


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 2005-0284D</p>
<p>In the Matter of the Application of</p> <p>JOEL TOMPKINS and NATASHA CHEFER Permittees</p> <p>for a permit pursuant to § 809 of the Adirondack Park Agency Act</p>	<p>Date Issued: September 26, 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. Joel Tompkins2. Natasha Chefer

SUMMARY AND AUTHORIZATION

This permit authorizes new land use and development in an area classified Resource Management on the Adirondack Park Land Use and Development Plan Map in the Town of Newcomb, 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 Essex County Clerk's Office. The Agency will consider the project in existence when the authorized clearing has been completed.

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 Upperworks Road (Essex County Route 25) in the Town of Newcomb, Essex 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 90, Block 1, Parcel 3.212, and is described in a deed from ESF College Foundation, Inc. to Upper Works, LLC, dated November 20, 2020, and recorded November 30, 2020 in the Essex County Clerk's Office under Instrument Number 2020-5274.

The project site contains shoreline on Henderson Lake and is located within the High Peaks Wilderness Critical Environmental Area. Wetlands not described herein or depicted on the Project Plans may be located on or adjacent to the project site.

The project site is improved by two single family dwellings served by on-site wastewater treatment and water supply facilities, a generator building and a boathouse.

The project site was created as "Parcel 4" in a seven-lot subdivision as authorized by Agency Permit 2005-284.

PROJECT DESCRIPTION

The project as conditionally approved herein involves approximately 1/2-acre of tree clearing outside the previously authorized limits of clearing for the installation of a ground mounted Solar Collection Field for Electricity production to be used solely on-site for the existing residence and outbuildings.

Existing access to the project site is from Upper Works Road.

The project is shown on two sheets of plans titled "Solar Field Tree Clearing," prepared by Studio A, and dated August 23, 2024 (Project Plans).

A reduced-scale copy of the Layout Plan for the project, shown on Drawing No. L – 2.00 of the Project Plans, 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 the undertaking of any new land use or development within 1/8 mile of a wilderness area on Resource Management lands in the Adirondack Park.

This permit amends Condition 11 of Permit 2005-284.

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, and the Adirondack Park Agency's implementing regulations [9 NYCRR §§ 570-588].
4. This permit amends and supersedes Permits 2003-115 and 2005-284 in relation to the project site. The terms and conditions of Permits 2003-115 and 2005-284 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 2005-0284D, issued September 26, 2024, the conditions of which are binding upon the heirs, successors and assigns of the grantors and all subsequent grantees."
6. This permit authorizes the installation of a ground mounted Solar Collection Field for Electricity production in the location shown and as depicted on the Project Plans. Any change to the location, dimensions, or other aspect of the authorized development shall require prior written Agency authorization.
7. The undertaking of any new land use or development not authorized herein on the project site will require a new or amended permit. The undertaking of any activity involving wetlands also requires a new or amended permit.
8. 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.
9. Any new free-standing or building-mounted outdoor lights associated with the development authorized herein 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 Henderson Lake or adjoining property.

- 10. Outside of the limits of clearing shown on the Project Plans no trees, shrubs, or other woody stemmed vegetation may be cut or otherwise removed 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.

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 Newcomb; and
- 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.

PERMIT issued this 26th day of September, 2024.

ADIRONDACK PARK AGENCY

BY: _____

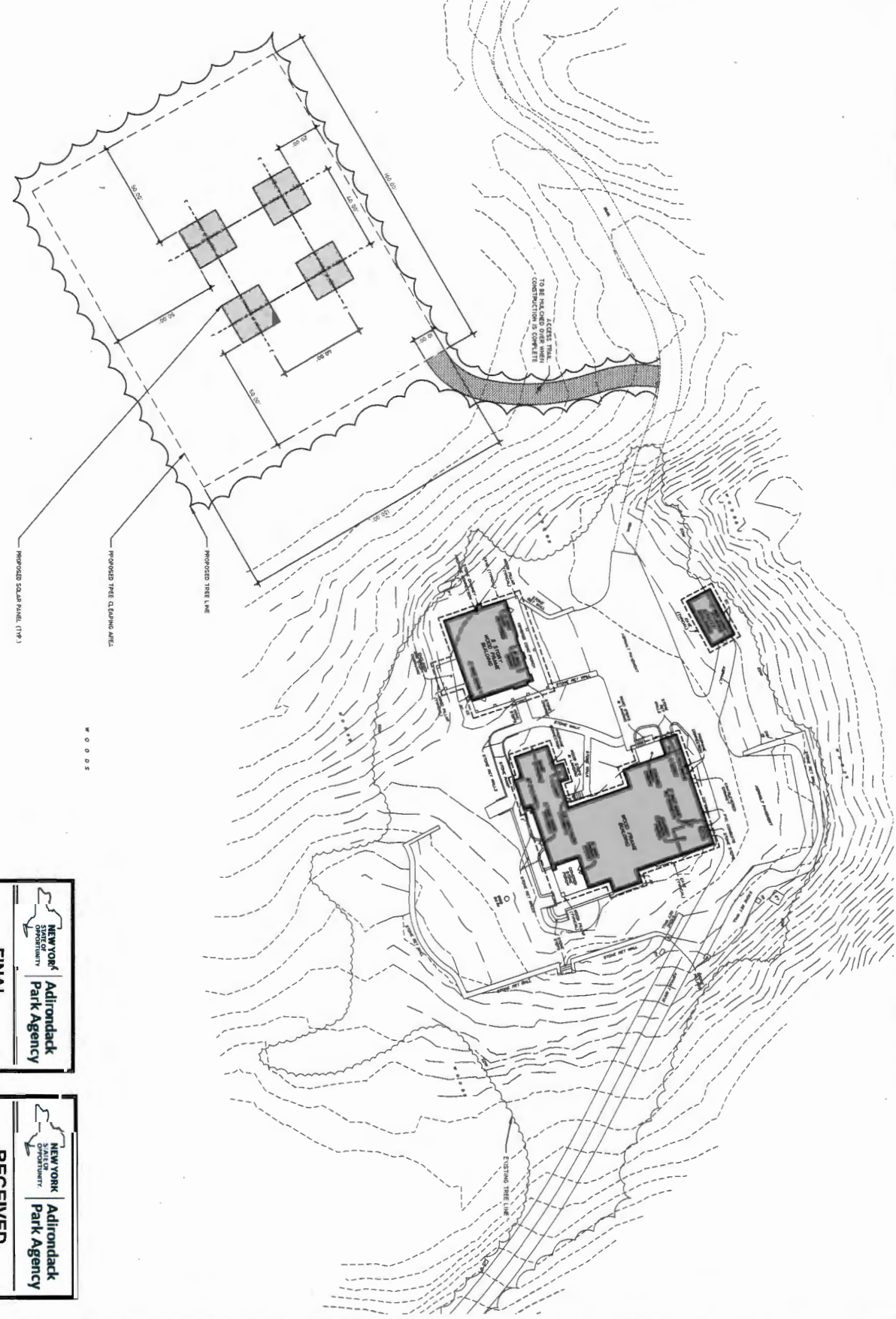
David J. Plante
David J. Plante, AICP CEP
Deputy Director, Regulatory Programs

STATE OF NEW YORK
COUNTY OF ESSEX

On the 26th day of September 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.

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



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Adirondack Park Agency
FINAL
P2005-0248D

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Adirondack Park Agency
RECEIVED
Date: September 13, 2024

studica
 TRUSTI QUARTY
 74 Warren Street, Suite 1 | PO Box 272
 Sandiego Springs, NY 12845
 518.450.4030

PREPARED FOR:
 PHINNEY DESIGN GROUP

PROJECT:
 SOLAR FIELD TREE CLEARING LAYOUT PLAN

DRAWING TITLE:
 LAYOUT PLAN

PROJECT NO.: 23079
DATE: 8/23/2024
DRAWING NO.: L-2.00
DWG LDR:

DRAWINGS NOT FOR CONSTRUCTION

REVISIONS:

DATE | DESCRIPTION

GRAPHIC SCALE:
 1" = 20' FEET
 ON 24" x 36" SHEET

LEGEND:
 PROPERTY LINE
 PROPOSED HALOED AREA
 EXISTING TREE LINE
 PROPOSED TREE LINE