


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 2024-0047</p>
<p>In the Matter of the Application of</p> <p>JASON BARDEN DONNA BARDEN Permittees</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: August 7, 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. Jason Barden2. Donna Barden

SUMMARY AND AUTHORIZATION

This permit authorizes a two-lot subdivision and construction of a single family dwelling in an area classified Low Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map in the Town of Indian Lake, Hamilton County.

This authorization shall expire unless recorded in the Hamilton 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 Hamilton County Clerk's Office. The Agency will consider the project in existence when an authorized lot has been conveyed to an outside party.

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 104.17-acre parcel of land located on Cedar River Road in the Town of Indian Lake, Hamilton County, in an area classified Low Intensity Use and Rural Use on the Adirondack Park Land Use and Development Plan Map. The site is identified as Tax Map Section 54.020, Block 1, Parcel 12, and is described in a deed from Charles A. Cloran and Barbara Cloran to Jason Barden and Donna Barden, dated March 17, 2021, and recorded March 19, 2021 in the Hamilton County Clerk's Office under Instrument Number 2021-441.

The project site contains shoreline on the Cedar River and is partially located within the designated Cedar River Recreational River area. The project site contains wetlands on proposed Lot 2. 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 a circa 1879 single family dwelling with related development.

PROJECT DESCRIPTION

The project as conditionally approved herein involves a two-lot subdivision creating:

- "Lot 1," a 92.01-acre parcel improved by existing development and
- "Lot 2," a 12.16-acre parcel to be improved by a new single family dwelling with related development.

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

- "Map of Survey Prepared for: Jason Barden Cedar River Subdivision," prepared by Lawrence R Sheppard, and dated July 20, 2023 (Site Plan);
- "Map of Survey Prepared For: Barden Proposed Subdivision Lot 2 Detail," prepared by Lawrence R Sheppard, and dated June 5, 2024 (Detail); and
- A five-sheet plan set titled "Barden Septic System," prepared by Mark J. Buckley, P.E., and dated last revised June 20, 2024 (Septic Plan).

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 Adirondack Park Agency regulations at 9 NYCRR Part 577, a permit is required from the Adirondack Park Agency prior to any subdivision of Low Intensity Use or Rural Use lands located within any designated recreational river 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 Hamilton 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 Site Plan 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. 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 2024-0047, issued August 7, 2024, 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 a two-lot subdivision as depicted on the Site Plan. Any subdivision not depicted on the Site Plan shall require prior written Agency authorization.
6. Any deed of conveyance for Lot 1 as depicted on the Site Plan shall contain an easement providing access and utility installation to Lot 2 over the existing right-of-way area shown and described on the Site Plan. The existing right-of-way shall not be expanded or extended without prior written Agency authorization.
7. Subject to the conditions stated herein, this permit authorizes the construction of one single family dwelling on Lot 2 in the location and footprint shown on the Site Plan including all attached porches, decks, exterior stairs, garages, and other attached structures. Any change to the location or footprint shall require prior written Agency authorization.

The single family dwelling shall be no more than 40 feet in height, as measured from the highest point on the structure, to the lower of either existing or finished grade.

8. This permit authorizes the maintenance of an existing mowed area for shoreline access to the Cedar River as shown on the Site Plan. No fill or structures may be placed within this mowed area.

9. The undertaking of any new land use or development not authorized herein within one-quarter mile of the Cedar River shall require a new or amended permit. The undertaking of any activity involving wetlands shall also require a new or amended permit.
10. Construction of any guest cottage on Lot 2 shall require prior written Agency approval.
11. Pursuant to Section 809(2)(a) of the Adirondack Park Agency Act, the undertaking of any new land use or development not authorized herein on the project site within one-eighth mile of the Blue Ridge Wilderness area will require a new or amended permit.
12. 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 Cedar River.

Docks and boathouses as defined under the Town of Indian Lake land use code 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.
13. Any on-site wastewater treatment system on Lot 2 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 Plan. 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.
14. 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.
15. 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 Cedar River Road or adjoining property.
16. All exterior building materials, including roof, siding and trim, of the dwelling authorized herein shall be a dark shade of green, grey, or brown.

17. Outside of the clearing limits shown on the Site Plan, no trees, shrubs or other woody-stemmed vegetation may be cut or otherwise removed on Lot 2 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, the Wild, Scenic and Recreational Rivers System Act and 9 NYCRR Part 577, and 9 NYCRR Part 574. The Agency hereby finds that the subdivision and single family dwelling 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 Indian Lake;
- 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;
- d. 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;
- e. will be consistent with the purposes and policies of the Wild, Scenic and Recreational Rivers System Act;
- f. will comply with the restrictions and standards of 9 NYCRR § 577.6; and
- g. 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 7th day
of August, 2024.

ADIRONDACK PARK AGENCY

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

STATE OF NEW YORK
COUNTY OF ESSEX

On the 7th day of August 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

