


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 2015-0186B</p>
<p>In the Matter of the Application of</p> <p>VIRGIL EDWARD FORRENCE Permittee</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: October 31, 2024</p> <p>To the County Clerk: Please index this permit in the grantor index under the following names: 1. Virgil Edward Forrence</p>

SUMMARY AND AUTHORIZATION

This permit authorizes construction of a new accessory structure in an area classified Rural 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 Essex County Clerk's Office. The Agency will consider the project in existence when the accessory structure is 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 17.27±-acre parcel of land located NYS Route 86 in the Town of Wilmington, Essex County, in an area classified Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 26.3, Block 1, Parcel 41.2, and is described in a deed from Douglas Grossmann, Ancillary Administrator of the Estate of Eric Grossmann to Virgil Edward Forrence, dated June 9, 2016, and recorded July 11, 2016 in the Essex County Clerk's Office under Instrument Number 2016-2653 in Book 1841, at Page 292.

The project site contains shoreline on the West Branch of the AuSable River, is located within the designated West Branch of the AuSable River Recreational River area and is partially located within 150 feet of the edge of right-of-way of a state highway. The project site also contains wetlands in the northern corner of the project site associated with the West Branch of the AuSable River that are greater than 800 feet northeast of the proposed accessory structure. Additional wetlands not described herein or depicted on the Site Plan may be located on or adjacent to the project site.

The project site is improved by an existing single-family dwelling with an on-site water supply and an on-site wastewater treatment system as authorized by Agency Permit 2015-0186.

The project site was created as "Lot 3" in a three-lot subdivision as authorized by Agency Permit 2005-0008.

PROJECT DESCRIPTION

The project as conditionally approved herein involves the construction of a 15-foot-tall, 35-foot-wide by 45-foot-long, three-stall garage to be served by the existing driveway and a new 40-foot-long driveway extension.

The project is shown on the following:

- An annotated site plan titled "Attachment B2", prepared by Virgil Forrence, and received by the Agency on August 19, 2024 (Site Plan); and
- Page 3 of the amendment application titled "Elevation View," prepared by Virgil Forrence, and received by the Agency on September 23, 2024 (Elevation View).

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

AGENCY JURISDICTION

Pursuant to Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to any new land use or development on Rural Use lands within any designated Recreational River area in the Adirondack Park.

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 of Rural Use lands within 150 feet of the edge of the right-of-way of any state highway in the Adirondack Park.

This permit amends Condition 8 of Permit 2015-0186A.

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, for as long as the accessory structure remains on the site. Copies of this permit and the Site Plan and Elevation View 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 Permits 2005-0008, 2015-0186, and 2015-0186A in relation to the project site. The terms and conditions of Permits 2005-0008, 2015-0186, and 2015-0186A 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 2015-0186B, issued October 31, 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 construction of an accessory structure (i.e., three-stall garage) in the location shown and as depicted on the Site Plan and Elevation Plan. Any change to the location, dimensions, or other aspect of the garage shall require prior written Agency authorization.
7. The undertaking of any new land use or development not authorized herein on the project site within one-quarter mile of the West Branch AuSable River or within 150 feet of the edge of right-of-way of NYS Route 86 shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.

8. 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.

Docks and boathouses 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.

9. 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.
10. All exterior building materials, including roof, siding and trim, of the garage shall be a dark shade of green, grey, or brown.
11. 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 the West Branch AuSable River, NYS Route 86, or adjoining property.
12. On the project site, no vegetation may be cut, culled, trimmed, pruned or otherwise removed or disturbed on the project site without prior written Agency authorization, except for a) within the footprints of the garage and driveway extension authorized herein and within 20 feet of the garage, b) maintenance of the areas already cleared for existing development (i.e., single family dwelling, driveway, utilities, solar panels), c) an area up to 6 feet in width, to allow for the establishment of a footpath providing access from the single family dwelling to the West Branch AuSable River; and d) the removal of dead or diseased vegetation, rotten or damaged trees, or any other vegetation that presents a safety or health hazard. Any proposal for forest management activities within one-quarter mile of the West Branch AuSable River shall comply with the requirements of Section 577.6(c)(2) of Agency regulations and shall require prior Agency review.
13. There shall be no more than two principal buildings located on the project site. The existing single family dwelling constitutes a principal building. The Agency makes no assurances that the maximum development mathematically allowed can be approved.

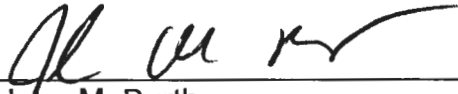
CONCLUSIONS OF LAW

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 project 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 Rural land use area;
- c. will be consistent with the overall intensity guidelines for the Rural 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; and
- 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 31st day
of October, 2024.

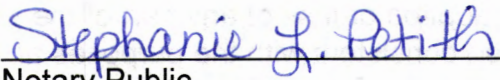
ADIRONDACK PARK AGENCY

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

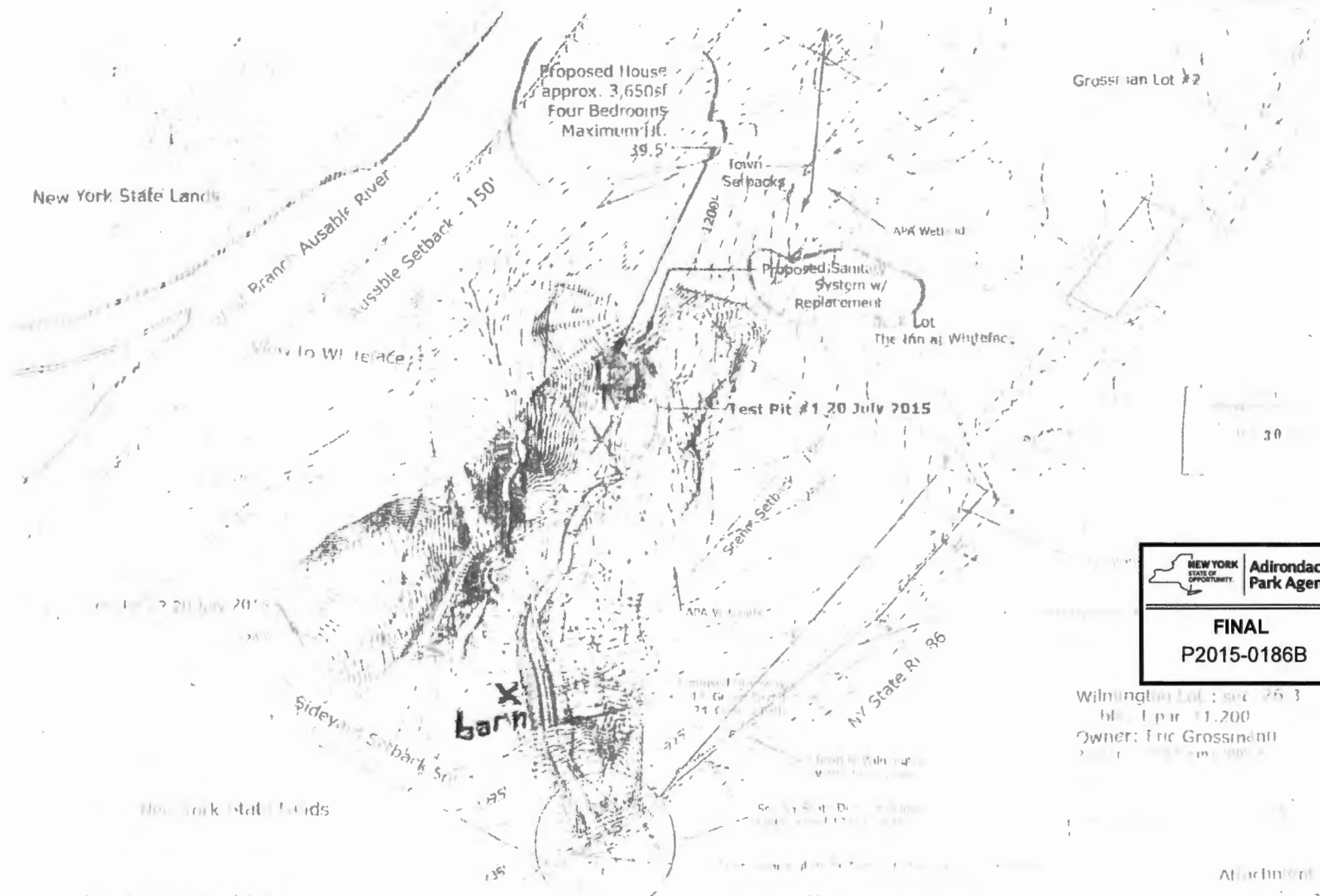
STATE OF NEW YORK
COUNTY OF ESSEX

On the 31st day of October in the year 2024, 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.

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


Notary Public

RECEIVED
 Date: August 19, 2024



NEW YORK STATE OF OPPORTUNITY
Adirondack Park Agency

FINAL
P2015-0186B

Wilmington Lot : sec 25 3
 bl. 1 pr 11.200
 Owner: Eric Grossman
 2015-0186B

Attachment #5
 8/19/24
 APA201 0000

Eric Grossman
 2015-0186B

Lorraine House at Whiteface
 20 December 2015