17. 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.

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 project 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 result in the minimum possible degradation or destruction of any part of the wetland or its associated values, is the only alternative which reasonably can accomplish the applicant's objectives, and will, weighing the benefits of the activity against its cost and the wetland values lost, provide a net social and/or economic gain to the community.

PERMIT issued this 2nd day of December, 2024.

ADIRONDACK PARK AGENCY

BY: Ariel Lynch
Ariel Lynch
Environmental Program Specialist 3 (EPS3)

STATE OF NEW YORK
COUNTY OF ESSEX

On the 2nd day of December in the year 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Ariel Lynch, 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

Stephanie L. Petith
Notary Public

